

SOUTH FAYETTE TOWNSHIP ZONING HEARING BOARD

DATE: 10-17-2022 APPLICATION NO: Z-10-2022

I. THE UNDERSIGNED APPLICANT HEREBY: (Check appropriate box(es)).

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | A) Appeals from a Determination of the Zoning Officer |
| <input type="checkbox"/> | B) Requests a Special Exception |
| <input type="checkbox"/> | C) Requests a Variance |
| <input type="checkbox"/> | D) Challenges the Validity of a Zoning Ordinance or Map |
| <input type="checkbox"/> | E) Requests Other Relief within the Jurisdiction of the Zoning Hearing Board as Established in Section 909.1(a) of the Pennsylvania Municipalities Planning Code |

II. PROPERTY INFORMATION

Address/Location: 4508 Battleridge Road
 Tax ID Number: (LOT No. 328J44) Size of Property: 19,035 sq. ft.
 Present Zoning: R-2 Present Use: Private Residence
 General Character of Neighborhood: Residential

III. PROPERTY OWNER INFORMATION

Name: Steve and Carrie Butler
 Address: 4508 Battleridge Road, McDonald, PA 15057
 Phone: 412.897.6177 E-Mail: carrielynnbutler@gmail.com

IV. APPLICANT INFORMATION (If different than Owner information)

Name: Charles P. Kost II
 Address: 305 Battery Drive N, McDonald, PA 15057
 Phone: 412.915.4893 E-Mail: chuck@kostservices.com

V. APPLICANT REPRESENTATIVE INFORMATION (See Agent Authorization Form)

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | I am NOT Represented by an Attorney in Connection with this Application |
| <input type="checkbox"/> | I am Represented by an Attorney |

Name: _____
 Address: _____
 Phone: _____ E-Mail: _____

VI. APPL	REQUIRED SUBMISSION ITEMS (1 copy each)	TOWNSHIP USE
<input checked="" type="checkbox"/>	A) Completed Application Form	
<input type="checkbox"/>	B) Agent Authorization Form	
<input checked="" type="checkbox"/>	C) Survey, Plans, Maps	
<input type="checkbox"/>	D) Supporting Sketches or Photos	
<input type="checkbox"/>	E) Deed, Sales Agreement or Other Ownership	
<input checked="" type="checkbox"/>	F) Application and Escrow Fees (separate checks)	

VII. SIGNATURES

Applicant: <u>Ch. P. Kost II</u>	Date: <u>October 13, 2022</u>
Owner: _____	Date: _____

Application submission deadline is approximately the third Monday of the month preceding the month that the Application will be heard by the Zoning Hearing Board with the exceptions of the November and December meetings. The deadline for these months will be the second Monday preceding the month to be heard. Application must be received by the Township Secretary by 4:30 PM at the Township Building located at 515 Millers Run Road, Morgan, PA 15064.

By Signing above the applicant/owner has acknowledged receipt and review of the South Fayette Township General Instruction for Zoning Hearing Board Application.



ZONING HEARING BOARD HEARING APPLICATION DETAILS

(Complete For Actions Checked in Section I Only)

I.A) APPEAL FROM DETERMINATION OF ZONING OFFICER

The action taken was:	Approval of Building Permit 22-293
The date action was taken	August 16, 2022 - See Appendix A Concerning Date of this Appeal
The action was in error because:	The application violates the R-2 Lot Usage Maximum 25% Requirement.

Attached a copy of any written order issued by the Zoning Officer in connection with this matter

I.B) REQUEST FOR A SPECIAL EXCEPTION

Nature of Special Exception sought is:					
The Special Exception is allowed under	Article		Section		Subsection
of the South Fayette Township Zoning Ordinance					
The reason for the request is:					
If applicable, attach documentation demonstrating compliance with all applicable standards set by the Township Zoning Ordinance for this Special Exception.					

I.C) REQUEST FOR A VARIANCE

Nature of the Variance sought is:					
The Variance if from	Article		Section		Subsection
of the South Fayette Township Zoning Ordinance					
The nature of the unique circumstances and the unnecessary hardship justifying this request for a variance is:					

I.D) CHALLENGING THE VALIDITY OF A ZONING ORDINANCE OR MAP

Identify the provision of the ordinance or map which you believe to be invalid:

The challenge is ripe for decision because: A.) All usage calculations show the property already over 25% use. B.) The Zoning Board already denied the request for a variance to exceed 25% to the current coverage. C.) The township has acknowledged the property is over the 25% usage limit, but is not enforcing the code.

The provision challenged is invalid because:

Attach a copy of the ordinance and/or map you are challenging.
See the attached. Additional information will be provided at a later time.

I.E) OTHER RELIEF REQUESTED

Part of the purpose of this application was to install storm water management controls from the previous permit (22-###). These controls were included on this permit, but do not address the additional water flow from 4508 Battleridge Road. This is due to pool construction that does not follow SWTWP codes. The applicant seeks for the Zoning Board to enforce compliance issues to address the outstanding water issues. The township has failed to properly enforce the ordinances involved in these permits and requested that those affected wait for the SWM plan to be approved and installed.