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MAR 31 2022

COMMUNITY  
DEVELOPMENT

HAMPTON TOWNSHIP ZONING HEARING BOARD

\* \* \* \* \*

In Re:

Decision: No. 22-01 - Dean LeDonne

Hearing: No. 22-02 - James Gerdun

\* \* \* \* \*

Verbatim record of hearing held at  
3101 McCully Road  
Allison Park, Pennsylvania  
March 22, 2022

MEMBERS OF THE BOARD

David Moran - Chairperson  
Kevin Barley - Member  
James Tomazich - Member

ALSO PRESENT:

James Mall, Esquire - Solicitor  
Amanda Gold-Lukas - Land Use Administrator

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Decision: No. 22-01 - Dean LeDonne

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Hearings: No. 22-02 - James Gerdun  
James Gerdun  
Amanda Gold-Lukas

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1 Board concluded that the variance should be granted as  
2 follows: a variance of seven and a half feet is granted  
3 for the construction of the applicant's proposed home  
4 only as to the southern property line. That is the line  
5 bordering the property owned by Mr. Samtana.

6 There is no variance granted as to the northern  
7 property line, that is the line bordering property owned  
8 by Chelsea Rush.

9 It is the intent of this variance that the  
10 proposed home shall not be constructed within 15 feet of  
11 the northern property line.

12 So, on that basis, the Board finds that the  
13 variance as stated should be granted and as set forth in  
14 the detailed opinion.

15 Mr. Barley, do you concur?

16 MR. BARLEY: I concur.

17 CHAIRMAN MORAN: Mr. Tomazich, do you concur?

18 MR. TOMAZICH: I concur.

19 CHAIRMAN MORAN: And I concur as well.

20 The next issue is the hearing of Case Number  
21 22-02. The applicant, James Gerdun -- is it Gerdun?

22 MR. GERDUN: Yes.

23 CHAIRMAN MORAN: Is requesting a variance to the  
24 Zoning Ordinance Number 310 under Article 11, Section  
25 310-72, Subsection E for an existing fence whose

1 unfinished sides face toward the adjoining properties on  
2 property located at 3222 Henrich Farm Lane.

3 Mr. Gerdun, we have a sign-in sheet that --

4 (Brief pause.)

5 CHAIRMAN MORAN: If you could go over to the  
6 microphone, could you state your name for the record?

7 MR. GERDUN: James Gerdun.

8 CHAIRMAN MORAN: And your address?

9 MR. GERDUN: 3222 Henrich Farm Lane.

10 CHAIRMAN MORAN: Mr. Gerdun, I just want to  
11 mention that the Board has had the opportunity -- all  
12 the Board members has had the opportunity to review the  
13 detailed information that you supplied.

14 You have several pages of documents regarding  
15 various issues related to this but it appears that the  
16 only issue that is actually outstanding today is whether  
17 -- concerns the unfinished side facing -- the alleged  
18 unfinished side of the fence facing the adjoining  
19 properties, is that your understanding?

20 MR. GERDUN: That is my understanding as well,  
21 yes.

22 CHAIRMAN MORAN: Okay. So we've had an  
23 opportunity to look at the photographs and the plans and  
24 everything. So if you want to just address that issue,  
25 you don't have to go through the entire -- I'm not

1 saying you -- if you really want to do it, you can do it  
2 but I don't think you have to.

3 MR. GERDUN: Nope, I'm perfectly fine with that,  
4 sir. So may I?

5 CHAIRMAN MORAN: Sure, go ahead.

6 MR. GERDUN: Good evening, everyone. I want  
7 first want to thank everybody for your time this  
8 evening.

9 Just a brief history of the property, I purchased  
10 the home in the summer ore of 2006.

11 As you mentioned, sir, the pool and the wood  
12 fence around it were there at the time of purchase.

13 So why are we here this evening? Well, basically  
14 for three reasons. I purchased the home in 2006. By  
15 2019, it had become apparent that the fence was in  
16 disrepair and needed to be replaced. That was the easy  
17 part.

18 The second reason was my wife wanted to get a dog  
19 and I didn't want to get a dog. So like with most  
20 marriages, we compromised and got a dog. So because of  
21 that, the fence needed expanded a little bit further  
22 than just around the pool.

23 And thirdly, the Township helped me to understand  
24 -- I initially considered this project to be property  
25 maintenance. As soon as I expanded the fence, the

1 Township helped me to understand that it became a new  
2 construction project; and therefore, I needed to apply  
3 for a building permit.

4 I did so based on the letter the Township sent me  
5 on 11/13 of '20. I filed a permit application on 12/2  
6 and I received a denial letter on 12/11 of '20.

7 As you mentioned, sir, a few minutes ago, it is  
8 my understanding this evening that the only remaining  
9 issue is, in fact, the way the fence pickets are facing.

10 This evening, I have three points that I would  
11 like to suggest for the Township's consideration.

12 Point number one -- I have photographs. I'm more  
13 that than happy to share them with you. But as I stand  
14 here this evening, I really don't consider any side of  
15 my fence to be rough or unfinished.

16 This is not a pre-fabricated Home Depot fence. I  
17 custom built this fence personally with my own hands

18 I don't know which photographs you have in your  
19 -- that is actually my neighbor's fence.

20 If I may?

21 MR. BARLEY: We have a series of pictures.

22 CHAIRMAN MORAN: Yeah, we have a number of  
23 photographs.

24 MR. BARLEY: They are labeled Exhibit 7A, B, C,  
25 D, E, F, G, H.

1           MR. GERDUN: Yes. The ones I want to bring your  
2 specific attention to -- and it's part of my point if  
3 you allow me to. If you look at the photograph here,  
4 you will notice that each one of these rails has an up  
5 arrow on it.

6           CHAIRMAN MORAN: Which photograph number is it?

7           MR. GERDUN: It is photograph 7C.

8           CHAIRMAN MORAN: Okay.

9           MR. GERDUN: The reason I call that to your  
10 attention is those are tick marks. I personally scribed  
11 and cut each one of these rails into each post. A  
12 similar process was done for each and every fence  
13 picket.

14           Again, my point in all this would be I don't  
15 consider any side of this fence to be rough or  
16 unfinished. It's a custom installation and I built it  
17 with my own hands and I take a great deal of pride in  
18 the quality of the workmanship. So that is my first  
19 point.

20           The second point, and perhaps the most key point,  
21 in my opinion -- if you have it in your packets, if not,  
22 I have it with me, I would like you to look at Exhibit  
23 7E. Do you have that?

24           MR. BARLEY: We do.

25           MR. GERDUN: Okay. That is a picture of my next

1 door neighbor's fence when standing in my driveway and  
2 turning to the left. The reason I bring that to your  
3 attention this evening, it's a fine fence. And assuming  
4 that it was built the day before I moved into the home,  
5 it stood there for more than 14 years. That is my  
6 neighbor's fence.

7 If I ask you to review Exhibits 7F and G, these  
8 are views of standing on the front street viewing into  
9 my property. The fence on the left or the red stained  
10 fence is my neighbor's. The fence on the right is my  
11 new fence.

12 7H is a bit closer. And my point for bringing  
13 this to your attention is the fences match. As a matter  
14 of fact, I can't substantiate this; but the last  
15 photograph in the set, 7J, is a picture of the  
16 neighbor's fence that I took Mrs. Gerdun over to when  
17 she said, "What is the fence going to look like, hon?"  
18 I said, "That, that is what we are going to build."

19 Okay. And my last point, that -- actually, point  
20 two is probably the key point.

21 My last point -- and I don't know if you have  
22 these exhibits or not, 7K through V?

23 MR. BARLEY: We do.

24 MR. GERDUN: Okay. I simply took a drive on  
25 Saturday afternoon. I made the right on Mill Road off

1 of my street, made the right onto Woodland, came up  
2 Route 8, turned on the Wildwood and made the return loop  
3 to Middle Road.

4 In that simple little circle for a dozen  
5 photographs of examples of fences with the rails  
6 pointing out and the pickets pointing in.

7 And again, I'm not here tonight to critique my  
8 neighbors' or fellow residents' fences, I'm simply  
9 suggesting that fences that existed throughout the  
10 Township was the exact same thing I did.

11 So those are my three points. My closing remarks  
12 would be simply, I've lived in the Township for more  
13 than 30 years. I've owned and lived in three houses in  
14 the Township. I take a great deal of pride not only in  
15 my home, but the fact that I'm a resident of Hampton.

16 I absolutely positively am here tonight to tell  
17 you that I respect what we are doing here this evening.  
18 It's great that we live in a Township where there is  
19 oversight for these types of things. It's great that we  
20 have an open forum to discuss them. And obviously, I  
21 believe we all benefit.

22 I'm simply here this evening to ask each of you  
23 representing the Township if there are truly any  
24 negative impacts of my fence; if not, I respectfully  
25 request a favorable review of the appeal.

1           Again, in closing, I thank everyone for their  
2 time and I would be happy to address any questions you  
3 have tonight.

4           MR. TOMAZICH: Mr. Gerdun, throughout your  
5 original, you referred to resolved at 11/15/21 hearing,  
6 whose hearing was that?

7           MR. GERDUN: That was with the magistrate.  
8 Amanda was present.

9           MR. TOMAZICH: The magistrate, okay, all right.

10          MR. BARLEY: To correct a minor point, the last  
11 exhibit we have is 7U, not 7V. But that's fine. We  
12 have a number of examples of the fences that you are  
13 referring to.

14          When did you construct your fence, approximately?

15          MR. GERDUN: I actually know that answer. I  
16 started laying it out in May of 2020. The first post  
17 was set in June, same year. The pickets were installed  
18 in July of 2020.

19          I received a letter from the Township on November  
20 13th of '20 letting me know that a building permit was  
21 required.

22          I guess I should further note that I haven't done  
23 a thing with this fence until I was -- since I've been  
24 advised that there was an issue.

25          MR. BARLEY: The neighbor's fence has been there

1 for at least since you moved in.

2 MR. GERDUN: I've been there for at least 14  
3 years. I can tell you the current owner of the house  
4 didn't build that fence either. I've been there longer  
5 than him. It is a nice fence.

6 MR. BARLEY: Certainly that, and some, maybe not  
7 all of the pictures, could be existing non-conforming  
8 using. Those that are away from your property, I don't  
9 know how persuasive they are. But certainly, your point  
10 that your fence matches your neighbor's is noted.

11 Does the Township have a position?

12 MS. GOLD-LUKAS: The Township has no opposition  
13 to this request.

14 MR. BARLEY: No opposition?

15 MS. GOLD-LUKAS: Huh-uh. (Affirmative.)

16 CHAIRMAN MORAN: Is the issue unfinished side of  
17 the pickets or the --

18 MS. GOLD-LUKAS: The support structures.

19 CHAIRMAN MORAN: The support structures?

20 MS. GOLD-LUKAS: Yeah. So if you have a shadowed  
21 fence where you have support in the middle and the  
22 pickets straddling the cross-beams, there is no rough or  
23 unfinished side.

24 But I believe in 2018 when we updated it, that  
25 was added so that the, you know, smooth or finished,

1 whatever language you want --

2 CHAIRMAN MORAN: So the issue is the  
3 horizontal --

4 MS. GOLD-LUKAS: The horizontal.

5 CHAIRMAN MORAN: And the vertical support?

6 MS. GOLD-LUKAS: Correct.

7 CHAIRMAN MORAN: Technically, under the  
8 ordinance, it is supposed to be on the inside.

9 MS. GOLD-LUKAS: Correct.

10 MR. BARLEY: Do you know if your neighbor to  
11 the -- either side of your property has any objections  
12 to the fence?

13 MR. GERDUN: I can tell you for a fact that I've  
14 spoken with them both and they have no issue. That's to  
15 either side. I think you sent letters to everybody  
16 around, but those are the only two I spoke with.

17 CHAIRMAN MORAN: Any other questions from the  
18 Board?

19 MR. TOMAZICH: Nope.

20 CHAIRMAN MORAN: Anybody else have anything?

21 (No response.)

22 CHAIRMAN MORAN: Okay. Well, we have 45 days to  
23 render a decision. Generally, we do so at the next  
24 meeting.

25 MR. GERDUN: Okay.

1           CHAIRMAN MORAN: And at that meeting, we will  
2 announce the decision and then it will also be sent to  
3 you.

4           MR. GERDUN: Okay. Thank you.

5           CHAIRMAN MORAN: Thank you, Mr. Gerdun.

6           There's nothing else on the agenda. So that will  
7 conclude the meeting for tonight.

8

9           (The hearing terminated at 7:46 p.m.)

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CERTIFICATE OF REPORTER

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COMMONWEALTH OF PENNSYLVANIA :  
:  
COUNTY OF ARMSTRONG :

I, Heidi R. Hawk, a Notary Public duly commissioned and qualified in and for the said Commonwealth and County, do hereby certify that pursuant to the notice, the within named persons were sworn by me to testify to the truth and nothing but the truth; that the testimony was reduced to writing under my supervision; that this transcript is a true record of the testimony given by the witnesses.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this hearing was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties or financially interested in this action.

In testimony whereof, I have hereunto subscribed my hand and affixed my seal of office this Monday, March 28, 2022.

My Commission Expires:  
March 7, 2023

*Heidi Hawk*  
-----  
Notary Public

Commonwealth of Pennsylvania - Notary Seal  
Heidi Hawk, Notary Public  
Armstrong County  
My commission expires March 7, 2023  
Commission number 1231648  
Member, Pennsylvania Association of Notaries

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