

**TOWNSHIP OF O'HARA
ZONING HEARING BOARD
REGULAR MEETING MINUTES
September 10, 2007**

MEETING was called to order at 7:30 P.M. by, Mr. Russell Orkin, Chairman in the Township of O'Hara Municipal Building, 325 Fox Chapel Road, Pittsburgh, PA 15238. On roll call, , Mr. Robert Willison, Vice Chairman, Dr. Alvin Kinsel, Secretary and Mr. Christopher Klein, Alternate were present and Solicitor Robert Goehring was also present. Scott Chermak, Zoning Officer was present on behalf of the Township. Fifteen interested parties were also in attendance. All persons wishing to give testimony during the hearing were sworn in.

ZONING HEARING BOARD CASE NO. 1071 - Was heard by the Board regarding a request from Mrs. Alexandra Petilla, 554 Dorseyville Road, Pittsburgh, PA 15238. Mrs. Petilla wishes to obtain the necessary variances for a proposed deck on property located at 554 Dorseyville Road, Pittsburgh, PA 15238. The property is located in a "R-2" (Suburban Residential) Zoning District. As proposed the request violates Chapters 72, Sections 72-1.2, 72-5.26.E, 72-16.130.A and 72-18.148.A of the O'Hara Township Zoning Ordinance. As proposed, the deck will be (8') eight feet from the property line. Mrs. Petilla told the Board 21 years ago her house was built and at that time she came before this Board and got variances for the side and back yard setbacks. In 1991 or 1992 she added a greenhouse addition at the rear of the house and it is in plan 1 that you have before you at the rear right of the house, and it is 13 inches short of the building line. I would hope you would grant this variance as I am not a well woman and I need this deck so I can go out and get some fresh air. I could also run out on my deck in case of a fire in the house. It would serve as a safe way out of the house and I could use this entrance to get my dog out of the house. I included in my explanation attachment from April 20th police report as I was letting my dog out on the leash and my dog is a puppy and she pulled me and I fell and I was badly injured and I might have died if I had not had a cell phone on me to call the police. If you look at plan #2 that I submitted you can see that there is no way to make the steps go straight out there is not enough room and that is why the deck steps will have to go on the side of the deck and it will protrude about (15") fifteen inches beyond the building line and it must be this constructed this way, as I need the room and short steps as I have orthopedic problems. Mr. Orkin commented that with the exception of that (15") fifteen inches is within the footprint of the existing house and would be an extension of what is already there. Scott replied that is correct.

Motion by Dr. Alvin Kinsel and seconded by Mr. Robert Willison to grant the variance request subject the condition set forth by The Planning Commission. Motion carried unanimously.

Scott Chermak asked the Board if they voted on plan #2, and they replied yes we did.

ZONING HEARING BOARD CASE NO. 1072 - Was heard by the Board regarding a request from Mr. Howard Berger, 6592 Hamilton Avenue, Pittsburgh, PA 15206. The applicant proposed required variances for nonconforming use on property located at 1337 Freeport Road, Pittsburgh, PA 15238. The property is located in a "SM" (Suburban Manufacturing) Zoning District. As proposed the request violates Chapters 72, Sections 72-2.9, 72-9.58 and 72-16.130.A of the O'Hara Township

Zoning Ordinance. Mr. Craig Collins, Axis Architecture spoke on behalf of Mr. Berger showed the Board the plans and they showed the existing building and the proposed addition. Mr. Orkin asked where the loading dock was. Mr. Collins showed Mr. Orkin where the loading dock was on the plans. Mr. Orkin asked, what are they using the building for now? Mr. Collins replied it is vacant but previously it was used for manufacturing and now it will be used by Ace Bindry for anything that has to do with binding, books, report folders, ect.

Mr. Orkin asked Scott for some clarification as to what the violation at this property would be. Scott replied that this request has two parts: 1. The proposed addition is in violation of the rear yard setback, and Mr. Orkin asked if it was in the footprint of the existing building and Scott replied yes it is. 2. The existing building which they are putting an addition on has some noncompliant items where in this corner they are over the property line. And that building does not meet any of the current setbacks. Mr. Collins told the Board that in regards to the special exception they are staying under the (25%) twenty five percent expansion and does not increase the site more than (25%) twenty five percent. Also, building volume and sales volume will not increase more than (25%) twenty five percent. Dr. Kinsel asked if the road that comes in off of Main Street goes all of the way around the building to on the left side. There is an existing asphalt driveway back to the loading dock.

Mr. Orkin clarified that they are asking for variances for the following: 1. Rear Yard setback 2. Non Conforming Structure 3. Special Exception. Due to the fact that the building as now exists is out of compliance with the current setbacks.

Motion by Mr. Robert Willison and seconded by Dr. Alvin Kinsel to grant the variance as requested. Motion carried unanimously.

ZONING HEARING BOARD CASE NO. 1070 - Was heard by the Board regarding a request from Mr. Charles A. Brown of the Brenenburg Brown Group, 4018 Penn Avenue, Pittsburgh, PA 15224. The applicant proposed the necessary variances for a proposed expansion of a non-conforming use and reduction of the required number of parking spaces for said expansion of property located at 330 Dorseyville Road, Pittsburgh, PA 15215. The subject property is located in a "CD-1" (Conservation) Zoning District. As proposed, the request violates Chapter 72, Sections 72-7.38, 72-5.22, 72-14.113.F, 72-14.113.J, 72-14.115.E.3 and 72-14.115.H of the O'Hara Township Zoning Ordinance. As proposed, the expansion of the nonconforming use would not be permitted in accordance with the permitted uses of the district and section 72-16.131.A of nonconforming uses. Also, 300 spaces will be provided and 506 spaces are required by the Ordinance. The proposal is 198 spaces short of the required amount. Also, a portion of the property (not yet acquired) is located in the R-2 Zoning District and is proposed to house a portion of the parking. A parking lot is no a permitted principle use in the R-2 Zoning District. The parking lot will be accessory to the main occupancy which is a church and therefore subject to conditional use approval as noted in Section 72-5.23. Mr. Charles Brown told the Board that the church would like to purchase a piece of property situated between the church and the rectory to add more parking spaces. Mr. Orkin asked them if they had an agreement in writing from the property owner? Mr. Brown replied no they did not. But continued to say that the owner has agreed verbally to sell the property to the church at a future date. Mr. Brown also stated that they would probably never use that many parking spaces.

Mr. Brown told the Board that they need a variance for islands and exterior lighting poles. The number of planting islands that the church is proposing would be 2 or possibly 3 islands short of the Zoning Ordinance amount required. Mr. Willison wanted to know how many parking spaces there were now at the church as he heard there are not enough parking spaces now as cars are parking on the side of the street along the road. Mr. Brown replied one hundred (100) spaces. Mr. Orkin said that it bothers him that all of this is contingent on the church acquiring this one parcel of land. Does the Diocese have some written document or did the property owner say so that he will sell it to you, but I am not quiet ready to sell yet.

Mr. Brown showed everyone the new worship space on the drawings. The worship space will be on the upper level and a parish hall underneath it on the lower level. When the new area is completed the old church will be divided into some classrooms and a large gathering space for the children.

Mr. Klein told Mr. Brown if they can't get the adjacent property owner to sign an agreement of sale then his word is not binding and the Zoning Hearing Board can not make a decision. They need a sales agreement as the Zoning Hearing Board must make decisions on the facts. Mr. Orkin asked for a continuance until the October 1, 2007 Zoning Hearing Board Meeting as this should give them time to obtain a binding agreement of sale. Mr. Brown and Father Thomas Miller agreed.

MINUTES

The June 4, 2007 minutes were approved.

ADJOURNMENT

Having no further business, the meeting was adjourned at 9:10 p.m.

Dr. Alvin Kinsel, Secretary