

Development Activities Meeting Report (Version: 06/24/2020)

This report created by the Neighborhood Planner and included with staff reports to City Boards and/or Commissions.

Logistics	Stakeholders
Project Name/Address: 3724 Dawson Street (2-unit residential)	Groups Represented (e.g., specific organizations, residents, employees, etc. where this is evident): OPDC OTMA University of Pittsburgh staff Area residents and stakeholders Applicant & owner team DCP staff
Parcel Number(s): 28-M-269	
ZDR Application Number: DCP-ZDR-2022-10596	
Meeting Location: Zoom	
Date: January 17, 2023	
Meeting Start Time: 5:30pm	
Applicant: Jason Roth (Architect), and Janice M. (Owner); J. Lochner (Attorney)	Approx. Number of Attendees: ~20
Boards and/or Commissions Request(s): ZBA for use variance request to certify the structure as a 2-unit residence in place of its existing single-family status	

How did the meeting inform the community about the development project?

Ex: Community engagement to-date, location and history of the site, demolition needs, building footprint and overall square footage, uses and activities (particularly on the ground floor), transportation needs and parking proposed, building materials, design, and other aesthetic elements of the project, community uses, amenities and programs.

Applicant seeks a use variance with the Zoning Board of Adjustment for the use of an existing structure at 3724 Dawson Street as a two-unit residence with three off-street parking spaces. Applicant has had prior engagement with the RCO, OPDC.

Applicant said they do not plan any substantial exterior changes. Applicant said the house has been occupied as a two-family residence since purchased by two families in 1930s. Two families have lived continuously there since then. Owner representative Janice, is from one family. The other family's last resident family member, Henry, passed away last year.

Applicant said the interior of the house was never divided. One family lived on first floor, and the other family lived on second and third floor, and shared front hall. There has been a shared wall and doors, though no fire-rated wall or separate entrances. Applicant said there had been 80 years of familial co-habitation. The owner representative (family descendent) would like to make the occupancy legal and fire-safe. Applicant's understanding from Zoning is that because there are not separate front doors, the Zoning Administrator does not feel he has the authority on his own to approve the use change, and therefore it must go to ZBA. Applicant said they have original lease and records prior to the establishment of the zoning code showing it was in use by two families, and also said they have neighbors who remember both families residing there. For this reason, applicant argues it is a zoning change but not a practical/functional change in how the building has been used for 80+ years.

Applicant showed plot plan.

Input and Responses

Questions and Comments from Attendees	Responses from Applicants
<p>There would be a modification to interior of structure to create a more obvious separation between the two units? Could you explain?</p>	<p>We haven't done the final drawings, but plan is to take the front hall and the stairs leading to the second story and enclose that as a fire-separated lobby and give each unit a fire-rated door that opens into that shared lobby and then both units would also use the single front exterior door. Applicant doesn't think they need a fire escape for a 2-unit building of this height, per code, since single interior stair should suffice.</p>
<p>One unit would have the second and third floor and the other unit would be on the first floor?</p>	<p>Yes.</p>
<p>The first floor would preserve access to porch and back yard?</p>	<p>Yes. Currently there is parking in the back, there are 3 spaces with ample room. The code would require two spaces for two units and we'll have three spaces for two units.</p>
<p>What were the Zoning Administrator's reasons for why he didn't have the authority to make a decision on this without the ZBA?</p>	<p>It was due to the absence of two front doors or some other physical exterior manifestation of it being two units. The requirements for it getting approved include: (1) evidence that the use was in place prior to the passage of Zoning code in 1959, and continuous use of that since then; (2) some physical evidence of that separation.</p> <p>I don't think there are two gas meters, but that's what Zoning Administrator was looking for.</p>
<p>How do the upper floors access parking?</p>	<p>They go out the front door and walk along the side. There is an existing concrete walkway along the house within the property. It should not be an issue.</p> <p><i>[Applicant owner also said up to three families had lived in the building at one time. Owner identified the number and type of rooms in the building, said there are three building exits, and the longstanding entry route into the first-floor apartment that has existed for over 80 years. Applicant asserted that many other properties on the street do not have 2-door entrances, and shared concerns about why the property is not more readily grandfathered in by the City, and burdens of going through Zoning steps. Mentioned other neighbors who have lived in area since 1940s who could attest to awareness of both families living in building].</i></p>

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<i>[OPDC clarified scope of this meeting]</i>	
<i>[Chat comment]:</i> The requirements have changed, and some things were probably allowed when they shouldn't have been.	
You mentioned 1 gas meter. Will utilities be separated?	<p>We would expect so, but haven't looked into the mechanical system yet. We would prefer to separate it. Will be question of cost and also function. It also could be a single gas bill that is split, with heat included with rent.</p> <p><i>[Owner]:</i> For 80 years, 2 families have lived here and managed the utilities. <i>[further comment to questioner...]</i>. Depending on how split utilities, it could be upwards of \$25,000.</p>
<i>[Chat, with addendum from RCO]:</i> Do you expect to rent one unit or are both partial owners living there? Rental does not allow for sharing utility bills [unless one of parties in building is still an owner].	That would be me. I live here and I will remain here. I've lived here over a year since Henry's passing, and this will be owner occupied and rented.
I'm the friend of the departed Henry and just listening in.	
I'm logged in here with my mother. My mom has lived here since 1944 and I've was in the house from 1964 to 1987. We've known Janice [the owner rep] and [Henry C's family] for a long time.	
	<p>I've been doing estate work for Henry C's estate. We did a title search which showed that the two separate families purchased the property in 1933 and they remained in title together up through 2003...<i>[Provided additional detail about ownership being passed down among the two families and Henry C's purchase of interest in it]</i>. Janice remained in property up to current day. Even though in last ten or so years it was only two people in the house, they were still from two separate families. I can answer questions about the title.</p> <p>We have affidavits from people that have lived in the neighborhood.</p>
My family has known the family for 60+ years. I support Janice [owner].	
	<i>[Owner noted she is property owner who bought out property after Henry C's passing, and cited research she had done on other homes in the area being without double front doors or split utilities, and her concern there isn't a process for grandfathering them in].</i>

Questions and Comments from Attendees	Responses from Applicants
<p>[OPDC:] I can't speak to all the surrounding properties. I don't know exactly which ones you're discussing and haven't done research on them. In many cases things were done without permission or legal steps, and that puts onus on the neighborhood to prove wrongdoing after the fact. The process has also been clarified over time. And this step of having a DAM is among the clarifications to that process. There have been houses converted from single-family dwellings into multiple-unit dwelling structures, not all done legally. There have also been changes to the legal process along the way. I can't answer as to why any particular property may have escaped going through the same process as yours.</p> <p>This meeting is just an opportunity for people to learn and ask questions. Comments can be registered here.</p>	<p>To clarify, the two front doors is not a requirement of the code, it is just a piece of evidence, and they need a certain amount of evidence in order to approve this without going through a public process. So in the absence of the two front doors, they kick it over to the ZBA to review available evidence.</p>
<p>What is date of ZBA?</p> <p><i>[Attendees were notified that the public hearing at Zoning Board of Adjustment (ZBA) would be 30+ days after DAM, and how they can provide public comment to the ZBA].</i></p>	
	<p>[Owner:] I appreciate everyone's input. I hired an excellent architect and lawyer to ensure this is done appropriately and in a safe manner. I remain here and I will remain here as long as I am able to.</p>

Other Notes

Planner completing report: Thomas Scharff, Planner