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MR. WALZER: Good evening, ladies and gentlemen. I'd like to thank everybody for showing up at the January regular meeting of the zoning hearing board. First item on the agenda is to elect the chairman.

MR. GATES: I nominate Betsy Kane.

MS. JOCHIMS: Second.

(All respond aye.)

MR. WALL: Congratulations, Betsy.

MS. KANE: The second item on the agenda is to elect the vice chairperson.

MR. GATES: I nominate Margo Jochims.

MS. KANE: Second. All those in favor.

(All respond aye.)

MS. KANE: Margo, you are vice chairperson. I would also like to ask for any nominations for secretary.

MR. OPALINSKI: I nominate Don Gates.

MS. JOCHIMS: I second.

MS. KANE: All those in favor.

(All respond aye.)

MS. KANE: Don, you are the new secretary. The date and the time of the regular meeting is satisfactory to me. Is everyone else in agreement?

(All respond aye.)

1 MS. KANE: Thank you. Now we'll get down to  
2 the order of business. If you are going to make comments or  
3 testify in any way about the request for the variance, we'd  
4 like you to -- we administer an oath -- so we'd like you to  
5 stand and repeat this after me.

6 Anybody going to be testifying, even the  
7 person requesting the variance? Do you think that you're  
8 going to have comments, those in the audience?

9 ALL WITNESSES,  
10 having been first duly sworn,  
11 testified as follows:

12 MS. KANE: Thank you very much. If you could  
13 sit down for one second. This is our first meeting, so we  
14 have a couple of housekeeping duties. The year-end report,  
15 we'd like to authorize the summary of the 2009 year-end  
16 report from the zoning hearing board. Is everyone in  
17 agreement with that?

18 MS. JOCHIMS: Yes.

19 MR. GATES: Yes.

20 MS. KANE: Now, the hearing, Hearing 1-10,  
21 Richland Properties, an application for relief from Chapter  
22 27 - Zoning, Part 5, Section 27-505, Table 2 - Residential  
23 Districts Area and Bulk Regulations requests a ten foot  
24 reduction to the required 50 foot rear building line to  
25 erect a new house. Property is located at Lot No. 231, 704

1 Brooke Court (Grandview Estates North, Phase 2) Lot and  
2 Block No. 1833-K-13. Parcel owner is Richland Properties,  
3 LLP.

4 Are you the representative of Richland  
5 Properties?

6 MR. KHALIL: (Nodding.)

7 MS. KANE: Okay. Can we have the microphone.  
8 The purpose of the microphone is really to have an audio  
9 record, so if you wouldn't mind.

10 MR. KHALIL: Joe Khalil, Richland Properties.

11 COURT REPORTER: Could you spell your name,  
12 please.

13 MR. KHALIL: K-h-a-l-i-l. The property is  
14 located on Brooke Court. It's Grandview North Phase Two.  
15 This lot was built about five years ago, and Ryan Homes was  
16 unable to convince anybody to buy the lot because of the  
17 depth of the lot is too--

18 MS. KANE: I'm getting some hand signals. I  
19 need you to speak a little bit louder so the people behind  
20 you can hear you.

21 MR. KHALIL: I said this lot was built about  
22 five years ago. Ryan Homes has difficulty selling this lot  
23 because they can't fit the same type of surrounding houses.  
24 So we're trying to fit the house close in size to the houses  
25 around it.

1 MS. KANE: They want to keep the houses in  
2 relation to the other houses.

3 MR. KHALIL: To this house, yeah. So that's  
4 all.

5 MS. KANE: So they could get a home that  
6 would be roughly equivalent to the adjacent properties if  
7 they had a ten-foot setback variance for the backyard?

8 MR. KHALIL: Correct.

9 MS. KANE: They would have a 40-foot  
10 backyard then?

11 MR. KHALIL: Instead of 50.

12 MS. KANE: Do they have a buyer for this  
13 house and lot if they do that?

14 MR. KHALIL: If they do that they would buy  
15 it, yeah. The house they able to build there would be so  
16 small that only 25 feet depth.

17 MS. JOCHIMS: Is it a spec house going in or  
18 is this an actual--

19 MR. KHALIL: There is no certain house at  
20 this point. We're trying to get the variance, and then we  
21 could find a client.

22 MS. KANE: So you don't have a potential  
23 customer at this point in time?

24 MR. KHALIL: No, we don't because, to my  
25 knowledge, about three times the sale fail because of the

1 size.

2 MS. KANE: Okay.

3 MR. GATES: Didn't we have this before?

4 MS. KANE: We did. Not this developer, a  
5 different developer, Maronda Homes I believe.

6 MR. GATES: Maronda Homes. I think I voted  
7 to deny it because the variance, because the hardship was  
8 self-imposed. Betsy, I thought then you said they should  
9 take the vacant lot and give it to the homeowners.

10 MS. KANE: You're going to make me eat my  
11 words now.

12 MR. KHALIL: In the back but not the front.  
13 It would make it difficult. But there is plenty of woods in  
14 the back. So that natural area, I think, wouldn't affect  
15 the general property at all.

16 MS. KANE: Do you plan, when you sell this  
17 lot -- and I realize that sometimes you don't have total  
18 control over it -- will it be Ryan Homes that develops this?

19 MR. KHALIL: Ryan Homes.

20 MS. KANE: If we impose something that says  
21 you have to keep a buffer in the backyard, is that something  
22 that you could agree to?

23 MR. KHALIL: Oh, yeah.

24 MS. KANE: Where the trees will remain?

25 MR. KHALIL: We try to keep the trees all the

1 time. People like trees.

2 MS. KANE: There are homes on these other  
3 lots that we can see from your picture that are already  
4 purchased.

5 MR. KHALIL: Yeah.

6 MR. OPALINSKI: Are all of the other lots  
7 purchased?

8 MR. WALZER: There are two left on that  
9 street that aren't built upon.

10 MR. KHALIL: This one, I believe, Ryan Homes  
11 is in the process to sell that one, doesn't have a problem  
12 with the depth area.

13 MS. KANE: It's Lot No. 230.

14 MR. KHALIL: So Lot 231 is the one we have a  
15 problem. This is the result.

16 MS. KANE: Was this just a function of you  
17 could not, just in drawing out the lot plans when you  
18 planned this development?

19 MR. KHALIL: It was a mistake, you know.  
20 Otherwise probably with this to this where you have to move  
21 the so-called up a little bit about ten feet, that would  
22 resolve the whole problem, but mistakes happened.

23 MS. KANE: Are there any other questions?

24 MR. GATES: Are there homes behind? Does  
25 somebody live in the Oakhill Park?

1                   MR. KHALIL: There is other house over here.  
2 I spoke to a gentleman before the meeting. He says he has a  
3 home here. But then this immediate back of the lot there is  
4 no house.

5                   MR. GATES: Is the land behind it buildable  
6 or is it nonbuildable?

7                   MR. KHALIL: No, it's not possible to build.

8                   MR. GATES: So nobody could ever build? If  
9 we would grant the variance then it wouldn't adversely  
10 affect anybody directly behind?

11                   MR. KHALIL: No.

12                   MS. KANE: We will now open the floor to let  
13 people ask questions that have come to attend the hearing.  
14 Sir, would you state your name.

15                   MR. ZUKOWSKI: I'm Tom Zukowski. I live on  
16 Oakhill Road. This is Pam Linn's house which probably  
17 borders it more than anybody's. We have--

18                   MR. GATES: That's the house at the end of  
19 Oakhill; right?

20                   MR. ZUKOWSKI: Right. Going up Oakhill there  
21 is another lot right here. This is a vacant lot. This is  
22 my lot. I live in the lot next to it. This is an  
23 additional lot that's layed out.

24                   MS. JOCHIMS: Does it say lot four on your  
25 picture that is your lot or that you're living in?

1 MS. KANE: I think lot four is the--

2 MR. ZUKOWSKI: It has my name on it. No, lot  
3 four is where I live, and this one here has my name on it.  
4 By the way, Pam Linn was supposed to be here, but she's not  
5 able to be here tonight and she asked me to speak for her.

6 But we got the letter. So apparently we are  
7 somewhere in the area there on that within a hundred feet or  
8 wherever. Does anybody know how big that lot is, acreage,  
9 third of an acre, one-third acre lots?

10 MS. JOCHIMS: Depending on which residential  
11 you're in. Are you asking whether it's permissible?

12 MR. ZUKOWSKI: Yeah. If I had a third of an  
13 acre could I go out--

14 MS. KANE: And sometimes that's qualified by  
15 lot averaging.

16 MR. ZUKOWSKI: Averaging, yes. Well, you  
17 know, averaging is like someone has said up here. When you  
18 do the planning on it and the averaging is figured in on it,  
19 that's poor planning. Today it's ten feet. As you  
20 suggested, it's happened before. Tomorrow it's 20 feet. So  
21 next time it's a quarter acre. You know, the variances  
22 could go on and on and on.

23 MR. GATES: We do it on a case-by-case basis.  
24 There's a lot of factors other than the fact about the  
25 building line. There are other factors -- the neighborhood,

1 what's behind it, so on and so forth.

2 MR. ZUKOWSKI: Well, at this time there is no  
3 building on this lot. In the future I'm sure someday  
4 someone will build on it.

5 MR. GATES: He said it's topographically  
6 unbuildable. Would you agree with that?

7 MR. ZUKOWSKI: This lot here?

8 MR. GATES: No, the one right behind it. The  
9 one right behind the lot in front of you.

10 MR. ZUKOWSKI: Absolutely not. Oh, I don't  
11 know. That's Pam Linn's area there. No, I don't think it's  
12 unbuildable. Directly behind it may be.

13 MS. KANE: The area directly behind the  
14 area--

15 MR. ZUKOWSKI: Directly behind?

16 MS. KANE: --of Pam's lot.

17 MR. ZUKOWSKI: Fifty feet behind or Pam's lot  
18 down to Oakhill Road?

19 MS. KANE: Whatever she owns is not  
20 subdivided at this point.

21 MR. ZUKOWSKI: No, it isn't.

22 MS. KANE: So it would not be built upon  
23 unless she filed a plan to subdivide and that was approved.

24 MR. ZUKOWSKI: Yeah. But it was buildable.  
25 You could probably build a house on it at some point. I'm

1 not guessing they're building a house up there, it's just  
2 the fact that the rules will change all the time.

3 MS. KANE: well, that's kind of why we have  
4 the zoning hearing board, believe me.

5 MR. OPALINSKI: Is your objection to the size  
6 of the lot as opposed to this particular setback issue?

7 MR. ZUKOWSKI: My objection is to the  
8 planning. The plans are already, they know when they laid  
9 out the lots how big the lots are going to be, how big the  
10 houses are going to be.

11 MR. OPALINSKI: We would agree. That's the  
12 fact. The question is now how do we deal with it. Do we  
13 grant the variance in light of that problem or do we not.

14 MR. ZUKOWSKI: I'd like the playground to be  
15 there. This is entirely up to you whether you grant it or  
16 not. Life will go on for me, no doubt.

17 MR. OPALINSKI: well, we will decide. I  
18 guess I'm trying to define what your specific objection is  
19 or do you have one.

20 MR. ZUKOWSKI: My objection is not with the  
21 board here, it's with the planning of it. I mean, these are  
22 factors that should have been seen before. They possibly  
23 were. But we can file for a variance on it.

24 MS. KANE: well, I'd like to also question  
25 Jeff. When they filed their plan are things like this

1 caught? Are things like this sometimes caught but not  
2 always caught? Because this plan had to be filed for  
3 approval.

4 MR. WALZER: Well, obviously it's a recorded  
5 plan. So it went through and the bottom line is it did meet  
6 the boundaries to go through or it wouldn't be a laid out  
7 plan. These are the last two lots. The reason they're the  
8 last two is they were having a hard time finding a house to  
9 fit on it.

10 MS. KANE: But are you saying that when this  
11 plan was approved the backyard setback was different than  
12 the new zoning?

13 MR. WALZER: The setback was 50-foot, which  
14 is what it is now.

15 MS. KANE: It's an approved lot. They could  
16 build on it if they built a smaller house.

17 MR. KHALIL: We met the whole requirement for  
18 the others, 50-foot setback in the back, 15 in the front,  
19 40, and the township can't object to that at that time  
20 because we met the requirement. They do not care if we  
21 build the house small or big. We didn't have objection to  
22 that until Ryan Homes went to the--

23 MS. KANE: To market the home and that type  
24 of home would not go with the rest of the neighborhood.

25 MR. KHALIL: Exactly. And this might be a

1 problem, they said, because we know the variance is not easy  
2 to get and we're not going to assume when we're done that  
3 we're going to get the variance, let's play this game.

4 MS. KANE: I see what they mean. I have to  
5 look at it a couple different ways. Number one, if we do  
6 not grant the variance and you could not sell the lot, even  
7 if you gave it to the township, it becomes an issue of  
8 maintenance, you know, the township would have to cut it and  
9 they probably wouldn't do that, et cetera. If you put a  
10 smaller house on there then we get less tax revenue.

11 MR. KHALIL: Plus if we leave, especially  
12 with this market, they're going to start complaining about  
13 this lot.

14 MS. KANE: Does anybody else want to comment?  
15 Is there any discussion of the board?

16 MR. GATES: Does the plan have a homeowners'  
17 association?

18 MS. KANE: Have you met with them? What are  
19 their feelings?

20 MR. KHALIL: No.

21 MS. KANE: I move that the variance be  
22 granted for several reasons, one of which is an abandoned  
23 lot detracts from this neighborhood and decreases our tax  
24 base. Looking at the other lots, some of them are very  
25 spacious.

1                   It would have been fortunate if that could  
2 have been caught during the filing of the plan from when I  
3 questioned that. Although you are a legal lot, it just  
4 limits the size of the home that you could put on there. I  
5 could see where people who have invested \$200,000 and upward  
6 probably--

7                   what's the average price of a lot or the  
8 package?

9                   MR. KHALIL: The house with the lot? Close  
10 to 300.

11                  MS. KANE: They don't want a small ranch home  
12 or a split entry in their neighborhood, which I can  
13 understand. So on that basis I would approve the variance.  
14 I move to approve the variance.

15                  MR. OPALINSKI: I would concur but suggest  
16 that we should keep the condition of keeping the tree buffer  
17 in the backyard.

18                  MS. KANE: I agree with that.

19                  MR. WALZER: Do you want to set a size to  
20 that -- five feet, ten feet?

21                  MS. KANE: I would say a minimum of ten feet.

22                  MR. OPALINSKI: That makes sense.

23                  MS. KANE: Given that the adjacent property  
24 owner is probably not going to subdivide and develop her  
25 land and that there are trees there as a buffer, I think

1 continuing trees onto this property is a good idea and I  
2 think 10 or 15 feet at the most would be reasonable.

3 MR. ZUKOWSKI: Well, is it 10 or 15? It says  
4 ten on here. I don't want to go back and tell Pam that  
5 they're going back 20 feet.

6 MS. FORD: They already logged right through  
7 all our property lines in the back before they built the  
8 houses. So none of the trees are on your property.

9 MS. JOCHIMS: That is the--

10 MS. FORD: Right, there are trees there, but  
11 they logged right up to the property lines.

12 MR. KHALIL: We just went over this a couple  
13 weeks ago. You could see trees all the way--

14 MS. FORD: These--

15 MR. WALZER: Currently there's over ten feet  
16 of trees.

17 MS. KANE: I'm going to request a ten-foot  
18 buffer of trees adjacent to the back property line.

19 MR. WALZER: Can I make one comment on that?  
20 I would recommend that the zoning hearing board require that  
21 the buffer also be shown on the survey submitted for zoning  
22 permit and that it goes to the owner also.

23 MR. KHALIL: Okay.

24 MR. WALZER: I would call it a ten-foot  
25 natural tree buffer.

1 MS. KANE: Do you understand?

2 MS. FORD: When they laid that out they cut  
3 all the trees right up to our property lines, and then they  
4 filled in to make those lots there. That was all graded.

5 MR. KHALIL: Are you talking about the lot  
6 you live in?

7 MS. FORD: Right up to--

8 MR. WALZER: That lot there, I don't  
9 believe--

10 MR. KHALIL: Talking about this part or the  
11 other part?

12 MS. FORD: The one up-- There's two lots for  
13 sale up there. One is on Pam's property, Linn's, and the  
14 other one is on, we have an empty acre right beside her.

15 MS. JOCHIMS: The one at issue tonight, are  
16 there any trees on that lot?

17 MS. FORD: Yes.

18 MS. JOCHIMS: On that lot?

19 MR. WALZER: Yes.

20 MS. FORD: The lot they want to build on,  
21 there's no trees on that one.

22 MR. ZUKOWSKI: I don't know how far down the  
23 hill it goes. It goes down the hill right after it's  
24 graded.

25 MS. KANE: If they don't have any trees

1 there, we'd like ten feet worth of trees at the back of the  
2 property line. We would like that shown on the deed, on the  
3 survey, so that the homeowner knows.

4 MR. KHALIL: That's the ten feet buffer at  
5 the back line of the lot.

6 MS. KANE: So maybe I should amend my motion.  
7 I move that we grant a variance with a ten-foot backyard  
8 setback provided ten feet of trees at the back of the  
9 property are shown on the survey and become part of that  
10 deed.

11 MS. JOCHIMS: I will second that with the  
12 understanding that the reason you're getting the variance or  
13 one of the reasons is the particular shape of this lot is an  
14 unusual triangular shape--

15 MR. WALZER: The radius maybe.

16 MS. JOCHIMS: --which creates your dilemma.  
17 But I will second Betsy's motion.

18 MS. KANE: All those in favor.

19 (All said aye.)

20 MS. KANE: The motion is granted. Thank you  
21 very much for coming.

22 MR. WALZER: When you make a survey, Joe,  
23 make sure they show a ten-foot natural tree buffer.

24 MS. KANE: It's the end of our meeting. All  
25 those in favor to close the meeting say aye.

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(All said aye.)

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MS. KANE: The meeting is adjourned.

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(Whereupon, at 7:28 p.m., the meeting

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adjourned.)

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the written proceedings and that this copy is a correct transcript of the same.

Dated at Penn Hills Township, Pennsylvania, this 17th day of March 2010.

\_\_\_\_\_  
Karen L. Cross  
Reporter - Notary Public

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