

**TOWNSHIP OF O'HARA
ZONING HEARING BOARD
REGULAR MEETING MINUTES
July 7, 2008**

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

Mr. Christopher Klein noted that we originally had 2 cases this evening but that we had received a letter from Mr. Jim Schwartz of Panther Development on behalf of Fox Chapel Marina withdrawing Case No. 1087.

ZONING HEARING BOARD CASE NO. 1086 Was heard by the Board regarding a request from Mr. Bob Paganico of Bob's Garage, 1372 Freeport Road, Pittsburgh, PA 15238. The applicant proposed the necessary variances for a proposed deck on property located at 1372 Freeport Road, Pittsburgh, PA 15238. The subject property is located in a "C" (Commercial) Zoning District. As proposed, the request violates Chapter 72, Sections 72-16.130.A, 72-13.83, 72-14.113.J.3.i and 72-8.48.R.2.C of the O'Hara Township Zoning Ordinance. As proposed, the out door deck addition would eliminate space available for parking on a site already deficient in the number of spaces provided. Mr. Robert Paganico and Anthony Sosso, Attorney for Bob's Garage were present on their own behalf. Mr. Klein asked Scott Chermak if he had any comments from the Planning Commission concerning this case? Scott replied yes and submitted to the Zoning Hearing Board their comments.

Mr. Sosso told the Board the Planning Commission would approve this on the condition that the parking lease would run the course with Mr. Paganico's lease of the premises. We do have a verbal agreement from John H. Miller and he will sign a written agreement to the fact that we can use his parking lots in the evening and on weekends as they are Bob's Garage busiest times. We are just awaiting Zoning Hearing Board and LCB approval to begin our deck project.

Mr. Sosso also told the Board that even though Bob's Garage is losing 3 spaces in the back the owner of the property where Bob's Garage sits has cleared out 3 spots in the front for him to use for parking, so he did not lose any spaces there. Scott Chermak indicated if these (3) new spaces are to be utilized they must be paved with a bituminous surface and striped according to the Township Ordinance.

Mr. John Hunt owner of Atrias was present and had some concerns and told the Board if Bob Paganico leaves Bob's Garage and another person takes over what then happens to the lease agreement for parking between him and John H. Miller? What if the new person in that facility is not granted the parking spots in Mr. Miller's lots then there could become a parking problem as some of

the Bob's Garage people do park in Atria's lot already. A few times I have had to put a parking attendant on for this reason.

Second we do have an outdoor patio and if we have people sitting outside eating we would be concerned about the noise level but, not from Bob but I would be concerned with the next person who would go into that property. Mr. Sosso said that the Planning Commission would like a lease for the parking for the term of the premises and we have submitted that to John H. Miller and he did tell us verbally that he would do so. We understand that will be a requirement before any building approvals or occupancy permits are issued. Mr. Paganico is also willing to screen the trash dumpster from view. Since people will be sitting on the deck eating they will not want to look at his trash dumpster.

Bob Paganico said that he would have about 10 tables on his outside deck for patrons and that he would abide by the Township's noise level of 65 decibels if any music were played on the deck. Mr. Hunt said that his concern is not the level of music but the type of music if it would be offensive to any of his patrons. But Bob has assured me it would be light music and that is not offensive music.

Mr. Sosso said that Planning Commission wanted Mr. Paganico's lease to have a term on it for at least as long as Bob's Garage is there. The Township would require a copy of the lease to be on file here.

Mr. Klein read into record a letter from Franklin Land Co. in favor of Bob's Garage for construction of the deck.

Motion by Dr. Alvin Kinsel to approve the variance with the conditions set forth by the Planning Commission. Seconded by Mr. Robert Willison. Motion carried unanimously.

MINUTES

Approval of the June 2, 2008 minutes.

ADJOURNMENT

Having no further business, the meeting was adjourned at 8:10 p.m.

Dr. Alvin Kinsel, Secretary