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**ROSS TOWNSHIP ZONING HEARING BOARD  
May 8, 2019**

The Regular Meeting of the Ross Township Zoning Hearing Board was held on May 8, 2019, at 7:00 p.m. Ms. Schellhaas called the meeting to order.

**PRESENT:** Beth Schellhaas, James R. Atzert, Ronald Zangaro, Tara Howey and Philip Little

**SOLICITOR:** Catherine A. Conley, Esq.

**DIRECTOR OF COMMUNITY DEVELOPMENT AND BOARD**

**LIAISON:** Dominic J. Rickert

**RECORDING SECRETARY:** Deborah Ann Betzler

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*Pledge of Allegiance*

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**APPROVAL OF MINUTES:**

**April 10, 2019**

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

**Motion carries – 4 to 0 with 1 abstention  
Mr. Atzert abstaining**

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**OTHER BUSINESS:**

**Thomas Somerville is requesting an extension to ZHB-35-18.**

Mr. and Mrs. Thomas and Linda Somerville, 3 Sunsetview Drive, Pittsburgh, PA 15229, were both present and duly sworn. Ms. Schellhaas commented that the Board has read everything submitted. Mrs. Somerville provided an additional document showing that the E-mail was received by the server and all three owners received certified copies. The Somervilles discussed



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communications they have sent to the owners. Ms. Conley commented as follows:

MS. CONLEY: "Members of the Board, I just want to let you know that today, after reviewing this, I did reach out to Attorney Matt Kalina early this morning. He hasn't returned the phone call. So it would seem like an extension for a reasonable period of time would be warranted, given that they did say they're going to let you on the property after they sign a release. So it seems like they do need an extension. I think the decision was that you had to flip the fence by June 1; correct?"

MRS. SOMERVILLE: "We're going to put --"

MS. CONLEY: "Or however --"

MRS. SOMERVILLE: "-- 6 foot on the opposite side. We were just going to put that on the opposite side."

MS. CONLEY: "So what kind of time do you need?"

MRS. SOMERVILLE: "We were just asking for 30 days, once we get permission from them, weather permitting, and when the material is available."

Following discussion, it was decided to extend until September 1<sup>st</sup>. Ms. Conley stated "And if it turns out they don't respond, come on back."

**Motion to grant an extension for ZHB-35-18 until September 1<sup>st</sup> made by Ms. Howey and seconded by Mr. Zangaro.**

**Motion carries unanimously**

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**Request for extension for ZHB-6-17.**

Ms. Schellhaas stated the variance was originally granted on 5-10-17 for 2257 Babcock Boulevard.

**Motion to grant an extension for ZHB-6-17 made by**



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**Mr. Little and seconded by Mr. Atzert.**

**Motion carries unanimously**

**NEW BUSINESS:**

**ZHB-9-19 - Scott Tovissi is requesting a 2-foot projection variance to Chapter 27-1006.2 for a proposed front porch on property located at Lot & Block No. 613-S-317, 100 Charterwood Drive, in an R-1 Zoning District of the 9th Ward.**

Mr. and Mrs. Scott and Joanne Tovissi, 100 Charterwood Drive, Pittsburgh, PA 15237, were present and duly sworn. Mr. Tovissi described the request in detail. They are proposing a 19 x 7 covered porch.

**No public comments for or against**

**Motion to grant ZHB-9-19 for a 2-foot projection variance for a 19 x 7 masonry porch made by Mr. Atzert and seconded by Ms. Howey.**

**Motion carries unanimously**

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**ZHB-10-19 - Daniel McClain is requesting a 10-foot front yard setback variance to Chapter 27-907 to construct a new single-family dwelling on property located at Lot & Block No. 429-M-286, 977 Willow Drive, in an R-2 Zoning District of the 3rd Ward.**

Mr. Daniel A. McClain, Jr., 179 Gass Road, Pittsburgh, PA 15229, was present and duly sworn. He described his request in detail. It is currently an empty lot with a shed on the side. The shed will be torn down as part of the new development. There will be an attached garage. The driveway will come from Schars Lane.

Ms. Kelly Caruso, 805 Washington Drive, Pittsburgh, PA 15229, was duly sworn and questioned Mr. McClain as to how far in



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from Willow the property will be. Mr. McClain stated it will be 25 feet in, according to the ordinance.

**No further public comments for or against**

**Motion to approve ZHB-10-19 made by Mr. Zangaro and seconded by Mr. Atzert.**

**Motion carries unanimously**

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**ZHB-11-19 - Jeremy Polito, Quaker State Construction, is requesting an 8-foot side yard setback variance to Chapter 27-907 for a proposed deck on property located at Lot & Block No. 351-A-177, 748 Washington Drive, in an R-1 Zoning District of the 3rd Ward.**

Mr. David Dickson, Quaker State Construction Company, 8 Logan Street, Carnegie, PA 15106, was present on behalf of Ms. Alisa Murray, 748 Washington Drive, Pittsburgh, PA 15229. Both Mr. Dickson and Ms. Murray were duly sworn. Mr. Dickson described the request in detail. The house is nonconforming. The request is to add one foot to what is currently there. It will be an open porch with a hip roof. Ms. Conley commented as follows:

MS. CONLEY: "So if you're inclined to make a motion, make the motion for 7 feet."

**No public comments for or against**

**Motion to grant ZHB-11-19 for a 7-foot side yard setback variance for a proposed deck made by Ms. Howey and seconded by Mr. Little.**

**Motion carries unanimously**

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**ZHB-12-19 - Richard Heh, HEH Communications, is requesting a variance to Chapter 27-1607(3) to permit a digital display message board in an R-1 district and a 14-square-foot size**





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**variance to Chapter 27-1603.1.B(2) for a digital display on property located at Lot & Block No. 431-M-131 & 432-J-328, 517 Sangree Road, in an R-1 Zoning District of the 2nd Ward.**

Mr. Ralph M. Klein, Jr., 105 Sloan Court, Pittsburgh, PA 15237, was present and duly sworn.

Mr. Rick Heh, 4132 Gladstone Street, Pittsburgh, PA 15207, was present and duly sworn. Mr. Heh described the request in detail. The request is to replace a sign for the church that was damaged from an auto accident and replace it with a more modern sign. The sign will automatically start to dim down at sunset so that in the middle of the night there is not going to be any glowing or overpowering light. The brightness of the sign was discussed in detail. Mr. Klein stated their intention was to use the current pad. Upon inquiry by Ms. Schellhaas, Mr. Heh stated the additional 14 square feet is for the arched sign. The sign will be 24 to 37 square feet total with the arch and with the additional height. Mr. Klein stated they visited with some of the neighbors, who had no objections.

Ms. Arleen Miller, 564 Sangree Road, Pittsburgh, PA 15237, after being duly sworn, questioned the frequency of the sign changing. Mr. Klein stated the intent was to have pictures of sorts. Mr. Heh stated it would be similar to the way electronic billboards are programmed with five- to six-second intervals. Ms. Miller was concerned about the distraction to drivers.

Mr. Rickert indicated there is no restriction on the number of advertisements. He also stated the Ross Township ordinance is the sign changes every 15 seconds. Ms. Conley commented as follows:

MS. CONLEY: "Subsection 4 is really specific about the transition between the changes. There's a bunch of requirements about the 15 consecutive seconds, black backgrounds only. Transition from one to another must be instantaneous without any special effects. No flashing, spinning. You're going to have to comply with all those requirements."



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**No further public comments for or against**

**Motion to grant ZHB-12-19 made by Ms. Howey and seconded by Mr. Zangaro.**

**Motion carries unanimously**

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*(Whereupon, a brief recess was taken.)*

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**OLD BUSINESS:**

**ZHB-32-18 - Kossman Development Company is requesting a variance to Chapter 27-1403.D for structures within a buffer yard; a variance to 27-1403.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 27-2104.2.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, was present and duly sworn, as well as Attorney Richard Moses, general counsel for Kossman Development Company.

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*(Whereupon, a brief Executive Session was held.)*

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Mr. Moses updated the Board on the progress of the project. He indicated they had a traffic study done and met with PennDOT to get an understanding of PennDOT's requirements. They also met with the Dongs and discussed the easement. Mr. Moses stated he felt they are close to resolving the issues with the Dongs. He discussed the definition of "structure." His interpretation of the ordinance was to prevent building-type structures in the buffer yard, not every structure as the defined term "structure" states in 27.202 such as pavement for accessways, either pedestrian or vehicular. He discussed pavement within the project.



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Mr. Moses indicated they would modify the variance request to eliminate the entire McCandless 50-foot buffer yard and suggest the variance be granted for pavement in the areas they have demonstrated on their plan on the McCandless side, which is not the entire length of the property. Mr. Kossman commented that all buildings are outside of the buffer or setback.

Mr. Kossman also went through the proposed landscaping plan. He also went through the different elevations at the site. He discussed the possibility of shifting the road and realigning it so it runs parallel with everything. The road from the point of entry into the lower plateau would be one way in only. Mr. Kossman also stated they have offered to regrade their site and add nine parking spaces and provide a green space to safely traverse both from the adjoining property and the development's property.

John Kettering, Esq., with Pietragallo, Gordon, Alfano, Bosick & Raspanti, 7 West State Street, Suite 100, Sharon, PA 16146, was present. He is the attorney for Comco, which is owned by the Dongs. He indicated there have been positive steps but no resolution. He also stated Comco is obligated to continue its objections on the record to make sure that nothing is waived. Mr. Kettering stated, "It is the burden of Kossman to demonstrate a hardship, not what he wants the property to be." He also questioned the standing of Kossman to bring the variance.

In response to Mr. Atzert, Mr. Kettering stated there have been good faith discussions but settlement discussions are privileged.

Mr. Roger Gelik, 228 Dombey Drive, Pittsburgh, PA 15237, after being duly sworn, spoke in opposition to the request.

Ms. Deborah Metzger, 128 Kaylor Road, Pittsburgh, PA 15237, after being duly sworn, spoke in opposition to the request.

Ms. Gail Hischar, 162 Kaylor Road, Pittsburgh, PA 15237, after being duly sworn, spoke in opposition to the request.



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Mr. Bill Stephens, 131 Kaylor Road, Pittsburgh, PA 15237, after being duly sworn, spoke in opposition to the request.

Mr. Scott Metzger, 128 Kaylor Road, Pittsburgh, PA 15237, after being duly sworn, spoke in opposition to the request.

Ms. Melissa Bartins, 126 Kaylor Road, Pittsburgh, PA 15237, after being duly sworn, spoke in opposition to the request.

Mr. Moses questioned whether McCandless residents have standing to appear before the Board and object. Following discussion, Ms. Conley commented as follows:

MS. CONLEY: "I just want to point out, since we're talking about our neighbors in McCandless, Section 27-1403 addresses buffer yards. It says, 'Buffer yards are required in all industrial and commercial districts and as indicated in Part 9 where the commercial or industrial district adjoin any' -- any, any -- 'residential district.'

MR. MOSES: "Yes.

MS. CONLEY: "So there is a legal issue, but it doesn't say residential district in Ross Township, of Ross Township. It says 'any.'

MR. MOSES: "Yes. I understand.

MS. CONLEY: "So I appreciate --

MR. MOSES: "You'll have to decide whether the overall meaning of the ordinance is limited to Ross Township land or whether it extends. And that's your job, right?

MS. CONLEY: "I appreciate your argument.

MR. MOSES: "Thank you.

MS. CONLEY: "The Board does, also."

**No motion made – Decision to be rendered within 45 days**

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**Motion to pay the bill of the solicitor for \$2,297.05 made by Mr. Little and seconded by Mr. Atzert.**

**Motion carries unanimously**

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**ADJOURNMENT:**

Motion to adjourn made by Mr. Little and seconded by  
Mr. Zangaro.

Motion carries unanimously

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**MEETING ADJOURNED AT 9:28 P.M.**

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**Beth Schellhaas**  
**Chairperson**

*Minutes prepared by Deborah Ann Betzler, Court Reporter.*

