

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

July 11, 2018

VIA INTER-OFFICE MAIL AND EMAIL

Max Slater
Administrative Hearing Officer
Allegheny Co. Health Dept.
542 Fourth Avenue
Pittsburgh, PA 15219

RE: Yinzburgh Variance Request (Client #201202030012).

Dear Hearing Officer Slater:

On December 27, 2017, the Allegheny County Health Department (“Department”) received a request to provide 10 customer seats at Yinzburgh BBQ, 4903 Baum Blvd., Pittsburgh, PA 15213 (“Facility”), despite being permitted for 4 seats (“Dec. 27th letter”). Although the Dec. 27th letter requests a hearing, the Department treated the letter as a variance request because the Department has a procedure whereby facilities may request a variance from its regulations and the Department will make a final, appealable determination. Therefore, the Department asserts that the Dec. 27th letter from the Facility should be viewed as a variance request rather than an appeal.

The Department attempted to contact the Facility’s owner to come to a mutually agreed-upon resolution regarding the Dec. 27th letter; however, the communications broke down between the parties. Subsequently, the Department denied the variance request on June 27, 2018. If you have any questions, I can be reached at 412-578-2653.

Sincerely,

Vijyalakshmi Patel
ACHD Assistant Solicitor

Enclosures

cc: Donna Scharding, ACHD Food Safety Program Manager (via email)
Richard Coursey, Appellant (via first class mail)



KAREN HACKER, MD, MPH, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
542 FOURTH AVENUE • PITTSBURGH, PA 15219
PHONE (412) 687-ACHD (2243) • FAX (412) 578-8325 • WWW.ACHD.NET



December 15, 2017

Office of the Director
Karen Hacker, MD
542 4th Ave.
Pittsburgh, PA 15219

RE: Variance Hearing Section 316

Dr. Hacker,

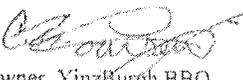
During my recent health inspection I was cited for having tables without restrooms. My permit shows I can have 4 seats. During the inspection I did have more than the permit allows. While my facility is mostly takeout I do get lunch business from locals and they want to eat here and not have to go back to their office.

I do not have servers and the food is picked up by the customer at a sales counter before eating. Most customers who eat in are only here for 20-25 minutes and back to work. The inspectors said I could file an appeal for for a variance to Article III Section 316. The inspectors also said I could utilize counters where customers would stand and eat. Would this extend to high top tables for standing only?

Please accept this as a formal request for an Article XI hearing regarding Article III Section 316. I would like to be able to seat 10 people (5 24"x30" tables with 2 chairs each).

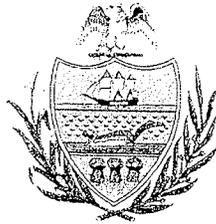
Thank you,

Richard Coursey


Owner, Yinzburgh BBQ

4903 Baum Blvd., Pittsburgh, PA 15213
412-621-YINZ (9469)
www.yinzburghbbq.com

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

May 18, 2018

Richard Coursey
c/o Yinzburgh Ventures LLC
4903 Baum Boulevard
Pittsburgh, PA 15213

RE: Public Toilet Rooms - Variance
Client #201202030012
Yinzburgh BBQ
4903 Baum Boulevard
- Ward 8

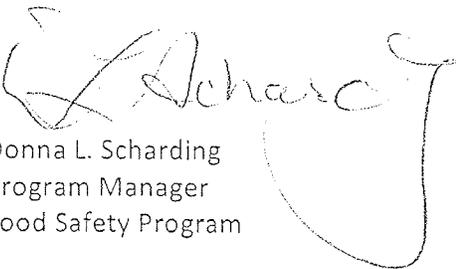
Dear Mr. Coursey:

Pursuant to our conversation on April 03, 2018, it would not be permissible under the ACHD rules and regulations, both "Article III - Food Safety" and "Article XV - Plumbing", to have seating for patrons without access to public toilet rooms.

In December 2017, you complied with the requirements by removing the seats. Subsequent to the inspection, you inquired about alternate options. During our aforementioned phone conversation, I attempted to discuss those options. We were not able to complete our conversation, so I then advised you of when I would next be available to continue our discussion.

As of this date, we have had no further correspondence. If you have remaining questions, feel free to contact this office. Janet Russo is currently the supervisor assigned to your facility. She or Costis Angel can continue to review your options, should you have remaining questions, and put you in touch with an individual in the ACHD Plumbing office.

Respectfully,



Donna L. Scharding
Program Manager
Food Safety Program

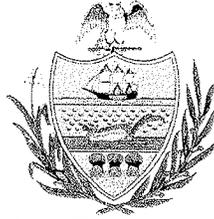


KAREN HACKER, MD, MPH, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

3901 PENN AVENUE • BUILDING 1 • PITTSBURGH, PA 15224-1318
PHONE: 412.578.8044 • FAX: 412.578.8190 • WWW.ACHD.NET

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

June 27, 2018

Richard Coursey
c/o Yinzburgh Adventures LLC
4903 Baum Boulevard
Pittsburgh, PA 15213

RE: Request for Variance
Client #201202030012
Yinzburgh BBQ
4903 Baum Boulevard
- Ward 8

Dear Mr. Coursey:

This letter is in response to your request for a variance from Article III, the Allegheny County Health Department rules and regulations governing "Food Safety", sections 316.1C and D - "Toilet Rooms" and section 315 - "Plumbing". Article III requires for the provision of separate male and female toilet rooms for patrons of food facilities where seating is provided and that such toilet rooms cannot be accessed through food preparation or food storage areas.

Your request states you wish to be able to seat 10 customers, but do not have convenient and safe access to a public toilet room.

It is the decision of this office to deny your request for a variance. However, this variance denial applies only to the conditions identified in your request for the subject facility. Should you desire to alter the conditions of your request, such as the installation of an employee toilet room, not accessible to the public, a new written request is required to be submitted for review.

Pursuant to Article XI, entitled "Hearings and Appeals", you are hereby notified that you have thirty (30) days from the date of this notice in which to file a written appeal. The appeal shall be filed in the office of the Director, 542 Fourth Avenue, Pittsburgh, PA 15219. In the event that an appeal is not filed within thirty (30) days from the date of this order, the within action shall become final.

Respectfully,

Donna L. Scharding
Program Manager
Food Safety Program



KAREN HACKER, MD, MPH, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT

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