



Borough of Ben Avon Heights

Tuesday, October 22nd, 2024– Working Meeting

A quorum is in attendance

Present:

Council Members: Berardi, Brown, Dawley, Lope, Morris, Neunder, Stiller

Mayor: Dismukes

Secretary: DiNuzzo

Residents: No public present

Call to Order: Mr. Stiller called the meeting to order at 7pm

1. Public Comment:

2. Approval of September Meeting Minutes: *A motion was made by Mr. Brown to approve the September 2024 meeting minutes. Ms. Berardi seconds the motion.* Mr. Lope noted that the fourth line from the bottom states' swellings, he believes this should state dwellings. *Motion passed.*

3. Zoning Ordinance discussion and edits: Mr. Stiller started with the notes that the solicitor provided Council. The solicitor suggested reaching out to the Borough engineer for their opinion on the retaining wall. He also suggested for a definition, a wall or man-made soil retention system designed to resist lateral soil pressure and hold back, or "retain" higher level ground behind it. Retaining walls providing a cumulative vertical relief greater than ten feet are subject to the review of the Borough Engineer. For the purposes of this article, methods of soil retention regulated shall include, but not be limited to: cast-in-place walls, soil nailing, modular systems, h-beam systems, boulder walls, and gabions.

The solicitor also suggested the permanent Playground structure definition: A stationary structure accessory to a residential structure, designed to provide recreation primarily for children, such as swings, slides, climbers and seesaws. Council believes what is missing in this definition is the term permanently attached and adjusted accordingly. Changes were made to the definition of Outdoor Kitchen with input from the solicitor.

The solicitor suggested for Front Yard: A yard extending between Side Lot Lines across the full Lot width from the Front Lot Line to a line parallel to the Building Front of the Structure of the Principal Use of the Lot (See Figure 1). For purposes of interpreting the requirements set forth in this Ordinance, the Front Yard where the street address is located shall be considered the Main Front Yard. Mr. Brown would like to reword this. Other Council members agreed it wasn't clear.

Mr. Stiller continued that the solicitor suggested using Club not Clubhouse in defining Private Recreation. Mr. Brown added he feels Council should leave it as is. Mr. Stiller wanted to confirm the County didn't make a comment about this, Mr. Dawley noted they suggested being more descriptive.

Mr. Stiller worked extensively on the new table in 315 and was open to suggestions. Council worked together collectively editing the table. Mr. Dawley questioned where this table was before, Mr. Stiller noted he added this table and Mrs. Neunder added she believes this table was requested in the past and Council agreed it was helpful. Heavy discussion took place over Accessory Dwelling Units (ADU's) again, members who were not at the September meeting questioned the new changes. Council aligned to allow ADU's attached to principal structure or garages only. Concerns were raised that these could potentially be rented out, if not with current owners but new. Mr. Brown suggested very straight forward language that states these cannot be used for rental purposes. The solicitor felt the suggested language was fine but suggested changing it to D, to prevent someone who has a garage and a house on separate lots from claiming two ADUs. He also suggested the following:

- A.) Accessory dwelling units shall be attached to a permitted principal residential dwelling or shall be a garage, detached.
- B.) Accessory dwelling units are only permitted in conjunction with owner-occupied properties, when the owner resides on the site on one for the dwellings on the lot.
- C.) Only one accessory dwelling unit is permitted on a lot provided that if an owner owns two or more contiguous lots such lots will be considered a single lot for purposes on this section.
- D.) Accessory dwelling units shall meet all the setback, bulk and area requirements of the principal use of the lot.
- E.) The minimum number of required parking spaces for an accessory dwelling shall be added to the minimum number of required parking spaces for the principal use.

Discussion over Front Yard definition again picked up when discussion over front porch encroachment was discussed. Mr. Brown would like it to state in the Main Front Yard. He also would like us to define Front Porch. Council reviewed and discussed outdoor fire pits and fireplaces. Council decided to stop on pg. 43. Mr. Brown reminded Council members the November working session will meet November 19th, 2024 due to the Thanksgiving holiday.

Meeting adjourned at 8:58pm