

**TOWNSHIP OF O'HARA
ZONING HEARING BOARD
REGULAR MEETING MINUTES
October 1, 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. Six interested parties were also in attendance. All persons wishing to give testimony during the hearing were sworn in.

ZONING HEARING BOARD CASE NO. 1070 Continued from the September 10, 2007 Meeting

■ 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. Orkin said that at last months meeting the Zoning Board could not make any decision on this matter as St. Josephs Church needed to provide a legal document stating that they have legal title or are in the process of obtaining the legal title for Mr. Pantone's property. Mr. Orkin asked the Board since they have had a chance to review this letter if we are in a position tonight to rule based on this letter. Mr. Goehring said that the letter that the Board and he received is not a binding letter of intent based on conditions that have not yet happened. It is not an agreement of sale or contract which is enforceable. Mr. Fred O'Brian stated that they assumed the notorized letter from Mr. Pantone would be enough. Mr. Goehring said it is not a legal binding sales document. Mr. Klein said that if you can't get Mr. and Mrs. Pantone to agree and sign a sales agreement to sell the land with dates for the future sale it is not binding. Both signatures from Mr. & Mrs. Pantone are needed as they both own the land. In the body of the agreement should have the following: price and length of time for the sale of such property (a certain time period). Mr. Klein said this letter from Mr. Pantone does not bind him to anything we need an agreement of sale for the property. Mr. Orkin asked for a continuance until the November 5, 2007 Zoning Hearing Board Meeting as this should give them time to obtain the proper paper work. Mr. Fred O'Brien and Father Thomas Miller agreed.

MINUTES

The September 10, 2007 and October 1, 2007 minutes were approved.

ADJOURNMENT

Having no further business, the meeting was adjourned at 8:05 p.m.

Dr. Alvin Kinsel, Secretary