



April 21, 2017

112 of 2017

Dave Breingan
4839 Butler St
Pittsburgh, PA 15201

Dear Appellant and/or Hearing Participant:

Enclosed is your copy of the decision by the Zoning Board of Adjustment. **Note: This decision is not a zoning voucher or a permit.** Both a zoning voucher and a permit from the Department of Permits, Licenses and Inspections must be obtained prior to the start or work or occupancy.

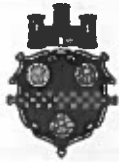
If the decision has been approved, the applicant must complete the following steps before a zoning voucher can be issued:

1. If the decision has been **approved with conditions**, the appropriate documentation to satisfy those conditions must be submitted to Zoning staff for review.
2. **All other applicable Zoning Code requirements must be completed** (such as Site Plan Review, Planning Commission or environmental reviews).

Once the above are satisfied, contact Svetlana Ipatova, Zoning Case Review Specialist, at 412-255-2214 or email the Zoning staff assigned to the project review to schedule an appointment for the final staff review process.

This decision expires one year after the decision date as shown on the enclosed copy. A permit should be obtained and substantial construction or occupancy should begin within one year of approval. If additional time is needed, the applicant may request a one-year extension by writing the Board within the one-year time period. Include the zone case number and the address of the subject property with a brief explanation, and send it to: Zoning Board of Adjustment, Department of City Planning, 200 Ross Street 3rd Floor, Pittsburgh, PA 15219.

If you or any affected person are dissatisfied with the Board's decision, an appeal may be made to the Court of Common Pleas of Allegheny County within thirty (30) calendar days of the above mailing date. The appeal process is conducted at the Prothonotary's Office located on the main floor of the City County Building. A transcript of this hearing will be required and can be obtained by calling our reporting agency, Network Deposition Services, at (412) 281-7908. Please have the zone case number and the date of the hearing available. We encourage you to consult an attorney if you choose to appeal.



ZONING BOARD OF ADJUSTMENT

Date of Hearing: March 16, 2017
Date of Decision: April 20, 2017

Zone Case: 112 of 2017
Address: 5308,5310,5312,5314 Duncan Street
Zoning Districts: R1A-VH
Ward: 10
Neighborhood: Upper Lawrenceville

Owner: Yardeni Ilana
Applicant: Lakeview Capital

Request: Four new four story single family attached dwellings with integral parking, front balconies, and rooftop decks.

Variance	903.03.E.2	Minimum 5ft interior side setback required and 0ft requested (accessories) Maximum height 40ft/3 stories permitted and 40ft/4 stories requested <u>AMENDED</u>
Variance	925.06.C	Minimum 3ft interior side setback required and 0ft requested(dwelling)

Appearances:

Applicant: Leslie Woods, David Gould, Susan Tusick
Opposed: Wayne Grgurich, Lisa George, Dave Breingan

Findings of Fact:

1. The Subject Properties are located at 5308,5310,5312, and 5314 Duncan Street in an R1A-VH (Residential Single-Unit, Very High Density) District in the Upper Lawrenceville neighborhood. Poe Way is located at the rear of the Subject Property.
2. A two story single-family dwelling is located on 5308, 5310, and 5314 Duncan Street. 5312 Duncan Street is currently vacant.
3. Each of the existing dwellings is constructed to an interior side property line.

4. The Subject Property slopes significantly down from Poe Way to Duncan Street.

5. The Applicant proposes to demolish the existing houses and to construct a four-story, single family dwelling, with a front balcony, rooftop deck, and integral garage, on each lot, 0' from the front and interior side property lines.

6. Following the hearing, the Applicant withdrew a requested height variance to permit a maximum height of 45'. As proposed, the structures would be 40'.

7. The Applicant submitted evidence and provided testimony that demonstrated which demonstrated that the proposed setback variances, and the proposed additional story, within the 40' height limitation, would be consistent with the context of the surrounding neighborhood.

8. The Applicant also asserted that the additional story is necessary to accommodate on-site, integral parking.

9. A representative of Lawrenceville United appeared at the hearing to express concerns of related to the proposed 45' height of the buildings.

10. Several residents of the surrounding neighborhood appeared at the hearing in opposition to the proposed height variance, citing concerns related to the potential loss of views from their property.

Conclusions of Law:

1. The Applicant seeks variances from Sections 903.03.E.2 and 925.06.C, the Code's front and interior side setback requirements and maximum story limitation.

2. The unique topographical condition of the site limits how the property can be used in strict conformity with the Code's dimensional requirements.

3. The Board concludes that because the proposed buildings would be consistent with setbacks in the surrounding neighborhood, granting the requested setback variances will not have a significant impact on the surrounding neighborhood.

4. Regarding the requested fourth story, the Board concludes that because the proposed structures would comply with the 40' maximum height limitation, granting the requested variance to allow an additional story, within the height limitation, will not create significant negative impacts and will allow for on-site parking.

5. Consistent with the evidence and testimony presented and the applicable legal standards governing dimensional variances, the Board concludes that approval of the requested variances is appropriate.

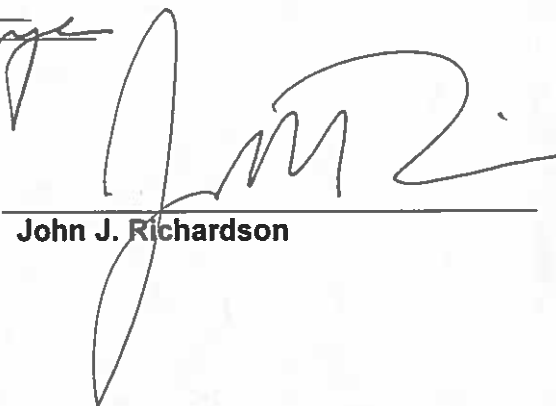
Decision: The Applicant's request for variances from Code Sections 903.03.E.2 and 925.06.C is hereby **APPROVED**.



Alice B. Mitinger, Chair



LaShawn Burton-Faulk



John J. Richardson