



## Text File

**Introduced:** 7/22/2003

**Bill No:** 2003-2144, **Version:** 1

**Committee:** Committee on Planning, Zoning &  
Land Use

**Status:** Passed Finally

Presented by Ms. Burns

Resolution renewing Resolution No. 385/2002, entitled, "approving a Conditional Use Application to Everlasting Covenant Church to occupy an existing 4-story structure as an elementary charter school for grades K thru 5 and to construct a 4-story extension on property located at 130 Larimer Avenue and zoned "RM-M" Residential Multi-Unit Moderate Density, 11<sup>th</sup> Ward." The purpose of this renewal is due to the delay of construction within the one year permitted timeframe in conformance with the Pittsburgh Code, Title Nine, Zoning, Section 922.06I.

Whereas, the Planning Commission of the City of Pittsburgh has heretofore passed a resolution under the provisions of Section 911.04.A.64 of the Pittsburgh Code for authorization to occupy an existing 4-story structure as an elementary charter school for grades K thru 5 and to construct a 4-story extension on the westerly side of the structure, located at 130 Larimer Avenue, and with a total of 49 parking spaces on property zoned "RM-M" Residential Multi-Unit, Moderate Density District, 11<sup>th</sup> Ward, in accordance with Conditional Use Application No. 703 and accompanying drawings filed by Perkins Eastman Architects which are on file in the Office of the Zoning Administrator, Department of City Planning, and which are incorporated herein by reference thereto;

Whereas, the aforesaid Zoning Ordinance provides in Section 922.06.I that if a conditional use involves physical improvement and such physical improvement has not been substantially started within one year after the date of approval, the approval shall be void unless Council renews its approval;

Whereas, the physical improvement pursuant to the approval of the Conditional Use embodied in Resolution No. 385 of 2002 was not substantially started within one year of said approval and applicant has requested that approval of said conditional use be renewed; and

WHEREAS, it appears reasonable to grant such renewal of the approval of said Conditional Use.

**Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** Pursuant to the Pittsburgh Code, Title Nine, Zoning, Section 922.06I, Conditional Use Application No. 703, embodied in Resolution No. 385 of 2002, entitled, "Approving a Conditional Use Application to Everlasting Covenant Church to occupy an existing 4-story structure as an elementary charter school for grades K thru 5 and to construct a 4-story extension on property located at 130 Larimer Avenue and zoned "RM-M" Residential Multi-Unit Moderate Density, 11<sup>th</sup> Ward."

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is hereby renewed.

Pursuant to Section 922.06.I of the City Code, approval of Conditional Use Application No. 703, embodied in Resolution No. 385/2002 be and is hereby renewed.

THIS RESOLUTION IS APPROVED AND /OR VETOED PURSUANT TO CASE LAW WHALE'S TALE VS. CITY OF PITTSBURGH, 467 A.2.D665 (1983)