



Division of Development Administration and Review

City of Pittsburgh, Department of City Planning

200 Ross Street, Third Floor

Pittsburgh, Pennsylvania 15219

August 23, 2011

097 of 2011

Linda Hoffman

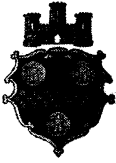
Dear Appellant and/or Hearing Participant:

Enclosed is your copy of the decision by the Zoning Board of Adjustment. This is not a permit. If your decision has been approved, you must return to the Zoning office and pick up your paper work so that your permit may be processed. Please Note: if your decision has been approved **with conditions which require an amendment to your site plan**, you must also provide us with a new and updated site plan or survey with those conditions notated on the plan. Please contact Brendan Schubert, Zoning Code Administrative Officer, at (412) 255-2231 if you have any questions regarding your Zoning Board decision or the final staff review process.

This decision expires one year after the decision date as shown on the enclosed copy. A permit should be obtained forthwith, and substantial construction or occupancy should begin within one year of approval. If additional time is needed, you may request a one-year extension by writing the Board within the one-year time period. Include the zone case number and the address of the subject property with a brief explanation, and send it to: Zoning Board of Adjustment, Department of City Planning, 200 Ross Street 3rd Floor, Pittsburgh, PA 15219.

If you or any affected person are dissatisfied with the Board's decision, an appeal may be made to the Court of Common Pleas of Allegheny County within thirty (30) calendar days of the above mailing date. The appeal process is conducted at the Prothonotary's Office located on the main floor of the City County Building.

A transcript of your hearing will be required and can be obtained by calling our reporting agency, Network Deposition Services, at (412) 281-7908. Please have your zone case number and the date of your hearing available. We encourage you to consult an attorney if you choose to appeal.



ZONING BOARD OF ADJUSTMENT

Date of Hearing: August 4, 2011
Date of Decision: August 18, 2011

Zone Case: 97 of 2011
Address: 1705 Fallowfield Ave.
Zoning District: R1D-L
Ward: 19
Neighborhood: Beechview

Owner/Applicant: Angela Pasquale/Stephen Repasky

Request: Use of 6000 sq. ft. lot as Urban Agriculture (limited) with Beekeeping

Special Exception	911.04.A.2(b)	Urban Agriculture (limited) with Beekeeping is a Special Exception in an R1D-L zoning district
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Appearances:

Applicant: Stephen Repasky
In favor: Joe Zgurzynski, Angela Pasquale, Phyllis DiDiano, Estelle Simpson, Jana Thompson, Rachel Romano
Objectors: Kathryn Hanna, Mary Winter, Norbert Winter, Gerardo Santoro, Elvira Santoro, Anthony Gugliotti, Linda Hoffman, Pete Wagner, Shawn Murphy
Observing: Corey Layman, Jason Kambitsis, Beth Mullaney, Marilyn Brown, Diana N. Jones

Findings of Fact:

1. The subject property is located at 1705 Fallowfield Avenue in an R1D-L (Residential Single Unit Detached, Low Density) zoning district in Beechview.
2. The owner of the property, Ms. Pasquale, resides on the property is willing to allow Mr. Repasky and Burgh Bees to install and care for beehives on her property. Only honeybees would be kept at the property.
3. Mr. Repasky and Mr. Zgurzynski testified to the safety and logistics of beekeeping on this property. Both Mr. Repasky and Mr. Zgurzynski are Master Beekeepers. Both have been through schooling and testified that they have an upper level college understanding of beekeeping. Their testimony is summarized below:
 - a. The health and safety risk to the community is extremely low.
 - b. Each hive may contain up to 40,000 bees. More than half of the bees per hive will never leave their hive. Those bees that do leave (worker bees) the hive stay within approximately 3 miles from the hive.

The Zoning Board of Adjustment reserves the right to supplement the decision with Findings of Fact and Conclusions of Law in the event of an appeal of the Board's decision.

- c. Honeybees are not attracted to food like other species such as wasps and hornets. Honeybees will not attack unless provoked because honeybees die after losing their stinger and worker bees are relied upon to complete their job.
 - d. Mr. Repasky would be the main caretaker at this property. He would visit the property between every 2 and 14 days. The amount of time in between each visit varies by season. By visiting, inspecting, and making necessary adjustments to the beehives at the appropriate intervals, a Master Beekeeper is able to prevent problems.
 - e. Swarming is one such preventable problem. Swarming occurs when there is a build up of population in one beehive. When a hive becomes too crowded, a portion of the population will select a new Queen bee and find a new location for a hive. By properly managing a beehive, a beekeeper can reduce and eliminate swarming.
 - f. Properly managed beehives are beneficial to a community for two reasons. First, honeybees are pollinators. Pollinators enable fertilization and reproduction of plant life. Secondly, properly managed beehives help to prevent and/or mitigate the possibility of unmanaged beehives.
 - g. There are at least 2 unmanaged beehives in Beechview.
4. Several neighbors testified in opposition. Their testimony is summarized below:
- a. With or without a true safety risk, there will be a decrease in property values.
 - b. Several neighbors are highly allergic to bee stings. Some are concerned that they will not be able to enjoy their outdoor areas if beehives are in the area.
 - c. Children and animals are commonly outside in this area.
 - d. There are many flowers and some small bodies of water in the area to attract bees.
 - e. More bees create a larger probability of attacks.
 - f. There are many larger and more appropriate lots in Beechview for beekeeping.
 - g. Shawn Murphy once worked at a county fair. He testified that bees were a major problem at the fair. He testified that bees were found in and around soda cans and other food. Several people were stung. Mr. Murphy testified that these were honeybees.
5. Corey Laymen from the Department of City Planning testified that the applicants submitted a memo and meet all standards under 911.04.A.2(b).

Conclusions of Law:

1. The Board is specifically empowered by law, Chapter 922 of the Code, to decide whether a grant of a special exception is appropriate. Pursuant to Section 922.07.D.1 of the Code, the Board is to determine the reasonableness and propriety in each case, prior to the grant of a special exception; however, the Zoning Board of Adjustment shall approve Special Exceptions only if (1) the proposed use is determined to comply with all applicable requirements of this Code and with adopted plans and policies of the City and (2) the following general criteria are met:
 - (a) That the development will not create detrimental visual impacts, such that the size and visual bulk of the proposed development is determined to create an incompatible relationship with the surrounding built environment, public streets and open spaces and land use patterns;
 - (b) That the development will not create detrimental transportation impacts, such that the proposed development is determined to adversely affect the safety and convenience of residential neighborhoods or of vehicular and pedestrian circulation in the vicinity of the subject tract, including traffic reasonably expected to be generated by the proposed use and other uses in the area given the existing zoning, existing land uses and proposed land uses in the area;
 - (c) That the development will not create detrimental transportation impacts, such that the proposed development will result in traffic volumes or circulation patterns that substantially

exceed the capacity of streets and intersections likely to be used by traffic to and from the proposed development;

(d) That the development will not create detrimental operational impacts, including potential impacts of hours of operation, management of traffic, servicing and loading operations, and any on-site operations associated with the ongoing functions of the use on the site, in consideration of adjacent and surrounding land uses which may have differing sensitivities to such operational impacts;

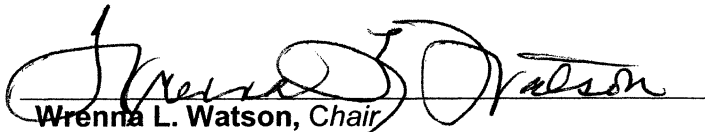
(e) That the development will not create detrimental health and safety impacts, including but not limited to potential impacts of noise, emissions, or vibrations from the proposed development, or functions within the proposed site which would otherwise affect the health or safety of others as a direct result of the operation of the proposed use;

(f) That the development will not create detrimental impacts on the future and potential development of parcels in the vicinity of the proposed site of the development; and

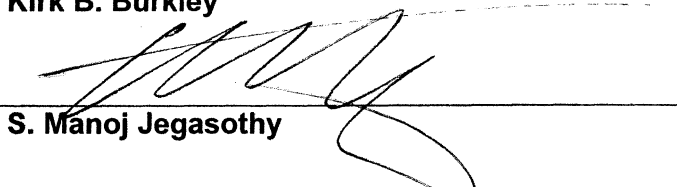
(g) That the development will not create detrimental impacts on property values.

2. Under Pennsylvania law, a special exception is a permitted use. Once an applicant for special exception has established compliance with the specific objective requirements for that exception as set forth in the ordinance, the objectors to the proposed special exception have the burden of persuasion and the duty to go forward with evidence that the general, nonspecific requirements have not been fulfilled. *Bray v. Zoning Board of Adjustment*, 523, 410 A.2d 909 (Pa. Cmwlth. 1980).
3. The applicant has met all requirements under Code Section 911.04.A.2(b).
4. The proposed use will not have any detrimental visual, transportation, operational impacts. The applicant met his initial burden to show that the proposed variance will not create detrimental health and safety or property value impacts.
5. However, the opposition has met a greater burden to show that the proposed use will have detrimental health and safety impacts. Furthermore, the proposed variance will have detrimental impacts on property values in the area.
6. The Board finds that the risk of bee stings in this area is too high. Because there are many in the area with allergies to bee stings, one sting could be fatal. Although the probability of a sting may be low, the risk is too great.
7. The Board finds that the proposed variance will have a detrimental impact on the property values of surrounding properties. Health risk or not, perception drives property values. Less people would be willing to move into this area. The demand for and price of homes in this area would therefore decrease.

Decision: Applicant's request for a Special Exception from Section 911.02 is hereby DENIED.


Wrenna L. Watson, Chair

Kirk B. Burkley


S. Manoj Jegasothy