

BEFORE THE CITY OF GREENSBURG ZONING HEARING BOARD

In the matter of:  
Patrick Kelly

Special Exception  
Section 265-128

Property Location:  
121 Talbot St.

Hearing Date:  
June 18<sup>th</sup>, 2008

PROCEDURAL BACKGROUND

The application dated May 19th, 2008 by Patrick Kelly of 204 North Drive, Jeannette, Pa. 15644, is requesting that a determination be made by the Zoning Hearing Board for a Variance to the City Code, Section 265-128 in relationship to the distance requirement for student housing for the property that he owns and leases to students at 121 Talbot St. Subject property is within 500' of a registered student home. Subject property is zoned M-Industrial District.

Members of the board present: Charlotte Kuhns, Chairwoman, Anita Simpson, Mary Clymer, Patsy Iapalucci and Marilyn Crimboli.

Also Present: Lou DeRose, Solicitor and Barbara J. Ciampini, Planning Director.

There were no objections to advertising or procedure at the hearing. Patsy Iapalucci made a motion to deny the request based on the distance requirement. Charlotte Kuhns seconded the motion. The motion passed, 3-0 vote.

## DISCUSSION

The property is located at 121 Talbot St., City of Greensburg. Patrick Kelly of 204 North Drive, Jeannette, Pa. 15644 is requesting a determination to be made by the Zoning Hearing Board, to the City Code, Section 265-128, in relationship to the distance requirement for student housing for the property that he owns and leases to students at 121 Talbot St. Subject property is within 500' of a registered student home. Subject property is Zoned M-Industrial District.

Patrick Kelly: I live at 204 North Drive, Jeannette Pa. 15644. I understand the need for Variances like this and I've lived in the City since 1999 and at one point in Academy Hill. I understand other issues I've heard that have a need for this Variance and I'd like to go down through the list and if you would hear my reasons as why I think this should be eligible for a Variance. The first issue is for people of the City and as I said was an issue for me is parking. I do have off street parking and it does have the ability to add more off street parking which is a requirement. Even up to this point parking hasn't been an issue. It does have two spaces off street, the one in the front of the house. The house next to this is vacant and sometimes they use that spot. There has not been a time where this house has actually been a displacement for parking for this entire street. I do understand that is a problem and I wanted to explain why that is not a problem at this house. The next thing I want to talk about is the property value. I can understand absentee landlords and people who don't take care of property and that does bring property values down. Just talking to people around the City, this is the feed back that I've gotten. It's one of the nicer houses on the street; I do take good care of it. The gentlemen that rent the house are well aware that they had one thing that they could not do and that is not to disturb the neighbors. I actually lived in the house; it was my residence for a while. I know some of the neighbors and the neighbor next to us have a small daughter and I didn't want her disturbed and they are aware of that. They've never caused a disturbance and the Police have never been called to that area. They are great kids. So far as the property value, it's a better house on the street and I do have pictures if you care to see them. I have pictures of the house directly next to me as well as along with some other houses on the street. The house directly next to me is actually abandoned, nobody lives there and it is literally falling apart and if you want to talk about someone decreasing the property value I feel that I add to the property value on that street. The first pictures of the first house are actually the house that is across my driveway that is 121 Talbot St. the driveway for that house and then that house right there. We bought the house in 2005 and it looks exactly the same as it did in 2005 including that trash that has been sitting on the porch. As far as that goes I don't feel that I detract from the neighborhood and I don't feel that the kids are. If you look on the pictures when I filed for the Variance there is a picture of the actual house and it's in very good shape. The kids mow the grass, we've put mulch down too.

Barbara Ciampini: These are all 125 Talbot St.?

Patrick Kelly: Not all of them are 125 Talbot St. I took pictures of other houses on the street just to show that if you are comparing houses and the way they look mine is one of the better looking houses on the street and it will stay that way. When I tried to rent the house out the only calls that I received were either college students or young kids all looking to be four (4) kids in a house with guys and girls. I didn't even receive one call, and I advertised in the Tribune and I didn't get one call for a single family residence that wanted to rent that house. If my other option was to sale it there are two other houses for sale on that street and they've been for sell. I assume that the pictures floating around are the reason why it's difficult to sell on that street. There hasn't been any disturbance like I said at that house by those kids. Last issue is safety. I have absolutely no problem doing all the requirements to register this property as student housing. I own other commercial property in the City and have been in business in the City of Greensburg for ten (10) years. I just last year brought in a business. Odyssey Health Care, it's a hospice provider. They rent the upstairs of my building and I had to go through all the code processes and do everything by the book to have that happen. Had I known this Variance existed I would have done my do diligence to follow it. I did not do that to try to get around the system. Like I said when I did all the stuff on the second floor of the building I went to the City and got permits and did whatever I needed to do. The last issue I'd like to bring up is the proximity to the area. I was reading through the article that was in the paper and it states that they want to have the kid's downtown. You can't get any closer to town then Talbot St. It is right there next to Offutt field and very close to where there is already an exemption to that Ordinance of the City. The last thing I would like to bring up, it would be a hardship for me as a business owner in this City as a property owner in this City to have to evict those kids and not have a rental income to cover that and I can assure you that it would probably be sometime on the market that I would have lost income. Furthermore, reading that article it also says that City Council may make changes to that Ordinance or adjustments to that Ordinance at the July 7<sup>th</sup>, 2008 meeting. I would hate to have to evict these kids only to find out that you may have made some changes to that and then again I would be left without income and they would be left without a home and then the change might be made all for not. Those are the issues that I wanted to bring to your attention. I fell that I'm an attribute to the City. I promote the City and I would just appreciate consideration of these issues. I understand and I think I do not fall into the category of those problems. Thank You.

Lou DeRose: Mr. Kelly, when did you buy the property?

Patrick Kelly: I purchased the property in 2005.

Lou DeRose: Do you have a month?

Patrick Kelly: It was in the fall, maybe September or October.

Lou DeRose: Did you live there for awhile?

Patrick Kelly: I lived there until I rented it to them.

Lou DeRose: That began when?

Patrick Kelly: Their lease started January 1<sup>st</sup> of 2008. We signed the lease I do believe in October or November of 2007.

Lou DeRose: Your position, you've asked for a Variance because of the distance requirement of the Ordinance that you are closer than 500 feet to a registered student house?

Patrick Kelly: That's correct.

Lou DeRose: If I read the material right you are 96 feet away from the closest registered student house?

Patrick Kelly: That is correct.

Lou DeRose: The registered student house in question is duly registered with the City and complies?

Barbara Ciampini: Yes, 110 Talbot St.

Lou DeRose: That occurred when?

Barbara Ciampini: 2007.

Lou DeRose: I've heard you say some things about parking and about how well you keep the home and nobody is disputing any of those things, with the pictures, it seems that you do have one of the nicer homes on the block. What reason can you give the board to justify a Variance on the distance requirement? Here's a house that you purchased in the fall of 2005 and the Ordinance takes affect about then. Your living in it and it's not a student house rental house but when you go to rent it in January 1<sup>st</sup>, 2008 the Ordinance is already in affect and another property is 96 feet away from one that is already registered. Whether you knew it or not you're charged with that knowledge. So what reason would the board have to make an exception by a Variance to the 500 foot requirement? That's the only way you get your foot in the door quicker.

Patrick Kelly: Well, I would have to state that the school is growing and it already has a landlord that is willing to meet all requirements. It is extremely close to the exempt area in the first place and when they bring in the medical

program and so forth it is going to continue to be a problem. I am more than happy to not be an absentee landlord. I am more than willing to be an upstanding landlord who takes care of their property and be an asset to the City. It's close proximity to the school.

Lou DeRose: Does the board have any questions?

Patsy Iapalucci: How many students are in there now?

Patrick Kelly: It's a four bedroom home and there are four (4) students.

Patsy Iapalucci: How many more are you planning on putting in there?

Patrick Kelly: That's it. I did read the Ordinance and I know it's a limit of five (5). When I came up to get the Ordinance is when I found out about it.

Marilyn Crimboli: Where is the cut off for the City?

Barbara Ciampini: Maple Avenue.

Lou DeRose: Does the board have anymore questions?

Charlotte Kuhns: Is there any one here who would like to speak in support of this request?

Jonathan Groat: I live at 121 Talbot St. Being a student at Seton Hill University, the three of us can see how much it's been growing and housing on the school right now is becoming really tight. There are close to 100 students now that have no guarantee of housing at the school. That kind of forces many of us to move off of campus and as some of my friends have seen there really aren't that many houses available to rent. We were lucky enough to find 121 Talbot Street. It's a very nice house that we have and we've been generous to all the neighbors and have not had any complaints with Police or anything else. The way our school is growing there is no way to compensate for all the increase in population from the school to live somewhere so we're having trouble finding that.

Barbara Ciampini: You're all three students at Seton Hill?

Jonathan Groat: Yes, all three of us plus another roommate.

Barbara Ciampini: Full time students?

Jonathan Groat: Yes.

Charlotte Kuhns: Is there anyone else whom wishes to speak for this Variance? Is there anybody whom wishes to speak against this Variance?

Linda Kurtz: I live at 131 Talbot Street and I want to thank you for having the opportunity to speak here today. My mother is sitting right here, Betty Kurtz and she also lives at 131 Talbot Street. I am a life long resident of the street and my mother has lived there for over fifty (50) years. For those of you who may not be familiar with the location, it runs parallel next to Offutt Field. Our back windows look directly onto the field. We have permit parking as you know on the street and it is close proximity to town. Talbot Street is a one way street with only 17 houses and two rear properties and a business. The entire street is approximately 300 feet long so it's a very short street. I am a recently retired teacher and I am currently a student myself pursuing a new career in the medical field. I also volunteer weekly at the Red Cross in town. My mother is a retired registered nurse. We take pride in our family home and keep up with the maintenance on regular bases. We obey all City laws and City Ordinances and I am speaking today on behalf of myself and my mother. Our purpose of being here today is to express our opposition to the request for the Variance to the City Code, Section 265-128 in relationship to the distance requirements for student housing for the property at 121 Talbot Street. We are opposed to the granting of this Variance because there already exists a registered student house as you know within five hundred (500) feet of the subject property. If the Variance were granted at 121 Talbot Street it would be 96 feet as stated earlier from a register student house. The two houses in question are on opposites sides of the street, only the width of two houses are a width of a road apart. Picture in your mind the front of two older two story homes and the width of the road, that's all that separates the student housing homes. Ninety (96) feet is a very short distance. I have a petition that I have with me today that I would like to present to you. It's signed by some of the home owners that I was able to contact on Talbot Street requesting that you vote against the Variance that Mr. Kelly is requesting today. All the residents that I've been able to contact and signed the petition are opposed of the granting of this Variance to Mr. Kelly. Unfortunately I was unable to contact three (3) of the home owners due to our conflicting schedules. Those I spoke with were pleased that I was coming here today to represent them on this issue. Due to working and other commitments they were unable to be here today. In Mr. Kelly's petition for a Variance he stated that he was not aware of the City Code when he rented the house to students, this well maybe but it is my understanding that ignorance of the law and Ordinances of the City does not excuse one from the law. Each year residents are sent an official *City Guide* and I know Mr. Kelly said he was a City resident for ten (10) years. I have my 2008 and 2007 books with me and both included a section about student housing and the official *City Guide* are available downstairs at City Hall along with other pamphlets and information about the City of Greensburg. Being a business man I am surprised that Mr. Kelly is not familiar with the *City Guide* and its contents. I am also surprised that he didn't seek out information pertaining to student housing before renting the house to students from Seton Hill. There have also

been several articles in the *Tribune Review* relative to student housing and I would expect a business man like Mr. Kelly and whom deals with the public would keep abreast of City matters through the local newspaper especially when Mr. Kelly became fully aware and recently there was a review by City Administrators and the *Tribune Review* dated Monday June 9<sup>th</sup>, 2008, the headline read Greensburg isn't budging in student housing fray and just to quote briefly, Greensburg officials are not budging on a spacing restriction included in a controversial student housing ordinance. The City law adopted in 2005 restricts student homes from being within 500 feet of one another if they are located outside an area defined as the downtown. We are not changing that, City Planning Director, Barb Ciampini. The Mayor and City Council thought about it, but for the most part they thought it was best to continue it as is. Mayor Karl Eisaman spearheaded efforts to review the Ordinance after it came under scrutiny at zoning hearings. It goes on saying that basically the majority of the people that he heard from thought the 500 feet was a fair distance Eisaman said it was originally our concern for the public safety controlling the growth in our neighborhood and also parking concerns. In my discussions with property owners on Talbot Street there was an expressed concern to me about the noise of parties and students coming and going within all hours at the registered student house, it's not at Mr. Kelly's student house. We are concerned about the possibility of noise from parties in the future, we understand that the students living in student houses, and please correct me if I am wrong, these students will be changing, I don't know if they are going to be living there for four (4) years of a period of time or will they move and live on campus. We are under the understanding that possibly there will be changes of students. We personally have not been disturbed by noise at 121 Talbot Street but that does not rule out the possibility that it can occur in the future if the Variance is granted. Mr. Kelly also stated that his tenants are good people I am sure, they seem like wonderful young men who are here today. Mr. Kelly is asking you to allow two student houses just 96 feet apart. The students live in these houses and have several cars and many are from out of state. Their attending classes and very often students are interested in socializing, I understand that, but for the residents of Talbot Street this is too many student houses on Talbot Street. It's unfortunate that the noise issue and parking issues have to exist at all. I feel that the residents on Talbot Street are already doing their part in the City renewal by having one student house to deal with on the street which is only 300 feet long. We do not need another registered student house just 96 feet away; please remember that is a very short distance with the two houses and the width of the road. This leads us to our main concern with parking rather the lack of it. There is not enough room for parking for one student house let alone two student houses. Who is going to Police the area when a vehicle permit expires. Mr. Kelly is not on the premises full time. Mr. Kelly stated for his Variance that there is off street parking and he stated there is a driveway next to the house. During spring semester we would often find that there would be no student car parked in the driveway but often times 3 cars were parked out on the street. Right now like he said there is a property next to him that is vacant and the students are finding

additional parking there, but that won't always be the case. Mr. Kelly also stated that the Police haven't been called relative to parking issues, I don't feel that I or the residents have to be constantly calling the Police to report vehicles that should not be parking there on the street. Frequent calls to the Police cast residents in a bad light with the Police Department and we don't want to be chronic complainers. Recently I returned home and I couldn't find a parking place, there were five cars parked on the street belonging to or visiting at 121 Talbot Street. We are not only dealing with the residents of the house but also the cars belonging to the friends that come and go. Parking is already an issue for the residents of Talbot Street, during Friday night football games, Saturday afternoon Seton Hill football games as well as other events that are held at Offutt field. We now, if we go away from the house during one of these times there will not be a parking space when we return. Despite the fact that we have permit parking sometimes people choose to ignore it, we sometimes have people park on the street and walk up town and occasionally have the Tech students park on the street while they take classes at Triangle Tech on Pittsburgh Street. Sadly we've watched the property values decline over the years on our street. At one time it was a street with all professional people. Mitingers had their family home there, two (2) of our next door neighbor's were professors at Seton Hill University and they were like family members to us. Much of the declining property values is of course, do to the fact that single family homes, large single family homes have been converted into apartment houses. On Talbot Street there are ten (10) single family homes, nine (9) privately owned and one rental house, four (4) of the single family homes have children. There are also seven rental properties including two rear properties having two apartments without counting the two student houses. Prior to the students moving in, in the spring I observed the subject property and also the registered student home being improved. We were very thankful to see that happen. Unfortunately I've not seen the properties being kept up. The property belonging to Mr. Kelly has weeds which need to be cut in the front and the back of the house. There is no grass in the front of the house only mulch which has weeds growing through it. There is a large stuffed dog lying on the grass next to the front porch, a large rug rolled up and leaning up against the front of the house. Crumpled old paper towels and other trash all on the sidewalk. Black plastic was over that ground. This morning I saw this as I went walking. I noticed the bottom wooden step on the front porch had a huge hole about 2 feet wide, it looked like someone might have just gone through it. There is also concern about the student home as far as a lack of up keep. I was told that nobody is living in the registered home at the present time. I don't know for a fact that it is true. Mr. Kelly also stated in his position that it would be a hardship if he had to evict the students now. I am sure a reasonable period of time can be arranged for the students to find housing. Perhaps they can look at the property on Talbot Street that is registered for student housing as a future residence if there is no one living there now. I've been watching Seton Hill University gradually move into the Greensburg area. I am not opposed to the idea for brining in more business and life to the City. The question is why the college is not developing on existing land on the college campus for student dormitories.

While much good may come from college students to the Greensburg area, renovations to existing buildings and new buildings being constructed in the downtown problems may also arise. This is evident by us being here today. I hope the City Administrator and the Zoning Hearing Board will do what they can to look out for the City residents. This needs to be a win win situation, for the City, the University. The City's Administration decision not to change the existing Ordinance requiring the minimum distance of 500 feet between student houses shows the City's desire to show what is right and fair for the City resident's. If this board grants this Variance this will defect the purpose of having a City Ordinance and does not have the best interest of home owners in mind. As Seton Hill looks to expand further it's vital that the City Administration and Zoning Hearing Board adhere to the distant requirement that the City is setting in place. Just today there was an article in the *Tribune Review* about the Osteopathic Medicine that is going to open in the fall and in the article it stated there will be a need for, 104 students will need housing by fall and at the end of the next four years when the maximum limit is reached and that there will be 416 students enrolled in the program. I know that my experience as a teacher if I didn't follow through on the established class room rules that were set in place my creditability would have been at stake. Your decision today is precedence as well as other Variances that have been granted. There are two houses that are for sell as Mr. Kelly stated on Talbot Street and both houses are near my property. They are across the street next to each other, it's one or both are purchased with the purpose of using them for student housing the landlord will only have to look to the decision reached here today. If you vote affirmatively on Mr. Kelly's request for this Variance it will send a very clear message that the 500 feet distant requirement will be ignored and it will set precedence for future Variances. One's personal financial deeds should not be permitted to break the City law that may affect the lives of many residents. I ask each of you including Mr. Kelly to mentally take a walk in the shoes of the residents of Talbot Street. What would you want if you were us? There are many law abiding working citizens residing on Talbot Street and are relying on you to do the right thing today. Please vote against the request for this Variance of the City Code, Section 265-128 in relationship to the distant requirement for student housing for the property at 121 Talbot Street. I thank you very much for your time and your attention.

Patrick Kelly: Can I say something? I truly understand her reasons and the thing that I have a very hard time swallowing is, when and if I have to keep those kids out, the only calls I received were for other people their age. The thing that really upsets me is the house down at the end of the street: I do keep an eye on the street. I may live 3.2 miles from my office which is on Otterman Street in downtown Greensburg. I am literally a block away from that property and a day does not go by that I drive down on my way to my office turn left at the Y, left at the YWCA thrift shop onto Talbot as I go to my office. I watch the property. I am not an absentee landlord. The grass is mowed and yes I am replacing a step and I think maintenance is good. I am replacing a step and it was not broke. The other thing I do have a problem with is the house on the end of the street she

recognized as a rental as well. Monday night when I drove past there, there was not one single parking place on that street and I can assure you I can understand her frustration but not one of them was from 121 Talbot Street it was the kids that were standing on the porch across the drive line shaft place with their cups at a keg party. That is very hard for me to except we have a house, with all do respect, they should be happy that they are a residence there and not abandoned there like next door. The house frankly sickened me just for the short time I lived there. I do understand where she is coming from but I really wish she would understand they can be a valuable assets to that street, it doesn't have to be detrimental and whatever may happen in the future there's no guarantee that the 20 something year olds that aren't in school can be as good as them. It's like the one at the end of the street which really bothers me. Because you don't go to school gives you a right to disturb a street that is a problem I had with your description of where she comes from and I did live on that street. I lived on that street with students, and I lived on that street with all the other houses that were rentals. I never had a complaint and so I did live in her shoes and I did not complain and did not have a problem except for the vacant house and other people who did not keep up their properties. I do understand where she is coming from and at the same time I wanted to point that out, the fact is if I kick students out it baffles me that I am allowed to get other kids in there of the same age that might cause more detriment to that street than these kids ever would. I just wanted to speak this for the record. I am an upstanding citizen and I do take care of that property and those kids know that before they sign that lease and that wouldn't change with anybody moving in there, if they do not respect that street they are out on their butt, they know that I've told them that. I will continue to do that. I assure you they will not disturb anything or anybody. I do understand about the parking but I find it hard to believe, there are only 3 of them and school is not in session and only 3 cars that would be hard for them to take up all that parking. I do want to point out that it is from the house down the street and they do have parties, it's the one down on the end which I did take pictures of so you can see it. It's well maintained but I assume that is a bigger problem then my house could ever imagine. I just wanted to state that, thank you.

Patsy Iapalucci: I make a motion to deny the request for a Variance. First of all the street is crowded, the parking is bad and I know that partying does go on. I think if we vote yes for this we are doing a disgrace to these people that own property there and the value will go down even lower than what it is right now.

Barbara Ciampini: Your motion is based on the distance requirement?

Patsy Iapalucci: Yes.

Charlotte Kuhns: Would someone like to second the motion?

Marilyn Crimboli: I will second the motion. I wish that your house could have been the one registered, Mr. Kelly. Just based on what you've told us, however, just being able to have one student home I need to second the motion.

VOTE:

Mary Clymer	Abstain
Patsy Iapalucci	Yes
Anita Simpson	Abstain
Marilyn Crimboli	Yes
Charlotte Kuhns	Yes

Charlotte Kuhns: I am voting to deny it because of the distance. The motion passes 3-0 vote.

Barbara Ciampini: The city will work with you Mr. Kelly to give you time to allow the students to find alternate housing. We will also put you on a waiting list that if Mr. DiCesare are at 110 Talbot seizes to bring his property into compliance then you can jump right in and be the next registered and permitted student home. As part of the amendment that the City is working on there will be annual renewal at the same time every year. So either everyone comes into compliance during the summer months so that everyone is ready to go, it will be very competitive so it will address some of the issues that Mrs. Kurtz mentioned in regards to maintenance. Those things will be looked at very closely on an annual base. If we get complaints or the landlord isn't taking care of the property their permits will be revoked. Property owners like you will give you an opportunity to step in. (Mr. Kelly talking from seat) that might be something we can talk about later. The other thing that you might not be aware of if you read through that listing of amendments that I've handed you it was mentioned here today about the LECOM potential for next year with a total of over 400 students within the next four (4) years. Those are graduate students which are not governed by student housing Ordinance. You can rent your home to graduate students unless they are in a home congregate with undergraduates. Then it will become a student home again. Graduate students usually come here, they are older they have families and they look for single family homes so there is an opportunity for you to lease your home to them.

Patrick Kelly: It is so disheartening to have been here for 10 years doing everything I can in a positive manner in this City. I donate to the Development Corporation and I've used the resources and I apologize, I do not read the paper. I do not read the pamphlet that comes out. I get about 150 e-mails a day; I am the President of my State Association. My pleasure time is at a bear minimum, I wish I had time to do things but I do not. It really hurts me that I am being put in this position and these kids are being put in this position while at the same time the same ordinances can't protect me from the house that is sitting next to me?

Barbara Ciampini: I've taken notes on everything that you've mentioned; I already have driven down that street. Linda Kurtz was at our Council meeting last week and we've already taken a look at that and action will be taken on that.

Patrick Kelly: Thank you. I've never been in a situation like this, what do I need to do now?

Barbara Ciampini: You and I can talk tomorrow.

Patsy Iapalucci: I make a motion to adjourn.

Charlotte Kuhns: I second the motion.

All were in favor.

Meeting adjourned at 5:00 PM





