

**WHITE OAK BOROUGH
ZONING HEARING BOARD MEETING MINUTES
HELD MAY 28, 2009**

Zoning Hearing Board Members Present:

Phyllis Spiegel
David Preece
Terry Farrell
Keith Reigh, Alternate

Zoning Hearing Board Members Absent:

Others Present:

Wayne Washowich, Code Enforcement Officer
John Nulty

Mr. Farrell: ----- the Pledge of Allegiance.

All: Recited Pledge of Allegiance.

Mr. Farrell: Thank you. Mr. Washowich, do we need to take a roll call this evening of those present? Phyllis Spiegel?

Mrs. Spiegel: Present.

Mr. Farrell: David Preece?

Mr. Preece. Present.

Mr. Farrell: And we also have in our audience, our alternate, Keith Reigh. We only have one item on the agenda tonight, and that is a request from Mr. John Nulty who resides at 102 Parkway Drive I guess it is, in White Oak, to construct a one-story detached garage on the call it the front yard, facing Congress Street. Would you like to approach the microphone please, Mr. Nulty, and tell the Board exactly what you are requesting. Let me ask you this first of all, Mr. Washowich?

Mr. Washowich: Yes sir?

Mr. Farrell: Do we have any evidence of ownership on this property with Mr. Nulty?

Mr. Washowich: No, we don't, normally we don't get any type of deeds or anything of that nature to show ownership.

Mr. Farrell: Okay.

Mr. Washowich: Now, he is on the Allegheny County website as being the owner.

Mr. Farrell: Solely in your name Mr. Nulty?

Mr. Nulty: Yes.

Mr. Farrell: Okay. And Mr. Washowich, could you point to the Board, the precise kind of variance Mr. Nulty is requesting?

Mr. Washowich: Yes sir. In the Borough, in White Oak, corner lots, as far as the Borough is concerned, they do not have a rear yard. We designate these corner lots as anywhere, where the property fronts the street, that is considered front yard. And so you would normally have 4 locations on a piece of property. You'd have a front yard, a rear yard and two side yards. Except for corner lots that do not have rear yards. Because of that, the Borough has always taken the position that the property that fronts a street is considered a front yard, in this case Congress and Parkway. You have the property at Congress Street considered a front yard, and you have the property at Parkway considered a front yard. Then what do you have left, well the Borough has said that you have two side yards. And where this particular structure would be built would be what the Borough considers to be in the front yard, only because that property fronts the street, which would be, I think the map is wrong, but it actually would be Congress Street rather than Parkway, uh, what was the other street, the names on the map?

Mr. Farrell: Parkway and uh –

Mr. Washowich: Yeah, yes, so that's where actually the garage would be constructed. Now how that property been in the middle of a street, then there would have been no issue at all, because where Mr. Nulty wants to build would have been considered in a side yard. As long as he met the building setback requirements for building purposes, he would have been able to do that. Unfortunately, these corner lots arise certain problems, and that is one of them, that you have two front yards. We actually then, that kind of regulates what kind of fences you're allowed to put up, on these corner lots, and –

Mr. Farrell: Atypical –

Mr. Washowich: Yes, okay, I know of several, but.

Mr. Farrell: Thank you Mr. Washowich. Mr. Nulty, I'm going to keep calling you Mr. McNulty, would you like to tell us exactly what you would like the Board to approve or consider?

Mr. Nulty: I own, when I bought the property in 1997, it had a garage. But through the sale, part of the land was given to the neighbor and the garage was on that part of the property. And the garage was in disrepair, so the neighbor tore it down. And over the years, I've sort of, I don't know if you're familiar with the property, it's an old house, 1892 or something it was built, and I've spent many years restoring it and now I'm ready to erect a new garage. The drive, we already did, and my yard it has a slope to it, so I was taking a lot of time and consideration deciding where I wanted to put my garage. And that was the best location because it's close to the existing driveway and because of the terrain on the yard, it sort of was

an ideal location. Whenever I started investigating how to do it, that's when I contacted Wayne and he informed me that it was a corner lot and I needed to request a variance. And the reason the type of garage it is, is it's going to be a small garage only because of the sloped property and I don't want the garage to overwhelm the existing historic structure. So I kind of built a small garage.

Mrs. Spiegel: What dimension is your garage going to be? I don't see it here in your –

Mr. Nulty: Well I have, Wayne suggested that I bring a couple of drawings. May I give this to you?

Mr. Farrell: Sure.

Mr. Nulty: This is a rough sketch of the lot.

Mrs. Spiegel: Oh, I see it's 16 and 38?

Mr. Washowich: Okay, we have a copy of that in smaller scale.

Mr. Nulty: I can also give you an elevation view of the garage. I intend to build a brick construction garage, single-story.

Mr. Washowich: 16 by 38.

Mr. Farrell: It looks like a tandem garage?

Mr. Washowich: You can fit two cars in?

Mr. Nulty: That's correct.

Mrs. Spiegel: And that coincides where your driveway is? Is that correct?

Mr. Nulty: Yes it will be close to the driveway. The existing driveway is shown as a governor's drive. So I have access to Parkway and Congress from my driveway.

Mrs. Spiegel: Yeah, I saw that.

Mr. Farrell: This will be bricked on all four sides too?

Mr. Nulty: Yes.

Mr. Farrell: Anything above it at all?

Mr. Nulty: No.

Mr. Farrell: Not an apartment or anything like that?

Mr. Nulty: No.

Mr. Washowich: No, we would not permit that.

Mrs. Spiegel: Are your bushes still going to be around there?

Mr. Nulty: Yeah, they're in fact, I'm a big fan of mature trees, and there are a lot of mature trees in my yard. And I actually placed it, so I only have to take down one tree. But it's a painstaking process. I wouldn't have minded putting it closer to the road, but you know, I don't want the garage so close to the road. I wish I could save all of the trees, but there is one that I have to take down.

Mrs. Spiegel: And one tree is going to thus be eliminated, is that right?

Mr. Nulty: Yeah, I have about 60 plus year old trees in my yard.

Mrs. Spiegel: Yeah, I saw those.

Mr. Nulty: Oh, you've drove by then?

Mrs. Spiegel: Oh yeah.

Mr. Nulty: That's a great house.

Mrs. Spiegel: That's a great house, as a matter of fact, I don't think I've ever seen it before.

Mr. Nulty: Actually, it's in the picture up there, the left corner.

Mr. Washowich: Yep, that's it right up there, left hand corner.

Mrs. Spiegel: Yep.

Mr. Farrell: Which, particularly, which tree are you taking out John?

Mr. Nulty: It would be this one right here in the front, this pine tree.

Mr. Farrell: So this will be the side of your garage, here?

Mr. Nulty: That's correct, yeah, the one side, the entrance will be this side, and the garage will go back this way.

Mrs. Spiegel: Actually, it's just, when you take that one tree that would be out, eliminated so that you can just see it, that one section?

Mr. Nulty: Yes. You'd be able to see that elevation and the garage from Congress Street.

Mrs. Spiegel: You would?

Mr. Nulty: You would, yes.

Mr. Farrell: And you're going to go brick to grade, I presume? Right?

Mr. Nulty: Yeah, well I mean, whatever the requirements are I didn't, I did the drawings myself, but I'm an electrical engineer, I'm not a mechanical or building guy. Whatever the code requires, I'd rather it just all be brick, with only brick exposed.

Mr. Farrell: Yeah, that's what I mean. I was just concerned that the structure's so pretty that you don't build something that's---

Mr. Nulty: You'd be surprised, if you look, it's going to be all brick, it's going to be beautiful.

Mrs. Spiegel: It will be exactly what the house is?

Mr. Nulty: That's correct.

Mrs. Spiegel: The house is all brick with some wood trim.

Mr. Nulty: Yeah, that's correct, it's probably 95% brick – 5% wood.

Mrs. Spiegel: Here you go.

Mr. Nulty: I already have a source for the brick, I found salvaged brick –

Mrs. Spiegel: Does it match?

Mr. Nulty: It matches, yeah. I've used it, I built some small brick stuff, a small garden yard with it already, and it's right on Route 119, I work up there a lot and I drove by an old coal mining facility and the old buildings were falling down and I stopped, and the fellow came out of the building and said that brick's for sale, and I said I'll take some. And every time I go past there I load my truck up, and that's my source for brick.

Mrs. Spiegel: So it's going to be all brick.

Mr. Nulty: Well, yeah, depending on what the code requirements are. My house is masonry construction, which means, there's no wood in it, it's all brick. It's double wide, double thick walls, with plaster right on the brick. I would like to do the same building technique, I don't know what the code requirements are going to be though.

Mrs. Spiegel: I don't think that, Wayne, I don't think there's –

Mr. Washowich: There would be no problem with that.

Mrs. Spiegel: There's no problem with that, and I think it would be –

Mr. Farrell: Complimentary to your building.

Mrs. Spiegel: Yeah.

Mr. Nulty: I've very picky about it, I'm very picky about it.

Mrs. Spiegel: So are we.

Mr. Nulty: Yeah.

Mr. Farrell: Well I was, somebody called me a supervisor, and I dropped on your property, it's a very attractive piece of property. It's really sort of nestled in there, that you don't even know it exists.

Mr. Nulty: It's a great yard, yeah, I looked for years for a house, and I'm from West Mifflin, and whenever I got, after college, when I decided I wanted to buy a house, I was tired of renting, I wanted an old house, and at the time, I didn't spend a lot of money, because I was just out of college, but all of the houses I looked at were in run down neighborhoods, it was very difficult, and so my mother was visiting the fire hall over there in Bryn Mawr, and she stopped in front of the house to look for directions and she saw it, and I bought it the next day, it was that fast. I went out and bought it and –

Mrs. Spiegel: Well it's a nice piece of property that you have.

Mr. Nulty: Uh huh. It was originally about 1 ½ acres and they gave a ¼ of an acre away to the neighbor.

Mrs. Spiegel: They did before you bought it?

Mr. Nulty: During the sale, it was part of the sale.

Mrs. Spiegel: Okay.

Mr. Nulty: The neighbor, the Fishers live next door, they took care of the (inaudible) whatever capacity she left it in his name anyway, and that's how that happened.

Mr. Farrell: Mr. Washowich, can you tell the Board what's directly across the street from this property on the Congress Street side, which is the side that Mr. Nulty is going to be building on?

Mrs. Spiegel: Yeah, what's across the street?

Mr. Washowich: Well there is a street called Bridgeview right there, which comes, I think 4 maybe 5 homes.

Mrs. Spiegel: It's a dead end street.

Mr. Washowich: It goes back to a dead end right. In fact, one individual I think owns all the houses there. But directly across then, I believe is called, East Allegheny Design. It's an interior design building. It's commercial. That is what we call a non-conforming lot, which says you can keep that as a commercial usage until it goes vacant for one year and then it has to revert back to whatever the residential district would be. But that's what's across the street now.

Mr. Farrell: Thank you very much. And was the proper notice provided, the property was posted, and was it advertised properly?

Mr. Washowich: Yes, sir, we put it in the Daily News twice, and we posted the area, and there's only the one neighbor to the one side of John, so we sent that neighbor a letter.

Mr. Nulty: She told me she got it. She's 75 and I help her.

Mr. Washowich: Okay.

Mr. Nulty: I cut her grass and I do all her maintenance.

Mrs. Spiegel: Good neighbor.

Mr. Nulty: Good neighbors are hard to come by.

Mrs. Spiegel: Not in White Oak.

Mr. Nulty: I like it, but I work in (inaudible) Township, it's a long drive to work. And I've always worked north of Pittsburgh and when my mother found the property, I said I can't move to White Oak, it's too hard to get to, there are no highways over there, and but I saw the house, and for the price it was at \$75,000.00, I said I can't pass it up.

Mr. Farrell: And uh, the front yard variance, is there a setback line too Wayne that we need to –

Mr. Washowich: Yeah, there would be, there would be a setback requirement, which he would well meet. I believe it's 30 feet in that area.

Mr. Farrell: And he's going to be about 45 or so?

Mr. Nulty: It shows on that drawing.

Mr. Washowich: Actually he's an R4—

Mr. Nulty: Now I haven't staked out the actually garage location, but that's an estimate.

Mr. Washowich: Actually, it's only a 15 foot setback.

Mr. Farrell: From that side it would be –

Mr. Washowich: R4, we consider that a front yard. Front yards in an R4 district, which would be the Bryn Mawr area, is only 15 feet back.

Mr. Farrell: He'll be well beyond 15 feet. And uh, 47 feet from the one edge to the side of the house.

Mr. Nulty: There are a lot of stories with that house, that house was (inaudible) though it's a large house as it is, whenever the niece who was selling the estate, informed me that when the house was being built the woman who was the mother, she said too big, stop. And there's a door that goes to a brick wall. So the reason I have this as far from the house as I do is because I do have a future desire to add on. A (inaudible) if you ever went into it, there's no formal entry way. So I have plans, that's the reason it's as far from the house as it is. I try to always plan for the future too, when I do things that I do, which is why I never cut down the big beautiful trees. I don't want to wait 50 years for them to grow.

Mrs. Spiegel: No ghosts?

Mr. Farrell: Are there any other questions?

Mrs. Spiegel: No.

Mr. Preece: No.

Mr. Farrell: Is there anybody else in the audience, who wishes to speak? Pro or against? Hearing none, I'd like to take a vote. Those in favor of granting the variance, front yard variance for Mr. Nulty to construct a one-story detached garage, on the location as shown on the map, which he has introduced here tonight, we'll make part of the record, say aye.

Mr. Preece: Aye.

Mrs. Spiegel: Aye.

Mr. Farrell: Aye. Those opposed? No, none. There are none, so Wayne do we need to do anything else?

Mr. Washowich: No, you can adjourn. What will happen John is whenever you're ready, you would just want to come in and bring construction drawings into us.

Mr. Nulty: Okay. Is there any guideline as to what those drawings should contain?

Mr. Washowich: Yeah, I can go over that with you, or I can even give it to you over the phone or fax some of the information to you.

Mr. Farrell: We're looking forward to a Christmas party at the house.

Mrs. Spiegel: Exactly, I was going to say the same thing.

Mr. Nulty: I get people all the time, people drive by and they say they can (inaudible) casing the joint for –

Mrs. Spiegel: Well that's true.

Mr. Farrell: --- real estate agent amongst us.

Mr. Nulty: (inaudible)

Mrs. Spiegel: Howard Hannah/Wilson Baum.

Mr. Farrell: Where did you find the uh, the stone, to edge the driveway?

Mr. Nulty: We made them, those are concrete.

Mr. Farrell: They're concrete?

Mr. Nulty: Yeah, what happened was, I had to build some garden walls and I wanted to use sandstone like they used before, and if you drive around enough in any area you'll find people selling salvage stone, so the same fellow that had the stones had sandstone curbs and you see those all (inaudible)

Mrs. Spiegel: Yes.

Mr. Nulty: But they're very expensive, they can be about \$80 a piece, and that's only for 30 inches of length, and so I bought 2, and I, one of my hobbies is masonry, I love concrete and I love doing all that kind of work, and I make molds, so I made molds out of them and I cast them out of concrete and I stained them brown, which you see, and that's what that all is.

Mr. Farrell: Will you brick that eventually, or will it be concrete?

Mr. Nulty: Yeah, actually I'm probably going to do concrete, and stain and stamp it to look like cobblestone. There's a great house on the corner of Greensburg Pike and Old Lincoln Highway in Wilkinsburg, and there's four mansions on that corner actually, and one of them has, that was my inspiration, the cobblestone driveway with the sandstone curbs and that's what I used as my inspiration.

Mr. Farrell: You have any neighbors or friends that may also invest in White Oak, you've done a great job, we need people like you around.

Mr. Nulty: Well actually a friend and I actually bought a house on Franklin Street in White Oak about a year and a half ago. And it was a ---

Mrs. Spiegel: Did you remodel it, and it was resold?

Mr. Nulty: Yeah, and it was sold.

Mrs. Spiegel: Yeah. Howard Hannah, we had it.

Mr. Nulty: That was me. And everybody loved it.

Mrs. Spiegel: Loved it, absolutely. You did a nice job.

Mr. Nulty: And actually there's one for sale, right next to the Bryn Mawr Tavern, and I'm trying to buy that one right now.

Mrs. Spiegel: Bryn Mawr Tavern.

Mr. Washowich: We just sent violation notices to that one.

Mr. Nulty: He's in bankruptcy. To be honest with you, I offered him \$12,000 for that house, and it's not even worth that. It doesn't have any plumbing, it doesn't have any kitchen, no furnace, it's open.

Mrs. Spiegel: This is on Franklin?

Mr. Nulty: It's on, I think that's Congress.

Mr. Washowich: Congress, 120 Congress or something like that.

Mr. Nulty: He doesn't cut the grass –

Mr. Washowich: Exactly, that's why we were after him.

Mr. Nulty: So that's where I'm at now. That's my neighborhood. I didn't mind working over there on Franklin Street to get started. I spend years working on houses as a kid building houses. I'm an electrical engineer by trade, that's what I do for a living. And then my sister bought an old house by Kennywood years ago, and she's a single mom, so my dad and I spend 5 years restoring that one for her, and then another friend of mine in West Mifflin, he had an old house, I helped him do some stuff. So I've always sort of been involved, but I said look, now I want to work on my neighborhood. My neighborhood is, they call Bryn Mawr the gateway to White Oak, and (inaudible) and you want to keep it nice, because I live there. So that's what I intend to do.

Mrs. Spiegel: Yes, yes, definitely.

Mr. Nulty: That's what I'll spend the rest of my life doing, concentrating on that neighborhood. And I have no intention of being a landlord. My mother was a landlord, she says that's a dirty business and I agree. And anytime you live in the neighborhood, the landlord can bring in the crap. Renters don't care. My goal is to check them out.

Mrs. Spiegel: Oh yeah, that was a beautiful –

Mr. Nulty: That's my philosophy.

Mrs. Spiegel: Well.

Mr. Farrell: Good luck to you.

Mr. Washowich: Absolutely.

Mr. Farrell: Nice to meet you.

Mr. Nulty: Nice to meet you too.

Mr. Farrell: Hope to see you in the neighborhood. Meeting adjourned.

Mr. Nulty: When it's done, I'm going to invite you all down.