

BEFORE THE CITY OF GREENSBURG ZONING HEARING BOARD

In the matter of:
Lee R. Stevenson

Special Exception:
Section 265-129

Property Location:
310 Beaver Street

Hearing Date:
June 15, 2016

PROCEDURAL BACKGROUND

The application dated May 27, 2016 by Lee R. Stevenson of 515 Stone Villa Court, Apt 6B, Greensburg is requesting a special exception to the City Code, Section 265-129 in order to change from one nonconforming use, i.e., a commercial printing business to another nonconforming use, i.e., storage/warehouse use for the property located at 310 Beaver Street. Subject property is zoned *R-2 General Residence District*.

Members of the board present: Charlotte Kuhns Chairwoman
Barry Gaetano
Patsy Iapalucci
Jon Hillwig

Also Present: Lou DeRose, Solicitor
Barbara J. Ciampini, Planning Director

Charlotte Kuhns introduced the Board Members present and advised all persons present who planned to participate in the scheduled hearing to stand and be sworn in.

There were no objections to advertising or procedure at the onset of the hearing. Barry Gaetano made a motion to approve the variance. Patsy Iapalucci seconded the motion. All were in favor.

DISCUSSION

The property is located at 310 Beaver Street, Greensburg, PA 15601. The property owner Lee R. Stevenson, is requesting a special exception to the City Code Section 265-129 in order to change the property from one conforming use, i.e., a commercial printing business to another nonconforming use, i.e., storage/warehouse. Their lot is 50 x 128 or 6,400 square footage. Subject property is zoned *R-2 General Residence District*.

Charlotte Kuhns: Josh would you like to testify first since this involves you?

Josh Volk: Well actually, this is Mark Stevenson. He's the brother of Lee, who currently owns the building or premises. I thought he could start things off.

Barbara Ciampini: That's fine. Mark you're going to have to come to the podium and identify yourself. And, Mark is the legal power of attorney.

Mark Stevenson: Basically, my brother Lee is basically in retirement and a few years ago he lost his wife, so therefore the business is basically being liquidated at this time. We sold some machinery out of it. The reason he's not here is because of health reasons. So I am the power of attorney for him. Basically, Josh Volk who owns the building across the street approached us about using the building as a warehouse. It's my understanding that my brother had a printing shop for 30 some years down there and when he bought the existing printing shop from Dick Myers, maybe a few of you know Dick Myers, there was no problem with it because of it going into an existing printing shop, the business maintained its occupancy. So it was brought to my attention, I guess it was back in 2004, that when this all kind of happened being that there's another occupation that's why we are here for rezoning.

Barbara Ciampini: It's really not a rezoning; you're requesting a change from one non-conforming use to another nonconforming use which is hopefully less intrusive on the neighborhood.

Mark Stevenson: The classification.

Barbara Ciampini: Yes, just the use of the building.

Mark Stevenson: It was my understanding that another printing shop went in there that it wouldn't be necessary—

Barbara Ciampini: That is true. Because it would be a non-conforming use, a continuation of the same use, but since Josh wants to use it for something different that's the reason for the hearing.

Mark Stevenson: Right. And we actually thought my brother helping Josh out with his business; the warehousing occupancy was the least path of resistance as far as not bringing in any more traffic on the streets and so on and so forth. There's just some good things that could happen with the building with that type of usage, so that's all I have to say.

Lou DeRose: Mark, before you go away, you said that the building has most recently been used for printing purposes. Did that stop at some point?

Mark Stevenson: Well he's liquidating the business and he's working with Fotorecord out of Greensburg. We sold the machines over the past year. There's still a couple of machines in there, and he was actually using it as a sales rep building until we could find a proper a buyer for the building. This has all happened over the past year or so that we've been liquidating the building and equipment and so on and so forth.

Lou DeRose: So as late as a year ago there was active printing going on?

Mark Stevenson: Correct.

Lou DeRose: And then even in this last year there's been some printing.

Mark Stevenson: Well correct. He's been basically doing sales because the problem was trying to find someone who would be a good suitable tenant for the building without—like we didn't want to get into a real estate situation unless we really had to, so we have been trying to find someone to buy the building without going down that avenue.

Lou DeRose: In presenting the case to the Zoning Hearing Board, is Josh now going to tell us what he's going to use it for?

Mark Stevenson: Correct.

Lou DeRose: Okay that's fine, thank you.

Josh Volk: First, I'd like to thank everybody for hearing us today. We are, as Mark talked about, I am asking for the special exception of 310 Beaver Street to take it from a commercial printing business usage to a warehouse usage so I can use it for my automotive business. A little bit of a personal introduction on my end to everybody, I'm Joshua Volk. I initially started "*Next Level Tuning*", my business, in 2001 when I was a sophomore at St. Vincent. In 2004 I bought the property at 305 Beaver Street which is right across the street from the Stevenson's building. I'd classify it as an automotive specialty shop. I focus on everything for Volkswagen and Audi specifically, that's what we've worked on all these years. The location on Beaver Street we wanted to use, because it gave us the potential of the growth that we wanted to see over the years for the business and room to

expand and grow the business, and it's allowed us to do just that. The only problem is if you have a successful business and have that growth you can tend to run out of room, and we definitely are at about the maximum capacity for the location or the facility. It's starting to negatively impact the ability to work efficiently and get things done, as well as to continue to grow in any way. The building across the street would obviously be very convenient. And if we were able to use that as a warehouse and storage for these different parts and different things, then we could go back to using our current location in a much more efficient manner and have better turnaround times and continue on the same path that we have for almost 15 plus years now. Some of the key things—Mark had touched on that a little bit—but some of the things that we were I guess looking at from the benefit standpoint for the neighborhood, is having the current location at 305 and then there's also lot, I believe is 309, it's all what our property is. 310 is literally right across the street, so being able to use that in such a close proximity is good for us, but it's also beneficial because there would also be no increase to any traffic or any commotion going on, on Beaver Street or the surrounding streets. Additionally it would improve, in my opinion, the traffic from what it was when Mr. Stevenson was using it as a commercial printing business because there wouldn't be that traffic. Previously with all the years that I've been there, there was only on-street parking available for commercial printing so you would have a number of cars parking along the side of the street, which would at times get a little bit much because there's residents on the ends and they would park on the street as well. So, that would be another benefit that with our lot and our property people are already parking there and we're using it as a warehouse so there wouldn't really be any on-street parking either that would be a problem. It would be better on all those different fronts. The benefit too, it's been a number of years I don't know where the hell they all went but, slowly but surely we've really tried to work in a consistent manner to improve our 305 Beaver Street aesthetically and try and make it look nicer for the neighbors and the neighborhood, and obviously there's a benefit for us too. We want our customers looking at our property like it's a reputable business and a very nice property. We have run into some different issues because it's really just getting overcrowded and packed, that it's starting to get a little bit difficult to continue forward with certain improvements that we want to do, so I think if we were able to use the 310 Beaver Street as the warehouse for all the parts and inventory and such, it's going to allow us to continue on with improvements to the property and the curb appeal factor and clean up the lot even more, if we have somewhere to put all the stuff. Obviously with 310 Beaver Street, should we would be able to proceed with this, I think that that property too with how Lee had been getting a little bit older and had some different things personally health wise and his wife and whatever else, I think that I would be of a better capacity to keep up on the maintenance and the upkeep of the building and we'll say the curb appeal of the property and the building. So for me, it's a win win. I can better my property and I can better that property, even though I wouldn't own it at this point, it's still across the street from my building so the people that drive onto the street can see the condition of everything. It would collectively improve both locations, both properties. I talked to a number

of the neighbors on Beaver Street that I've gotten to know over the past 12 years. They all seem to be in favor of or like the idea—Oh well you'd buy it, I'm sure you'd keep up with it and clean it and do this and do that, and it would probably help you out with how full you are at your lot and your shop. So, I think that it would be a collectively seems to be a very good thing for not only myself and my business and the Stevensons, but also for the neighborhood in general I think that it would be a very, very good thing.

Lou DeRose: You told us that you want to use it for warehousing and storage.

Josh Volk: Yes.

Lou DeRose: Are you able to definitively indicate to us that only warehouse and storage would occur in this building? There would be no repairs done to automobiles, you'd keep that over at 305.

Josh Volk: Correct.

Lou DeRose: And the hours that you'd be working?

Josh Volk: They'd be the same as to what we're open currently at 305 Beaver Street. Mondays through Wednesdays I'm there from 9 to 7, and Thursdays and Fridays I'm there from 9 to 5.

Lou DeRose: Would there be any noise factor at all from 310 other than the opening and closing of doors and windows?

Josh Volk: No. There would be obviously when we take that brief period of time to move stuff in for warehouse, but no on a daily and consistent basis there wouldn't be very much activity or disturbance at all.

Lou DeRose: I assume the trucks come right now and deliver things to you—

Josh Volk: Correct.

Lou DeRose: --And they would instead of stopping at 310, they would continue at 305 or reverse?

Josh Volk: They're typically going to still, if this would proceed as planned, I would still continue to have everything continue as it is now. Deliveries and everything would still continue at 305. It would be—we would keep some stock and inventory there, but instead of say ten on the shelf, we would keep one or two and put the others over in the warehouse. So, instead of—the most efficient way to do it is still to keep all the deliveries the way it is now, and the additional inventory and overflow would just get warehoused over there.

Lou DeRose: When you mention aesthetics, do you have something special in mind?

Josh Volk: There are definitely some different things. Initially—Can we clarify which property?

Lou DeRose: The new one.

Josh Volk: 310. For all the years that I was there, the property not that it's in disarray of any means, but the siding definitely needs pressure washed and cleaned and the building needs to be painted, weeds need to be pulled, shrubs are overgrown on the one side of the building that need taken care of—All of those with the basic curb appeal type of upkeep things was right off the bat what I was thinking of doing.

Barbara Ciampini: And then at 310, 305 we talked about that trailer that you have stored there. Could you explain to the board what your plans are there?

Josh Volk: Well that was the trailer that we had from the previous owners that we use for storage. We have a large amount of car parts and different things in that trailer. I will be the first to admit it looks awful. If I was living around there I wouldn't want to look at it either and I as a business owner don't want my customers to look at it. But, the problem that we've these years I don't have anywhere to put any of the stuff, and that's even the problem we have with a few vehicles—I know to a very large amount of people that Volkswagens and Audis might not mean anything they have any interest in, but just like certain other vehicles there a very large following for those types of cars and there's a lot of times certain parts can be very hard to source and locate. So even know the easiest thing would be to take it to the car and crush it, as an enthusiast for those car brands, I can't bring myself to do that. There's a few that need to be parted out—

Lou DeRose: Cannibalized.

Josh Volk: If I were to take one car that was occupying one spot, but I was to take the fenders, the doors, the interior, the engine all these parts off, where am I one going to put them, and it's going to take up more room to disassemble than it is just sitting right there. The collective is to have somewhere to put all of these parts in where they can be efficiently categorized, inventoried, and do it the right way and clean up our lot, and yes tear down that old eye sore of a trailer. At this point in time too, I really love not staring at the asphalt roof on the building next door since that got torn down. But that being said I have even noticed going to work down 819 and I look over and say "Oh, now you can see that damn trailer." So with that all being said that is something—it is going to be a little bit of a large endeavor to tear that thing down, don't get me wrong, but step one we need to make some room around it and get rid of some of these cars and parts and inventory them. Then we need to take all the parts that are in the storage trailer

and put them somewhere before we can tear it down and haul it off, but that is definitely a goal.

Barry Gaetano: One of the things I noticed when I came down, I wanted to take a ride down and see what was happening, and one of the things I noticed inside your business there's a lot of storage of items, which if you had an additional place it seems like you would have the ability to work on—to have the space to work on more cars or be safer in the place you are working in now.

Josh Volk: Absolutely.

Barry Gaetano: So you would be able to move a lot of the storage out of that business over into the other building.

Josh Volk: That's the efficiency from a work stand point. The first few years that I worked out of this location, we could fit five cars in that garage. I can fit two or three crammed now, because we get these big boxes in; here's an exhaust, here's this car part. The shelves are full and I can't put them on shelves anymore so they start getting put right at the bottom of the shelves and stacked up and then that's getting too full so then we start another stack, and the next thing you know there's probably 40% of that garage is taken up by inventory and parts. So, if I had somewhere to put all of this, not only would it clean up the lot and achieve all those things that I've already mentioned, but I could actually get more cars in the garage and have an improved turn around with room to actually work around the cars. So collectively, all these different things is why it's pretty imperative for me moving forward and having this business at this location in the City of Greensburg if I want to keep going down the road that I'm going, to have a warehouse right across the street would not only be ideal, but it's probably the only way I can continue on.

Barry Gaetano: Now is this request predicated upon only if the sale of the business goes for this business, is that correct? I mean is there an agreement already in place for purchase?

Josh Volk: Yes.

Barbara Ciampini: We have that. It's part of the file.

Barry Gaetano: Okay, so this approval would only pertain though, if for some reason the sale fell through—

Patsy Iapalucci: It doesn't go through.

Barry Gaetano: If somebody else wanted to use it for—

Barbara Ciampini: No, I think it depends on how we would make the motion because the use usually goes with the building.

Barry Gaetano: Okay.

Barbara Ciampini: So once you would make the motion for this then—

Barry Gaetano: So the use of warehouse.

Barbara Ciampini: Yes.

Barry Gaetano: Okay. So another person could come in for a warehouse or it could be something else then.

Barbara Ciampini: Right, and then they would have to come back. But I don't think there would be a danger in saying warehouse, changing the use to a warehouse, but if you want to stick it just with Josh then that's—

Barry Gaetano: No that's fine. I just wanted to make sure it was just for a warehouse.

Barbara Ciampini: Yes, just for a warehouse.

Lou DeRose: You could say Josh's warehouse.

Barbara Ciampini: And one of the things this board has to look at is this use, is this new use changing the characteristics of the neighborhood in a negative fashion?

Lou DeRose: If you found in your collective wisdom that this use, the requested use, a storage warehouse was less different than a commercial printing business, less stress on the neighborhood, easier for the neighbors to take, then it's a normal change in one non-conforming use to another. You can always go to something less offensive with the zoning ordinance. So we are trying to, maybe some of you have heard me over the years say special exceptions are terribly named because they are not special and they are not exceptions. This is something that is contemplated and just a question of degree. Is this a better use of the property than a printing company, and you may find that it's an equal that's okay too.

Charlotte Kuhns: Any questions or any further information? Okay Josh, thank you.

Charlotte Kuhns: Is anyone against Josh buying the building?

Donald Weatherhead: I had a couple questions about how this is going to operate.

Barbara Ciampini: He didn't get sworn in.

Lou DeRose: Yeah you didn't get sworn in. Do you want to come up and ask those questions?

Donald Weatherhead: Do I need a microphone?

Barbara Ciampini: Yes, you have to come to the microphone, sir.

Donald Weatherhead: I'm Don Weatherhead. I live on Wayne Avenue just around the corner from this place. My question is, are you going to be unloading and loading items from Albert's Way, which is the alley between Beaver and Grant Street?

Barbara Ciampini: Mr. Weatherhead, you have to ask the questions to the board.

Donald Weatherhead: Oh.

Lou DeRose: The question you want to ask is whether he will be using offloading onto his new property from a certain alley, right?

Donald Weatherhead: Well Albert Way, it's not an alley.

Barbara Ciampini: Yes, it is an alley called Albert Way. We have names for alleys

Barry Gaetano: Is that behind the building?

Barbara Ciampini: Yes.

Barry Gaetano: Okay.

Donald Weatherhead: There is a loading dock there and that is one of the benefits that they can load and unload items there.

Lou DeRose: We'll ask him that question. Do you have any other questions?

Donald Weatherhead: What type of vehicle will be unloading? Will they be tractor trailers, and will they be engines that will need a forklift to move stuff and increase noise. Albert Way is already getting to be a good thorough affair from Harvey Avenue up to Wayne Avenue. There's a constant stream of traffic there, and parts of the alley are getting to be in need of repair. There's a big pot hole down there, and it's getting bad.

Lou DeRose: Well he didn't say anything yet. Do you have any other questions?

Donald Weatherhead: Comments, yes.

Lou DeRose: Once you comment, we have to swear you in.

Donald Weatherhead: Pardon?

Lou DeRose: We have to swear you in if you want to comment. Questions are okay.

Donald Weatherhead: Oh okay. I won't comment.

Lou DeRose: Okay, Josh, may we have you come back?

Josh Volk: As far as the loading dock in the rear of the building, it's going to be the same as what we were talking about in the front. Any deliveries or so on and so forth will still be made at our primary location at 305. The commercial printing business would have semis come down and unload at their loading dock and so on and so forth. On a regular basis, deliveries or access or any of those other things that rear loading dock or the building in general will not be receiving any deliveries, and I would assume that even rear access would be significantly reduced from his commercial printing business.

Barry Gaetano: So I guess my question would be, how would you get your engines over there? Would you move them yourself?

Josh Volk: They are all going to be on engine stands so we would roll them over.

Barry Gaetano: Oh okay.

Josh Volk: There is a side entrance to be honest that is even easier to access since it's ground level, it's not raised a couple of feet and it goes right into the level floor of the building, so the easiest thing for us would be to have the engines on engine stands. The bottom line, no deliveries should ever really be made over there, they are going to be made at our 305 location. We won't be taking engines in there all that consistently. There will be a period when we are transitioning and moving stuff in there, but on a regular basis—

Barbara Ciampini: You're not manning it in there. There's not going be staff at this location.

Josh Volk: No, it's just pretty much going to be to hold and warehouse all of those parts.

Charlotte Kuhns: Any other questions? The board has none. Anyone else in the audience that would like to speak or ask questions? No, okay. Would one of the board like to make a motion?

Barry Gaetano: I'll make the motion to use the special exception to allow the property at 310, that's what it is 310, to be changed to a warehouse storage facility.

Lou DeRose: Any restrictions?

Barbara Ciampini: It would have to comply with all the building codes, because there might be some changes in use for the new use.

Lou DeRose: Other than the normal must comply with the rest of the ordinance and the building codes and the state regulations, is there anything that you want to limit in your motion?

Barry Gaetano: No, I don't.

Charlotte Kuhns: Alright, I'd like to take a vote.

Barbara Ciampini: You need a second.

Patsy Iapalucci: I'll second.

Charlotte Kuhns: Okay, can we have a vote then; a roll call?

Barbara Ciampini: I'll do it, I'm sorry. Patsy Iapalucci?

Patsy Iapalucci: Yes.

Barbara Ciampini: Jon Hillwig?

Jon Hillwig: Yes.

Barbara Ciampini: Barry Gaetano?

Barry Gaetano: Yes.

Barbara Ciampini: Charlotte Kuhns?

Charlotte Kuhns: Yes. Alright the motion passes. You will be getting written approval.

Barbara Ciampini: We will be sending you written approval, and if you like a copy of the minutes, we will give you those too.

Mark Stevenson: Now, question, the pending sales date is July 1st. Are we good to go with that then?

Barbara Ciampini: Charlotte is about to read something to you. You should probably listen to this.

Charlotte Kuhns: Alright. Within 30 days of the decision of this board, this decision may be appealed to the Court of Common Pleas of Westmoreland County. It is important that you understand that the person requesting action may take an appeal if the decision of the board is against him. Those opposed to his or her requesting may also take an appeal within the 30 day period. If the action of the board results in the approval of the request of an individual, no work may proceed on the property until the 30 day appeal period is expired. Any person wishing for a copy of this decision may please leave your name and address with the secretary.

Barbara Ciampini: Do you want to explain Lou what that means in regards to the transfer of the property?

Lou DeRose: Well if you have a closing date of July 1st like I heard you say, this is June 15th, there's 30 days in June, and 30 days from today is July 15th is roughly the 30 day period. There's a risk if you close on July 1st and want to do work on this and somebody takes an appeal, they don't even have to be here today, but they can take an appeal. The court could schedule for October, and in the meantime it prevents you from doing anything. I'm not in the position to tell you what to do, but it seems to me that you might want to reschedule that.

Charlotte Kuhns: Could I have a motion for adjournment please?

Patsy Iapalucci: I'll make the motion.

Charlotte Kuhns: Meeting adjourned. Thank you everybody.

Meeting adjourned at 4:30 PM

