

**NORTH FAYETTE TOWNSHIP
ZONING HEARING BOARD**

**THURSDAY, JUNE 25, 2015
7:30 P.M.**

The meeting was called to order with Vice Chairman James “Chip” McCarthy presiding.

MEMBERS PRESENT:

Chip McCarthy, Vice Chairman
Jim Bruni, Member
Alyssa Golfieri, Assistant Solicitor
Cheryl Cherico, Secretary

MEMBERS ABSENT:

George Bartha, Chairman
John Scott, Alternate Member

OTHERS PRESENT:

Leah Attanucci, Pittsburgh Reporting Service
Laura Ludwig, Community Development Director
Patrick Conners, Community Development Intern
Rong Lin, Body Work
Artem Mishchenko, Super Pizza
Bill Chen, Imperial Plaza

ADMINISTRATIVE:

Mr. McCarthy asked for a motion to approve minutes from the May 28, 2015, meeting.

A motion was made by Mr. Jim Bruni, seconded by Mr. McCarthy, to approve the minutes from the May 28, 2015, meeting. Motion carried.

Mr. McCarthy announced that prior to this meeting, the Board held an executive session to receive advice of the Solicitor.

Mr. McCarthy asked the court reporter to swear in witnesses and any members of the public wishing to comment during the hearings.

The court reporter swore in the witnesses.

NEW BUSINESS:

1. Zhen Hua Chen Sign Variance Request.

Zhen Hua Chen is requesting a variance from the maximum business identification wall sign size restriction of Section 27-1007.1.A and Table 27-11 of the Zoning Ordinance to permit the installation of a business identification wall sign for Body Work on the existing building located at 610 Old Steubenville Pike in the B-1 Neighborhood Commercial District, currently designated as a portion of Allegheny County Block/Lot No. 799-D-6.

Mr. McCarthy said notice of tonight's hearing was advertised and the subject property posted pursuant to the requirements of the PA Municipalities Planning Code.

Mr. McCarthy entered the Board's Exhibits 1 through 13 referenced on the Exhibit List into the Record of this hearing. He asked the court reporter to insert those exhibits into the transcript as if the Exhibit List was read into the Record.

The Exhibit List entered at the June 25, 2015 hearing included:

1. Chapter 27 of the North Fayette Township Code of Ordinances, Zoning, as amended.
2. Application to Zoning Hearing Board dated May 21, 2015.
3. Lease dated April 1, 2015 between Bill Chen (Lessor) and Jack Chen, LLC, Jack Chen, and Zhen Hua Chen, d/b/a Bodyworks by Cindy (Tenants) for the subject unit.
4. Plan (undated) illustrating the dimensions, design, and proposed location of the new wall sign.
5. Plan (undated) illustrating the dimensions and design of the new wall sign.
6. Allegheny County Property Assessment Office webpage dated May 21, 2015 for adjacent property owners in response to Application Item No. 9 (6 pages).
7. Letter dated June 8, 2015 from Bill Chen authorizing Zhen Hua Chen to seek the requested sign variance.
8. Allegheny County Property Assessment Office webpage dated June 10, 2015 for property designated as Allegheny County Block/Lot No. 799-D-6 and providing aerial map showing parcel boundaries with subject property highlighted (4 pages).
9. Public Notice and Proof of Publication for tonight's public hearing.
10. Letter from Board Secretary dated June 11, 2015 to Bill Chen regarding notice of hearing.

11. Letter from Board Secretary dated June 11, 2015 to Zhen Hua Chen regarding notice of hearing.

12. Letter from Board secretary dated June 11, 2015 to neighboring property owners regarding notice of hearing (6 letters).

13. Photographs of Notice of Postings.

Mr. McCarthy asked a representative to approach the Board.

Mr. Lin approached the Board.

Mr. McCarthy said the Board's solicitor had a few questions for clarification.

Ms. Golfieri said the sign plan was received but some of the information as to who prepared the plan and the date of the plan was not listed. She asked the applicant if he knew who had prepared the plan illustrating the dimensions, design, and proposed location of the new wall sign and the date it was prepared.

Mr. Lin said no, he could talk to the person making the sign for him.

Mr. McCarthy asked if he would be able to provide that information at a later date.

Mr. Lin said yes.

Mr. McCarthy asked the applicant to present his case.

Mr. Lin said if he could put a sign up, he would be okay.

Mr. McCarthy asked if the Township had any comments or questions.

Ms. Ludwig said the Township doesn't have any issues with this request. She said they have seen a lot of these sign variances over the years especially when those signs would exceed that maximum square footage. As Mr. Chen and the applicant are aware, she said the way the ordinance is written now is what the Township has to enforce with the maximum 200 square feet. She said the Township is looking into that as part of the ordinance update, but for now it is what it is. She said she does believe they are entitled to some signage to advertise their business so the Township is fine with it.

Mr. McCarthy asked if there were any public comments or questions.

There were none.

Mr. McCarthy asked if the Board had any further comments or questions.

Mr. Bruni said he had one quick question about the plan. He said in one location it stated the sign size as 12” by 82” and in another location it stated 24”.

Mr. Lin said that was wrong. He said the plan should just say 12” and that is the area of the lettering.

Ms. Golfieri said for the record it would be noted that the applicant’s representative was pointing to Exhibit No. 4, the Plan (undated) illustrating the dimensions, design, and proposed location of the new wall sign.

Mr. Lin said the sign would be 1’ by 7’, or 7 square feet.

Mr. McCarthy asked if it would be internally illuminated.

Mr. Lin said yes.

Mr. McCarthy asked if anyone had any further comments or questions. Hearing none, he asked the Board for a motion to close the public hearing.

A MOTION WAS MADE BY Mr. JIM BRUNI, SECONDED BY Mr. CHIP McCARTHY, AND CARRIED, TO CLOSE THE PUBLIC HEARING.

ROLL CALL:	JIM BRUNI	YES
	CHIP McCARTHY	YES

Mr. McCarthy asked for a motion on the application.

A MOTION WAS MADE BY Mr. JIM BRUNI. SECONDED BY Mr. CHIP McCARTHY, AND CARRIED, TO APPROVE THE APPLICATION FILED BY ZHEN HUA CHEN (THE “APPLICANT”) REQUESTING A VARIANCE FROM THE MAXIMUM BUSINESS IDENTIFICATION WALL SIGN SIZE RESTRICTION OF § 27-1007.1.A AND TABLE 27-11 OF CHAPTER 27 OF THE NORTH FAYETTE TOWNSHIP CODE OF ORDINANCES, ZONING, AS AMENDED, (THE “ZONING ORDINANCE”) RELATED TO THE INSTALLATION OF A BUSINESS IDENTIFICATION WALL SIGN FOR BODY WORK (THE “PROPOSED WALL SIGN”) ON THE EXISTING BUILDING LOCATED AT 610 OLD STEUBENVILLE PIKE IN THE B-1 NEIGHBORHOOD COMMERCIAL DISTRICT, CURRENTLY DESIGNATED AS A PORTION OF ALLEGHENY COUNTY BLOCK/LOT NO. 799-D-6, (THE “SUBJECT PROPERTY”) IN ACCORDANCE WITH THE APPLICATION MATERIALS, PLANS, AND TESTIMONY ACCEPTED INTO THE HEARING RECORD BY THE BOARD AND SUBJECT TO THE FOLLOWING CONDITIONS.

- 1. Compliance with Laws.** The Applicant and the use and development of the Subject Property shall comply with all applicable Federal, State, County, and Township laws,

statutes, ordinances, resolutions, and regulations, including but not limited to the Zoning Ordinance.

2. **Permits and Approvals.** The Applicant shall apply for and obtain any and all necessary Federal, State, County, and Township permits and approvals for the installation of the Proposed Wall Sign on the Subject Property. The Applicant and the use and development of the subject Property shall comply with all such Federal, State, County, and Township permits and approvals.
3. **Sign Variance Scope.** The variance from the maximum business identification wall sign size restriction of § 27-1007.1.A. and Table 27-11 of the Zoning Ordinance is strictly limited to permitting the Proposed Wall Sign on the front wall of the existing building located on the Subject Property for the tenant space known as 180 Imperial Plaza Drive in accordance with the design, size and location shown on the undated plan entered into the hearing record as Exhibit “4” (the “Sign Plan”).
4. **Sign Installation.** The Proposed Wall Sign shall strictly conform to the Sign Plan, except as revisions are necessary to comply with this decision and other necessary township permits and approvals.
5. **Sign Location.** The proposed Wall Sign shall be located on the front wall of the existing building on the Subject Property in a location consistent with the Sign Plan and otherwise in a location consistent with the current wall signs of the subject property.
6. **Sign Size.** The size of the Proposed Wall Sign shall strictly conform to the Sign Plan except as revisions are necessary to comply with this decision and other necessary Township permits and approvals.
7. **Sign Restriction.** In light of the grant of this variance for the Proposed Wall Sign, no further permanent or temporary signs on the Subject Property shall be installed, applied or placed which do not comply with applicable Federal, State, County and Township laws, statutes, ordinances, resolutions, and regulations, including but not limited to the Zoning Ordinance.
8. **Installation Deadline.** The installation for the proposed Wall Sign shall be completed not later than six (6) months from the date of this decision.
9. **Variance Termination.** The variance granted by this decision is specific to the Proposed Wall Sign as referenced in the exhibits and testimony entered into the hearing record by the Board. This decision shall have no precedential value for similar applications by the Applicant or any other applicant at any location in the Township. The variance granted by this decision shall automatically expire and terminate immediately upon Body Work ceasing to operate within the subject tenant space (known as 180 Imperial Plaza Drive) of the unit in the existing building located on the Subject Property.

10. Failure to Comply. Failure to comply with the above referenced terms and conditions of this decision shall result in the variance being rendered null and void.

ROLL CALL:	JIM BRUNI	YES
	CHIP McCARTHY	YES

2. Artem Mishchenko Sign Variance Request.

Artem Mishchenko requesting a variance from the maximum business identification wall sign size restriction of Section 27-1007.1.A and Table 27-11 of the Zoning Ordinance to permit the installation of a business identification wall sign for Super Pizza on the existing building located at 610 Old Steubenville Pike in the B-1 Neighborhood Commercial District, currently designated as a portion of Allegheny County Block/Lot No. 799-D-6.

Mr. McCarthy said notice of tonight's hearing was advertised and the subject property posted pursuant to the requirements of the PA Municipalities Planning Code.

Mr. McCarthy entered Board Exhibits 1 through 12 referenced on the Exhibit List into the Record of this hearing. He asked the court reporter to insert those exhibits into the transcript as if the Exhibit List was read into the Record.

Exhibits Entered at June 25, 2015 Hearing:

1. Chapter 27 of the North Fayette Township Code of Ordinances, Zoning, as amended.
2. Application to Zoning Hearing Board dated May 26, 2015.
3. Lease dated April 1, 2015 between Bill Chen (Lessor) and Artem Mishchenko (Tenant) for the subject unit.
4. Plan (undated) prepared by Precision sign & Awning illustrating the dimensions, design, illumination, and proposed location of the new wall sign.
5. Aerial photograph of Subject Property with handwritten notations of the names and addresses of the adjacent property owners in response to Application Item No. 9.
6. Letter dated June 8, 2015 from Bill Chen authorizing Artem Mishchenko to seek the requested sign variance.
7. Allegheny County Property Assessment Office webpage dated June 10, 2015 for property designated as Allegheny County Block/Lot No. 799-D-6 and providing aerial map showing parcel boundaries with subject property highlighted (4 pages).
8. Public Notice and proof of Publication for tonight's public hearing.

9. Letter from Board Secretary dated June 11, 2015 to Bill Chen regarding notice of hearing.
10. Letter from Board Secretary dated June 11, 2015 to Artem Mishchenko regarding notice of hearing.
11. Letter from Board Secretary dated June 11, 2015 to neighboring property owners regarding notice of hearing (6 letters).
12. Photographs of Notice of Postings.

Mr. McCarthy asked a representative to approach the Board.

Mr. Mishchenko approached the Board.

Mr. McCarthy said before he presented his case, the Board's solicitor had a question for clarification.

Ms. Golfieri said it is the same issue with the last applicant. She said the Board received his application with the sign plan prepared by Precision Sign & Awning and wondered if Mr. Mishchenko knew the date when the plan was prepared.

Ms. Ludwig said she believed the date was on the plan.

Mr. McCarthy said there was a signature on it with 4/29/15.

Ms. Golfieri apologized and said that was perfect.

Mr. McCarthy asked Mr. Mishchenko if he had anything he wanted to add.

Mr. Mishchenko said no.

Mr. McCarthy asked if there were any questions or comments from the Township.

Ms. Ludwig said no, the Township had no issues.

Mr. McCarthy asked if there were any public comments or questions.

There were none.

Mr. McCarthy asked for clarification on the size of the letters as 15" high.

Mr. Mishchenko said yes.

Mr. McCarthy said he was missing the dimensions so it would be two rows of 15" letters making the sign 30" high.

Mr. Mishchenko said he believed it was 36” with 6” between the letters.

Mr. McCarthy asked how wide the sign would be.

Mr. Mishchenko said it would be 72”, or 6 feet.

Mr. McCarthy asked if it would be illuminated with just one color, red.

Mr. Mishchenko said yes, just red.

Mr. McCarthy asked if the Board had any further comments or questions. Hearing none, he asked for a motion to close the public hearing.

A MOTION WAS MADE BY Mr. JIM BRUNI, SECONDED BY Mr. CHIP McCARTHY, AND CARRIED, TO CLOSE THE PUBLIC HEARING.

ROLL CALL:	JIM BRUNI	YES
	CHIP McCARTHY	YES

Mr. McCarthy asked for a motion on the application.

A MOTION WAS MADE BY Mr. JIM BRUNI, SECONDED BY Mr. CHIP McCARTHY, TO APPROVE THE APPLICATION FILED BY ARTEM MISHCHENKO (THE “APPLICANT”) REQUESTING A VARIANCE FROM THE MAXIMUM BUSINESS IDENTIFICATION WALL SIGN SIZE RESTRICTION OF § 27-1007.1.A AND TABLE 27-11 OF CHAPTER 27 THE NORTH FAYETTE TOWNSHIP CODE OF ORDINANCES, ZONING, AS AMENDED, (THE “ZONING ORDINANCE”) RELATED TO THE INSTALLATION OF A BUSINESS IDENTIFICATION WALL SIGN FOR SUPER PIZZA (THE “PROPOSED WALL SIGN”) ON THE EXISTING BUILDING LOCATED AT 610 OLD STEUBENVILLE PIKE IN THE B-1 NEIGHBORHOOD COMMERCIAL DISTRICT, CURRENTLY DESIGNATED AS A PORTION OF ALLEGHENY COUNTY BLOCK/LOT NO. 799-D-6 (THE “SUBJECT PROPERTY”) IN ACCORDANCE WITH THE APPLICATION MATERIALS, PLANS, AND TESTIMONY ACCEPTED INTO THE HEARING RECORD BY THE BOARD AND SUBJECT TO THE FOLLOWING CONDITIONS.

- 1. Compliance with Laws.** The Applicant and the use and development of the Subject Property shall comply with all applicable Federal, State, County, and Township laws, statutes, ordinances, resolutions, and regulations, including but not limited to the Zoning Ordinance.
- 2. Permits and approvals.** The Applicant shall apply for and obtain any and all necessary Federal, State, County, and Township permits and approvals for the installation for the Proposed Wall Sign on the Subject Property. The Applicant and the

use and development of the Subject Property shall comply with all such Federal, State, County, and Township permits and approvals.

3. **Sign Variance Scope.** The variance from the maximum business identification wall sign size restriction of § 27-1007.1.A and Table 27-11 of the Zoning Ordinance is strictly limited to permitting the Proposed Wall Sign on the front wall of the existing building located on the Subject Property for the tenant space known as 110 Imperial Plaza Drive in accordance with the design, size and location shown on the April 29, 2015, plan prepared by Precision Sign & Awning, entered into the hearing record as Exhibit “4” (the “Sign Plan”).
4. **Sign installation.** The Proposed Wall Sign shall strictly conform to the Sign Plan, except as revisions are necessary to comply with this decision and other necessary Township permits and approvals.
5. **Sign Location.** The Proposed Wall Sign shall be located on the front wall of the existing building on the Subject Property in a location consistent with the Sign Plan and otherwise in a location consistent with the current wall signs of the subject building.
6. **Sign Size.** The size of the Proposed Wall Sign shall strictly conform to the Sign Plan except as revisions are necessary to comply with this decision and other necessary Township permits and approvals.
7. **Sign Restriction.** In light of the grant of this variance for the Proposed Wall Sign, no further permanent or temporary signs on the Subject Property shall be installed, applied or placed which do not comply with applicable Federal, State, County and Township laws, statutes, ordinances, resolutions, and regulations, including but not limited to the Zoning Ordinance.
8. **Installation Deadline.** The installation for the Proposed Wall Sign shall be completed no later than six (6) months from the date of this decision.
9. **Variance Termination.** The variance granted by this decision is specific to the Proposed Wall Sign as referenced in the exhibits and testimony entered into the hearing record by the Board. This decision shall have no precedential value for similar applications by the Applicant or any other applicant at any location in the Township. The variance granted by this decision shall automatically expire and terminate immediately upon Super Pizza ceasing to operate within the subject tenant space (known as 110 Imperial Plaza Drive) of the unit in the existing building located on the Subject Property.
10. **Failure to comply.** Failure to comply with the above referenced terms and conditions of this decision shall result in the variance being rendered null and void.

ROLL CALL:	JIM BRUNI	YES
	CHIP McCARTHY	YES

Mr. McCarthy told the applicant good luck and asked if they would be delivering.

Mr. Mishchenko said yes.

Ms. Ludwig said if the applicants had not already submitted their sign permits yet, they can do that now.

COMMENTS

Mr. McCarthy asked if anyone had any questions or comments about anything.

There were none.

ADJOURNMENT:

A MOTION WAS MADE BY Mr. JIM BRUNI, SECONDED BY Mr. CHIP McCARTHY, AND CARRIED, TO ADJOURN THE MEETING AT 7:51 P.M.

Respectfully submitted,

Cheryl Cherico
Zoning Hearing Board Secretary