

**TOWNSHIP OF O'HARA
ZONING HEARING BOARD
REGULAR MEETING MINUTES
December 3, 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. Russell Orkin, Chairman, 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. Ten 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, October 1, 2007 and November 5, 2007 Meetings - 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 we have a bill for pending sale of the property next to the church and we are moving in the right direction. Mr. Charles Brown and Mr. David Brenenburg summarized for the Board the details of the property sale. Mr. Orkin told him that each Board member received a copy of the sales agreement and that was what they needed from the church and Mr. Pantone. Mr. Klein wanted to know how big is the lot the church was buying from Mr. Pantone. Mr. Brown said it would give the church an additional 1 acre and it would add about 100 extra parking spaces.

Mr. Orkin went onto the next issue, which was the height of the outdoor lighting and parking issues. 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. Brown also told the Board that the second mass is attended by more parishioners than the first Sunday mass so that is when most of the parking spaces would be used. Mr. Orkin asked Scott Chermak if he was in agreement and if we accept as factual that the 2nd Sunday service is the one with the most people in attendance which breaks down into 612 people which breaks down into 306 parking spaces are you satisfied what they have presented to us would provide those 306 places? Scott replied that yes he was. Dr. Kinsel asked if they get the Pantone property if there would then be plenty of parking available. Scott replied that they would still need the variance as 508 spots are required in accordance with the Ordinance, so even with the Pantone property they would still need the variance.

Mr. Brenborg told the Board that the existing lights are now 28 feet high and the new ones would be approximately 10 lights all lower at 17 feet to 25 feet high. And instead of putting islands in the middle of the parking spaces (which they need for parking) they would incorporate trees at either side of the building and have the islands at the end of the rows.

Motion by Dr. Alvin Kinsel to approve the variance conditioned upon the sale and closing of the Pantone property to the St. Joseph's Parish by the date of July 30, 2008 as in the sales agreement and seconded by Mr. Robert Willison. Motion carried unanimously.

Mr. Robert Goehring, Zoning Hearing Board Solicitor wanted the following read into record: That the applicant will put the property back in the same condition it was in if the sale of the Pantone property to St. Joseph's does not occur.

ZONING HEARING BOARD CASE NO. 1076- Mr. Thomas J. Tamasy, 209 Sigma Drive, Pittsburgh, PA 15238 wishes to obtain the necessary variances for proposed off street loading for property located at 209 Sigma, Pittsburgh, PA 15238. The subject property is located in a "SM" (Suburban Manufacturing) Zoning District. As proposed, the request violates Chapter 72, Section 72-14.115.C and 72-14.116.B of the O'Hara Township Zoning Ordinance. As proposed, Two loading spaces are required based upon building square footage. The existing building is 25,884 square feet plus the new 8,700 square feet, which is a total of 34,584 square feet. And two entrances are provided, an additional opening is required for the proposed loading space and would therefore exceed 2 allowable entrances. NOTE: Retaining wall for creation of loading berth is over the Township of O'Hara sanitary sewer line. This will be an issue during planning phase. Mr. Thomas Tamasy explained to the Board that they have been operating this office building for the past 9 years. We have has an off street loading dock and it was integrated with an outdoor patio area. Mr. Orkin asked if it was shown on the drawings? Mr. Tomasy replied that it is not because what is shown on the drawings is the addition that we intend to do and the addition will be going over that space. We have one now that we have been using for the past 9 years. I can tell you that the way that we have been using the building that the off street loading has never been used in the past 9 years. So now we want to do an 8,700 square foot addition and they are requiring us to have 2 loading docks because we are going up over the 30,000 square foot limit. There would only be UPS vans and small delivery vans bringing packages to the loading dock and that the loading dock would remain in the same place in the lower parking area near the patio. We do not get tractor-trailer truck deliveries. Mr. Orkin inquired as to how many employees and companies are in the building. Mr. Tamasy replied about 60 employees with 6 companies. Mr. Orkin said with the condition that the building would be used in the same manner it is used for now the Board may consider approval. Mr. Graciano, building owner, replied yes it will stay the same as it is now. Dr. Kinsel asked what the variance is for and Mr. Orkin replied to eliminate the 2 loading platforms as long as the building continued to be used in its present capacity.

Motion by Dr. Alvin Kinsel to approve the variance conditioned upon the building being used in its same capacity and seconded by Mr. Robert Willison. Motion carried unanimously.

MINUTES

The November 5, 2007 minutes were approved.

ADJOURNMENT

Having no further business, the meeting was adjourned at 8:25 p.m.

Dr. Alvin Kinsel, Secretary