

Borough of Canonsburg
Zoning Hearing Board
June 21, 2022
6:30 pm

1. Call to Order:

The meeting was called to order by Mr. Pihakis at 7:03 PM

2. Pledge of Allegiance

3. Roll Call:

Mr. Manuel Pihakis, Chairman - Present

Mr. Tony Trona - Present

Ms. Holly Stabile, Solicitor – Present via telephone

Mrs. Melissa Graff, Zoning Officer - Present

4. New Business:

1. The application by Victor Zeto, who is requesting a variance for on street parking for the property located at 146 Murdock Street, Canonsburg, Pennsylvania 15317.

Mr. Pihakis – The best I think we are going to try to do here

Mr. Trona – Why don't we hear what they have to say

Mr. Pihakis – Yeah. Do you want to get up?

Victor Zeto – Yeah absolutely. I am the own Big Fella's Contracting licensed commercial/residential, in the city of Pittsburgh, state of Pennsylvania, and also in the city of Jacksonville, Florida. We are handling the general contracting for the building at 146 Murdock St. Just a few things that I wanted to go over after it was brought to our attention that there needed to put a parking pad out front. The standard issued size of the interior of a garage is 22 ft. by 20 ft. for a 2-car garage. Our distance from the front of the building to the end of the property, where the sidewalk begins, which is public property is 19 ft., so we don't even have room to pull cars straight in if you did you wouldn't be able to walk in front of the car or the back. The current building is graded up 18 to 24 inches at the height of the door, so you would need at least 2 (two) steps that come down out of the front door onto a driveway which would impede roughly another 20 to 30 inches cutting the driveway size to about 16 ½ ft. The existing structure that you guys took a look at the picture of was an enclosed porch sitting on a concrete pad that was already built up 18 inches to the height of the interior. It was never finished on the inside, it was a porch,

it was an existing porch and all we did was demo down the brick because it was dilapidated, and we poured new footers so that the new porch could be built in the same spot. All the concrete that was there was just resurfaced with the addition of adding footers, and we did no modifications to the size or the distance from the street and/or anything else on the property. The front of the building sits as it, just resurfaced concrete, and the removal of anything that was dilapidated at the purchase time. So, as far as I've always known if you're not making a change to anything then you have the ability as an owner to go back and put the same thing back in that's safe and so all we did was take out what was there and put it back in. We are not here to cause any trouble. We're trying to fix the house on the street, it was in really bad shape, it was an old elks club. We had a lot of people stop by and take a look at it. I mean that building was falling in. I am a structural framer and that is what we do we set beams, we work with structural engineers, architects all that stuff. That building probably would have imploded in the next decade had we not purchased it. There was a hole in the mid-room which is now going to be our living area that had 3 days' worth of water coming out of it that we pumped out, you had eye joysticks steal beams that weren't sized by anybody holding up the roof structure sitting over top and posted to nothing. It was a nightmare to walk into. I've interacted with everybody on the street. The guy across the street says he comes to the board meetings, he brought us cookies and candy over and said he bakes for a lot of local places. He loves us and tells us anything we need. Also, I know parking is an issue, I can tell you that during the three weeks straight that we worked over there, I had a 30-yard dumpster and 3 trucks parked in front of that house and never had an issue finding a spot. There is an abandoned apartment across the street, so it's going to be a long time before anybody buys it to renovate it, and 90% of the properties on that side of the street that have off-street parking have a side lot, so they are able to pull down beside their house, not impeding their front, and they all have porches. That's our biggest issue, we don't have a side lot, we don't have access to the back. We have a beautiful back yard; we tore down the building they had the bar in back there and we're going to have a nice fenced in back yard but. I would love to put a garage back there but there is a garage on the side lot which is the uncle or father of the guy that lives across the street and he's like "you can park here; you can do this whatever you need to do". So, I don't think parking is going to be an issue.

Mr. Pihakis – There's nothing you can do to alter this to get at least one spot there?

Victor Zeto – There's no way for me to I would either have to shrink the building, but I don't believe we would have to because of code or get rid of your sidewalk which isn't possible either. So, at 19 ft. the minimum for a car and a garage is 22x20.

Mr. Trona – You purchased the building?

Victor Zeto – Her and I

Mr. Trona – Simone is listed as the owner, and you are listed as the contractor. You are joint owners?

Victor Zeto – We went in as partners on the project

Mr. Trona – Did you know going in you needed two spots?

Victor Zeto – No, we were told it was a mixed-use building which means it can be zoned residential and/or commercial whatever we decided. We went with residential nobody said anything about having to have 2 spots until after everything was done. But had I not resurfaced the concrete and just took down the porch that was falling apart, can the borough make us put parking spots in if I don't touch that concrete and just leave it sit there falling apart? That I am not sure of because like I said all we did was resurface what was there. It was already built up at that height you can see in the pictures before and after. We're just trying to make it look nice.

Mr. Trona – I'm not disputing that. I'm disputing your knowledge of knowing you needed to spots when you purchased it.

Victor Zeto – No, I didn't know

Mrs. Graff – I know that you didn't. But when I spoke to Simone directly I did advise her.

Simone Fujikawa – I understood when you said you're going to have 2 parking spots, I really understood that I was going to have 2 parking spots on the street. I did not understand.

Melissa Graff – Yeah, I wasn't sure of there was a misunderstanding or not but when I did discuss it with her, I did say because you're changing the use because it was a commercial building

Victor Zeto – I thought it was mixed-use

Melissa Graff – But you're still changing the use. It's actually I believe an R-1 or R-2 but I'll look that up for you. It's fine. It's confusing I get it. So, when I initially spoke to her I advised you have to provide 2 off-street parking spaces. Which again there could have been a misunderstanding and that makes sense.

Victor Zeto – When she had brought it up to me and we talked about it, I said you don't have enough room there to put a parking space knowing that you have to have steps coming down out of the building that sits up higher. The neighbor's property line on that side, their hedges are right up against our concrete. If you're looking at the house on the right and the other side we have 3 ft. tops, so even if I leave the door where it's at and try to squeeze something on the right side, I measured at the end of the door right now, I have 16 ft. to the right so it would be 16x19 and a compact car spot at the most, you need 16 ft. just for the car and that's not walking back and forth. If they show up with an SUV or a truck, it's going to hang over your sidewalk. I can't make somebody buy a house and pull up 2 centimeters from their house.

Melissa Graff – I get it

Victor Zeto – That was my only concern. That's why I wanted to get in here and talk to you guys about it because I already thought of all of the questions you were going to have. I been to many other zoning meetings. I don't think we can fit anything there and I don't that with us not having changed anything to what was there, we should be forced to go back and change.

Ms. Stabile – My question is, and I think I missed the answer to the question. When you purchased it and decided to say well we're going to make it residential, did you research what the requirements were to make it residential before you made the plans?

Victor Zeto – We did not.

Ms. Stabile – Ok

Victor Zeto – The owner, Simone had called and asked some questions. I wasn't there for that conversation, so I can't speculate on what was and was not gone over.

Simone Fujikawa – They didn't say that it was commercial. I asked if there was anything else I would have to do to use as a single-family house and they said no, but then when I talked to Melissa, Melissa said to make sure there were two parking spots, but I really didn't process it, I just really understood that I would have 2 spots on the street; that's what I understood.

Ms. Stabile – I didn't hear some of that.

Melissa Graff – Holly, this is Missy. So basically, what she said is that she did call me on the phone and asked if she needed to change anything with regard to the property, if she could put a single-family home there. I looked it up under the zoning ordinance and she was able to change it to a single-family dwelling. At that point in time, I did advise her that she would need to provide 2 off street parking spaces, but at that time, there was a misunderstanding she assumed that she was able to have 2 spaces but on the street.

Ms. Stabile – Oh I see

Melissa Graff – So you see what I's saying. There wasn't that confirmation for her that they needed to be off street but as far as her putting a single-family dwelling there she knew that she was good to go

Ms. Stabile – Ok. Well yeah because it was allowed in that district

Melissa Graff – Correct

Ms. Stabile – And that variance is allowed

Melissa Graff – Correct

Ms. Stabile – But it doesn't sound like they were aware of the regulations, and I heard some of the gentleman's presentation and if I get the gist of it, he is saying based on the number of trucks and dumpsters and things that he feels that them having to park on the street, across the street is not going to cause a problem. Is that the case?

Victor Zeto – Yes

Mr. Pihakis – So you would be willing to go ahead and park on the other side of the street?

Victor Zeto – Yes. We've had the entire project thus far; we have had multiple crews over there and like I said there was a 30-yard dumpster out there

Ms. Stabile – This is just a single-family dwelling that you're making. Are you looking to sell it after you do this?

Victor Zeto – Yes ma'am

Ms. Stabile – Ok. How many bedrooms?

Victor Zeto – It's 4 bedroom

Ms. Stabile – 4 bedroom ok. So, there could be the potential for more than 2 cars I guess depending.

Victor Zeto – On top of everything we talked about, aside from the misunderstanding and everything, I still don't think it is physically possible to put a parking spot there. I don't want that to get shied away from.

Ms. Stabile – Ok

Victor Zeto – Standard garage size is 22x20 for a 2 car. I don't have 20 ft. there anywhere.

Ms. Stabile – You don't have enough for one. I mean I heard them

Victor Zeto – I don't have the depth there from your sidewalk to the front of my building to park a car there.

Mr. Pihakis – But you're willing to go ahead and finish up and park on the street?

Victor Zeto – Yes sir

Mr. Pihakis – Well

Ms. Stabile – Do we have any other people in there that need to speak from the neighborhood or anything?

Mr. Pihakis – No

Mr. Trona – We're talking about a parking space. Average parking spot for a car is 16 to 18 ft.

Victor Zeto – Yeah compact

Mr. Trona – I'm asking what the average parking spot size is. Obviously, we can't provide for someone to put a. We are looking for average size, you need 16 to 18 ft. Do you have 16 to 18 ft there? That's not our issue here. Right now, I believe the issue in front of us is you have an existing pad that was part of a porch or storage area whatever you want to call it, and I'm asking you if the average car size parking spot is 16 to 18 ft. do you have enough room to put an available 16 to 18 ft. parking spot?

Victor Zeto – I do but is the borough saying then in turn, you are making me change something that was existing when I bought the building?

Mr. Trona – What I believe we are saying here is you changed the dwelling from a commercial to a residential, now you have to conform to what the rules are for a residential home in that area. The requirement is 2 parking spots. What I am saying to you is, if we give you a variance for one spot can you do it?

Victor Zeto – It's going to cost a lot of money to change it.

Mr. Trona – I understand that but knowing up front this is the rule and we're trying to help you out here. We're trying to work with you.

Victor Zeto – I get that

Mr. Pihakis – The point is he didn't know. If he is willing to park on the street let him go.

Mr. Trona – You're releasing him of the obligation of providing a spot

Mr. Pihakis – You're willing to live with that?

Victor Zeto – Yes sir

Ms. Stabile – Ok. So, can you state it for the record, so they have it what you all are deciding?

Mr. Trona – Hold on a minute

Ms. Stabile – Or what the motion is or what the amendment is to the petition if it is an amendment?

Mr. Trona – He is where I'm having a problem. You purchased this property. It was a business you're changing it to residential, there was no effort made to find out what were the obligations were of you in that area to change it to residential. You were told that you had to have 2 parking spots, maybe you didn't understand what that meant, and I get that I'm trying to help you out here. We still have a requirement for 2 spots and you're asking us to relieve you of that obligation. I'm asking you is it possible to put one spot there because we all know that it's a problem parking down there, and I hear what you are saying that you parked the dumpster there and you never had a problem. The last thing I need is for someone to come into this meeting next and say "I can't park down there. There are no parking spots". I hear what you are saying and you're probably not there all of the time but I'm just trying to alleviate a problem and I'm trying to come to a compromise.

Victor Zeto – I have talked to the neighbors that would be parking across the street from the house, and they said they have no problem with us using the spots across the street.

Mr. Trona – Unfortunately, we have no neighbor here to say that they have a problem with it.

Victor Zeto – Another issue is that would have to be graded concrete. It would have to come down at a pitch so I don't know how far that would have to come down. You say 16 to 18 ft, but to bring it down to the right pitch, it may bring you back out onto the sidewalk.

Mr. Trona – I get it. That's why I am asking you because you are a contractor do you have room there to put a spot? That's what I am asking.

Ms. Stabile – What is he saying?

Mr. Trona – We are talking about the neighbor next door and apparently they have a parking spot there. It's not in the front of the house, it's on the side of the house.

Simone Fujikawa – For the car to be able to go here, we have like 2 ft. We would need a ramp so the car could go up and we are going to need these steps, so I don't understand how why you saying that we have 19 ft?

Victor Zeto – All I said is that we have 16 to 18 ft from the house to the street.

Simone Fujikawa – That's not possible. We need these steps, and we need a ramp so we wouldn't have 19 ft. to fit a car. If it was possible I would put for one car at least but I don't see how that is possible.

Victor Zeto – Even if we grade that down to ground level there, I'm still going to need steps off of the existing pad that is going to be in front of the stairs down into where the parking spot is going to be.

Simone Fujikawa – I don't want to promise something, and we are not going to be able to do it.

Victor Zeto – I just don't really see it possible

Ms. Stabile – Alright let me ask this question. If we held the meeting open for you to see what might be able to be configured for one spot, is that something that could be researched or is your?

Victor Zeto – It's in my professional opinion, if I cut this ramp right now and leave a safe amount of space on the right side of the door, I'm going to have 10 ft or less on the right side to pull a car onto and I am going to need stairs coming down on that side.

Mr. Trona – Why would you need stairs there?

Victor Zeto – To get up onto my pad that you're telling me I can keep.

Mr. Trona – Why can't you walk out front and walk up the stairs?

Victor Zeto – Because I'm going to need 36 inches for code, between that car door and that pad for handicapped, so that somebody can get out and walk back to the sidewalk to get onto the staircase which shrinks that 10 ft to 7 ft which means the person on the right-side can't get out because they are up against the hedges.

Simone Fujikawa – We wanted to have a parking spot. We thought about that a lot. We tried to think of all the ways we could do this. We know the house would be more available if we had a parking space, it's just not possible.

Mr. Pihakis – How many parking spaces do you see on the side that you say?

Victor Zeto – Directly across the street from the yellow curb to the handicapped spot, there has been at least enough room to park two vehicles and a dumpster. If you go to the other side of the street behind the church, there is about a whole city block of available parking.

Mr. Pihakis – So, if you sold that house without the parking, they would have the opportunity to park both places?

Victor Zeto – Yeah. And there is a side street that we have parked on.

Mr. Pihakis – Why don't you excuse us and go out into the hall for about 2 minutes and let us make a decision here.

Victor Zeto – Sounds good. Thank you

Melissa Graff – You're welcome

Mr. Pihakis – We are going to reschedule and reconvene the meeting. What we are going to do is see how many spaces are available on the other side of the street, and if we are satisfied with the number that will handle your situation then we will cover that at this next meeting.

Ms. Stabile – Ok. What the board has decided to do is we are not going to close this meeting, we are going to keep it open and continue it next week on Tuesday, at the same time.

Victor Zeto – We are moving to Florida Thursday, and we will back in town July 10.

Ms. Stabile – What if we just put it on the next zoning. We'll keep it open.

Victor Zeto – My only issue with that is that I the rest of the exterior of the home is done. If you go down all the siding is done, I can't do anything else on the front of that building or get any type of framing inspection until I get that front porch built if it's allowed to be built.

Ms. Stabile – Well yeah that's why we were trying to do another meeting so quickly next week. Is it possible if the board, because you two are partners, can one of you be there?

Victor Zeto – We're both leaving

Ms. Stabile – You're both leaving.

Victor Zeto – Yes.

Ms. Stabile - Ok.

Victor Zeto – As far as my opinion and everything that I needed to speak of on behalf of us together, I've said everything I needed to say. If you guys need to look at the parking space situation to make a decision, that's fine with me.

Ms. Stabile – Well, they might also have an engineer take a look and see what they think is possible with the space. So, I guess the concern is if we keep the meeting open and reconvene, there might be questions that need to be asked of you. Now, I guess if the board decides that you could participate remotely for those questions and you made yourself available on a conference call next Tuesday, at 6:30, I guess we can try to do it that way.

Victor Zeto – I can absolutely do that for you.

Ms. Stabile – You'd have to have the information in front of you just in case there were some specific questions that are posed by our engineer that might look at it as well. Is the board ok with that?

Mr. Pihakis – Yes

Mr. Trona – He wants to say something else

Victor Zeto – Would it be possible if you have any type of engineering report to provide it to me at least 24 hours in advance so I could research myself?

Ms. Stabile – Can you please give our zoning person all of your contact information, email everything if it's not on the petition so that we can do that?

Victor Zeto – Yes ma'am

Ms. Stabile – So we are not going to adjourn, we are just going to keep the meeting open, and reconvene at 6:30, and please provide her with the number that we can call you and an email so we can send you any information.

Mr. Pihakis – Calling to order the continuation meeting.

Ms. Stabile – We're reconvened here as a continuation that commenced last Tuesday with regard to the pending zoning hearing board variance application filed by petitioner, Victor Zeto and property owner Simone Fujikawa with regard to 146 Murdock St., Canonsburg, PA. This is a mixed-use and the owners intend to use it residentially, for purposes of construction. The reason we reconvened and left the meeting open was for purposes of to investigate further whether before the board made a decision on the variance to relieve the property owners of the requirement of having 2 off street parking spaces so that the borough engineers could investigate the possibility of at least getting one space off and also for purposes of the zoning officer to do a little more investigation on what other on street parking was available in that area. So, we reconvened for that purpose, and we have in front of us a June 24, 2022, letter from KLH Engineers who looked at the area. The conclusion of the engineers was due to the accessibility hardship, KLH Engineers recommends approving the variance to remove the requirement for off street parking. We are not removing it from the regulations but just to grant the variance from

compliance for the purpose of this specific location. With that being said, the meeting is back open for new information that we didn't discuss last time. I'm going to let the zoning officer put some information on the record about her investigation of the availability of on street parking in that area.

Melissa Graff – So after the meeting last week, I did drive down to Murdock St. and I took pictures of the availability directly on Murdock St., across from 146 Murdock as well as parking on both ends so to speak of Hutchinson Ave. which would be to the right of 149 Murdock St., and then across from St. Pat's Church, and there are at least I would say a possible 4 to 7 spots available on any part of that street. That's even after the yellow curb and you can park legally. I was down there earlier today, and the same availability was there so that's what I have, and I do have pictures for the record as well.

Ms. Stabile – We kept this meeting open the beginning of the meeting last week there were no neighbors or others after the matter was advertised that voiced any objections to the request for this variance. I just want to put that on the record and would open the room for anyone else who has any new information before the board would vote on the matter.

Mr. Pihakis – Anybody here that has any questions?

Mr. Russo – I'm good

Mr. Pihakis – If not, we need a motion.

Mr. Trona made a motion to grant the variance based on the not available space necessary to put the parking spots on the property at the recommendation of the borough engineers. Seconded by Mr. Pihakis. All in favor. Motion carries.

5. Old Business

None.

6. Adjournment:

Mr. Trona made a motion to adjourn the meeting at 6:45 PM. Seconded by Mr. Pihakis.

Meeting adjourned at 6:45 PM

Submitted by: Melissa Graff