



A. PROJECT INFORMATION

1. APPLICATION IS: Development Project Protest Appeal

2. STAFF REVIEW DATE:

3. SITE INFORMATION

Development Address:

Parcel ID(s)/Lot-and-Block Number(s): 49-P-306,306A, 307

Project Description: Construction of one new residence.

3. CONTACT INFORMATION

Applicant Name: Yoko Tai

Applicant Contact (phone and email): 412-880-4020

B. ZBA HEARING INFORMATION

Zone Case # 158 of 2020

Date of Hearing: Click here to enter a date. *sep 10, 2020*

Time of Hearing: Click here to enter text. *9:30 a.m.*

Zoning Designation: R1A-H

Neighborhood: Lower Lawrenceville

Zoning Specialist:

C. ZBA REQUESTS

Type of Request: Variance

Code Section: 903.03.D.2

Description: 15 ft front setback required and 0ft requested for 6' fence

Type of Request: Variance

Code Section: 925.06.C

Minimum 4ft interior side setback required, and 2ft requested

Description:

Parcel ID 0049-P-00306-0000-00
Property Address MANION WAY
PITTSBURGH, PA 15201

Municipality : 106 6th Ward - PITTSBURGH
Owner Name : GREENFIELD VENTURES LLC

Data displayed on this map is for informational purposes only. It is not survey accurate and is meant to only show a representation of property lines.

Print

Note: This button uses pop-ups. Please click help button for further printing instructions.





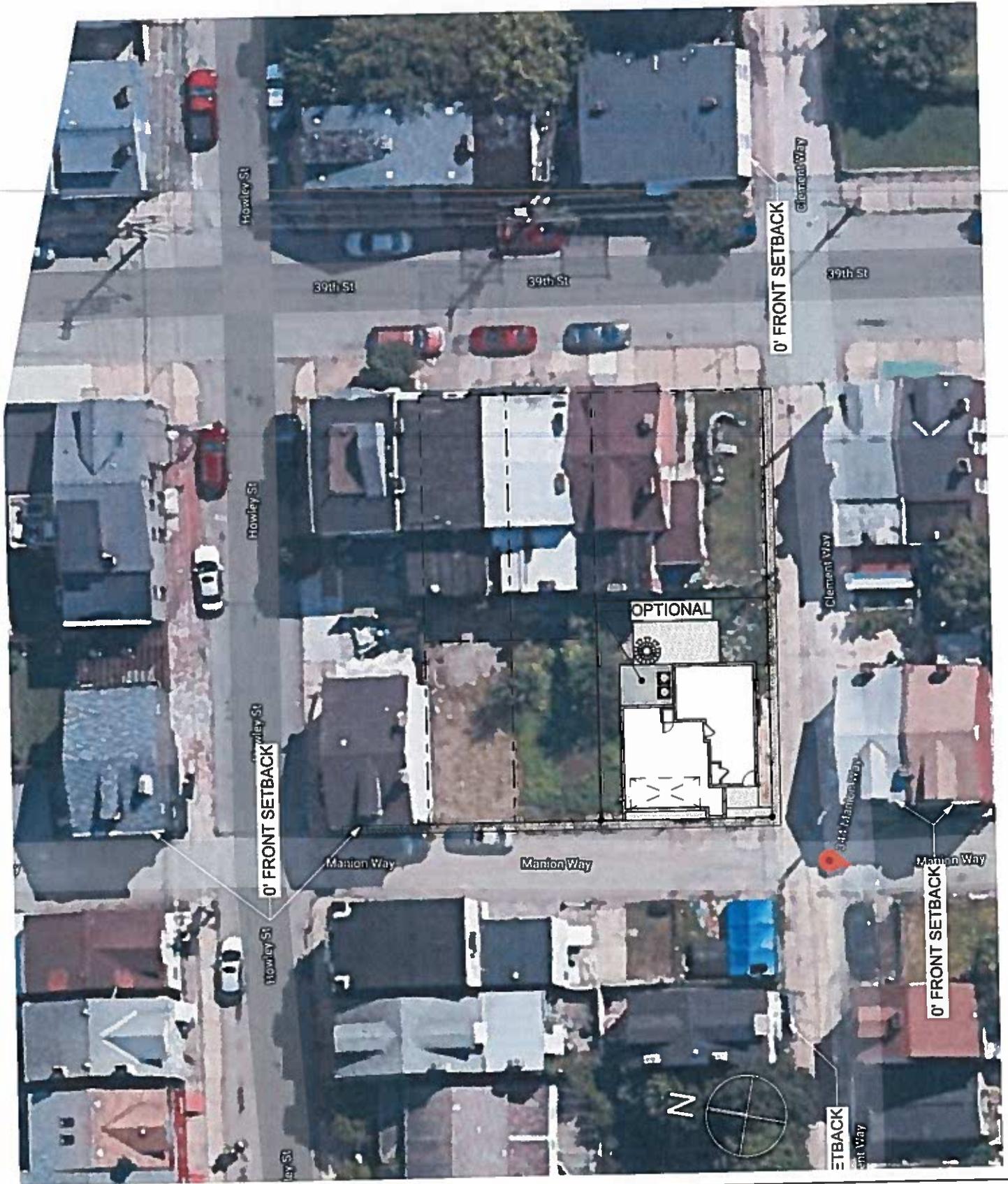
TAI + LEE architects PC
 3106 Breton Street
 Pittsburgh PA 15219 t: 412 880 4020

CONTEXTURAL SITE PLAN
 owner Joseph Bernardo Manion Way Townhouses

PRELIMINARY
 FOR REVIEW ONLY

job # 19115
 scale 1" = 30'
 date 07/07/20
 rev

1.0



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 3106 Breckon Street
 Pittsburgh PA 15219 t: 412.880.4020

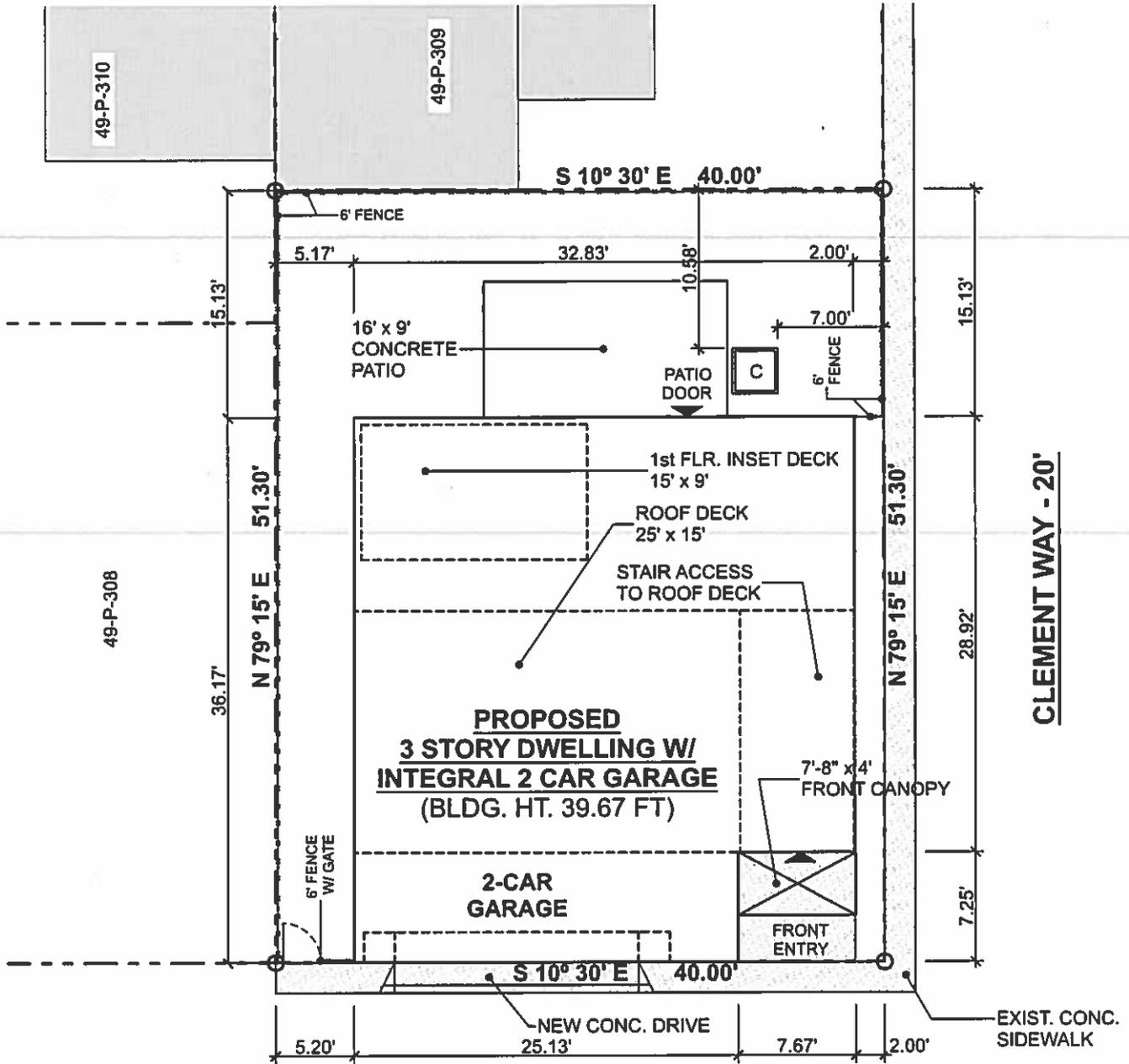
SITE PLAN

owner: Joseph Bernardo **Manion Way Townhouses**

PRELIMINARY
FOR REVIEW ONLY

job #: 19115
 scale: 1" = 30'
 date: 4/27/20
 rev:

1.0



MANION WAY 20'

LOT AREA
2,054 sq ft

PLAN OF PROPERTY

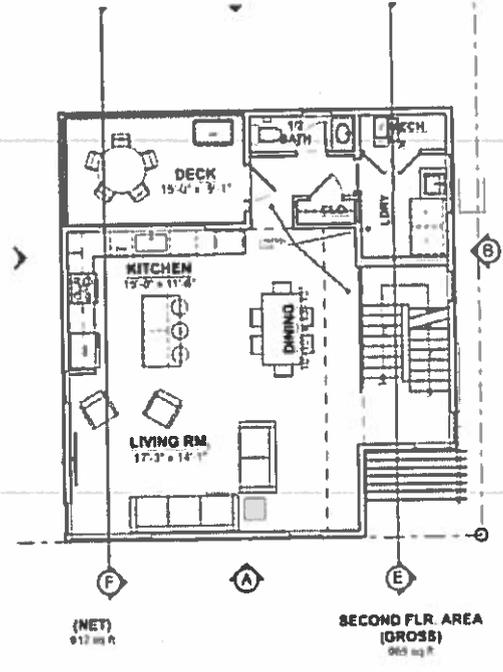
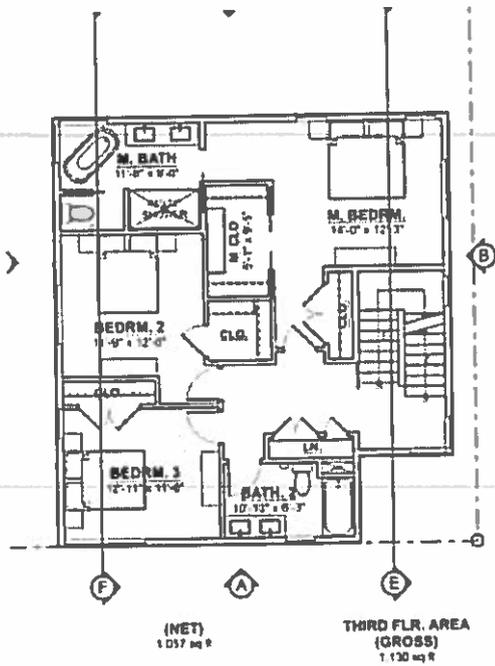
Prepared by: TAI + LEE, architects PC
3106 Brereton Street
Pittsburgh, PA 15219
412-880-4020

BLOCK & LOT NO:
49-P-306 / 49-P-306-A / 49-P-307
6th Ward, City of Pittsburgh
Allegheny Co, PA 15201

Prepared for: Joseph Bernardo
Greenfield Ventures LLC
2935 Espy Ave.
Pittsburgh, PA 15216
412-737-1637

Scale: 1" = 10'-0"
Date: 7 July 2020





SECOND FLOOR PLAN

FIRST FLOOR PLAN

TAI+LEE
 architects PC

telephone 412.683.4221
 address 2126 Sherman Street
 Pittsburgh, PA 15218
 © 2007 TAI+LEE architects PC

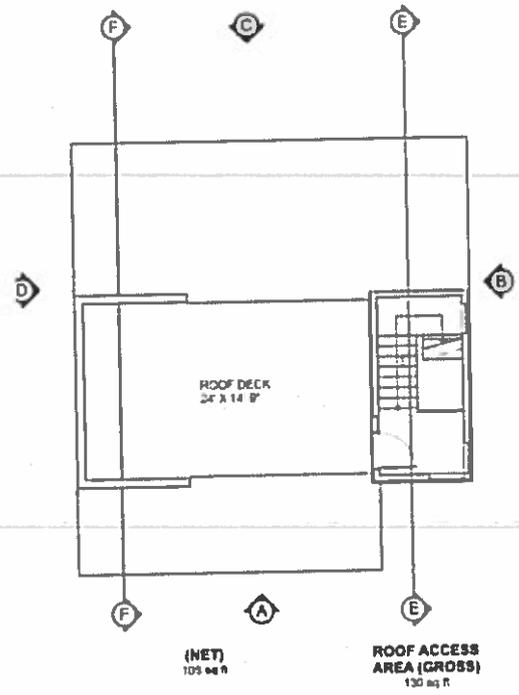
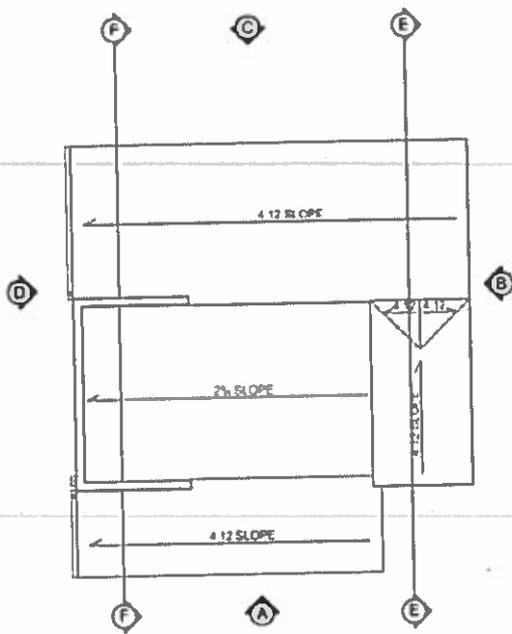
Manion Way Townhome
 Three Bedroom, Single Unit town Development
 Ben Ward Pittsburgh, PA 15201
 48-P-366-03-P-306A-03-P-397

FIRST & SECOND FLOOR PLANS
 Schematic Design Phase

PRELIMINARY
 FOR REVIEW ONLY

sheet # 03115
 scale 1/8" = 1'-0"
 date 07/6/07

A1.2



ROOF PLAN

ROOF ACCESS

TAL + LEE
architects PC

phone: 412 683 4030
address: 2110 Emerson Street
Pittsburgh, PA 15218

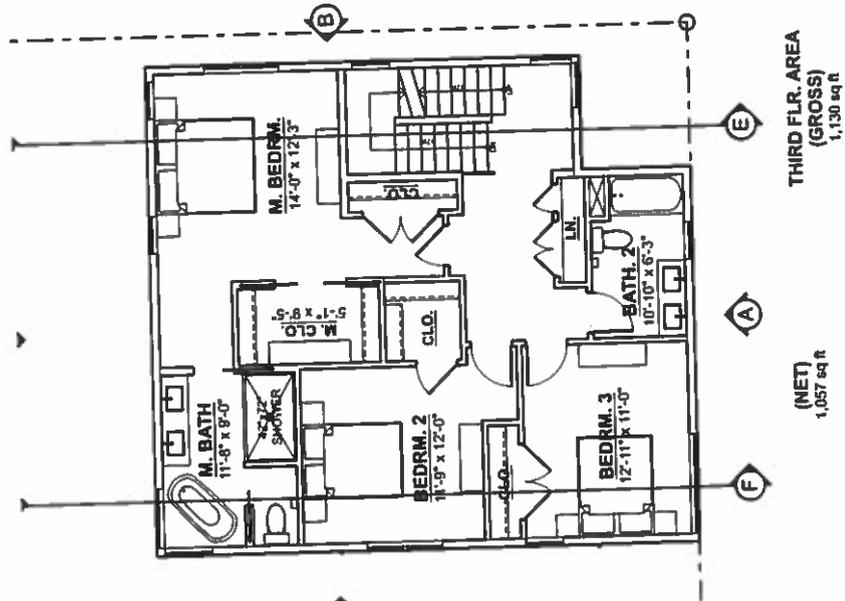
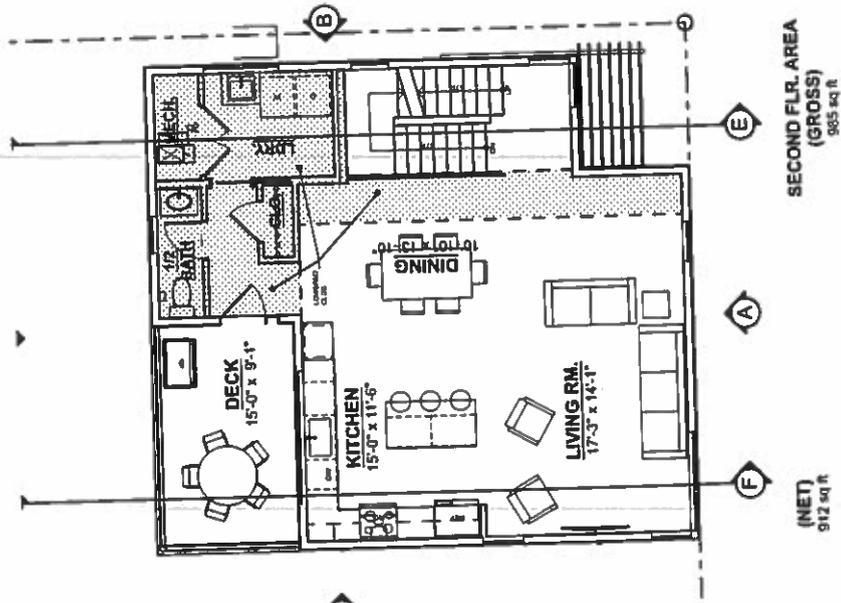
Manion Way Townhome
Three Bedroom, Single Unit Multi-Development
661 Ward Pittsburgh, PA 15201
45-P-388-05-P-388A-08-P-387

ROOF PLANS
Schematic Design Phase

PRELIMINARY
FOR REVIEW ONLY

sheet: 16119
scale: 1/8" = 1'-0"
date: 07/02/05

A1.



FIRST FLOOR PLAN

SECOND FLOOR PLAN

A1.2

page 19115
scale 1/8" = 1'-0"
date 07/6/20

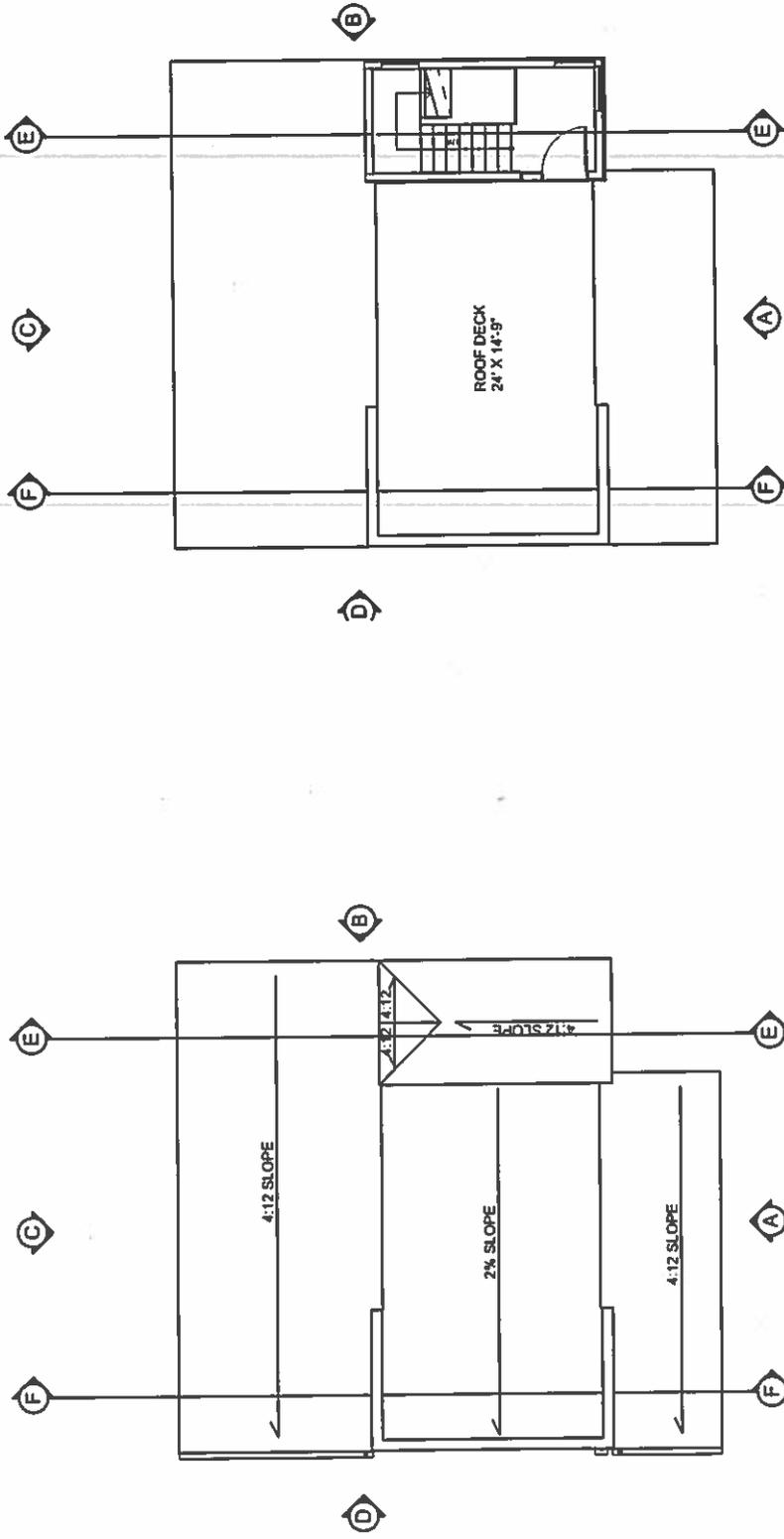
PRELIMINARY
FOR REVIEW ONLY

FIRST & SECOND FLOOR PLANS
Schematic Design Phase

Manion Way Townhome
Three Bedroom, Single Unit InTR Development
6th Ward Pittsburgh, PA 15201
48-P-38848-P-396048-P-307

phone 412.880.4020
address 3105 Breyden Street
Pittsburgh, PA 15219

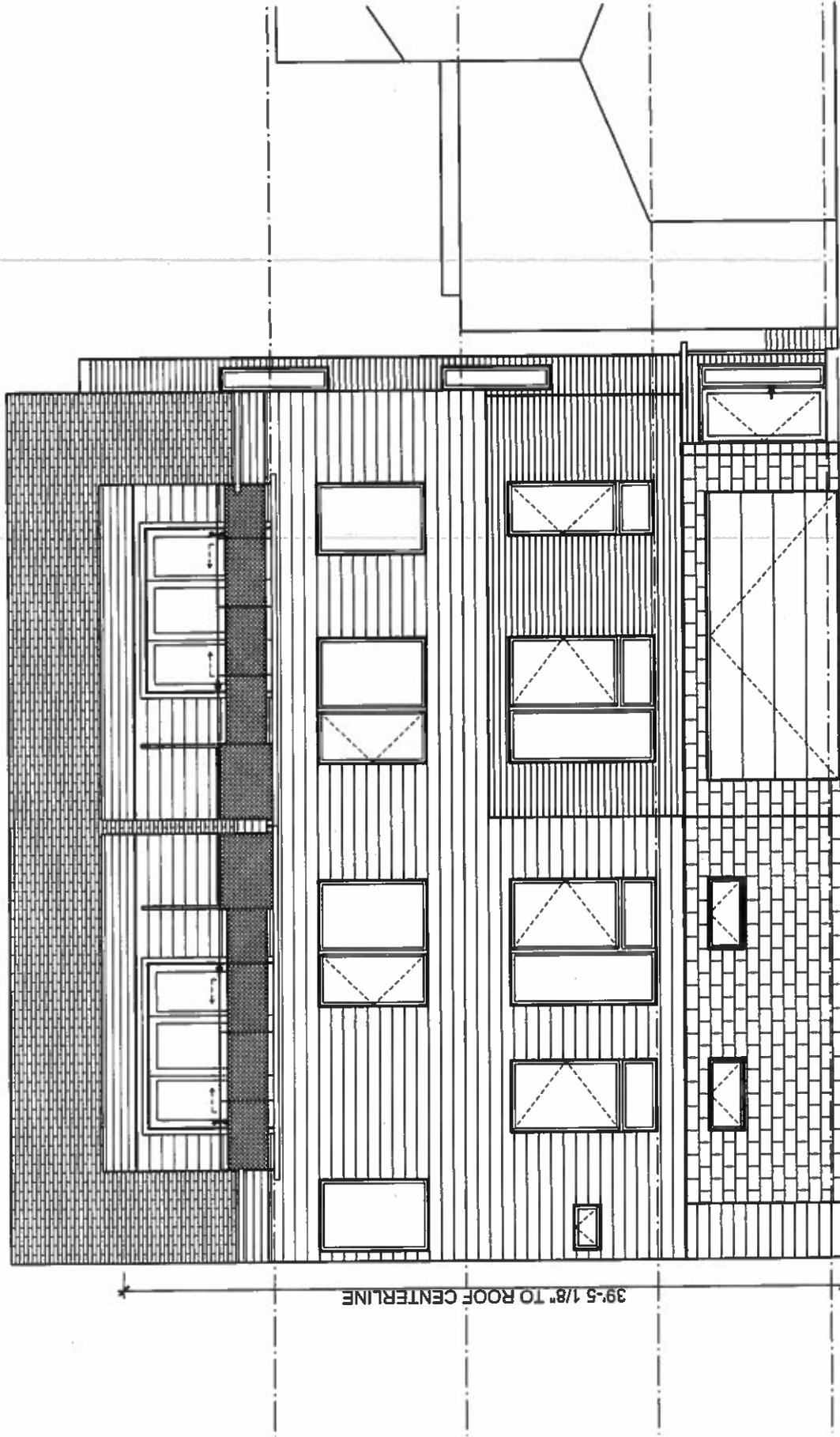
TAL+LEE architects PC
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ROOF PLAN

ROOF ACCESS

	Telephone: 412.880.4020 address: 3108 Brierley Street Pittsburgh, PA 15219 © 2022 TAI+LEE architects, P.C.	Manion Way Townhome Three Bedroom, Single Unit Infill Development 6th Ward Pittsburgh PA, 15281 48-P-306648-P-386A/49-P-307	ROOF PLANS Schematic Design Phase	PRELIMINARY FOR REVIEW ONLY	job #: 18115 scale: 1/8" = 1'-0" date: 07/6/20 rev:	A1.3
	ROOF ACCESS					



A. CLEMENT WAY (SOUTH) ELEVATION

TAI+
LEE architects PC
 3106 Brezelon Street
 Pittsburgh PA 15219 t: 412.880.4020

SOUTH ELEVATION

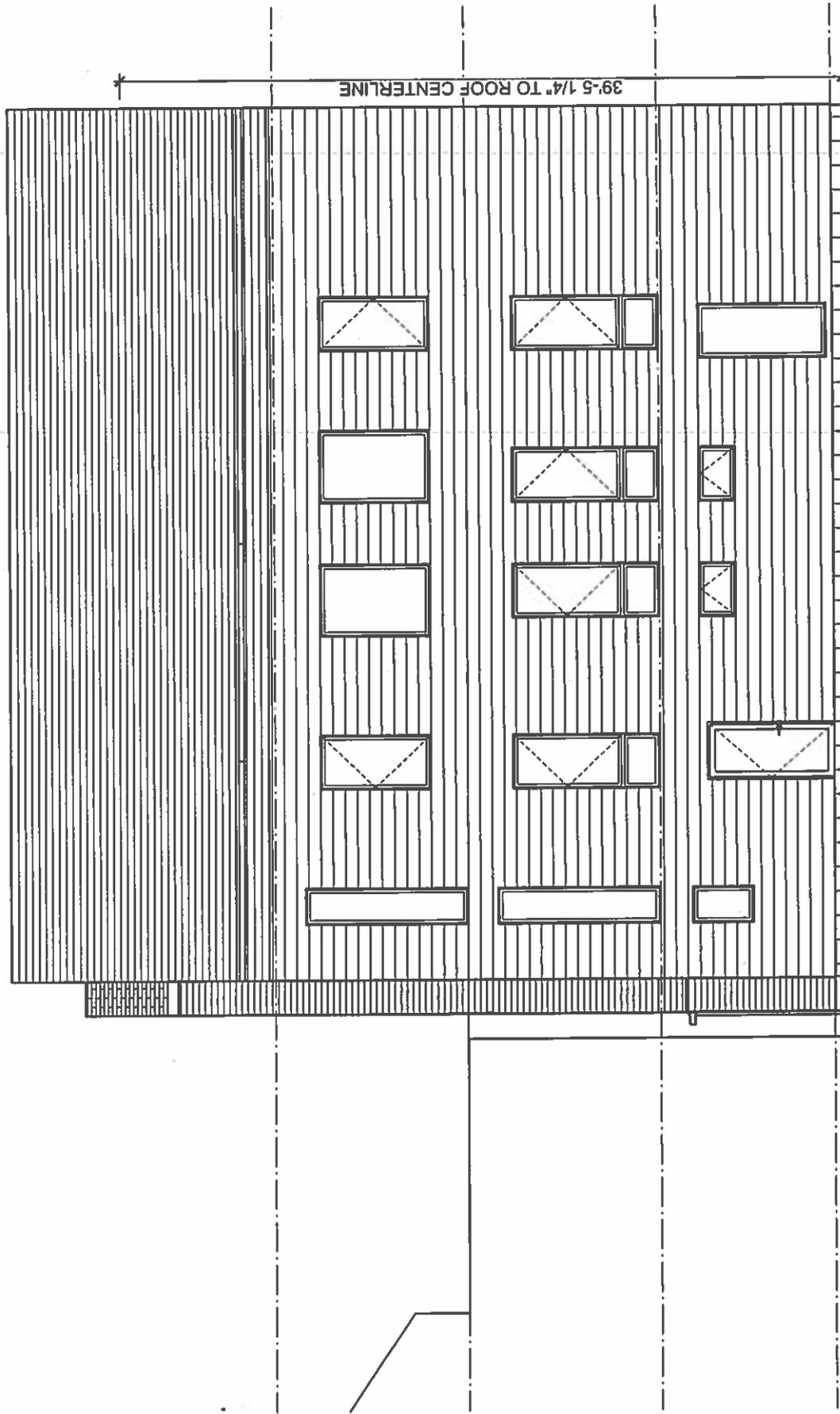
owner: Joseph Bernardo

PRELIMINARY
 FOR REVIEW ONLY

Manion Way Townhouses

job #: 19115
 scale: 1/8" = 1'-0"
 date: 1/2/20
 rev.

1.7



B. NORTH ELEVATION - REAR

TAL+
LEE architects PC
 3106 Brereton Street
 Pittsburgh PA 15219 t. 412.880.4020
 owner: Joseph Bernardo

NORTH ELEVATION

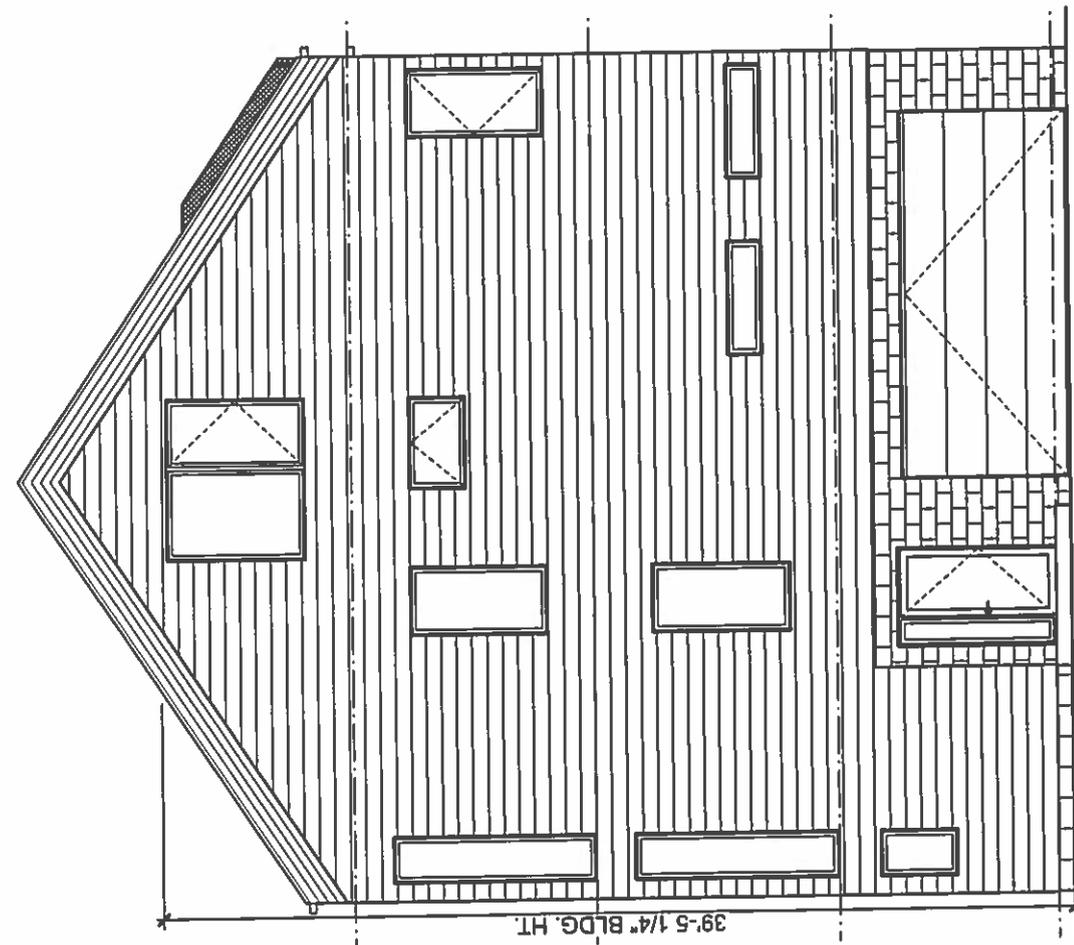
owner: Joseph Bernardo

Manion Way Townhouses

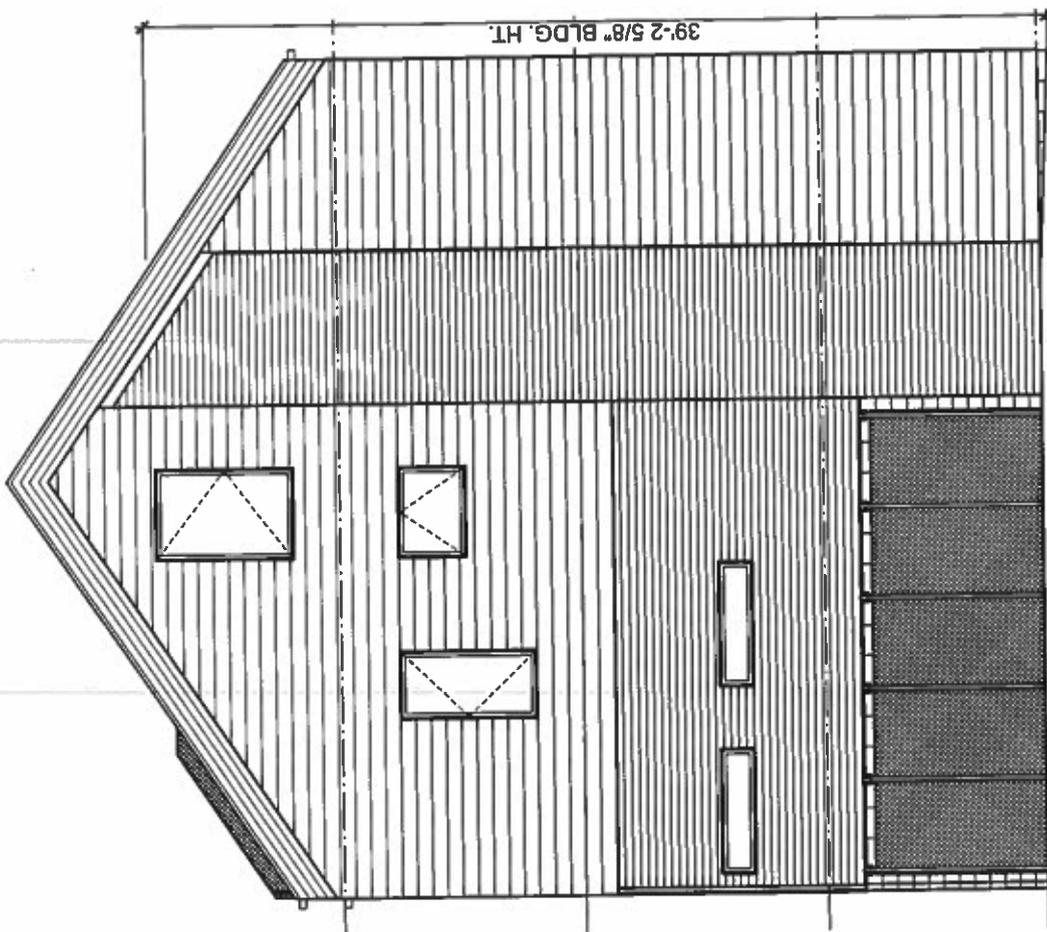
PRELIMINARY
 FOR REVIEW ONLY

job #: 19115
 scale: 1/8" = 1'-0"
 date: 1/2/20
 rev:

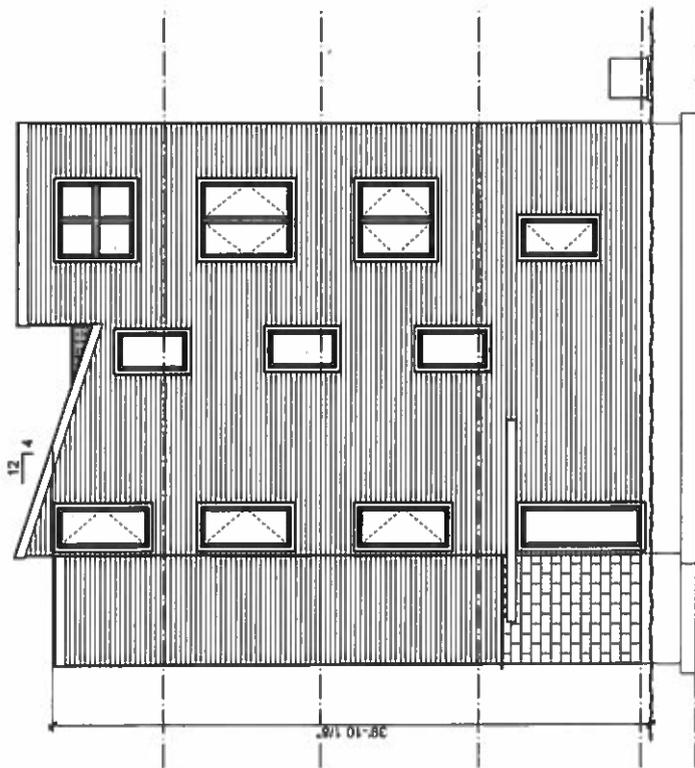
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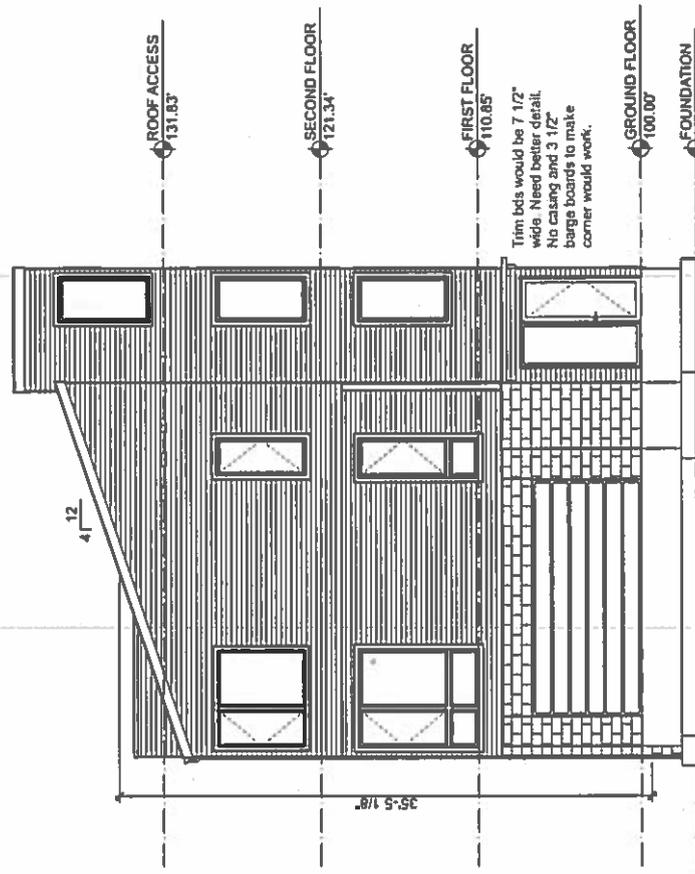
C. WEST (MANION WAY) ELEVATION



D. EAST ELEVATION - SIDEYARD



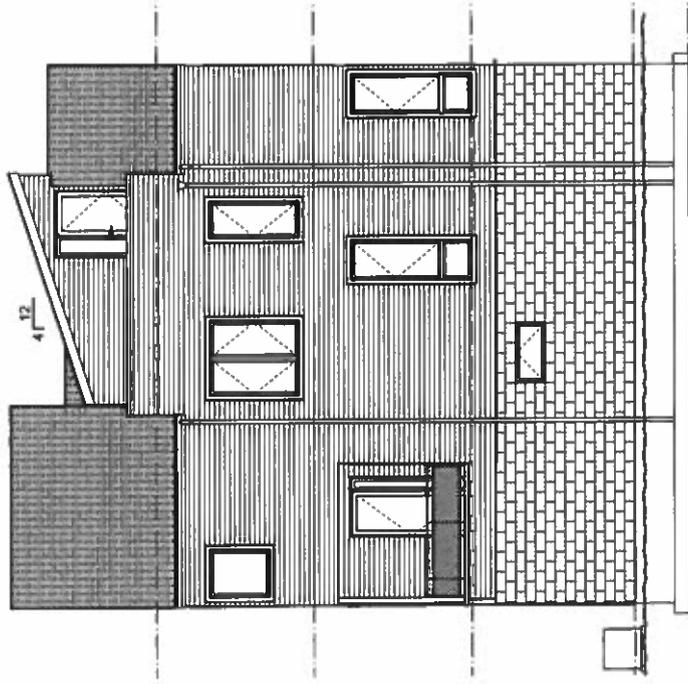
B. CLEMENT WAY (SOUTH) ELEVATION



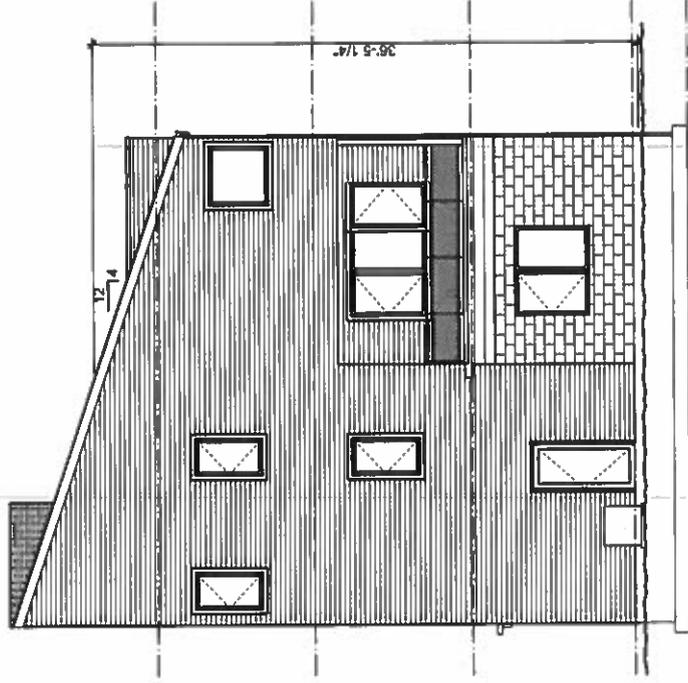
A. WEST (MANION WAY) ELEVATION

Trim bds would be 7 1/2" wide. Need better detail. No casing and 3 1/2" barga boards to make corner would work.

	telephone 412.850.4020 address 3108 Breverton Street Pittsburgh, PA 15219	Manion Way Townhome Three Bedroom, Single Unit Initial Development 6th Ward Pittsburgh, PA 15204 48-P-398248-P-3844/19-P-387	STREET FRONT ELEVATIONS Schematic Design Phase	PRELIMINARY FOR REVIEW ONLY	job # 19115 scale 1/8" = 1'-0" date 07/16/20	A2.1
	© 2020 TALLEE architects, P.C.					



D. NORTH ELEVATION - SIDE



C. EAST ELEVATION - REAR

Re: DCP-ZDR-2019-08330 Reapplication for Zoning Variance

Seifert, Caroline <caroline.seifert@pittsburghpa.gov>

Tue 7/14/2020 8:08 AM

To: Yoko Tai <yoko@taipluslee.com>

Cc: Ipatova, Svetlana <svetlana.ipatova@pittsburghpa.gov>

Hi,

Lana will add the fee when she schedules the hearing.

The side setback variance is for the Clement Way side that is only 2' from the property line. Contextual setbacks can only reduce the side setback to 3'.

I recommend applying for the consolidation and addressing soon. The curb cut can also be applied for concurrently.

Caroline Seifert

Zoning Specialist

City of Pittsburgh, Department of City Planning

caroline.seifert@pittsburghpa.gov

P: 412-255-2246 ext 2

200 Ross St., 3rd Floor

www.pittsburghpa.gov/dcp/

The Zoning counter at 200 Ross Street is currently closed. Applications can be submitted and documents uploaded onto [OneStopPGH](#). Please email Zoning@pittsburghpa.gov with any questions.

Zoning and Development Review Boards and Commissions are now meeting virtually. Visit the pages for application and meeting information: [Zoning Board of Adjustment](#), [Historic Review Commission](#), and [Planning Commission](#).

Hearing notices are posted [here](#).

From: Yoko Tai <yoko@taipluslee.com>

Sent: Monday, July 13, 2020 4:54 PM

To: Seifert, Caroline <caroline.seifert@pittsburghpa.gov>

Cc: Ipatova, Svetlana <svetlana.ipatova@pittsburghpa.gov>

Subject: Re: DCP-ZDR-2019-08330 Reapplication for Zoning Variance

Thank you for your reply

I reloaded a correct Contextual Site Plan that matches the Plot Plan.

I was not able to pay on-line, since the website is showing up as No Outstanding Fee. Do I need to bring a check in person?

Variance Requests

925.06.C - 4' interior side setback required, (**the building is set back 5.20' for primary structure**), 0' requested for 6' fence

903.03.D.2 - 15' front setback required, 0' requested for 6' fence

• Front and Street side are hopefully to be contextual.

• Understood that the HVAC variance will be separate ZDR with Mechanical Permit.

Questions:

• Can I apply for curb cut after the variance decision or concurrently? Or is this needed for the hearing?

• Can I apply for an address after the variance decision or concurrently? Or is this needed prior to the Hearing? Since the 3 lots need to be consolidated, it will take a long time to get this recorded and get the address approved.

Thank you

Yoko Tai, RA

TAI + LEE, architects PC

3106 Brereton Street, Pittsburgh, PA 15219-3708

t:412.880.4020

On Mon, Jul 13, 2020 at 11:38 AM Seifert, Caroline <caroline.seifert@pittsburghpa.gov> wrote:

I think it's fine to keep the same ZDR record, but you will have to pay the ZBA fee again. I saw that you uploaded some new plans and have identified the following variances listed below. I'll have to ask the Zoning Administrator if there is sufficient evidence for the front contextual setback at 0', but if not, that will be a variance as well. However, some of details on the site plan showing the neighboring properties do not match the details on the stamped site plan.

Variance Requests

925.06.C - 4' interior side setback required, 2' requested for primary structure, 0' requested for 6' fence

903.03.D.2 - 15' front setback required, 0' requested for 6' fence

If you're ready to move forward with a new hearing, Lana can help you schedule that. At this time, ZBA hearings are being held virtually.

Regarding the new application, I have the following other comments:

- The application identifies HVAC work, this will not be included on this ZDR approval. That will require a separate ZDR to be related to a Mechanical Permit.
- A Curb Cut Permit from the Department of Mobility and Infrastructure (DOMI) is required. You can now apply for curb cut permits through OneStop.
- Please contact addressing@pittsburghpa.gov regarding a new address.

Thanks,

Caroline Seifert

Zoning Specialist

City of Pittsburgh, Department of City Planning

caroline.seifert@pittsburghpa.gov
P: 412-255-2246 ext 2
200 Ross St., 3rd Floor
www.pittsburghpa.gov/dcp/

The Zoning counter at 200 Ross Street is currently closed. Applications can be submitted and documents uploaded onto [OneStopPGH](#). Please email Zoning@pittsburghpa.gov with any questions. Zoning and Development Review Boards and Commissions are now meeting virtually. Visit the pages for application and meeting information: [Zoning Board of Adjustment](#), [Historic Review Commission](#), and [Planning Commission](#). Hearing notices are posted [here](#).

From: Ipatova, Svetlana <svetlana.ipatova@pittsburghpa.gov>
Sent: Monday, July 13, 2020 10:47 AM
To: Yoko Tai <yoko@taipluslee.com>; Seifert, Caroline <caroline.seifert@pittsburghpa.gov>
Subject: Re: DCP-ZDR-2019-08330 Reapplication for Zoning Variance

Hello.
I included Caroline on my email.
She is your application reviewer.
Caroline, how it convenient for you?
Thanks

Svetlana Ipatova
Zoning Case Review Specialist
City of Pittsburgh, Department of City Planning
svetlana.ipatova@pittsburghpa.gov
P: 412-255-2214
200 Ross Street, 3rd Floor
Pittsburgh, PA 15219
www.pittsburghpa.gov/dcp/

Thank you for your patience in this time as our department moves to work out of office and continues to serve the public. We apologize for any delays in response.

The Zoning counter at 200 Ross Street is currently closed. Applications can be submitted and documents uploaded onto [OneStopPGH](#). Please email Zoning@pittsburghpa.gov with any questions.

We will continue to review applications and keep you informed on changes to Commission dates and next steps.

From: Yoko Tai <yoko@taipluslee.com>
Sent: Friday, July 10, 2020 3:01 PM

To: Ipatova, Svetlana <svetlana.ipatova@pittsburghpa.gov>
Subject: DCP-ZDR-2019-08330 Reapplication for Zoning Variance

Hello Svetlana
Two unit plan for this site was denied variance.

We now have a single building plan for the site, but will require few variances.
Do we need to apply as a new zoning case or can we apply under the same application as revision?

thank you

Yoko Tai, RA
TAI + LEE, architects PC
3106 Brereton Street, Pittsburgh, PA 15219-3708
t:412.880.4020



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: January 23, 2020
Date of Decision: March 5, 2020
Zone Case: 25 of 2020
Address: Clement Way/Manion Way
Lot & Block: 49-P-306,306-A, 307
Zoning Districts: R1A-H
Ward: 6
Neighborhood: Lower Lawrenceville
Owner: Greenfield Ventures LLC
Applicant: Yoko Tai
Request: Two new four-story, single-family dwellings with integral parking.

Variance	903.03.D.2	Minimum lot size 1,800 sf, 961 sf and 1,003 sf requested Minimum 15' front setback required, 0' requested Maximum height 40'/3-stories permitted, 4 stories requested
Variance	925.06.C	Minimum 3' interior side setback required; 0' and 1.38' requested Minimum 4' interior side setback required; 3.29' requested
Variance	926.129	At least one frontage upon a street required

Appearances:

Applicant: Rebecca Cole

In-Favor: Joseph Bernards, Don Sinicki

Opposed: Kathryn Wakefield

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

Findings of Fact:

1. The Subject Property consists of three lots (Parcel Nos. 49-P-306, 49-P-306-A and 49-P-307) in an R1A-H (Residential One-Unit Attached High Density) District in Lower Lawrenceville.
2. The area of each of the three parcels is 688 sf, with a combined lot area of 2,064 sf and dimensions of 51.3' by 40'.
3. The parcels located at the corner of Clement Way and Manion Way and are not adjacent to any "streets." The parcels are currently vacant.
4. The Applicant proposes to subdivide the property into two parcels (identified as Lot 1 and Lot 2) and to construct a 4 story, single-unit house on each of the new lots. Each house would have a two-car integral garage and a rooftop deck.
5. The proposed dimensions of Lot 1, on the corner of Clement Way and Manion Way, would be 24' by 40' (961 sf). The front entrance of the Lot 1 house would be oriented towards Manion Way.
6. The Lot 1 house would be set back 0' from the front property line on Manion Way; 3.39' from the interior side property line shared with the adjacent Parcel No. 49-P-308, which is vacant; 0' from the interior side property line on Clement Way; and 0' from the interior side property line shared with Lot 2.
7. The proposed dimensions of Lot 2 would be 27.3' by 40' (1,093 sf).
8. The front entrance of the Lot 2 house would be oriented towards Clement Way. The house would be set back 0' from the front property line on Clement Way; 0' from the interior side property line shared with Lot 1; 3.29' from the interior side property line shared with the vacant Parcel No. 49-P-308; and 1.38' from the interior property line shared with the property at 346 39th Street.
9. The Applicant submitted a 1942 Sanborn Insurance map which depicts three attached structures on the Subject Property that extend to the front and interior side property lines of the identified lots.
10. The Applicant provided testimony that several houses within the immediate vicinity of the Subject Property do not comply with the Code's setback requirements; are on lots that do not comply with the Code's minimum lot size requirement; and do not front onto a street.
11. Although the Applicant seemed to assert that the proposed two lots would be an improvement from the previous three undersized lots, the Applicant did not provide any specific evidence of any unique conditions associated with the site or of any hardship that would prevent viable development of the site in compliance with the Code's requirements.
12. Don Sinicki, owner of the property at 3824 Howley Street, appeared to support the variance request and testified as to the previous existence of the three attached houses on the Subject Property. He indicated that the houses had 3 stories and did not have off-street parking.
13. Kathryn Wakefield, an attorney representing the owner of the adjacent Parcel No. 49-P-308, appeared at the hearing to oppose the variance request. She asserted that the proposed development would impact her client's ability to build on Parcel No. 49-P-308, which is a 630 sf vacant lot.

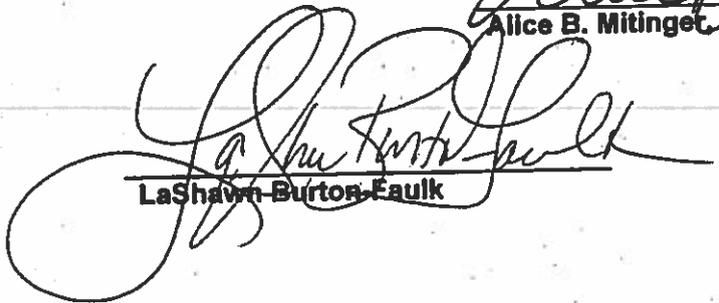
Conclusions of Law:

1. The Applicant seeks variances from Sections 903.03.D.2, 925.06.C and 926.129, the Code's minimum lot size, front and interior side setback requirements; and from the requirement that a building must have frontage on a street.
2. Section 922.09.E sets forth the general conditions the Board is to consider with respect to variances. The Pennsylvania Supreme Court has summarized the criteria for determining whether to grant a variance as: 1) unique circumstances or conditions of a property would result in an unnecessary hardship; 2) no adverse effect on the public welfare; and that 3) the variance proposed is the minimum variances that would afford relief with the least modification possible. *Marshall v. City of Philadelphia and Zoning Bd. Of Adj.*, 97 A3d 323, 329 (Pa. 2014); see also *Hertzberg v. Zoning Bd. Of Adj. 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)
3. In *Hertzberg*, the Court recognized that a less restrictive standard is appropriate for dimensional variances, which require only for a reasonable adjustment of the zoning regulations to accommodate a use of property that is permitted. *Hertzberg*, 721 A.2d at 47-48. In determining whether unnecessary hardship has been established for a requested dimensional variance, the Board may consider multiple factors, including the economic detriment to the applicant if the variance was denied, the financial hardship created by any work necessary for strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood. However, the applicant must provide some evidence of a hardship.
4. It is also important to note that the asserted hardship on which a variance request is based cannot be self-inflicted. *Appeal of Volpe*, 121 A.2d 97, 100 (Pa. 1956) (where applicant had subdivided property into one lot that conformed to the minimum area requirement and one undersized lot, the Pennsylvania Supreme Court held that denial of variance to build on the undersized lot was appropriate because any hardship was self-inflicted); *Appeal of Grace Building Co.*, 392 A.2d 888, 890 (Pa. Commw. Ct. 1978) (where applicant conveyed lots that would have allowed compliance with minimum area requirement, the Commonwealth Court held that, in choosing to convey the lots, the applicant created its own hardship); see also Robert S. Ryan, *Pennsylvania Zoning Law and Practice*, § 6.2.11.
5. Here, the Applicant seeks to subdivide the 2,064 sf site, which complies with the Code's minimum 1,800 sf lot size requirement for R1A-H Districts, into two lots that would not comply with that provision. As a consequence of the limited size of the lots proposed, the Applicant seeks additional variances from the Code's setback requirements. The evidence that the site was previously used as 3 lots, each with a single-family residence, is not sufficient to support the significant variances requested from the Code's current requirements.
6. The Applicant did not provide sufficient evidence to demonstrate any unique conditions or hardship associated with the requested dimensional variances. Further, in proposing to subdivide the parcel into two undersized lots, the Applicant has created the need for the other dimensional variances requested.
7. Consistent with the evidence and testimony presented and the applicable legal standards governing dimensional variances, the Board concludes that denial of the requested variances is appropriate.

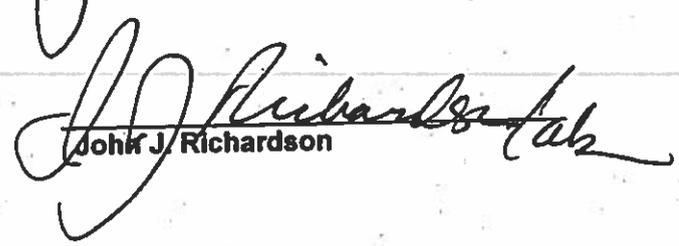
Decision: The Applicant's request for variances from Code Sections 903.03.D.2, 925.06.C and 926.129 is hereby DENIED.



Alice B. Mitinget, Chair



LaShawn Burton-Faulk



John J. Richardson