



Township of O'Hara

325 Fox Chapel Road • Pittsburgh, PA 15238 • Telephone: 412-782-1400 • Fax: 412-782-4530

Township of O'Hara
Zoning Hearing Board
Regular Meeting Minutes

November 13, 2023

The regular monthly meeting of the O'Hara Township Zoning Hearing Board held on Monday November 13th, 2023 at the O'Hara Township Municipal Building located at - 325 Fox Chapel Road, Pittsburgh, PA 15238.

Chairman Scott Duffy called the meeting to order at 7:00 PM.

Secretary Tom Gray took roll call and the following board members attended:

Mr. Scott Duffy; Chairman, Mr. Tom Gray; Secretary, Ms. Emily Glick; Alternate

Mr. Richard Lockwood; Vice-Chairman, and Ms. Judie Lai; Alternate (excused from tonight's hearing.)

ANNOUNCEMENTS

Mr. Scott Duffy – We have (3) Cases on file for this evening.

Mr. Scott Duffy: noted meeting procedures, stating that when anyone addresses the Board to come to the microphone, state his or her name, address, and the relationship to the application.

All persons wishing to give testimony during the hearing sworn in by: Tom Gray

Chairman Scott Duffy informs the attendees that the members of the Board have visited the property and reviewed the application and information received for the case. The Board tries to render a decision which everyone involved finds acceptable. If for some reason the applicant disagrees with the decision, the applicant then has the right to appeal the decision through the Court of Common Pleas of Allegheny County.

Mr. Duffy - Thanks everyone for attending.

ZONING HEARING BOARD CASE NO. 1252

Mr. Scott Duffy – reads the case description: Rich Hollibaugh on behalf of property owners David & Christine Bennett wishes to obtain the necessary variance for front yard setback at 106 Frick Road, Block and Lot 291-E-8. The subject property is in the “R-2” (Suburban Residential) Zoning District. As proposed, the request violates the Code of The Township of O’Hara, Zoning Chapter 455, Section 455-5.6.C

Mr. Duffy – asks Scott Chermak where we are on this case.

Mr. Scott Chermak – **On September 11th, 2023 (Case #1252)**, Received a Zoning Hearing Board application from: Rich Hollibaugh on behalf of property owners David & Christine Bennett wishes to obtain the necessary variance for front yard setback at 106 Frick Road, Block and Lot 291-E-8.

The official notice advertising the Zoning Hearing Board Meeting was prepared and advertised twice in The Herald, once on November 2nd, 2023, then again on November 9th, 2023. On October 30, 2023, copies of the official notice were mailed to the adjacent property owners and applicant. Copy of the notice posted for viewing at the O’Hara Township Municipal building and at the subject property on October 30, 2023.

Mr. Duffy – Applicant/Representative for this case – please tell us your intentions.

Mr. Richard Hollibaugh – I’m here on behalf of the applicants, David, and Christine Bennett. Would like to enlarge the front porch in the front yard, which will violate the setback requirements by 11’. The old setback was 30’ and the new is 40’ front setback, making it impossible to build a house with new setbacks. The setbacks were changed of the entire R District was changed. The current porch is out about 4 ½’ and we are asking for an additional 3 ½’ and to extend the porch about ¾ the length of the house. In context with the neighborhood, matching the brick, concrete slab, white trim, and same shingles. Won’t be able to sit on the porch without the approved 40’ setback.

Mr. Scott Duffy – Other homes did not have this type of porch.

Mr. Richard Hollibaugh – Not as large, but some stick out just as far, they are not as wide as this porch will be.

Ms. Emily Glick – What year did the R2 front yard setback change from 30’ to 40’?

Mr. Scott Chermak – Around 1992.

Mr. Tom Gray – 8’ is the total pad?

Mr. Richard Hollibaugh – Yes

Mr. Scott Duffy - Do I have a motion?

MS. EMILY GLICK - MADE A MOTION TO APPROVE
ZONING HEARING BOARD CASE NO.1252
THE REQUEST FOR THE NECESSARY VARIANCE FOR -
THE FRONT YARD SETBACK

AT: 106 FRICK ROAD PITTSBURGH PA 15238
BLOCK AND LOT 291-E-8.

MR. TOM GRAY - SECONDED, VOTE WAS UNANIMOUS ON THE
"AYE" BY THE (3) VOTING MEMBERS PRESENT - MOTION CARRIED.

ZONING HEARING BOARD CASE NO. 1253

Mr. Scott Duffy – reads the case description: Michael Ciotti wishes to obtain the necessary variance for side yard setback at 324 Orchard Drive, Pittsburgh PA 15238, Block and Lot 291-B-10. The subject property is located in an "R-2" (Suburban Residential) Zoning District. As proposed, the request violates the Code of The Township of O'Hara, Zoning Chapter 455, Section 455-5.6.H

Mr. Duffy – asks Scott Chermak where we are on this case.

Mr. Scott Chermak – **On September 22nd, 2023 (Case #1253)**, Received a Zoning Hearing Board application from: Michael Ciotti wishes to obtain the necessary variance for side yard setback at 324 Orchard Drive, Block and Lot 291-B-10.

The official notice advertising the Zoning Hearing Board Meeting was prepared and advertised twice in The Herald, once on November 2nd, 2023, then again on November 9th, 2023. On October 30, 2023, copies of the official notice were mailed to the adjacent property owners and applicant. Copy of the notice posted for viewing at the O'Hara Township Municipal building and at the subject property on October 30, 2023.

Mr. Scott Duffy - Applicant/Representative for this case.

Mr. Michael Ciotti – Would like to build a building/shed 5' from the property instead of the stated ordinance of 10'. The ordinance is for lots that are 20,000 sq ft. and our lot is 5500 sq ft.

Mr. Scott Duffy – The ordinance is written by district not per lot.

Mr. Michael Ciotti – Yes and our lot is a ¼ of the size of what the ordinance requires.

Mr. Scott Duffy – Noticed the structure was built and/or started without approval and very close to the neighbors. A reason or 2 for the ordinances is for safety purposes and/or to minimize the unnecessary clutter. Also, this is very close to your or your neighbor's fence.

Mr. Michael Ciotti – It's a shared fence.

Mr. Provenzano – Definitely not!

Mr. Scott Duffy – The fence is a private property issue, not the zoning boards' jurisdiction. Continue, on why you want the shed.

Mr. Michael Ciotti – We have a 2-bedroom house, need more room in my garage and we are expecting our 3rd child. Keeping it where we started to put the shed does not hinder our neighbor or provide a negative impact and it helps with drainage.

Mr. Tom Gray – What's the rear yard setback?

Mr. Scott Chermak – 10'

Mr. Duffy and Mr. Ciotti – discuss contents of the backyard. Shed too close to neighbors' property and being a potential hazard.

Ms. Emily Glick – Could the shed be put the same distance from the property line as your neighbors' garage is?

Mr. Scott Duffy – The garage is a sound structure the shed is not.

Mr. Michael Ciotti – Neighbors' garage is closer to the property line than where I'm asking to put the shed.

Mr. Scott Duffy – When was the garage built? What were the setbacks and the law when the garage was built? Was it conforming, and if so, even if the zoning district was changed, your building A. new B. less permanent mobile structure.

Mr. Scott Chermak – Ordinance states in regards, to nonconforming lots – The nonconforming lot can be built even if it does not meet the area requirements, if it still meets the setbacks. The ordinance does not take ratios of lot size into consideration, it's

the setbacks.

Mr. Scott Duffy – Zoning District does not matter.

Mr. Scott Chermak – Yes – can build on a nonconforming lot of record regarding area and meet the setbacks.

Mr. Tom Gray – Questions why the neighbors' garage is not shown in the drawing, is it within the correct distance from property line, is the survey correct and did someone measure?

Mr. Steve Provenzano – The property line is not accurate and would like the 10' ordinance, to stay in place.

Mr. Scott Duffy – How far from the property line is your structure?

Mr. Steve Provenzano – It was 5' before Mr. Ciotti moved the fence closer to the property line, so 3' or 4'.

Mr. Scott Duffy – Not concerned with the fence just the property line.

Mr. Steve Provenzano – The property line was moved when Mr. Ciotti had to redo his sewer line and then again when he had it resurveyed.

Mr. Tom Gray – The current survey is dated 2006.

Mr. Steve Provenzano – Right, but it's wrong.

Mr. Scott Duffy – Again this does not apply here.

Mr. Steve Provenzano – My detached garage was built at the same time my house was built.

Mr. Scott Duffy – In theory (speaking to Mr. Ciotti), you could fill in the fire pit and move the shed back by the retaining wall. Will the roof be flat, will it have an overhang and how much further into the setback and how high?

Mr. Michael Ciotti – Overhang in front, no overhang in back and will have a 4-10 pitch.

Mr. Tom Gray – Drawing says 12" overhang on both sides.

Mr. Scott Duffy – With a 12" overhang on both sides, you are now at 4' from property line.

Mr. Michael Ciotti – No, the space behind the shed, garage and before the fence to mow, is about 2 ½' – 3'. I'm asking for 5'.

Ms. Emily Glick – Your neighbors are not happy you are building the shed in violation of the setback ordinance. Can you move it?

Mr. Michael Ciotti – Already has 4 tons of gravel down.

Mr. Scott Duffy – You started this without a permit.

Mr. Michael Ciotti – Thought the ordinance was 5', to find out it's 10'. In order to move the shed and to consider the water drainage, I would have to build it up so then the water will now run underneath.

Mr. Scott Duffy – The proportionality of setbacks is not based on your lot size. The ordinance is 10' feet from the property line.

Mr. Scott Duffy and Michael Ciotti – discuss proportionality of the districts, neighboring sheds, and lot sizes.

Mr. Scott Duffy – We can give you a decision if you are willing to make changes.

Mr. Michael Ciotti – Like, work with my neighbors?

Mr. Steve Provenzano – Follow the rules. I can't do things in my yard because I follow the rules.

Ms. Danielle Mahon – All we want is the 10' feet, as the ordinance states. Our shed is basically in the middle of our yard because we followed the rules and the setbacks.

Mr. Scott Duffy – Why can't your shed be in the middle of your backyard? The lots are probably similar in size.

Mr. Michael Ciotti – Asking for a variance change to 5' feet for the size of my lot. Their shed is up against the edge of the property line.

Mr. Scott Duffy – Varinances were probably different at that time. It is not an existing variance, it's the existing requirements. A variance is when you deviate from the requirements in the district.

Mr. Michael Ciotti – I can shift the shed down or to the right?

Mr. Scott Duffy – No we do not negotiate on an ongoing basis, words are words. You will need to redraw and resubmit for permitting purposes for the Townships records.

Ms. Emily Glick – This case could possibly be continued; you have the opportunity to redraw/regrup and come back with a new proposal.

Mr. Scott Chermak – From what I've seen and heard, Mr. Ciotti doesn't meet the

minimum variance necessary to have/build a shed.

Mr. Scott Duffy – You are too close to the property line and one of the legal requirements for a variance is asking for the minimum and you are asking for more than the minimum. Would you like to try and do something different?

Mr. Michael Ciotti – I would like the board to approve what I have here tonight, the 5' feet variance.

Mr. Scott Duffy – Ok do I have a motion to approve?

Mr. Tom Gray – No

Ms. Emily Glick - No

Mr. Scott Duffy – No motion to approve, the application denied.

Mr. Michael Ciotti – What happens now?

Mr. Scott Duffy – Move the shed.

Mr. Michael Ciotti – What happens if I don't?

Mr. Scott Chermak – You will be fined one thousand dollars a day.

Mr. Michael Ciotti – So move it over 10' feet from the property line?

Mr. Scott Duffy – Yes – we already ruled and gave you a chance to change the application and you did not.

Mr. Tom Gray – What about a vote?

Mr. Scott Duffy – We don't need to vote, there's no motion.

Mr. Tom Gray – Can the case be deferred or continued?

Mr. Scott Duffy - Technically we did not make a formal motion and it fails for a motion of approval.

Mr. Michael Ciotti – What's the protocol and what are my options now?

Mr. Scott Duffy – We gave you your options and you opted for a vote on what was submitted, and I asked for a motion, and it was denied, so your application fails for lack of a motion. No motion means no vote, so we can't vote without a motion.

Mr. Michael Ciotti – Options?

Mr. Scott Duffy – Move it 8' away from property line and re-apply.

Mr. Scott Chermak – Re-apply, pay the fees, schedule another hearing. Either move the shed back 10' feet or appeal this motion/decision to Common Pleas Court or move it some other distance and appeal again.

Mr. Michael Ciotti – I can't come back with 5' feet again.

Mr. Scott Duffy – No and moving it right or left down the property line 5' feet is still the same variance.

Mr. Michael Ciotti – Redraw at 10' feet.

Mr. Scott Duffy – If you draw at 10' feet, no need to come back, just see Scott for a building permit.

Ms. Emily Glick – A compromise would be 8' feet from the property line, which is more in line with the actual ordinance.

Mr. Michael Ciotti – So 8' feet!

Ms. Emily Glick – 8' feet could be a new variance request.

Mr. Scott Chermak – They are not saying yes, they would consider it and then vote.

Mr. Michael Ciotti – This is the negotiation you mentioned earlier.

Mr. Scott Duffy – Yes, if we had procedurally "continued" it, you wouldn't have to re-apply, re-advertise and re-pay.

Mr. Michael Ciotti – Did we go through the procedure yet?

Mr. Scott Duffy – Yes

Ms. Emily Glick – You asked for a vote as proposed, (we did) now can I make a motion to waive that we formally tried to pull a motion, and motion that this case be "continued"? "Continued" means you redraw your compromised plans.

Mr. Scott Chermak – He can draw all the plans he wants, but a decision needs to be made here.

Mr. Steve Provenzano – We will be back because I'm not prepared to make a compromise.

Mr. Michael Ciotti – What if I move it over 2' feet?

Mr. Steve Provenzano – No, not until I see an accurate property survey.

Mr. Scott Chermak – We have a valid survey, so the property line is not in question and

the fence does not determine where the property line is.

Mr. Steve Provenzano – He moved the fence.

Mr. Scott Duffy – The fence has nothing to do with the case, it's the invisible line aka property surveyed line is where we measure from. Whose fence, whose property the fence is on, is a private property issue.

Discussion on whose property survey is correct.

Mr. Michael Ciotti – Compromise

Mr. Scott Duffy- you weren't willing to compromise a few minutes ago. If I were to undo this, (not sure I can because if someone were to challenge it in court), you need to come back with something concrete, not a foot. Thoughts on moving the shed.

Mr. Michael Ciotti – I can put more gravel down to the right and pull the shed off the fence a little bit.

Mr. Scott Duffy – Define a little bit.

Mr. Michael Ciotti – 2' feet off from where it sits now.

Mr. Scott Duffy – What is the minimum really required?

Mr. Scott Chermak – 8' foot setback. Per your drawing it should be 5' feet off the property line.

Mr. Scott Duffy – It's supposed to be 10' feet off the property line, you are at 5' feet and we are asking you to move it another 3' feet.

Mr. Ciotti agrees to move the shed 3' feet, knowing it will get measured.

Mr. Steve Provenzano – Does not agree with the 3' feet (making it a total of 8'feet) and says rules are rules it should be the 10' feet per the ordinance.

Ms. Emily Glick – Tries to reason with Mr. Provenzano asking him to compromise.

Mr. Scott Duffy – We will give a 2' foot setback variance, meaning your shed cannot be any closer than 8' feet from the property line.

Mr. Michael Ciotti – Agrees

Mr. Steve Provenzano – Agrees at first IF he gets a copy of an accurate property survey. States Mr. Ciotti moved his fence 1 ½' feet over closer to his (Mr. Provenzano) property leaving him no room around his garage.

Mr. Scott Duffy – Fences are not considered a structure for setbacks.

Mr. Steve Provenzano – Then I do not agree with the ruling.

Mr. Scott Duffy and Mr. Scott Chermak – discuss that there are separate setbacks for fences, and this (the fence) is a private property issue. Using an official survey for this property and will be measuring from the property line not the fence for the inspection. Tell Mr. Ciotti he needs to revise his drawings showing the shed 8' feet from the property line. If at that time, it's approved he can continue, and Scott will inspect and if Mr. Ciotti does not comply, he will have to take the shed down, move it or be fined daily.

Mr. Scott Duffy – Default on the judgement of the denial and then asks for a motion for a 2' foot variance with a side setback conditioned upon resubmission of plans. No need to come back to the Zoning Board if Mr. Ciotti is within the 8' foot setback with the 2' foot variance.

Mr. Scott Duffy – Do I have a motion?

MR. TOM GRAY - MADE A MOTION TO GRANT
ZONING HEARING BOARD CASE NO.1253
THE REQUEST FOR THE NECESSARY VARIANCE FOR -
A 2' FOOT VARIANCE FOR THE SIDE YARD SETBACK – BASED ON AMENDED
DRAWINGS.

AT: 324 ORCHARD DRIVE PITTSBURGH PA 15238
BLOCK AND LOT 291-B-10.

MS. EMILY GLICK - SECONDED, VOTE WAS UNANIMOUS ON THE
"AYE" BY THE (3) VOTING MEMBERS PRESENT – MOTION CARRIED.

ZONING HEARING BOARD CASE NO. 1254

Mr. Scott Duffy – reads the case description: James and Debra Hanlon wish to obtain the necessary variance for side yard setback at 205 Farmington Rd., Pittsburgh PA 15215 Block and Lot 169-C-226. The subject property is located in an “R-2” (Suburban Residential) Zoning District. As proposed, the request violates the Code of The Township of O’Hara, Zoning Chapter 455, Section 455-5.6.E.

Mr. Duffy – asks Scott Chermak where we are on this case.

Mr. Scott Chermak – **On October 12th, 2023 (Case #1254)**, Received a Zoning Hearing Board application from: James and Debra Hanlon wish to obtain the necessary variance for side yard setback at 205 Farmington Rd., Pittsburgh PA 15215 Block and Lot 169-C-226.

The official notice advertising the Zoning Hearing Board Meeting was prepared and advertised twice in The Herald, once on November 2nd, 2023, then again on November 9th, 2023. On October 30, 2023, copies of the official notice were mailed to the adjacent property owners and applicant. Copy of the notice posted for viewing at the O’Hara Township Municipal building and at the subject property on October 30, 2023.

Mr. Duffy – Applicant/Representative for this case – please tell us your intentions.

Mr. Michael Shamey – Representing James & Debra Hanlon. The residents would like to enlarge the stoop. The side kitchen door leading out to the side yard, if difficult to navigate. The wooden structure (porch) with roof is 2.03’ feet into the side yard setback.

Mr. Scott Duffy – Violation of 4.65’ feet and 2’ feet.

Discussion – distance from the property line to edge of stoop 10.35’ feet or 12.95’ feet, drawings and revised drawings not being submitted. Only concerned with the stoop and the roof, no steps. The roof being the furthest projection point needing a variance for 2’ feet.

Mr. Scott Duffy – The Board can make a ruling on the intentions that the applicant resubmits correct drawings.

Mr. Scott Chermak – Needs the actual survey the architect worked from.

Mr. Scott Duffy – Do I have a motion?

MS. EMILY GLICK - MADE A MOTION TO GRANT
ZONING HEARING BOARD CASE NO.1254
THE REQUEST FOR THE NECESSARY VARIANCE FOR -
A 2.03' FEET SIDE YARD SETBACK.

AT: 205 FARMINGTON ROAD PITTSBURGH PA 15215
BLOCK AND LOT 169-C-226.

MR. TOM GRAY - SECONDED, VOTE WAS UNANIMOUS ON THE
"AYE" BY THE (3) VOTING MEMBERS PRESENT - MOTION CARRIED.

Mr. Scott Duffy – Meeting Minutes for September 11th, 2023, are ready for approval.

APPROVAL OF MINUTES –

**MS. EMILY GLICK - MADE A MOTION – TO APPROVE
THE SEPTEMBER 11TH, 2023 ZONING HEARING BOARD MINUTES.**

**MR. TOM GRAY – SECONDED, VOTE WAS UNANIMOUS ON THE “AYE”
BY THE (3) VOTING MEMBERS PRESENT - MOTION CARRIED.**

Mr. Scott Duffy – Motion to Adjourn

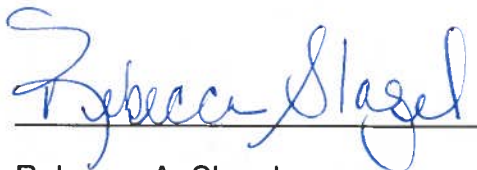
ADJOURNMENT-

**MR. TOM GRAY - MADE A MOTION TO ADJOURN -
THE NOVEMBER 13TH, 2023 ZONING HEARING BOARD MEETING.**

**MS. EMILY GLICK - SECONDED, VOTE WAS UNANIMOUS ON THE
“AYE” BY THE (3) VOTING MEMBERS PRESENT - MOTION CARRIED.**

The Zoning Hearing Board Meeting adjourned.

Respectfully Submitted,



Rebecca A. Slagel,

Recording Secretary



Tom Gray,

Alternate



Township of O'Hara

325 Fox Chapel Road • Pittsburgh, PA 15238 • Telephone: 412-782-1400 • Fax: 412-782-4530

TOWNSHIP OF O'HARA

SIGN-IN SHEET

Meeting - ZHB Case #(s) 1252/#1253/#1254 Date Nov. 13, 2023

Rich Hollibaugh 5036 BAREFOOT CUMBERLAND RD
Name Address or Organization 15084

Michael Stann 205 Farmington Rd
Name Address or Organization

Samuel Shamer
Name

Michael Gatti 324 Orchard Dr.
Name Address or Organization

Steve Provenzano 326 Orchard Dr.
Name Address or Organization

Danielle Mahon 326 Orchard Dr.
Name Address or Organization

DAVID BENNETT 106 FRICK ROAD 15238
Name Address or Organization

JASON THOMAS 179 Berryhill Rd
Name Address or Organization

Linsey Thomas 179 Berryhill Rd
Name Address or Organization

THOMAS & CLARE KINST 623 Arbor Ct
Name Address or Organization

Name Address or Organization

Name Address or Organization