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**LEGAL SECTION
Allegheny County
Health Department**

August 8, 2019

VIA HAND DELIVERY

Allegheny County Health Department
Attention: Hearing Officer
542 Fourth Avenue
Pittsburgh, PA 15219

Re: Swinderman Development, LLC/Eddy Homes, Inc.
Notice of Appeal of Administrative Field Order dated 7/9/2019

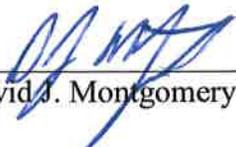
To whom it may concern,

I have enclosed a copy of the Notice of Appeal on behalf of Swinderman Development, LLC/Eddy Homes, Inc.

All future communication regarding this matter should be directed to me at the above address and/or telephone number.

Thank you for your attention.

Sincerely,



David J. Montgomery

cc: Steven Koehler



Notice of Appeal

This form is used to file an appeal of an order, notice, decision, determination, or ruling by the Allegheny County Health Department. Please complete this form (use additional pages as necessary). If more than one person or entity is filing this appeal, please attach a separate form for each additional appellant. **A copy of the order, notice, decision, determination, or ruling must be attached to the Notice of Appeal.**

Name Swinderman Development, LLC / Eddy Homes, Inc

Mailing Address 1158 Dutahl Road

City Mars State PA Zip 15006 Email _____

Phone 412-221-0400 Fax (optional) _____

If you are represented by an attorney, please provide contact information for your attorney:

Name David J. Montgomery, Esquire

Mailing Address 100 Ross Street, Suite 510

City Pittsburgh State PA Zip 15219 Email davidmontgomeryjdc@gmail.com

Phone 412-904-2641 Fax (optional) _____

Describe your objections to the Department's actions and a statement describing the relief you want the Hearing Officer to grant. (The objections may be factual or legal and must be specific. If you fail to state an objection here, you may be barred from raising it later in your appeal. Use additional pages if necessary.)

SEE ATTACHED

By filing this Notice of Appeal with the Allegheny County Health Department, I hereby certify that the information submitted is true and correct to the best of my information and belief.

Signature [Signature] Date 8.8.19

Appeals should be submitted in person or by mail to:

**Allegheny County Health Department
Attention: Hearing Officer
542 4th Avenue
Pittsburgh, PA 15219**

Attachment A
Grounds for Appeal and Request for Relief

The July 9, 2019 Administrative Field Order is vague and does not explain how the “bathroom did not meet ACHD code” and how the fixtures “must be brought up to code.” Despite the absence of a description of the alleged substantive violations in the Field Notice, Swinderman understands that it regards the ACHD requirement in Section 405.3.1 that a water closet in a bathroom be centered at least 15” from a wall. In the case of the Subject Property, Swinderman installed a 24’ vanity pursuant to drawings that had been approved by the Township of Pine. The 24” vanity included a double-sink basin where the plumbing would be located so that the plumbing fixture would be located less than 15” from the walls. The ACHD inspected and approved this design on six earlier occasions in other sold and occupied homes in Brookfield Estates (including the next door unit).

The Subject Property was under a June 1, 2019 sales agreement at the time of the June 2019 inspection. Swinderman later conveyed the Subject Property to an individual named Harry Rattay who has occupied the home with his wife since the July 31, 2019 closing. Mr. Rattay strongly prefers the current design of the 24” double-sink vanity (as this is what he had bargained for when purchasing his home).

The strict application of Section 405.3.1 will work an unreasonable hardship on Swinderman and Rattay. Swinderman designed and sold the vanity space for the Subject Property based on the six prior inspections and approvals by the ACHD. Mr. Rattay is satisfied and desires the two-sink vanity design. If granted a variance for the Subject Property, Swinderman has altered the design of the unit to ensure future compliance with regulation, including making the necessary field change to 4 units that are currently in production.

