



# Pittsburgh Department of City Planning

## ZONING BOARD OF ADJUSTMENT APPLICATION REQUIREMENTS

### WHAT IS THE ZONING BOARD OF ADJUSTMENT?

The Zoning Board of Adjustment (ZBA) hears requests to consider granting variances or special exceptions to the Zoning Ordinance. The intent of zoning regulations is to allow property owners the reasonable use of their property insofar as the use is not detrimental to abutting properties or to the neighborhood. Every property in the city has a zoning classification that determines how the property can be used.

### WHEN AND WHERE ARE THE HEARINGS HELD?

The ZBA meets most Thursday mornings in the municipal building at 200 Ross Street, 1st Floor Conference Room, Pittsburgh. After entering the building from the Ross Street entrance, make a right and walk to the end of hallway to enter the Conference Room.

### CAN I SEE THE ZBA AGENDAS?

The ZBA agendas are available on the Department of City Planning website at [www.city.pittsburgh.pa.us/cp](http://www.city.pittsburgh.pa.us/cp). The public is invited and encouraged to attend and testify on projects that impact their neighborhood.

### WHERE DO I SIGN UP TO HAVE MY CASE HEARD?

The Department of City Planning Zoning Office, 200 Ross Street, 3rd Floor, Pittsburgh. Zoning Counter office hours are 8 AM to 3 PM. Please do not arrive later than 2 PM.

### HOW LONG DOES THE ZBA PROCESS TAKE?

The entire process, from making an application to receiving a decision, usually takes two to three months. Hearing dates are usually a month after applying, due to notification rules. After a hearing is held and the record is closed, the ZBA has 45 calendar days to make a decision.

### WHAT DO I NEED TO SIGN UP?

Department of City Planning staff will confirm that your zoning request requires a hearing and identify which type of variance, exception, review, or appeal the ZBA will consider. You must bring:

- 5 copies of the survey or plot plan on letter or legal size paper
- List of adjacent property owners (see below)
- Check or money order

### HOW DO I GET THE LIST OF PROPERTY OWNERS?

The Allegheny County Property Assessment Office will provide this list, to ensure we notify the correct individuals. Their office at 542 Forbes Avenue (at Ross Street), Room 303, Pittsburgh, and is open from 8:30 AM to 4:30 PM. A fee will be charged. The list must include at least 6 abutting property owners, and must include properties directly and diagonally across the street/way from the subject property. A list that has been typed by the applicant is not acceptable and may delay the hearing.

### HOW MUCH IS THE FEE?

The fee is \$25 plus one of the following:

- \$200 for a Residential Dimensional Variance
- \$500 for a Non-Residential Dimensional Variance
- \$750 for a Use Variance
- \$250 for a Residential Special Exception
- \$550 for a Non-Residential Special Exception
- \$500 for a Review
- \$500 for a Protest Appeal

Check or money order, payable to Treasurer, City of Pittsburgh, is required. Fees are non-refundable, including if your request is denied. These fees cover the ZBA hearing only. Additional fees may be assessed for other zoning reviews, if the variance or special exception is granted. These will vary by project type.

### WHAT IS THE POSTER(S) FOR?

Upon application, you will be given a Posted Notice Poster(s) indicating the date, time and nature of appeal to be heard. In order to meet the mandatory Public Notice Requirement as set forth by the Zoning Code, this poster(s) shall be hung at the subject property at least 21-days prior to the date of the scheduled Board Hearing.

On the date of posting, the applicant must take a photo of the posted notice. The photo must indicate the date for the ZBA to verify that the 21-day public notice requirement has been met. To obtain the date on the photo, cameras with a date function can be used or that day's newspaper can be held up beside the poster in the photo.



# ZBA APPLICATION QUESTIONS CONTINUED

## SHOULD I CONTACT MY NEIGHBORS?

The Department of City Planning will mail hearing notices to the abutting property owners, as obtained from the County Assessment Office. In addition, the ZBA strongly encourages the applicant to reach out to their surrounding neighbors and local community groups prior to the hearing date. City Planning staff can put you in touch with relevant local community groups if needed.

If there is a considerable amount of opposition at the hearing, and the ZBA finds that a community discussion had not taken place, the ZBA may request that the hearing be postponed to a later date in order to allow for meetings with neighbors or community group to occur.

## WHAT SHOULD I BRING THE DAY OF THE HEARING?

You must bring:

- Photo of Posted Notice, while posted on your property, with the date indicated on photo
- Elevation drawings for new construction
- Photographs of the property, adjacent properties, and the streetscape
- Copy of the executed lease or sales agreement, if applicable
- Any items/photos that may support your case

Consult City Planning staff if you are unsure of what material may support your request.

The owner, lessee or purchaser must be at the hearing. An architect, contractor or agent cannot represent the owner. An attorney may represent the owner.

## WHAT TIME SHOULD I ARRIVE FOR MY HEARING?

You will be given a hearing time when you make the application. Be sure to arrive at this time, but be aware that some cases run longer than scheduled.

## WHEN WILL I RECEIVE THE DECISION?

After the scheduled hearing has occurred, the record will be closed and ZBA will deliberate and make their decision within 45 calendar days of the hearing. This decision will be sent via US Mail to the applicant and all parties who appeared and testified at the hearing.

For in-depth cases or appeals with considerable opposition, the ZBA may allow Findings of Fact and Conclusions of Law to be submitted by each party. Typically, the ZBA allows two or three weeks for these to

be submitted, at which point the record will then close, and the 45-day decision period will begin.

## WHAT IS REQUIRED AFTER I RECEIVE A DECISION?

If your decision has been granted, and if all applicable conditions indicated in the decision have been fulfilled, **you must return to the Zoning Counter** (200 Ross Street, 3rd Floor) in order to process your zoning voucher. Please note that there may be other development review requirements that need to be met, such as site plan review, design review or Planning Commission approval. For smaller projects, approval may be given at the Zoning Counter. Please work with City Planning staff to determine the final zoning review needed for your project.

The ZBA decision expires one year after the mailing date. A permit should be obtained, and substantial construction or occupancy should begin within one year of approval. If additional time is needed, you may request a one-year extension by writing the ZBA within the one-year time period. Include the ZBA case number and the address of the subject property with a brief explanation on why an extension is needed.

## MAY I APPEAL A DECISION?

Yes. If you or any affected person are dissatisfied with the ZBA decision, an appeal may be made to the Court of Common Pleas of Allegheny County within thirty (30) calendar days of the written decision's mailing date. The appeal process starts at the Prothonotary's Office located on the main floor of the City-County Building, 414 Grant Street. A transcript of your ZBA hearing will be required. This may be obtained by calling our reporting agency. For cases heard after October 1, 2010, call Network Deposition Services at (412) 281-7908. For cases heard before October 1, 2010, call Sophia M. Smith & Associates, at (412) 261-5799. Please have your ZBA case number and the date of your hearing available. We encourage you to consult an attorney if you choose to appeal.

## CAN I SEE PAST ZBA DECISIONS?

Yes, ZBA decisions are available for view at the Zoning Counter, 200 Ross Street, 3rd Floor. Photocopies of decisions are also available for \$0.50 per page, payable by check or money order only.

## FOR MORE INFORMATION

Contact Brendan Schubert, Zoning Code Administration Officer, at [brendan.schubert@city.pittsburgh.pa.us](mailto:brendan.schubert@city.pittsburgh.pa.us) or 412-255-2231.

