

*CITY OF PITTSBURGH*

*DEPARTMENT OF PUBLIC WORKS*

Application to Vacate City Dedicated Right-of-Way

Please complete application in its entirety: (Please Print)

APPLICANT'S NAME Lawrenceville Properties, LLC DATE \_\_\_\_\_

ADDRESS: 12 Grandview Circle

Canonsburg, PA ZIP CODE 15317-8533

HOME PHONE NO: ( ) \_\_\_\_\_ BUSINESS PHONE NO: \_\_\_\_\_

PAGER NO: ( ) \_\_\_\_\_ CELL PHONE NO: \_\_\_\_\_

PROPERTY OWNER NAME Lawrenceville Properties, LLC

ADDRESS: 12 Grandview Circle, Canonsburg, PA ZIP 15317-8533

LOCATION OF PROPOSED VACATION: Woolslayer Way

REASON FOR APPLICATION: Access to Rear Setback for Building on Mintwood Street

WARD NO. 6 COUNCIL DISTRICT 7 ZONING CODE R/A  
(Zoning Office - (412) 255-2235)

LOT AND BLOCK \_\_\_\_\_ NAME OF PLAN OF LOTS \_\_\_\_\_

PLAN BOOK VOLUME \_\_\_\_\_ PAGE NO \_\_\_\_\_

Is the proposed vacation developed? Yes  No

Is the proposed vacation paved? Yes  No  (Partial)

Width of proposed vacation right-of-way (sidewalk or street): Variable from 19.21' to 25.97'

Length of proposed vacation 168.83' (prior to vacation)

Number of square feet 3,177 Number of linear miles \_\_\_\_\_

49-N-281-A  
NOW OR FORMERLY  
THADDEUS F. & MARY  
KACZOROWSKI, III

49-N-280  
NOW OR FORMERLY  
LAWRENCEVILLE PROPERTIES, LLC

49-N-239  
NOW OR FORMERLY  
LAWRENCEVILLE PROPERTIES, LLC

49-N-242  
NOW OR FORMERLY  
LAWRENCEVILLE PROPERTIES, LLC

49-N-244  
NOW OR FORMERLY  
LAWRENCEVILLE PROPERTIES, LLC

49-N-246  
NOW OR FORMERLY  
LAWRENCEVILLE PROPERTIES, LLC

49-N-294  
NOW OR FORMERLY  
LAWRENCEVILLE PROPERTIES, LLC

LOT 1  
WYLIE HOLDINGS L.P.  
MINTWOOD STREET CONSOLIDATION PLAN  
P.B.VOL. 262, PG. 9

RIGHT OF WAY  
TO BE VACATED  
AREA = 3177 SQ. FT.  
OR 0.073 ACRE

152.72'

49-N-271  
NOW OR FORMERLY  
LAWRENCEVILLE PROPERTIES, LLC

POINT OF  
BEGINNING

37th STREET 40.00'  
CONCRETE CURB



**GATEWAY**

The Gateway Engineers, Inc.  
Full-Service Civil Engineering & Surveying  
100 McMorris Road, Pittsburgh, PA 15205  
gatewayengineers.com 655-834-9284

STREET VACATION EXHIBIT  
WOOLSLAYER WAY  
SITUATE IN  
6th WARD, CITY OF PITTSBURGH  
ALLEGHENY COUNTY, PA  
MADE FOR  
LAWRENCEVILLE PROPERTIES, LLC

C-19867-0001



PM: P.T.C. DB: I.A.G. CB: P.T.C.

DATE: MARCH 14, 2018

SCALE: 1" = 30'

DWG. NO.: 102,594

Alice B. Mitinger  
Direct Dial: 412-297-4652

amitinger@cohenlaw.com  
Fax: 412-209-1832

April 26, 2018

Mike Gable  
Director of Public Works  
301 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219

**Re: Request for Vacation – Woolslayer Way**

Dear Director Gable:

Lawrenceville Properties, LLC (“Lawrenceville Properties”) is the owner of substantially all of the property identified on the attached “Street Vacation Exhibit – Woolslayer Way” (“Vacation Plan”) and seeks vacation of Woolslayer Way, at its terminus, as depicted on the plan. A legal description of the property to be vacated is also provided.

The portion of Woolslayer Way for which vacation is requested is located in the City of Pittsburgh’s 6th Ward and Council District 7. Pursuant to the City Zoning Map, the relevant portion of Woolslayer Way is equally within an R1A (Single Unit Attached Residential) District. The relevant portion of the Zoning Map is attached.

As identified on the Woolslayer Vacation Plan, Lawrenceville Properties, LLC is the owner of the following parcels that abut the relevant portion of Woolslayer Way:

49-N-239  
49-N-242  
49-N-244  
49-N-246  
49-N-247  
49-N-271  
49-N-294  
49-N-280

The corner of Parcel No. 49-N-281-A abuts a corner of Woolslayer Way at the point where Parcel Nos. 49-N-294, 49-N-280 and 49-N-239 also converge. Parcel No. 49-N-281-A has a street address of 3616 Denny Street is owned by Thaddeus F. and Mary Kaczorowski, III.

The purpose of the proposed vacation is to support the renovation of the existing warehouse building on Mintwood Street and its conversion for residential use. As reflected in



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

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April 13, 2018

46 of 2018

Jared Korchok  
3400 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 of 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.

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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 8, 2018  
Date of Decision: April 12, 2018

Zone Case: 46 of 2018  
Address: Mintwood Street (Parcels 49-N-294 and 49-N-271)  
Zoning Districts: R1A-H  
Ward: 6  
Neighborhood: Lower Lawrenceville

Owner: Lawrenceville Properties LLC  
Applicant: Jared Korchok

Request: Convert existing warehouse structure to 17 condo dwellings with integral parking and 8 car exterior parking lot, proposed street vacation of Woolslayer Way.

Special Exception	921.02.A.4	Change for a one nonconforming use another is a Special Exception
Variance	914.09.F	Garage doors shall be designed at least 20ft from the sidewalk and street right-of way; proposed is less than 18ft
Variance	914.10.A	Minimum 1 off-street loading space required and 0 is proposed
Special Exception	916.02.A.1(c)	For rooftop additions minimum 15ft front setback required and 5ft requested Minimum 15ft interior side setback required and 0ft requested
Variance	918.03	Parking areas must be screened on all sides by a minimum height of 42" and 80% opacity; none proposed <u>WITHDRAWN</u>
Variance	915.02.A.1.e	Maximum height of retaining wall 10ft permitted and 12'6" proposed
Variance	903.03.D.2	Minimum 15ft exterior side setback required and 0ft requested (parking area)

16. Lawrenceville United submitted a letter to the Board which details the community process concerning the proposed development. The organization did not specifically support or oppose the Applicant's request.

17. Ed Jacobs, representing 3600 Penn Associates, appeared at the hearing to express concerns related to a proposed street vacation associated with the proposed development, but did not generally oppose the Applicant's requests.

## Conclusions of Law:

### *Change of Use*

1. The Applicant seeks a special exception pursuant to Code Section 921.02.A.4 to permit the change of one nonconforming use to another.

2. Pursuant to Code Section 921.02.A.4, the Board may grant a special exception to change one nonconforming use to another. The Board is to consider several factors, including hours of operation; the number of parking spaces provided; the number of employees; the physical size of the building relative to surrounding buildings; design characteristics of building relative to design features of surrounding buildings; and traffic generation. The Board is also to consider whether the proposed use is more or less intensive than the previous nonconforming use and the general criteria for special exceptions set forth in Code Section 922.07.D.

3. The minimum lot size in the R1A-H District is 1,800 sf.

4. Here, the Applicant proposes to convert the existing warehouse for use as 17 dwelling units, with a lot size per unit of 1,854 sf. The Board therefore concludes that the proposed residential use is more consistent with the surrounding neighborhood and the requirements of the Code, and is therefore appropriate.

### *Dimensional Requests*

5. The Applicant further seeks relief from the Code's setback, parking lot location, and maximum retaining wall height requirements.

6. 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) variance proposed 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).

7. 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.

To the Council of the City of Pittsburgh

Gentlemen:

We, the undersigned, being all of the property owners in interest and number, abutting upon the line of:

Lot & Block & Address of applicant property: Lawrenceville Properties, LLC (Please Print)

Lot & Block & Address of abutting property: Parcel Nos. 49-N-239, 242, 244, 246, 247, 271, 298 and 280

Lot & Block & Address of abutting property: Thaddeus F. Kaczorowski, III

Lot & Block & Address of abutting property: Parcel No. 49-N-281-A

Lot & Block & Address of abutting property:

Respectfully petition Your Honorable body for the passage of a resolution vacating or encroaching on the above listed right-of-way and in consideration of the premises, and for the purposes of inducing the corporate authorities of said City to enact a resolution for said purpose, we do hereby stipulate, covenant and agree to release and forever discharge, said City from any and all claims for damages whatsoever which we, or either of us, may, might, or could have, or claim, for any reason of the vacation or encroachment of said public highway between said terminal points; and we further agree to indemnify, save harmless and defend said City from any claims and from the payment of any damages whatsoever resulting to any property owned by us, or either of us, or by any persons whatsoever, abutting or non-abutting, for or by reason of said vacation or encroachment.

We further waive the right to ask for the appointment of Viewers to ascertain and assess any damages caused by such vacation or encroachment, and in the event of any Viewers' proceeding being made necessary for or by reason of the passage of such resolution, we do hereby jointly and severally agree and bind ourselves, our heirs, executors, administrators, successors and assigns to pay or cause to be paid to the Treasurer of said City all the costs and expenses incurred therein, the costs in court, the cost of advertising, handbills and any other expense incurred in such Viewers' proceedings, and that said amount shall be forthwith paid upon the City Solicitor certifying to the City Treasurer the amount of said costs.

IN WITNESS WHEREOF, We have hereunto set our hands and seals as of the

16th Day of APRIL, A.D. 2018

Witness

Cristina Agostini

Property Owners: (Please Sign & Print L&B)

John P. Liekar, Jr.

(seal)

Applicant: Signature & Lot & Block - Lawrenceville Properties, LLC

(seal)

Abutting 1: Signature & Lot & Block - Thaddeus F. and Mary Kaczorowski, III

(seal)

Abutting 2: Signature & Lot & Block

(seal)

Abutting 3: Signature & Lot & Block

(seal)

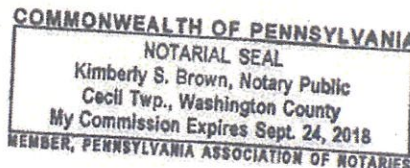
Abutting 4: Signature & Lot & Block

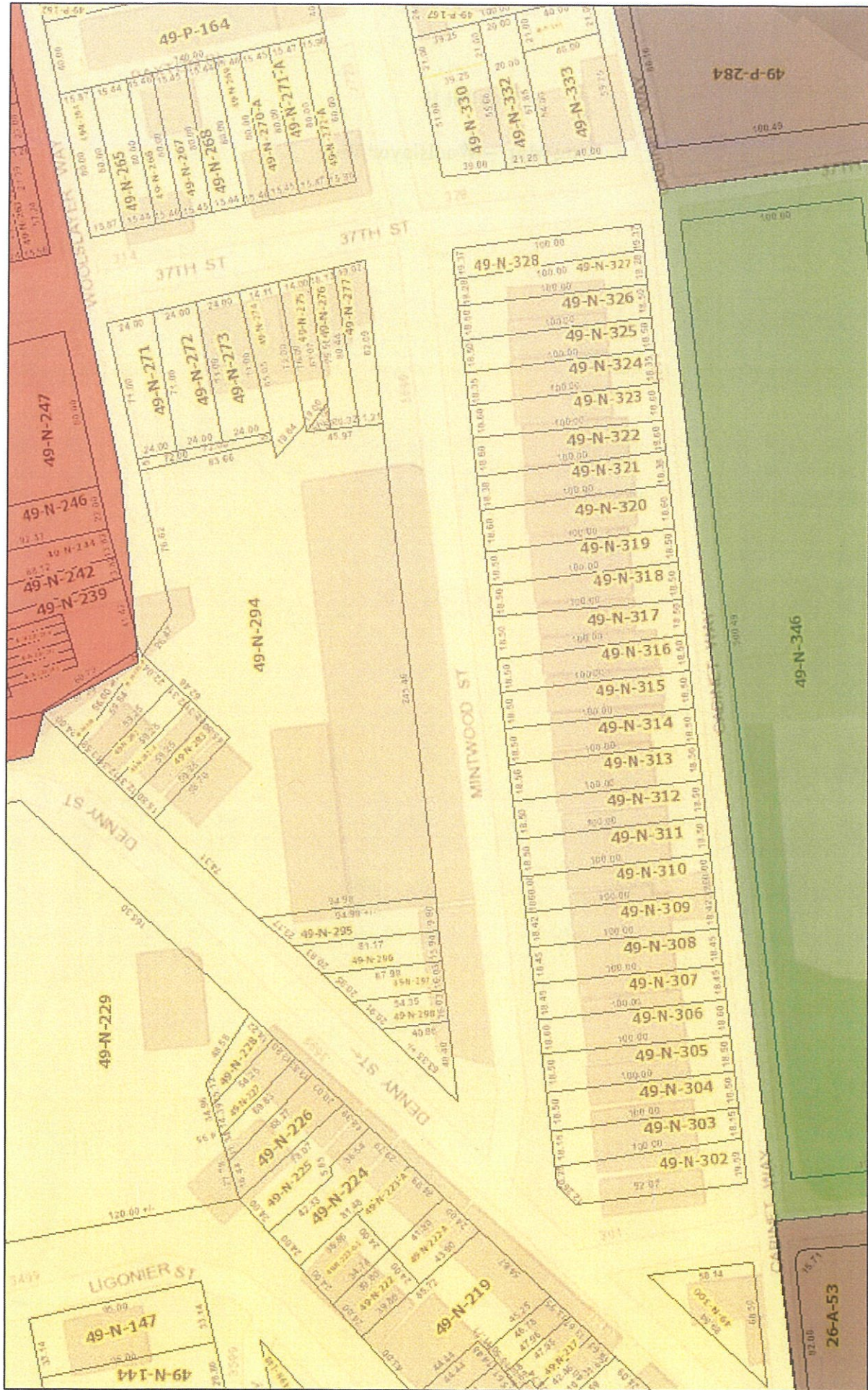
NOTARY, City of Pittsburgh County of Washington

Personally came John P. Liekar, Jr. who being duly sworn says that he is personally acquainted with the owners of the property fronting or abutting upon the within described highway, and that he is one of the owners thereon, and that he knows said petition is signed by all of said owners, and that the signatures of said petition are the proper and genuine signatures of said owners.

Sworn and subscribed before me this 16th of April, 2018

Kimberly S. Brown



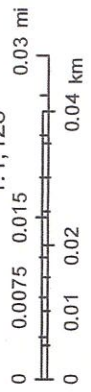


March 28, 2018

PGHZoningWeb\_5210

- Local Neighborhood Commercial
- Single-Unit Attached Residential
- Parks
- Urban Industrial
- Parcels
- LotLines

1:1,128



ACGIS 2017  
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS.



C-19857-0001  
March 14, 2018

**WOOLSLAYER WAY  
TO BE VACATED**

All that certain right of way, situate in the 6th Ward, City of Pittsburgh, Allegheny County, Pennsylvania, more particularly bound and described as follows:

Beginning at a point common to the westerly right of way line of 37th Street, 40.00 feet wide, and the northerly right of way line of Woolslayer Way, variable width, thence from said point of beginning by the westerly right of way line of 37th Street S  $11^{\circ} 32' 10''$  E a distance of 19.21 feet to a point on the southerly right of way line of Woolslayer Way; thence by the southerly right of way line of Woolslayer Way S  $78^{\circ} 35' 30''$  W a distance of 152.72 feet to a point on the westerly terminus of Woolslayer Way; thence by the westerly terminus of Woolslayer Way N  $53^{\circ} 58' 30''$  W a distance of 25.97 feet to a point; thence by same N  $44^{\circ} 26' 50''$  E a distance of 1.71 feet to a point on the northerly right of way line of Woolslayer Way; thence by the northerly right of way line of Woolslayer Way N  $78^{\circ} 53' 20''$  E a distance of 168.83 feet to a point on the westerly right of way line of said 37th Street, at the point of beginning.

Containing an area of 3,177 square feet or 0.073 acre.

G:\Projects\19000\19857 Mintwood Street\0000 Survey\Docs\Survey\Descriptions\Woolslayer Way vacation description.docx