

ROSS TOWNSHIP ZONING HEARING BOARD
February 13, 2019

The Regular Meeting of the Ross Township Zoning Hearing Board was held on February 13, 2019, at 7:05 p.m. Ms. Schellhaas called the meeting to order.

PRESENT: Beth Schellhaas, Ronald Zangaro , Tara Howey and Philip Little

ABSENT: James R. Atzert

SOLICITOR: Catherine A. Conley, Esq.

DIRECTOR OF COMMUNITY DEVELOPMENT AND BOARD LIAISON: Dominic J. Rickert

RECORDING SECRETARY: Deborah Ann Betzler

Pledge of Allegiance

APPROVAL OF MINUTES:

January 9, 2019

Motion to approve made by Ms. Howey and seconded by Mr. Little.

Motion carries – 3 to 0
(Mr. Zangaro not voting)

NEW BUSINESS:

ZHB-3-19 - Tracey Diehl is requesting a size variance to Chapter 27-1608.1.B(2) for an additional 48.53 square feet of signage on property located at Lot & Block No. 612-R-82, 6210-8033 Northway Drive, in a C-1 Zoning District of the 9th Ward.

Ms. Tracey Diehl, 6487 Hilliard Drive, Canal Winchester, OH 43110, was present on behalf of the applicant and duly sworn. She described the request in detail. The proposal is for a wall sign that is 102.44 square feet when measured in accordance with the sign ordinance. The sign is for a Skechers store. If they shrink the letters, the wall sign will not be legible. The situation is unique in that the building is existing. The variance requested is consistent with other signs in the shopping center.

No public comments for or against

Motion to grant ZHB-3-19 made by Mr. Little and seconded by Ms. Howey.

Motion carries – 4 to 0

OTHER BUSINESS:

ZHB-35-18 - Thomas Somerville is requesting clarification on the definition for the finished side of a fence.

Mr. Thomas Somerville, 3 Sunsetview Drive, Pittsburgh, PA 15229, and his wife, Ms. Linda Somerville, 3 Sunsetview Drive, Pittsburgh, PA 15229, were both present and duly sworn. Mr. Somerville stated he is requesting clarification on the definition of a finished side of a fence. Mr. Somerville described his request in detail and his proposal for finishing the other side of the fence.

Ms. Conley commented as follows:

MS. CONLEY: "At this juncture, members of the Board, this case has been closed. Actually, tomorrow is the 30th day, I think, of the decision. Maybe not.

MRS. SOMERVILLE: "No. February 5th.

MS. CONLEY: "I'm going to instruct the Board that at this point there should be no motion on it, and I'll respond to this. You're asking for a legal definition, so I'll take care of that. Okay? There will be no motion on this today.

MRS. SOMERVILLE: "Will we get a response soon, before the 30-day period?"

MS. CONLEY: "Yes, you will."

OLD BUSINESS:

ZHB-32-18 - Kossman Development Company is requesting a variance to Chapter 27-1403.1.D for structures within a buffer yard; a variance to 27-1403.1.H.(2) for the elimination of a 50-foot buffer yard; a variance to Chapter 27-1502.6 to allow parking spaces and access drives within 10 feet of a side yard lot line; and a use variance for Chapter 27-104.2.B to permit drive-through facilities for a proposed Mixed-Use Development on property located at Lot & Block 611-L-60, 7910-7920 Perry Highway, in a C-1 Zoning District of the 9th Ward.

Mr. Curtis Kossman, 11 Parkway Center, Suite 300, Pittsburgh, PA 15220, and Richard Moses, Esq., were both present on behalf of the applicant and duly sworn. Mr. Moses gave a brief history of the requests made before the Zoning Hearing Board previously. He stated they were there to discuss the two items that were tabled, the buffer area on the south and north sides of the property. He indicated they were pursuing an agreement with their neighbor, Comco Realty. Comco Realty has filed an appeal on variances previously granted by the Board. Mr. Moses stated they are optimistic they can work out some settlement with Comco.

Mr. Moses stated the severe slope situation of the property is one of their main concerns. Also, if the variances were granted, they would not alter the essential character of the neighborhood. Mr. Kossman described their request in detail. He stated they have made every attempt to work with Comco to ensure that their access and their use of their existing parking lot would be maintained and improved, including improving stormwater management, where they would be allowed to have egalitarian rights into their stormwater management facilities that they would be building. They also will aid Comco in providing contractors, which they would receive bids from, as Kossman is creating a project that would at scale make cost efficiencies for them to improve their property. Kossman is also willing to constrict the traffic access through their road so it's only one way in to minimize or eliminate any traffic impact that may occur as a result of their development to Comco's property.

Mr. Kossman described the layout of the property in detail. There will be a landscape buffer in front and behind the retaining wall. Asphalt and the retaining wall will be in the setback to maintain grade for an appropriate development above the Comco property and below it. Mr. Moses stated, as part of the revisions, they would be removing 680 square feet of the existing asphalt and replacing it with landscaping. They would effectively be adding 1,546 square feet of new asphalt in the direct area right across from Comco's building, which would be a net increase of 866 square feet of asphalt.

Mr. Moses stated the road was moved from the 40-foot right-of-way into their property within the 50-foot area. None of the buildings are within that 50-foot setback. They have also agreed to heavily landscape and place evergreens along the perimeter of the roads. Mr. Kossman described the reasoning for the retaining wall in depth. There will be a loop road in the development. To satisfy the concerns of Comco, Mr. Kossman stated they put the road onto their property instead of being in the designated easement. The entrances were discussed. Setbacks were discussed. Where the residential houses exist, the closest point to the building to their property line is 85 feet.

Mr. Kossman stated there will be 25 feet of landscaping or grading from their property line to the edge of the road and 35 feet to the residential property line landscaping. Mr. Kossman also indicated they have been unable to lease the property, which is another hardship. They are seeking an Act 2 full remediation of the property. Mr. Kossman indicated they would not sell the property in its current condition.

Mr. Moses commented that the Board could find that the request is for a de minimis variance, if they are not satisfied that all provisions of the MPC have been proven.

All those wishing to comment were duly sworn.

Attorney John Kettering, Pietragallo, Gordon, Alfano, Bosick & Raspanti, 7 West State Street, Suite 100, Sharon, PA 16146, was present on behalf of Comco and Mr. and Mrs. Dong. He confirmed an appeal has been taken from both the use variance and all but two of the variances that were mailed out in January. His firm is working

with Attorney Tim Hazel. He questioned Kossman's standing with regard to the application. He indicated a trust is the actual owner. Mr. Kettering questioned the green space blocking Comco's view. He also stated the issues with the easement and whatever legal rights may exist under the easement with Comco are not an issue for the property. He discussed the subject of hardship. He felt it would alter the essential character of the neighborhood. Mr. Kettering also stated some of the requests may make Comco nonconforming with regards to their parking spots in front of their property.

Ms. An Dong, 3725 Allendale Circle, Pittsburgh, PA 15204, owner of the apartments, was present and spoke in opposition. She addressed the Board regarding her concerns over traffic and safety and the loss of parking.

Mr. Scott Metzger, 128 Kaylor Road, Pittsburgh, PA 15237, spoke in opposition.

Ms. Gail Hischar, 162 Kaylor Road, Pittsburgh, PA 15237, spoke in opposition.

Mr. Bill Stephens, 131 Kaylor Road, Pittsburgh, PA 15237, spoke in opposition.

Ms. Phyllis McCracken, 110 Kaylor Road, Pittsburgh, PA 15237, stated she is fine with the development, but she had concerns about the variance for the buffer and concerns regarding traffic and wildlife.

Ms. Deborah Metzger, 128 Kaylor Road, Pittsburgh, PA 15237, spoke in opposition.

Mr. Bill Kirk, 198 Ridgeview Drive, Wexford, PA 15090, elected councilman in the Town of McCandless and assistant liaison to Zoning, requested when the Board makes its final decision on the buffer zone to consider the neighbors to the north, as they consider their neighbors to the south when they impose their strict stormwater ordinances and so forth.

Ms. Howey and Mr. Little thanked everyone attending for their civility.

Mr. Moses commented that the trustees are a bank and two attorneys downtown. He stated this trust is for the benefit of the Kossman children, of which Mr. Curtis Kossman is one. The trust is not an outside party. The trust appointed Town Real Estate Enterprises, LLC, to be the manager and agent of the site. Ms. Howey requested written clarification of what Mr. Moses stated with regards to the trust.

Ms. Conley commented as follows:

MS. CONLEY: "The other question that I had: I know that the drive-through was noticed. It was advertised. You really didn't address that. Is that something you're going to address at a later date, so the Board won't consider that?"

MR. KOSSMAN: "It is contemplated. It has been represented."

Mr. Rickert stated any drive-through would need another variance in a mixed-use development. Mr. Kossman stated they are requesting a variance for the drive-through.

Ms. Conley commented further as follows:

MS. CONLEY: "It seems like the chairwoman has a question for legal counsel, so we're going to go into Executive Session for five minutes."

(Whereupon, a brief Executive Session was held.)

Motion to table ZHB-32-18 pending a site visit made by Ms. Howey and seconded by Mr. Little.

Motion carries – 4 to 0

Motion to pay Invoice No. 02132019-84 of the solicitor made by Ms. Howey and seconded by Mr. Little.

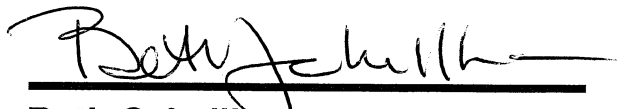
Motion carries – 4 to 0

ADJOURNMENT:

Motion to adjourn made by Mr. Little and seconded by Ms. Howey.

Motion carries – 4 to 0

MEETING ADJOURNED AT 9:31 P.M.



Beth Schellhaas
Chairperson

Minutes prepared by Deborah Ann Betzler, Court Reporter.

