

TARENTUM BOROUGH ZONING HEARING BOARD

IN RE: APPLICATION OF SLEEPING  
LION, INC., for a SPECIAL EXCEPTION

FINDINGS OF FACT, CONCLUSIONS OF LAW and DECISION

1. The property owner, Sleeping Lion, Inc. represented by its President Mark Knapp, is seeking a special exception pursuant to the Tarentum Borough Zoning Ordinance, hereafter "Ordinance", to use property located at 122 East 4<sup>th</sup> Avenue as a duplex with a residential unit on the ground level, and a residential unit on the second floor.

2. The subject property is in the Commercial Center (CC) Zone as defined in the Ordinance.

3. Notice of a hearing on the Application for a Special Exception was duly advertised according to law.

4. A hearing was held on Thursday May 24, 2018 at 7:00 P.M. at which time a quorum of the Zoning Hearing Board was present. Also present was the Zoning Hearing Board Solicitor, Gerald G. DeAngelis, Mark Knapp, President of the corporate property owner Sleeping Lion, Inc., and Chris Fabec, Tarentum Borough Zoning Officer.

5. The Zoning Ordinance is dated February 2013. The property owner purchased the property January 25, 2017, at which time the property was in compliance with the Ordinance. (The date of purchase was taken from the Allegheny County assessment website.)

6. The Zoning Ordinance defines a duplex as "a detached building containing two dwelling units that constitute the sole principle uses of the building and which are arranged such that each unit possesses separate exterior entrances and where the stories occupied are arranged adjacent to and not above or below the other dwelling unit".

7. The Applicant's reason for seeking a Special Exception is "Lower floor is very hard to rent as commercial space given location". (Language quoted is answer to Question 9 on Application).

8. Applicant has not engaged a real estate agent or rental agent to attempt to rent the lower floor of the building. (Transcript P.12 Line 17).

9. According to the Zoning Officer there is one other building in the CC Zone that has a residential dwelling on the first floor. It is a commercial building with a business on the first floor and a business on the second floor. It also has a residence on both floors. This arrangement preceded the Zoning Officer's tenure as the Zoning Officer.

10. The Ordinance authorizes the Zoning Hearing Board to grant Special Exceptions in the nature of expanding and changing non-conforming uses.

11. The previous owner lived in the upstairs of the building and had a business in the downstairs, (Testimony of Mark Knapp. Tr. pg 10, lines 7 through 24) thus the use was not a non-conforming use.

#### CONCLUSION AND DECISION

Based upon the facts presented and the Ordinance, the Zoning Hearing Board unanimously denies the request for a Special Exception.

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JOHN CIESLINSKI, Chairman  
Tarentum Zoning Hearing Board

Date: \_\_\_\_\_