



A. PROJECT INFORMATION

1. APPLICATION IS: ☒ Development Project ☐ Protest Appeal

2. STAFF REVIEW DATE: 6/18/2020

3. SITE INFORMATION

Development Address: 2610 Maple Ave

Parcel ID(s)/Lot-and-Block Number(s): 0046-B-00010-0000-00

Project Description: Renovation of existing school building for use as Community Center (General).

3. CONTACT INFORMATION

Applicant Name: Ryan England

Applicant Contact (phone and email): (412) 427-6880, rengland@gmail.com

B. ZBA HEARING INFORMATION

Zone Case # *137* Click here to enter text. of 2020

Date of Hearing: *Heard 13, 2020* Click here to enter date.

Time of Hearing: *9:40 a.m.* Click here to enter text.

Zoning Designation: R1D-H

Neighborhood: Perry South

Zoning Specialist: Kathleen Oldrey

C. ZBA REQUESTS

Type of Request: Special Exception

Code Section: 916.02.A.4

Description: Per Residential Compatibility standards, the required front setback for a subject property across the street from a property zoned R1D-H is 15' for the first 50'. The parking area has a proposed front setback of 5'.

Type of Request: Variance

Code Section: 912.04.A

Description: The required front setback for accessory uses in the R1D-H zoning district is 15'. The parking area has a proposed front setback of 5'.

Type of Request: Variance

Code Section: 912.04.A

Description: The required exterior side setback for accessory uses in the R1D-H zoning district is 15'. The parking area has a proposed exterior side setback of 5'.

Type of Request: Variance

Code Section: 914.02.A

Description: The parking requirement for a Community Center (General) use of 31,815 SF is 64 vehicle parking spaces, reduced to 45 vehicle parking spaces using the bicycle parking reduction standard

(914.05.E). Thirty-seven vehicle parking spaces are proposed, including valet parking spaces to be reviewed by Administrator Exception.

Type of Request: Variance

Code Section: 911.02

Description: A variance was granted 5/1/2019 under zone case 76 of 2019 for use as Community Center (General) in an R1D-H zoning district. The applicant has identified proposed uses including "the offices of a law firm that provides direct services to individuals; the offices of a hunger advocacy non-profit; a licensed day-care (note that a daycare would require an individual certificate of occupancy per state requirements); startup business incubator space; retail: convenience grocery, clothing, specialty (e.g. sports equipment); dance studio; karate studio." The applicant requests to review the 5/1/2019 decision to clarify whether these uses would be "allowable sub-tenants" of the community center, covered under the original use variance, or whether they would need to be considered individually as separate uses.



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Municipality : 126 26th Ward - PITTSBURGH
Owner Name : NORTHSIDE PARTNERSHIP
PROJECT

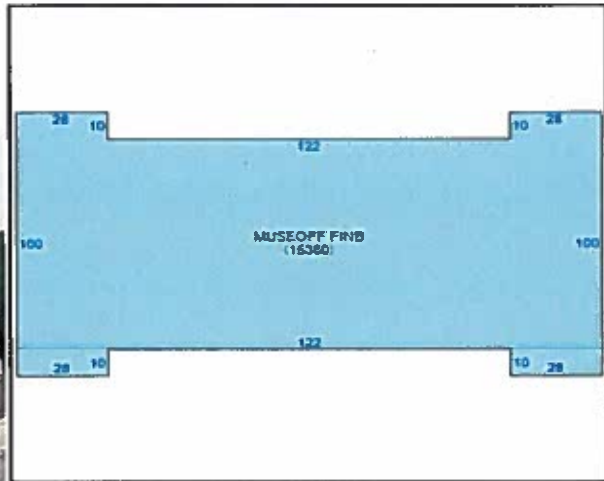
Print

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Parcel ID : 0046-B-00010-0000-00
Property Address : 2610 MAPLE AVE
PITTSBURGH, PA 15214

Municipality : 126 26th Ward - PITTSBURGH
Owner Name : NORTHSIDE PARTNERSHIP PROJECT





**COMMUNITY
RESOURCE
MALL**

2610 MAPLE STREET
PITTSBURGH, PA 15214

ZONING SUBMISSION NORTH SIDE PARTNERSHIP PROJECT

2610 MAPLE AVENUE
PITTSBURGH, PA
15214

Milton Ogot

ARCHITECT

320 Amberton Drive, Pittsburgh, PA 15235
Tel: (412) 519-2897 Fax: (412) 798-0428
e-mail: miltonogot@ogotarchitect.com

OCTOBER 21, 2019

DRAWINGS LIST:

- CS-1 - COVER SHEET
- SP-1 - SITE PLAN
- SP-2 - SITE DETAILS
- A-1 - SUB-BASEMENT PLAN
- A-2 - BASEMENT PLAN
- A-3 - FIRST FLOOR PLAN
- A-4 - SECOND FLOOR PLAN
- A-5 - BUILDING PHOTOGRAPHS
- A-6 - SITE PHOTOGRAPHS

BUILDING CODE & ZONING DATA	
ADDRESS:	2610 MAPLE AVENUE
LUT & BLOCK NUMBER:	46-B-10
ZONING DISTRICT:	RESIDENTIAL (R1-VH)
BUILDING CODE:	IBC (2015)
OCCUPANCY CLASSIFICATION:	COMMUNITY CENTER
CONSTRUCTION CLASSIFICATION:	-
HEIGHT:	2 STORIES (+/-)
AREA:	SUB-BASEMENT - SF BASEMENT - SF FIRST FLOOR - SF SECOND FLOOR - SF TOTAL - 59,000 SF
FIRE PROTECTION:	-

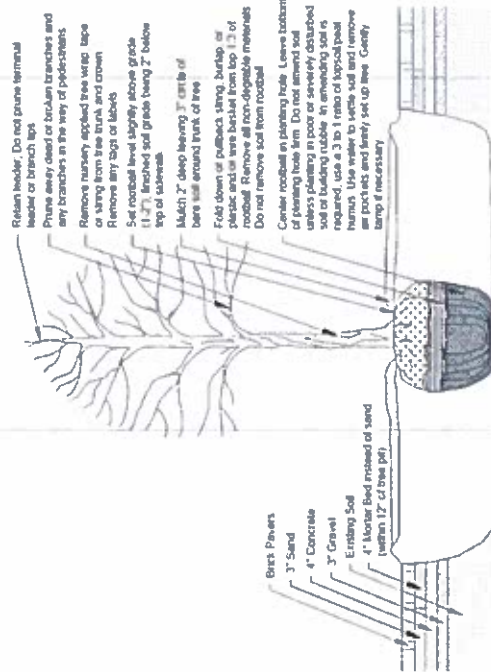


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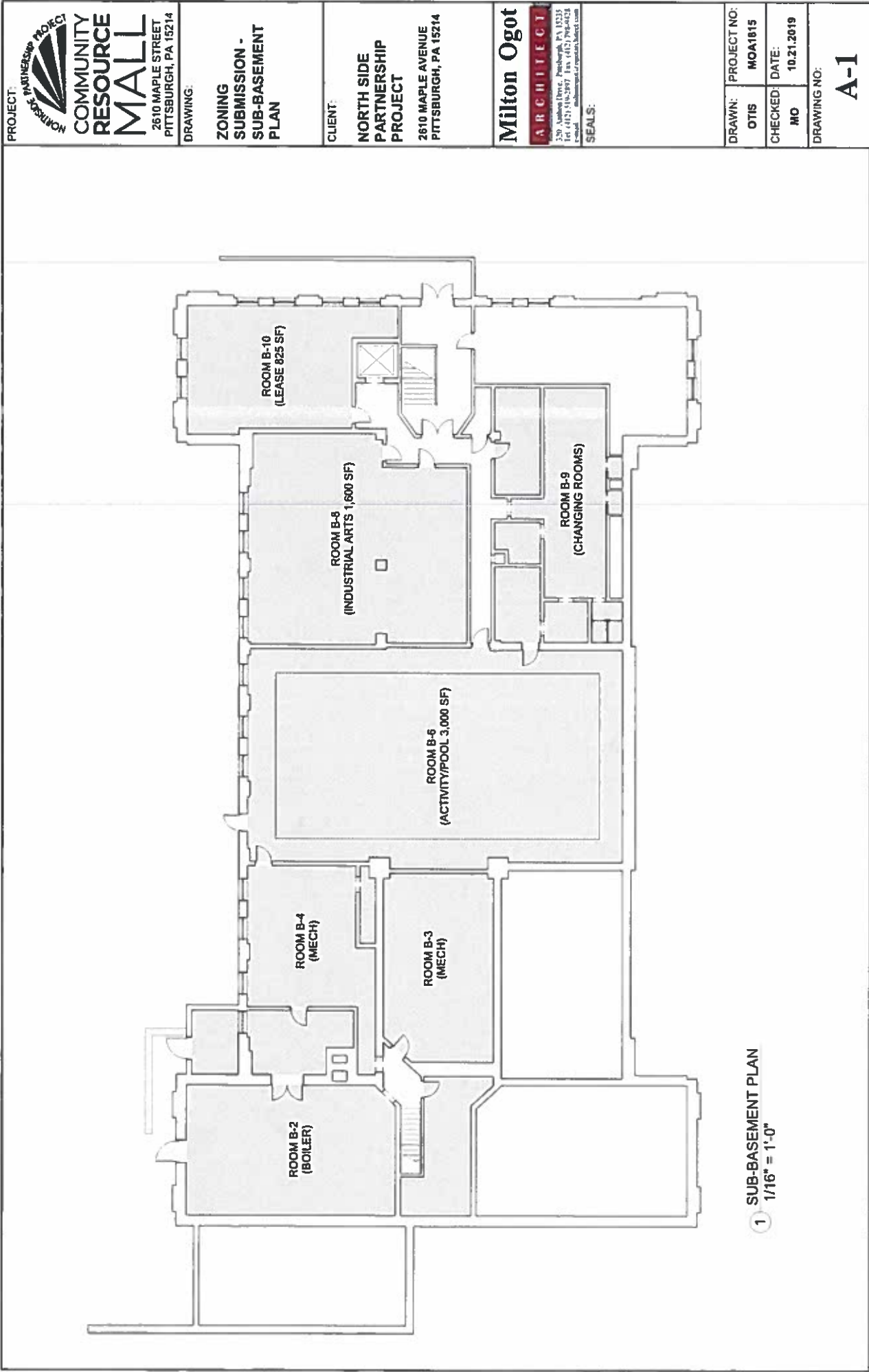
DRAWING NO.:
CS-1
PROJECT NO.: MD041915

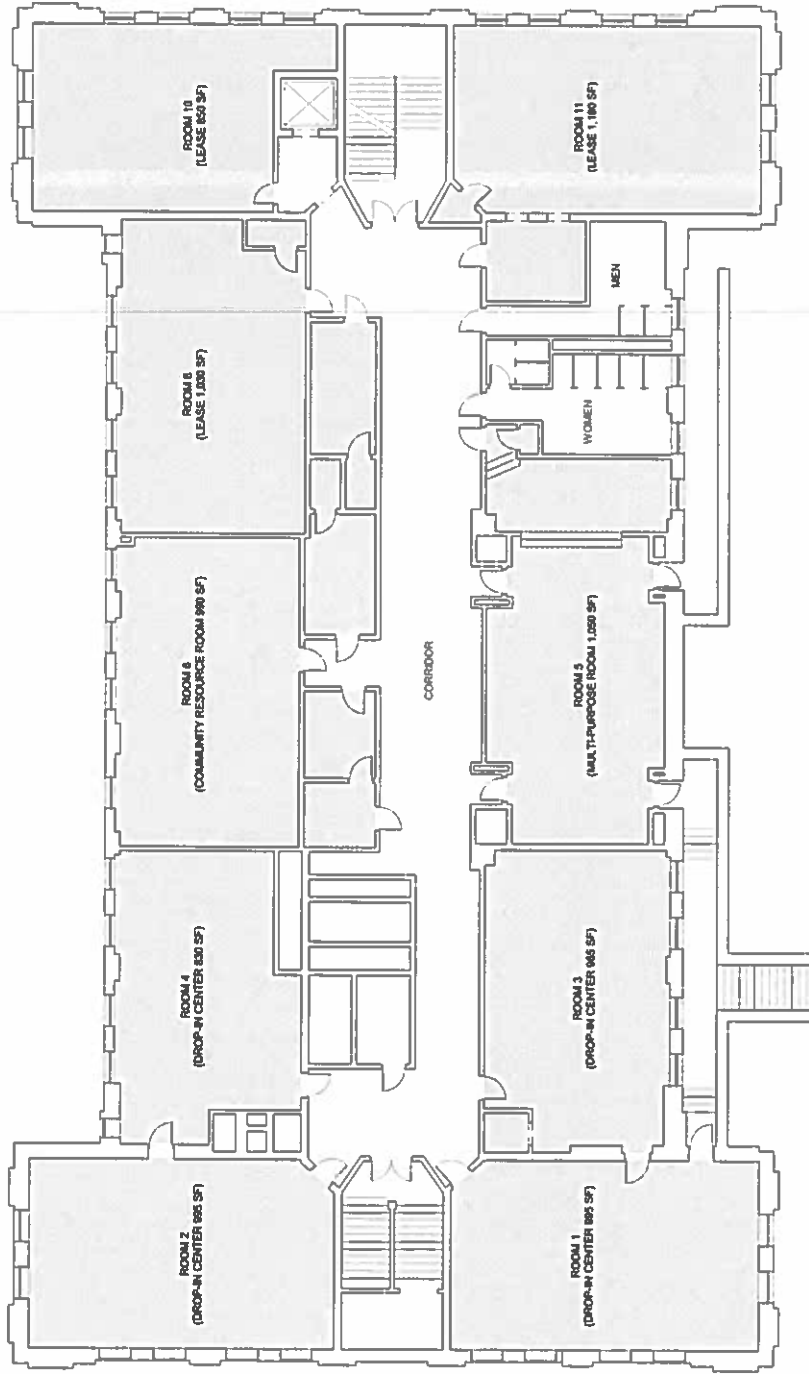




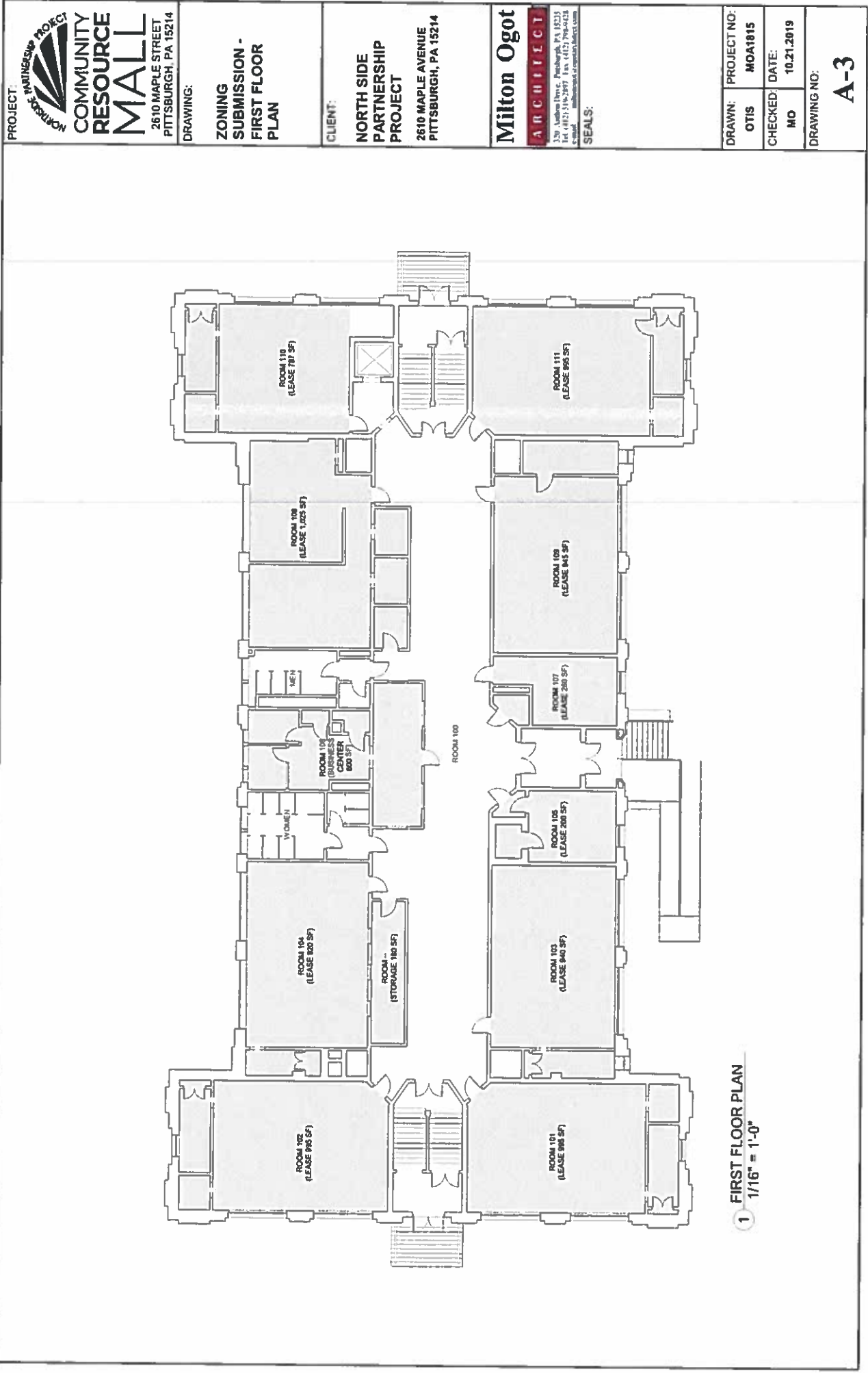


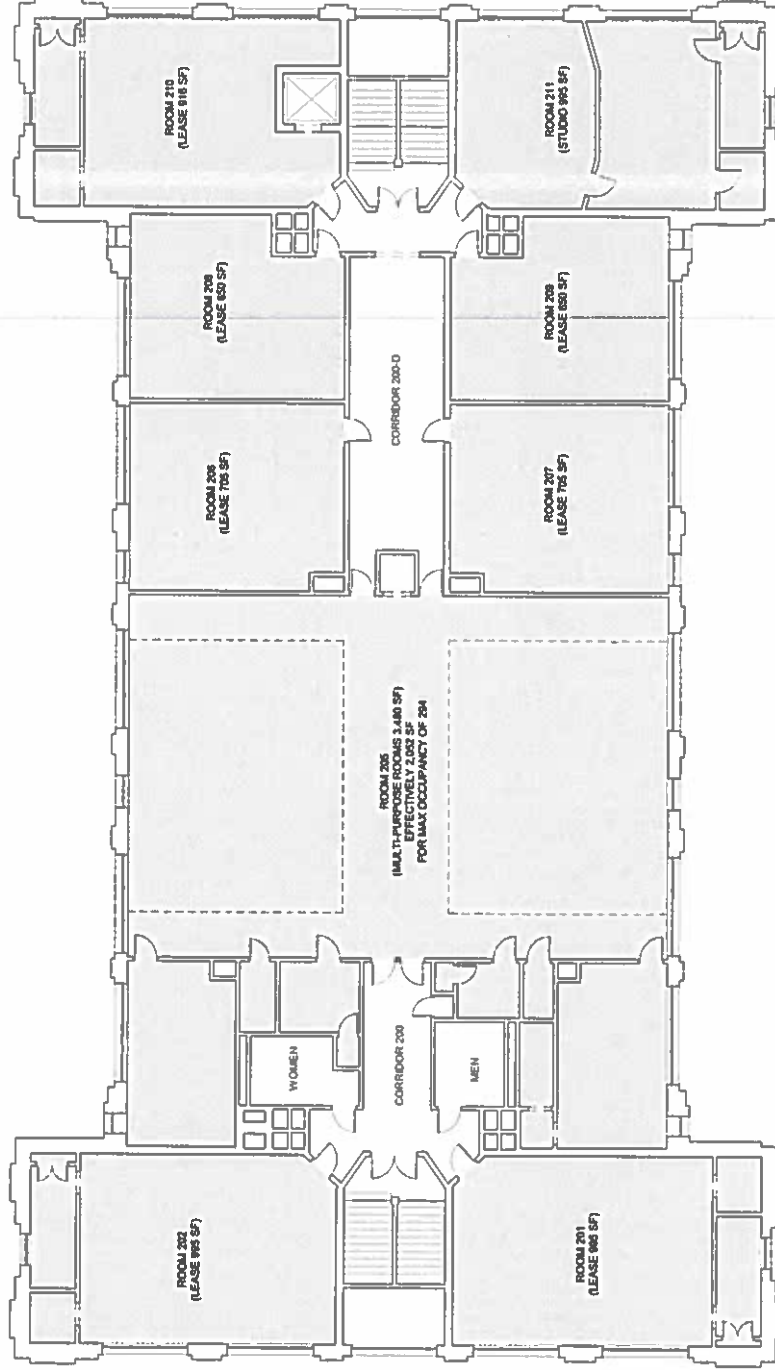
STREET TREE PLANTING DETAIL





1 BASEMENT PLAN
 1/16" = 1'-0"





1 SECOND FLOOR PLAN
 1/16" = 1'-0"

PROJECT:

**COMMUNITY
 RESOURCE
 MALL**
 2610 MAPLE STREET
 PITTSBURGH, PA 15214

DRAWING:
**ZONING
 SUBMISSION -
 PHOTOGRAPHS
 OF EXISTING
 BUILDING**

CLIENT:
**NORTH SIDE
 PARTNERSHIP
 PROJECT**
 2610 MAPLE AVENUE
 PITTSBURGH, PA 15214

Milton Ogot
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SEALS:

DRAWN:	PROJECT NO:
OTIS	MOA1815
CHECKED:	DATE:
MO	10.21.2019
DRAWING NO:	

A-5



VIEW FACING SOUTH ON MAPLE AVENUE



VIEW FACING NORTH ON MAPLE AVENUE



VIEW FACING NORTH ON HAZELTON STREET



VIEW FACING SOUTH ON HAZELTON STREET



EXISTING PARKING LOT



EXISTING VALET PARKING LOT



EXISTING SIDEWALK ALONG N. CHARLES STREET



EXISTING SIDEWALK ALONG N. CHARLES STREET



**COMMUNITY
RESOURCE
MALL**

2610 MAPLE STREET
PITTSBURGH, PA 15214

DRAWING:

**ZONING
SUBMISSION -
PHOTOGRAPHS
OF EXISTING SITE
CONDITIONS**

CLIENT:

**NORTH SIDE
PARTNERSHIP
PROJECT**

2610 MAPLE AVENUE
PITTSBURGH, PA 15214

Milton Ogot

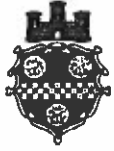
ARCHITECT

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e-mail: m.ogot@northsidepartnershipproject.com

SEALS:

DRAWN:	PROJECT NO:
OTIS	MOA1815
CHECKED:	DATE:
MO	10.21.2019
DRAWING NO:	

A-6



Division of Development Administration and Review
City of Pittsburgh, Department of City Planning
200 Ross Street, Third Floor
Pittsburgh, Pennsylvania 15219

ZONING BOARD OF ADJUSTMENT

Date of Hearing: March 21, 2019
Date of Decision: May 1, 2019

Zone Case: 76 of 2019
Address: 2610 Maple Avenue
Lot & Block: 46-B-10
Zoning Districts: R1D-H
Ward: 26
Neighborhood: Perry South

Owner/Applicant: Northside Partnership Project

Request: Use of structure as a community center (general).

Variance	911.02	Use as a community center (general) is not permitted in the R1D-H District
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Appearances:

Applicant: Eleanor Williams

In-Favor: Vernon Lipscomb, Lukas Bagshar, Carla Arnold, Taili Thompson, English Burtoy

Findings of Fact:

1. The Subject Property is located at 2610 Maple Avenue, at the corner with North Charles Street, in R1A-VH (Residential, Single-Unit Attached, Very High-Density) District in Perry South. Hazelton Street is located at the rear of the Subject Property.
2. The grade of the property has a significant downward slope from the front property line to the rear.
3. An area in the side yard of the property is paved and was previously used for a basketball court.
4. The two-story school building on the property was built in 1910 and has been vacant since 2012. The gross floor area within the building is 59,000 sf.
5. The vacant school building is a dominant feature in the surrounding area, which also includes a number of single-family residences.

The Zoning Board of Adjustment reserves the right to supplement the decision with Findings of Fact and Conclusions of Law.

6. The Applicant proposes to convert a limited area within the existing building into a community center (general).

7. The facility would be used for after-school programs, educational and family services, and job training. The Applicant explained that the programming would be for youths from the surrounding neighborhood.

8. The general hours of operation for the facility would be from 9 a.m. until 9 p.m.

9. The Applicant explained that the center would have a maximum capacity of 200 people, but would not typically be used for more than 50 people at a time.

10. The Applicant proposes to provide parking for the center on the existing paved area in the side yard.

11. Several vacant and commercial structures are located in the immediate vicinity.

12. No parties appeared at the hearing to oppose the request.

Conclusions of Law:

1. The Applicant seeks a use variance from Code Section 911.02 to permit the use of the existing school building as a community center general (general).

2. Pursuant to Code Section 911.02, a community center means "a facility used for social or recreational programs generally open to the public and intended to accommodate and serve significant segments of the community. A community center (limited) is one with a gross floor area of less than 5,000 sf and a community center (general) is one with a gross floor area of 5,000 sf or more. The community center (general) use is not permitted in R1D Districts and the community center (limited) use is permitted only as a conditional use in R1D Districts.

3. Section 922.09 of the Code sets for the general standards that the Board is to consider with respect to a variance, including 1) unique circumstances or conditions of a property would result in an unnecessary hardship; 2) that the proposed variance would have no adverse effect on the public welfare; and that 3) the proposed variance is the minimum variance that would afford relief with the least modification possible. *Marshall v. City of Philadelphia and Zoning Bd. of Adj.*, 97 A.3d 323, 329 (Pa. 2014); see also *Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh*, 721 A.2d 43 (Pa. 1998), citing *Allegheny West Civic Council v. Zoning Bd. of Adj. of the City of Pittsburgh*, 689 A.2d 225 (Pa. 1997).

4. In *Marshall*, the Pennsylvania Supreme Court considered a requested use variance to allow the reuse of a century-old school building, which was vacant and in need of repair. The Court recognized and affirmed its holding in *O'Neill v. Philadelphia Zoning Bd. of Adj.*, 120 A.2d 901 (Pa. 1956), that the "unnecessary hardship" standard does not require a showing that the property would be "practically valueless" without a variance and recognized that it is within a zoning board's discretion to consider the unique circumstances related to efforts to preserve and redevelop a vacant historic building. In the context of a request for a use variance, the Court held that a zoning board's discretion is not so circumscribed as to require a property owner to reconstruct a building for a conforming use, regardless of prohibitive expense, particularly where the proposed reuse of the building would have a beneficial impact on the neighborhood.

5. Here, the Applicant presented substantial and credible evidence that the existing historic and vacant school building has not been used or usable for any purpose that is permitted in the R1D District and is a unique condition that precludes use of the site for a permitted use.

6. The proposed community center use would be consistent in character and impact with the previous school use and is intended to serve the surrounding community. The hours of operation and the availability of on-site parking will also limit the impact of the proposed use on the surrounding properties.

7. For these reasons, consistent with the evidence and testimony presented and the applicable legal standards governing variances, the Board concludes that approval of the requested variance is appropriate.

Decision: The Applicant's request for a variance from Code Section 911.02 is hereby **APPROVED**, subject to the condition that the Applicant shall provide adequate parking to support the use, consistent with the provisions of Code Section 914.02, and that the general hours of operations shall be from 9 a.m. until 9 p.m.



Alice B. Mitinger, Chair

RECUSED
LaShawn Burton-Faulk



John J. Richardson

FOR