

May 31, 2023

The regular meeting of the Zoning Hearing Board was held on Wednesday, May 31, 2023, at 6:00p.m. in the Assembly Room of the Millcreek Township Municipal Building, 3608 West 26th Street.

PRESENT: Messrs. Tanner; Calhoun, DiPlacido, Attorney Jeremy Toman, Matthew Puz, Zoning & Development Office, and Julie Maggio, Assistant Zoning & Development Officer.

BUSINESS:

Appeal No. 23-09: DAVID HOOVER, for property located at 5423 Glenwood Park Ave, seeking a dimensional variance to expand a nonconforming structure into a front yard setback in the R1 Single Family Residential District. **Index 833-015**

David Hoover, 5423 Glenwood Park Ave, was present to discuss this appeal. He stated that he renovated or rebuilt the outside walls of the existing structure 8" to be compliant with the building codes. Therefore, a variance was needed.

Mr. Tanner asked if he was asking for an 8" variance. Mr. Hoover replied yes. He then asked if the roof was staying the same. Mr. Hoover replied yes. He asked if this work had already been done and discovered after the fact that a variance was required. Mr. Hoover replied yes. Mr. Tanner asked if this was brought to the attention of the Township. Mr. Hoover replied yes, and that Mr. Puz was working with him on this matter. He asked if he talked to any of the neighbors about this. Mr. Hoover replied that the neighbors were happy that a new building was going up and the old one was going away.

Mr. Calhoun asked if the old building was not going away, he was just giving it a facelift. Mr. Hoover replied yes.

Mr. DiPlacido asked if the garage was damaged. Mr. Hoover replied yes it was old and rotting.

Atty. Toman asked what the decision was for the 8" wall. Mr. Hoover replied that he beefed up the walls so the problem would not happen again.

Sue Weber, 5338 Norris Dr, stated that this property and building had been a mess for two years and she was concerned. She was worried about how it was being constructed and had called the Township. She did not know that when a permit was taken out it had no time limit.

Mr. Puz stated that when a building permit is taken out the applicant has up to five years to finish the project. Mrs. Weber was confused between the difference between a building permit and zoning permit. Mr. Puz explained the difference between the two and how it pertained to Mr. Hoover.

Mrs. Weber stated that this project was a complete eyesore and would like to have this project finished within a time limit if approved.

Mr. DiPlacido asked where the BIU Inspector measured from to get the 8". Mr. Puz replied that he measured from the exterior.

Matthew Waldinger, Millcreek Township Director of Planning & Development, stated that he wanted to see if any neighbors came to speak, and Mrs. Weber had come to the Township several times concerning this property as had other neighbors. The Township had no objection to the variance being granted but would like it if the board would consider placing a condition on it to ensure that the project would be finished in a certain amount of time.

Mr. Calhoun asked Mr. Hoover when he expected to have the project finished. Mr. Hoover replied that it should be finished by October.

There were no other comments from the public.

A motion was made by Mr. Calhoun, seconded by Mr. Di Placido, that this appeal be granted *with the condition that it must be done by 9-30-2023. The condition defined as all exterior planning, roofing, and doors be completed.* Motion 3-0

Appeal No. 23-10: ERIC K. LINEBACH, for property located at 3228 Willis Street, seeking a dimensional variance for an addition into the side yard setback in the R1 Single Family Residential District. **Index 324-055**

Eric Linebach, 3228 Willis Street, was present to discuss this appeal. He stated he would like to attach a carport to his garage and was asking for a 6' variance for his second vehicle. He purchased the home four years and has since cleaned up and revitalized the home. He noted that the neighbors received letters and he had not heard from any of them questioning the carport. He wanted the roof line on the carport to match his garage.

Mr. DiPlacido was confused because on the application one page stated a 6' variance and another stated 3' variance and wanted to confirm the variance amount. Mr. Puz responded that when he reviewed the application, he reviewed the plot plan which indicated the structure was 13' + or - from the property line. Mr. Lineback stated he used his neighbor's fence line which explained the difference in the measurement.

Mr. Calhoun asked if there would be a cement pad or anything. Mr. Linebach replied that currently it was blacktop.

Mr. Tanner asked if he was not adding impervious areas. Mr. Lineback replied no he was not.

There were no other comments from the public.

A motion was made by Mr. Calhoun, seconded by Mr. Di Placido that this appeal be granted *with the condition of an attached carport in accordance with the proposed plans as presented tonight.* Motion 3-0

Appeal No. 23-11: BJ'S RESTAURANTS, INC., for property located at 5800 Peach Street, seeking a variance to exceed the maximum allotted parking spaces and a variance from Buffer C requirements for the construction of an Eating and Drinking Establishment in the C2 Regional Commercial District. **Index 750-020**

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Michael Takas, Boehler Engineering, 1 Allegheny Square, Pittsburgh PA, was present to discuss this appeal. He gave the Board **EXHIBIT A (Packet with site plan, maps, photo of sidewalk, photo of elevation, and what building will look like)**. He stated that BJ's Restaurant Inc. was requesting relief from §145-93 Maximum Parking which states, the maximum amount of permitted parking shall be 120% of the minimum required parking. They were asking for relief to accommodate an additional 20 on-site parking spaces exceeding the maximum required spaces. BJ's Restaurant and Brewhouse was a nationwide restaurant chain with over 200 brick and mortar locations and an established track record when it came to site operations. Typically, new restaurant locations provided the client a standard of 150 parking spaces per site, which is proven to be adequate at peak operating hours. Although the subject cannot provide the client with a standard number of parking spaces due to its restrictive size, it was in the best interest of the restaurant and the surrounding businesses to maximize the number of on-site parking spaces. This will limit overflow into the existing shopping center parking areas, and most importantly, avoid pedestrian health and safety conflicts with oncoming traffic when crossing the private drive. The proposed redevelopment was previously Sears Automotive, and the floor slab and paved parking lot were in place. All new parking will be contained within the existing paved area previously occupied by Sears Automotive. The Lease Holders understood the maximum parking requirement was incorporated into the updated zoning ordinance to limit the amount of impervious surface on a single lot. This requirement reduces the impact of additional stormwater runoff and protected against erosion and sedimentation of downstream drainage facilities. The proposed redevelopment however utilized existing impervious area, and although the Lease Holder was proposing to provide 20 additional parking spaces above the maximum number allowed, the overall site was reducing impervious areas by approximately 12% from the pre-development to post development condition. Additionally, an on-site subsurface detention basin is being proposed to control stormwater runoff rate and volume. Therefore, the reduction of overall site impervious surfaces and the addition of a subsurface detention basin would alleviate the potential stormwater runoff risks to downstream drainage facilities. The second variance request from §145-29 which would require a total of 6 trees to satisfy this section, but they were proposing to install 4 trees along the edge of the parking lot due to the proposed BJ's Restaurant was located 15' below Peach Street and the parking was 90' from the edge of the adjacent roadway. In addition, there were several easements from water and sewer that would limit the installation of street trees along the street right-of-way. For these reasons, meeting the full intent of the code was not feasible. The trees could only be located along the edge of the lot and planted at the required spacing which would completely block the proposed restaurant from being visible from Peach Street. The existing trees entering the Millcreek Mall to the south of the restaurant have already created a green buffer for this restaurant. BJ's does have the required total but only if using the two trees installed in the parking island along the edge. For the purposes of this review, it was determined that those trees could not be used as part of this section. Also, the Planning Commission was presented this plan on May 2, 2023, and there were no objections to the plantings as shown.

Mr. DiPlacido asked Mr. Takas how he would save the percentage on impervious. Mr. Takas stated that it would be by removing pavement and replacing it with lawn, shrubs, trees, plantings, and replaced with topsoil.

Mr. Puz noted that there was a revised submission to the Zoning Hearing Board that the building was reduced to 7,510 square feet that reduced the maximum from 92 to 90 parking spaces. The current Zoning Ordinance required 1 space for every 100 square feet of gross floor.

Tom Hundrieser, 2340 Appleby Dr., Director of Real Estate for BJ's Restaurant was responsible for choosing and negotiating the sites nationwide. He stated that this would be a 7500 – 7600 square foot building with seating for 240 people. At peak shift on a Friday and Saturday night they would have 30 – 35 employees, and for them to do business efficiently they would need approximately 150 parking spaces to operate efficiently. He did not mind having some parking removed but a large portion made it inconvenient for their customers. Having 90 parking spaces would make it inconvenient for the customers to park on site (employees could park off site).

Mr. Tanner asked if part of the lease agreement was to allow parking in the Boscov parking area. Mr. Hundrieser replied yes.

Mr. Waldinger, Director of Planning & Development for Millcreek Township, stated that the Township was happy to have BJ's Restaurant come to Millcreek. The Township had no objection to the 2nd variance request. As for the parking variance, the Township had a 120% maximum parking limit in the ordinance, and it was not new to the ordinance that was adopted in April 2022. The Township was not unreasonable as far as people needing additional parking to do their business. If this was a stand alone parcel, it would be something different. This parcel was part of the Millcreek Mall complex and had cross access with the mall itself. They felt that there was more than enough space for additional parking within a reasonable distance to the site to meet the Township's 120% parking limit. Mr. Waldinger gave the members **OPPOSITION 1 (map with walking distance**

from various areas surrounding BJ's Restaurant). The Township felt that to have more parking over and above the maximum amount of parking when other parking was available would be a bit much.

Atty. Toman asked if it was already impervious surface, they were under no obligation to remove that and if it were to remain it would just be not marked blacktop. Mr. Waldinger replied that it would have to meet the requirements of the parking lot plantings etc. Atty. Toman then asked if they would have to remove the impervious surface that they were not using as parking. Mr. Waldinger replied yes, it was in the ordinance.

Mr. Tanner noted that he did understand where BJ's Restaurant was coming from with the slush in the winter and patrons safely getting to the restaurant.

Mr. DiPlacido asked if there were any parking restrictions across from the proposed restaurant. Atty. Toman responded that typically there were cross parking amongst the mall tenants.

Mr. Takas stated that they did not want to put more parking in than was needed. In this case it was impervious, and they were reducing it. The intent of the requirement for the maximum number of parking was met by their site plan. There were other projects within the Millcreek Mall complex that were taking out parking spaces for example Dick's Sporting Goods with an outdoor field expansion (50 parking spaces removed). They were still providing the crosswalk and sidewalk in anticipation that the employees would use the cross parking.

Mr. Calhoun asked if this was not granted, what would they do. Mr. Hundrieser responded that it would be a big problem for them because the parking was inadequate for them.

Mr. Tanner asked Justin Summerville, 5577 Youngstwn-warren Rd, Cafaro representative, if they had an overall or census of parking spaces for the mall. Mr. Summerville responded that they had all the numbers on the complexes. He did know that on Black Friday, the parking lot was filled up. He believed that the additional parking space would be beneficial to them during the busy times and during increment whether.

Mr. Tanner asked if it would meet the stormwater requirement if more green space was added to the mall complex to compensate for the additional parking spaces for BJ's Restaurant. Mr. Waldinger responded that would be reasonable, but it was not something that was proposed so they could not take that into consideration.

Mr. Tanner asked Mr. Summerville if he understood what he was asking. Mr. Summerville replied that he understood, and it was something that he could not make a decision on. He noted that in the past, they have added green space.

There were no other comments from the public.

A motion was made by Mr. Calhoun, seconded by Mr. Tanner, that this appeal be granted. Motion 3-0

There being no further business, the meeting was adjourned at 7:59 p.m.



Scott Calhoun
Secretary