The meeting was called to order at 7:30 p.m. by Chairman Thomas Walter with the Pledge of Allegiance and a moment of silence.

ROLL CALL

The Secretary, Robert Grimes, called roll and the following were present: Thomas Walter, Frank Rawson, Robert Wratcher, Shelly Kaltenbaugh and Sharon McIndoe. Messrs. Risko and Erosenko were absent.

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of the Regular Meeting of August 7, 2002, a motion was duly made by Mr. Rawson to approve them, as submitted, and Mr. Grimes seconded it. Upon a roll call vote, the motion carried unanimously.

NEW BUSINESS

02-40-A
IMAMIA ORGANIZATION OF PITTSBURGH

The applicant is requesting a variance as provided in Section 302, Nonconforming Structures, of the Monroeville Zoning Ordinance No. 1443, as amended, allowing the expansion of an existing nonconforming structure for a church/house of worship. The property is located at 507 Beatty Road and is zoned R-2, Single-Family Residential.

Dr. Hashim Raza, General Secretary of Imamia Organization, came forward representing the applicant. He explained the request is for a variance of the side yard which does not meet the 30-foot requirement because there is only 15 to 17 feet around the garage area at the rear and two additional feet are needed.

Mr. Walter inquired whether the expansion is within the building lines and Dr. Raza answered negatively. He added the foundation needs 1.9 or 2 feet to meet the 30-foot requirement. Mr. Walter stated the existing structure is nonconforming and Dr. Raza agreed. He indicated the foundation and the existing wall would have to be removed to meet the 30-foot requirement. Mr. Walter inquired about the expansion and Dr. Raza
explained it. Mr. Walter questioned whether the expansion meets the requirements of the ordinance and Ms. Kaltenbaugh answered affirmatively.

Mr. Walter inquired about the number of people attending the church and Dr. Raza answered the number would be determined by the amount of parking available. Mr. Walter questioned the number of parking spaces proposed and Dr. Raza answered there would be 17 spaces. Ms. Kaltenbaugh explained they are required to have one parking space for every four seats in the largest seating area and the drawings reflect 68 seats which require 17 parking spaces. She added that number is probably based on the BOCA Code and they could not go beyond that amount of occupancy for the room. Mr. Walter questioned what occupancy is allowed and Ms. Kaltenbaugh answered 68 are permitted.

Mr. Grimes inquired how the overload parking would be handled. Dr. Raza was uncertain how many would attend on the weekend and if parking is not available, they would not be able to attend. Mr. Walter questioned where overload parking on special occasions would be located and Dr. Raza was uncertain. He stated street parking would not be permissible because it is very congested in that area but he suggested maybe the use of the funeral home parking lot. Mr. Grimes was very concerned that once the parking lot is full, cars would park on the street and Dr. Raza assured him that would not happen. Ms. Kaltenbaugh suggested maybe two services on those special occasion days to avoid overflow. Dr. Raza indicated there maybe enough room for two or three additional spaces and Ms. Kaltenbaugh answered that would be impossible.

Mr. Grimes advised that the fire lanes must remain open. He questioned whether the number of people at the services could be controlled and Dr. Raza answered affirmatively. Mr. Walter suggested the municipality would be inclined to ticket the cars if they are not parked in the lot and Dr. Raza answered anything pertaining to the safety of the building would be enforced.

Mr. Robert Heiss, a resident of 400 Old Haymaker Road, came forward to express his concerns. He inquired about the type of exterior finish of the building and Mr. Richard Righter, Architect, came forward to answer it would be the same building material currently used. He was uncertain whether the stone would remain on the front the house. Dr. Raza answered it would be removed and the brick would be utilized. He explained plans for the exterior have not been finalized. A discussion ensued about whether this information was to be submitted with the site plan to the planning commission. Mr. Walter explained this is the first step and then it goes to planning commission and council for approval. Mr. Heiss explained he was curious as to what the building would look like.

Mr. Heiss inquired whether it is a state or county road and Ms. Kaltenbaugh answered it is county. He questioned whether permits have been obtained from the county for ingress and egress and Dr. Raza answered negatively. Mr. Heiss questioned where all the water would be directed when it rains and Dr. Raza answered the detention tanks in the back of the property. Mr. Heiss was concerned with the water coming off the parking lot and no one was able to answer.
Mr. Heiss questioned whether there would be heavy traffic during the holiday services. Dr. Raza explained Beatty Road is very busy currently and the additional vehicles going to this site are insignificant. Mr. Heiss inquired about the overflow of trash dumpsters after social events and Dr. Raza answered he would do his best to locate them in a concealed place. He added the purpose is not to annoy or disturb the neighborhood but only to achieve a place of worship. Mr. Heiss was concerned with all the trash, dirt and noise generated by a parking lot. He was also concerned with the detention tank not holding the water adequately. Mr. Walter explained the standards of the community would have to be met as approved by the engineers.

Mr. Heiss stated this proposed facility would devalue his property. He inquired about the trees planned and Dr. Raza assured him they would be shown on the drawings. Mr. Heiss expressed his concerns for the noise, disruption and traffic. Mr. Walter asserted that a church is a permitted use at the site and the expansion of a nonconforming structure is the issue under discussion. Mr. Heiss questioned whether a facility this big could be built if the variance is not granted and Mr. Walter answered almost. He explained if the wall was torn down and they lost a few feet, it could be built within the lines. Mr. Wratcher added it is only about the configuration of the building. Mr. Heiss inquired about the parking and Mr. Walter answered a site plan would not be approved without the proper parking. He stated the applicant meets the criteria for the parking with a ratio of one to four on the seating capacity in the largest room. He stated the building proposed is within the approved building lines and added the only thing in question is the existing building.

Mr. Heiss reiterated that everyone in the neighborhood is concerned with this facility setting a precedent for other such establishments on this street. He stated he is not happy with what is proposed but it cannot be stopped. He respectfully requested the board deny the variance.

Mr. Frank Stypula, a resident of the neighborhood, came forward to express his concern for the water and the parking. He stated the municipal engineer did not help them a few years ago and nothing since then has been done. Mr. Walter stated this project should take care of it. Mr. Stypula questioned who would be responsible when they do not do what they are supposed to. Mr. Walter explained there is some natural runoff but this plan with the detention tank would be adequate to handle it from the newly paved area and would be an improvement from what currently exists. Mr. Stypula was concerned with the tank getting clogged and Mr. Walter answered the municipality would enforce the regulations.

Mr. Grimes inquired what structure is located next door. Dr. Raza answered that he owns the house and his sister-in-law lives in it. He stated there is no room for any extra cars. Mr. Stypula was concerned that the property would be used for additional parking. Dr. Raza asserted that it is a private property and has nothing to do with the organization.
Mrs. Paula Anderson, a resident of 423 Beatty Road, came forward to express her concerns for the number of vehicles that would be parked at the site. She felt there is enough traffic in the area already and the residents have difficulty getting out of their driveways. She was very concerned with the suggestion that people may utilize the Van Horn Park lot and crossing the road. Mr. Walter indicated that is not what is being considered at this time. Mrs. Anderson again stated there are too many vehicles in the area and any church would generate more. She felt a church should not be crammed into the area and space should be allowed for additional parking for growth. Further discussion ensued regarding the traffic and the congestion. Mrs. Anderson suggested another location should be selected because a tavern, church and college already exist in the area and it is more than enough.

Dr. Raza responded the resident works for the tavern and it has been expanded. Mrs. Anderson indicated the neighbors concerns were also expressed when the tavern expanded. Dr. Raza indicated the proposed site is strictly for worship and he agreed the area is very congested. Mrs. Anderson questioned why the applicant is interested in the site if there is already so much traffic. Dr. Raza explained an extensive search was done for the lot but this site was selected because of the finances, proximity, and the members in the area. Mrs. Anderson stressed again this facility is not needed in the area with the additional traffic and she felt it is unfair to the parishioners if only 17 parking spaces are provided because no room for growth is allowed. She felt these issues would hinder the facility and Dr. Raza answered every neighborhood has issues. Further brief discussion ensued.

Mr. Rawson inquired about the number of members of the church and Dr. Raza answered 40 to 45 members. Mr. Rawson questioned whether the meeting room would hold 68 people and Dr. Raza answered affirmatively.

Ms. Kaltenbaugh inquired whether the 45 included adults and children. Dr. Raza answered it is 45 adults, husbands and wives, or families. Mr. Wratcher questioned the number of people individually, whether it is 45 plus the children and Dr. Raza answered affirmatively.

Ms. Cleora Plumbell, a resident of Beatty Road, came forward to inquire how a church could be built where it is zoned for single-family dwelling. Mr. Wratcher explained there are a variety of uses that can be put into that zoning district which has been the practice in this community for 50 years. Ms. Plumbell was concerned that another church could build when the next resident moves out and Mr. Wratcher answered it would be allowed. Mrs. Plumbell questioned how the use can be changed from a single-family to a church and Mr. Wratcher explained because in the early days, churches were allowed in residential areas so people could walk instead of drive. Ms. Plumbell was adamant that Beatty Road has as much traffic as it can handle at this time and does not need anymore. She explained how dangerous it is to drive on the road and how difficult it is to get out of her driveway. She was totally against the variance.
Ms. Lynn Silvis, a resident of 513 Beatty Road, came forward to voice her strong objection to any variance that would allow this type of construction. She stated she supports religious organizations but this type of building does not belong in the neighborhood. She indicated her newer home will never be worth the property tax she is currently paying and the houses are too close together. She requested the variance not be granted.

Ms. Amy Keil, a resident on the street, came forward to explain her concerns because she has two small children. She indicated she tried to get support for sidewalks but no one knows who is responsible for the road. She expressed her concern that the vacant lot next to her property would be used for a business. Dr. Raza responded that his two children would never be permitted on Beatty Road. He explained how the students from Community College use the road which is utilized by the bus line. Further discussion ensued regarding how much traffic is on Beatty Road. Ms. Keil stated Beatty Road is already a nightmare and the church would generate more. She stressed how 17 additional vehicles is too much and she anticipated other activities at the church like Sunday school or drop-offs. She was totally against it because of the traffic.

Mr. Tom Anderson, a resident of 517 Beatty Road, came forward to oppose granting the variance and questioned why the applicant is not just building within the lines. Dr. Raza explained the existing structure would be destabilized if the wall is removed. Mr. Anderson inquired whether meetings are still being held at the site and Dr. Raza answered negatively. Mr. Anderson questioned whether the site is being maintained because there is a caution flag on the property and Dr. Raza answered it is a boundary marker from the surveyor. Mr. Anderson opposed the variance and felt the applicant should stay within the current structure line. He requested it be denied.

Mr. Righter came forward to explain that it would be very difficult to remove the narrow strip along the side of the building. He indicated it would entail tearing off the entire side of the building, moving it in two feet and rebuilding it. He stated it would not create any more room for people or parking but it would be very costly. Mr. Walter requested he explain it on the drawing and Mr. Righter explained the existing structure protrudes approximately two feet. Mr. Walter added that is the only part that is in question. Mr. Righter explained how the garage would be torn off and the two-foot section of the house remaining would not add to the visual impression of the building. He stated the variance would allow the applicant not to tear the whole side of the building off and the additional square footage would be relatively small. Mr. Wratcher inquired whether the garage is going to be removed and Mr. Righter answered affirmatively. Dr. Raza explained the garage would be torn down only if necessary but would remain otherwise. Mr. Righter added that removing the garage would be easy but removing the two-foot strip would not.

Mr. Rawson asserted the architect has not reviewed the plans thoroughly. Whereupon, Mr. Rawson made a motion to table Application No. 02-40-A. Mr. Righter explained he has had the information for over a year and is familiar with the building and site but not the developed plan. He felt only the encroachment into the side yard is being
discussed at this time. Again, Mr. Rawson made a motion to table the application until
the applicant submits a plan reflecting the room with the capacity of 68 people. Mr.
Righter felt that would be a planning commission issue. Mr. Wratcher questioned
whether this is for the seating and parking. Mr. Righter answered affirmatively. Mr.
Wratcher explained the issue of whether there is sufficient parking is for zoning hearing
board consideration but the configuration is an issue for the planning commission. He
stated if there is insufficient parking based on the calculation of the seating, it is a zoning
hearing board issue. Mr. Righter stated there is no seating in a Mosque.

Further discussion ensued regarding the seating in a mosque. Ms. Kaltenbaugh
asserted the square footage of a person’s area would be considered in places of assembly
that do not have seating. Mr. Righter stated it is all kneeling and praying. Mr. Wratcher
questioned whether the figure 68 came from the municipality or the applicant and Ms.
Kaltenbaugh answered the applicant. Mr. Wratcher asserted that BOCA requires a
calculation of a maximum occupancy for places of assembly. He stated a room of a
certain size has a maximum occupancy and that is what is being requested how that
number was arrived at to confirm there is sufficient parking available. Ms. Kaltenbaugh
added the building department would compute the figure based on the BOCA Code and
suggested the applicant must show how the figure of 68 was calculated for the largest
seating area.

Mr. Grimes questioned whether the figures from Seaman Lane were calculated
appropriately. Mr. Wratcher explained it must be based on the ordinance requirements
and whether the applicant can provide the parking. Mr. Grimes questioned whether this
parking estimate is accurate and Mr. Wratcher was uncertain until a plan is submitted.

There being no second to the motion to table, it died for lack of a second.

Mr. Mohammadali Mirmajafi came forward to explain a situation he witnessed in
his neighborhood. He stated that Muslims do not drink alcohol and their main purpose is
to please God. He stated the only way to do that is to please their neighbors and he
humbly suggested the people coming to the mosque would be responsible drivers.

Mr. Bill Hamilton, a resident of 621 Illini Drive, came forward to explain of a
situation on his street where a small church was built and disrupted the entire
neighborhood. He explained how people always get lost trying to find the church and
stop abruptly on the surrounding streets. He stated people stop at his house for directions
and the additional traffic to the area is dangerous. He inquired whether the structure was
built larger than allowed and Ms. Kaltenbaugh stated they received appropriate site plan
approval. He asserted when they tore the building down they left a 20-foot piece of wall
standing with a big building behind it. He was also uncertain who owned the building.
He suggested that another problem like the one on their street should not be allowed to
happen.

Ms. Mary Ann Miller, a resident of 515 Beatty Road, came forward to inquire
whether parking would be provided for 17 cars and Dr. Raza answered affirmatively.
Ms. Miller questioned how overflow parking would be provided on holidays when the lots are overloaded with people coming from other states. Dr. Raza understood but assured her that there would be no parking on Beatty Road. He stated schedules could be arranged accordingly so that proper parking would be provided. He indicated he encouraged membership growth but does not anticipate it. Ms. Miller was concerned with people coming from out of state to visit on special occasions and holidays. She strongly requested it not be approved. Dr. Raza explained this is proposed only for local people not nationwide.

Mr. Grimes inquired about the difference between the Mosque on Illini Drive and this one. Mr. Wratcher answered it is a different religion. Dr. Raza explained this is the Hindu religion which is very different. Mr. Grimes questioned whether this Mosque would be low key and local. Dr. Raza answered that is their intention.

Ms. Kaltenbaugh questioned whether there would be any changes made to the building such as steeples that would draw attention or additional visitors and Dr. Raza answered negatively. He again explained it is more about religious beliefs where your prayers are heard the most at a certain place for something specific.

Mr. Robert Heiss again came forward to explain that he does not support this variance. He felt the site should be used as a residence and he was concerned with the Mosque growing. He asserted when the congregation has the opportunity, it will grow. He spoke for Mr. Van Horne that he has no intention of allowing parking in his lot. Dr. Raza explained he did approach the next-door neighbor concerning purchasing the next lot but he was not interested in selling. He stated he only suggested the Van Horne Parking might be utilized but it is acceptable for him not to permit it. He asserted that he cannot predict expansion but he was concerned with the upgrading of the intersection. He stated expansion is not the issue at this time.

Dr. Raza read a paragraph of the feelings of the parishioners. He thanked everyone for the opportunity to explain their point of view. He stated it is a non-profit charity religious organization and part of the hard working community. He indicated their hope is to have a place that would give identity, definition and direction for their generation. He stated their goal remains to raise responsible, family-loving American citizens. He asserted the variance is a first step in that direction and destruction of any part of the structure would de-stabilize the remaining building. He humbly requested the variance be granted. He stated it is not their intention to hurt or irritate the community only to have freedom of religion.

There being no further discussion, Mr. Walter duly made a motion to approve Application No. 02-40-A and Mr. Grimes seconded it. Upon a roll call vote, the motion carried with two affirmative votes and one negative vote. The voting was as follows: Messrs. Walter and Grimes voted affirmatively; Mr. Rawson voted negatively.
SOLICITOR’S REPORT

Mr. Wratcher had no report at this time.

ADJOURNMENT

There being no further business to come before the Zoning Hearing Board, at this time, Mr. Walter duly made a motion to adjourn the meeting at 9:10 p.m. and Mr. Grimes seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Thomas Walter, Sr.
Chairman

TW/sam