

**TOWNSHIP OF O'HARA**  
**COUNCIL PUBLIC HEARING MINUTES**  
**NOVEMBER 12, 2019**

**I. OPENING PROCEDURES**

- A. Call to Order by President Smith at 7:06 p.m.
- B. Pledge of Allegiance led by President Smith.
- C. Roll Call

Council Members Present: Robert John Smith, President of Council; Charles A. Vogel, Vice President of Council; George H. Stewart, Second Ward; John R. Denny, Jr., At-Large

Absent: Scott Frankowski, Third Ward; Allison Berger, Fourth Ward; Cassandra R. Eccles, Fifth Ward

Also Present: Ted Curran, Treasurer\*; Julie A. Jakubec, CPA, CGMA, Township Manager; Daniel Garfinkel, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; Scott K. Slagel, Police Superintendent; Cathy Bubas, Manager's Secretary; Veronica Trettel, Court Reporter

(\*) denotes late arrival.

Manager Jakubec noted Mr. Frankowski and Ms. Eccles were unable to attend the meeting due to work commitments, and Ms. Berger was not feeling well.

**II. PUBLIC COMMENTS CONCERNING AN APPLICATION FOR A CONDITIONAL DUPLEX**

President Smith stated the purpose of the Public Hearing is to receive public comments concerning an application received for a conditional duplex at 718 Edgewood Avenue, Pittsburgh, PA 15215, in the Parkview neighborhood. The location is zoned R-3 (Urban Residential District), and a duplex is an allowable conditional use, provided it satisfies all requirements stated in Section 72-13.103 of the Zoning Ordinance. The Township Planning Commission reviewed the application at its October 21<sup>st</sup> meeting and has provided its recommendation to Council.

President Smith requested anyone wishing to comment to come to the microphone and state his or her name and address for the record.

Cheyenne Kirsch, 901 Parkview Boulevard, questioned the specifics of Section 72-13.103, which the Manager explained. Ms. Kirsch questioned what needs to be done to change an R-3 zoning district to an R-2 zoning district. Vice President Vogel explained the districts are based on the size of lots. The R-3 zoning district requires a minimum lot size of 10,000 s.f., but the lot could be larger. Ms. Kirsch noted a duplex is considered a commercial use in other municipalities. President Smith stated a duplex is an allowable use in O'Hara Township in the R-3 zoning district, subject to conditional use approval. Ms. Kirsch stated Edgewood Avenue is very congested. The

applicant's driveway is split and shared with the next door neighbor. She noted 90% of home owners have to park on the road. Manager Jakubec stated Planning Commission's recommendation is based on parking. She noted the applicant did not submit a site plan with the application.

Ms. Donna Kirsch, 901 Parkview Boulevard, stated the R-3 zoning district requires a smaller lot size and allows a duplex, compared to the R-2 zoning district which requires a larger lot size and has the ability to allow a duplex. Vice President Vogel stated the smaller lot is why a duplex is a conditional use.

Ms. Cheyenne Kirsch stated her concern relates to her two daughters. She questioned if anyone under Megan's Law would be required to register. Manager Jakubec stated anyone under Megan's Law must register where they live. Mr. Denny, Jr. confirmed that all rental units must also register with the municipality. The Manager noted inspection requirements for rental units.

Treasurer Curran arrived at 7:20 p.m.

Ms. Jennifer Walters, 719 Edgewood Avenue, believed if the applicant is granted conditional use approval for the duplex, the applicant will continue to use the dwelling as an Airbnb. She recalled when asked about rental terms, the applicant indicated she had not decided if she would rent short-term or long-term. Ms. Walters was aware of rental units in single-family residences. She stated renters from the neighborhood have broken into other homes. Her daughter cannot play in her driveway because the tenants turn around in her driveway. Tenants have hit her retaining wall, for which she is liable, and the fire hydrant. Ms. Walters stated there is not enough parking at the applicant's residence. She referenced Section 72-13.103 and the definition of 'public nuisance'. She suggested rezoning the Parkview neighborhood so duplexes are not allowed. Ms. Walters noted there are at least four ways out of Parkview and if someone took a child, they would never find them.

Ms. Elaine Duvall, 704 Edgewood, suggested adding item C of Section 72-13.103 to the conversation. Her house was broken into by renters living in the neighborhood.

Ms. Kris Petyak, 2 Oakhurst Lane, stated she moved to O'Hara from Aspinwall because of all the renters. She was tired of new people moving in all the time and constant turnover.

Herbert Duvall, 704 Edgewood, stated renters do not put any value into the neighborhood and do not obey laws. The neighbors that robbed him continue to do what they want. There is currently a car parked near the house with a broken windshield, and they burn right next to the house when they are supposed to burn 25' away from a structure.

Mr. Denny, Jr. took exception to the term 'renters'. He stated at one time probably everyone rented.

Manager Jakubec encouraged the residents to call the Police. It is staff's job and there are avenues in place to address these situations.

Ms. Cheyenne Kirsch recalled moving to the area when she was four years old because the neighborhood was quaint. Ms. Kirsch stated she has rented in areas that are very common to rent. The neighborhood is family oriented. She recommended if people want to live there, buy a home. Mr. Denny, Jr. agreed there are areas more adapt to renting.

President Smith stated Council will be considering the application during the regularly scheduled meeting.

Solicitor Garfinkel advised the audience if they wish to have anything on the record, now is the time.

Ms. Jennifer Walters recalled when she first bought her home a separate ‘mother-in-law’ house was also on the property. Renters are living there now. She has found syringes and all kinds of things. Her concern is the safety of the neighborhood.

Ms. Patty Lindsey, 737 Edgewood Avenue, indicated the particular lot is not conducive to a duplex. It’s located on a bad bend and cars park on the bend, which could get worse. She noted renting a single family home is different from renting a duplex. She expressed concerns of the effect on property values. Ms. Lindsey considered a duplex a negative to the neighborhood.

Ms. Jennifer Walters stated the prior owner could not add on to the home because of the location of the water line. Manager Jakubec explained movable items can be placed on top of a water line, but not block the fire hydrant.

Ms. Jennifer Walters questioned when the cease and desist order expires. The Manager stated a cease and desist order never expires.

Mr. Stewart questioned if the property was ever inspected to meet rental requirements, which the Manager explained it cannot be inspected until the use is granted.

President Smith considered the application deficient since a site plan was not submitted.

Mr. Bob Fisher, 710 Edgewood Avenue, recalled over the weekend two cars were parked on the dangerous bend, and one of the cars had a Washington D.C. license plate. He stated the applicant never has people park in her driveway.

Manager Jakubec cited Section 72-13.103.J, ‘The conditional use shall provide for adequate vehicular access and parking to minimize traffic congestion in neighborhood’.

Ms. Donna Kirsch questioned why the application is being entertained when the applicant lied the first time. As a renter, she improved the places she lived. Most people try to improve their property. If the applicant does not have her renters park in her driveway, where are the residents to park. Manager Jakubec stated as a duplex, there has to be available parking.

Ms. Jennifer Walters presented photos of the applicant’s tenants’ cars. The photo was taken this past Sunday at 8:52 a.m. Vehicles that belong to the applicant are parked in front of other people’s driveways. Manager Jakubec requested Ms. Walters to email the photos to staff, which would be Exhibits A and B.

Mr. Stewart encouraged anyone if they see unfamiliar activity to call the Police.

III. ADJOURNMENT

Motion by Mr. Denny, Jr. to adjourn the Public Hearing was seconded by Mr. Stewart and carried unanimously. The Public Hearing adjourned at 7:50 p.m.

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Cathy Bubas, Manager's Secretary