

**GLEN OSBORNE BOROUGH  
MINUTES OF JUNE 11, 2013  
ZONING HEARING BOARD**

**CALL TO ORDER**

The meeting of Glen Osborne Borough Zoning Hearing Board was held in the Osborne Elementary School on Tuesday, June 11, 2013. Timothy J. Bish, Solicitor of the Zoning Hearing Board, called the meeting to order at 7:09 p.m.

The following individuals were in attendance at the meeting:

Zoning Hearing Board: Gary Bauer, David Gibson, William Reiser

Officials: Secretary Diane Vierling, Code Enforcement Officer Nancy Watts,  
Councilwoman Holly Merriman

Court Reporter: Donna M. McMullen

Visitors: John Burger	1500 Railroad Street
William Bresnahan, Esquire	“ “ “
Louis Dell’ Aquila, Esquire	“ “ “
Fred Winegarten	1510 Railroad Street

Solicitor Timothy Bish reported that an Executive Session of the Zoning Hearing Board was held prior to this meeting to receive advice of counsel on litigation items and other matters before the Board.

Solicitor Bish led the meeting with the Pledge of Allegiance.

Reorganization of the Zoning Hearing Board for 2013:

Gary Bauer, Chairman

David Gibson, Vice Chairman

Timothy J. Bish, Esquire, Solicitor for the Zoning Hearing Board

Each Zoning Hearing Board member was appointed as a Hearing Officer.

Solicitor Bish reported that notice of this meeting and this hearing was advertised, and the subject property for this hearing posted pursuant to requirements of the Pennsylvania Municipalities’ Planning Code.

**OLD BUSINESS**

Solicitor Bish reported that parties to the appeal of the Quaker Valley School District and the North Way Christian Community have been working on a proposed consent order. The consent order would permit the North Way Christian Community to continue to use the Osborne Elementary School building for services as a place of worship, and would also clarify some issues related to the school district’s use of the school building.

Gary Bauer motioned to approve the Consent Order of Court between Quaker Valley School District, North Way Christian Community, Glen Osborne Borough and the Glen Osborne Borough Zoning Hearing Board related to land use appeals filed in Allegheny County Common Pleas Court at docket # SA11-00345 consolidated, and to authorize the Zoning Hearing Board Solicitor to execute this Consent Order of Court on behalf of the Zoning Hearing Board. David Gibson seconded the motion. The Zoning Hearing Board voted 3 – 0 to approve the motion.

**NEW BUSINESS**

Solicitor Bish reported that John Burger filed an appeal to the Borough Code Enforcement Officer's Notice of Violation Cease and Desist Order dated April 18, 2013, related to property owned by Arden River Development, Inc. located at 1500 Railroad Street in the Borough's C-1 commercial district, 420-D-275.

The Notice of Violation Cease and Desist Order states that:

1. The storage of objects and items outside of the storage unit on the subject property is in violation of the 2010 Borough Council Conditional Use Approval granted to Burger Designs in the Borough Zoning Ordinance.
2. The operation of a construction business on the subject property is in violation of and prohibited by the Zoning Ordinance # 400 as amended, as well as the 2010 Borough Council Conditional Use approval granted to Burger Designs.

Exhibits were entered into the record. (See the attached list, Exhibits 1 - 9)

John Burger, William Bresnahan, and Nancy Watts were sworn in by Court Reporter Donna McMullen.

John Burger's counsel, William Bresnahan, requested a continuance of this hearing. Mr. Bresnahan stated that they believe if they have an opportunity to meet with Code Enforcement Officer, Nancy Watts, on the site, they might be able to alleviate the necessity for the hearing and work out something amicable. Nancy Watts stated that the Borough did not have an objection to the continuance. Solicitor Bish stated that this type of continuance is routine in Zoning Hearing Board proceedings. Mr. Bresnahan stated his client would be willing to wave the 45 day continued hearing requirement. Solicitor Bish requested that the parties contact him to indicate if they have or have not been able to resolve the issues.

Gary Bauer motioned to continue this Public Hearing on John Burger's appeal to a date that will be determined after notification from Mr. Burger's attorney, William Bresnahan, and Code Enforcement Officer, Nancy Watts, that a hearing is necessary to proceed.

David Gibson seconded the motion. The Zoning Hearing Board voted 3 – 0 to approve the motion.

Solicitor Bish addressed some of the legal issues that will assist him if this hearing moves forward:

1. The new Borough Zoning Ordinance adopted in 2012
2. The previous Borough Zoning Ordinance

Solicitor Bish stated it would assist the Zoning Hearing Board when reviewing the violation for operating a construction business, if they knew which Ordinance the Borough was proceeding under. Also, it would assist the Board if there was a designation of what kind of classification the Borough was considering that type of use.

Solicitor Bish also stated it would assist the Board to know (from Mr. Burger's point of view) when he started any uses on the property. And finally, it would help the Board to know of any permits were granted for uses on the property. If there were permits granted, what those uses are.

**ADJOURNMENT**

There being no further business, on motion of Gary Bauer, seconded by David Gibson, the Board voted 3 – 0 to adjourn at 7:25 p.m.

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Diane Vierling, Borough Secretary

