



Division of Development Administration and Review

City of Pittsburgh, Department of City Planning

412 Boulevard of the Allies, Second Floor

Pittsburgh, Pennsylvania 15219

ZONING BOARD OF ADJUSTMENT

Date of Hearing: June 12, 2025
Date of Decision: September 5, 2025

Zone Case: 66 of 2025
Address: 7926 Frankstown Avenue
Lot and Block: 174-S-191, 186
Zoning Districts: LNC
Ward: 13
Neighborhood: East Hills

Request: Continued use of 8,516 sf Banquet Hall

Application: BDA-2025-03409

Special Exception	Section 911.02	Restaurant (General)
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Appearances:

Applicant: Ryan England, Simone Godson-Conner

In Support: Demi Kolke, Tonya Ford, Tanya Hankins

Opposed: Garry Goins, Ed Gandy, Wahad Ansari, Ramon Sanchez

Findings of Fact:

• **Description of the Subject Property and Surrounding Parcels**

1. The Subject Property is located at 7926 Frankstown Avenue, at the corner of Wheeler Street, in an LNC (Local Neighborhood Commercial) District in East Hills.

2. An RM-M (Residential Multi-Family Moderate Density) District is located across Frankstown Avenue from the Subject Property.

3. The dimensions of the parcel are 50' by 115' (5,750 sf) and its grade slopes downward from the front to the rear.

4. Located on the property is a structure with three commercial storefronts, each with a separate Frankstown Avenue street address.

5. The height of the structure at street level is one-story. Because of the grade change, the structure has a large lower level at the rear.

6. Two smaller commercial uses are located in the street-level commercial storefronts, one 671 sf space at 7926 Frankstown Avenue and a 945 sf space at 7930 Frankstown Road.

7. The primary use of the structure, with the street address of 7928 Frankstown Avenue, occupies the center storefront space at street level and the entirety of the structure's lower level.

8. Parcel No. 174-S-186, which extends from Wheeler Street to South Tyson Street, is located at the rear of the Subject Property. Its dimensions are 50' by 150' (7,500 sf) and no structures are located on it. The owner of the Subject Property also owns Parcel No. 174-S-186.

9. A 1959 Certificate of Occupancy permitted the use of the Subject Property for "Book store, delicatessen, variety store, offices."

10. A 2010 Certificate of Occupancy permits the use of the of the 7926 Frankstown Avenue space for "Use of 2,000 sf on the 1st floor as restaurant (limited)." The property address identified on the 2010 Certificate of Occupancy is 7926 Frankstown Avenue and not 7928 Frankstown Avenue, the address identified in the application at issue here.

11. A 1994 Certificate of Occupancy permitted use of Parcel No. 174-S-186 for "...outdoor storage of contractor's equipment and supplies..."

12. In 2022, the City issued a temporary Certificate of Occupancy that permitted the use of Parcel No. 174-S-186 for "Temporary use of vacant lot for exterior seating (max 48 occupants) accessory restaurant at 7926 Frankstown Ave – Expires 6/3/23." The permit to use Parcel No. 174-S-186 for temporary outdoor seating for the 7926 Frankstown Avenue use has thus expired by its terms.

- **Background of Current Use and Proposed Use of the Subject Property**

13. The Applicant here, Simone Godson-Conner, testified that a 3,613 sf area of the structure's street level and the entire 4,903 sf of the lower level (a total of 8,516 sf) have been used as a banquet hall since 2010.

14. Ms. Godson-Conner seemed to assume that the 2010 Certificate of Occupancy for 7926 Frankstown Avenue, for a restaurant use, applied to the 7928 Frankstown Avenue space. Even assuming that the wrong address was used, the 2010 Certificate of Occupancy reflected the approval of a 2,000 sf restaurant use, not a 8,516 sf banquet hall.

15. Ms. Godson-Conner maintained that, after the 2,000 sf restaurant use was approved, the Bureau of Building Inspection had inspected the building and issued an occupancy load placard for the 8,516 sf banquet hall. The Applicant asserted that she had not been aware that she had failed to obtain the required approvals for use of the entire 8,516 sf space associated with the 7928 Frankstown Avenue address.

16. The 2010 occupancy load placard indicates a maximum occupancy of 91 for the street level space and a maximum occupancy of 97 for the lower level.

17. Ms. Godson-Conner stated that she rents the banquet hall to different individuals and entities for various events, subject to a rental agreement. Events during the week and

daytime include bridal showers, post-funeral receptions and baby showers. The space is also rented for weekend and evening/late-night events. She testified that evening/late-night events typically end before 2 a.m.

18. Ms. Godson-Conner stated that the banquet hall has three employees and that least one employee is on-site at all times during events. She testified that, as part of the rental agreement, the event organizers that lease the space are required to provide security personnel for larger nighttime events.

19. Although the banquet hall has a commercial kitchen, Ms. Godson-Conner explained that a catering service typically provides food for events held at the facility.

20. Ms. Godson-Conner stated that the vacant Parcel No. 174-S-186 at the rear of the Frankstown Avenue structure could be used for parking. However, the City has not approved the use of that parcel for an accessory parking lot.

21. Ms. Godson-Conner also testified that the banquet hall has agreements in place which allow use of Parcel Nos. 174-S-178 (7931 Bennet Street), 174-S-123 (7808 Frankstown Avenue), and 174-M-88 and 89 (8007 Frankstown Avenue) for off-site parking. She did not provide any written evidence of those agreements or any evidence that the City has approved the use of any of the identified properties for parking.

22. Ms. Godson-Conner stated that trash is stored on-site in a dumpster, but did identify where the dumpster is located on either the Subject Property or on Parcel No. 174-S-186 and did not provide any information about how trash associated with the proposed use would be managed.

23. Demi Kolke, on behalf of Neighborhood Allies, Tonya Ford, and Tanya Hankins appeared at the hearing to support the request and asserted that the banquet hall is an asset to the community that provides a space for a wide range of events.

- **Objectors' Testimony and Evidence**

24. Garry Goins, a resident of the property at 7921 Frankstown Avenue, appeared at the hearing to oppose the request. Mr. Goins provided testimony and evidence that the banquet hall is regularly used for events that last until 4 a.m. and expressed concerns about impacts of the late-night events on the surrounding neighborhood including noise, illegal parking, litter, and violent altercations outside of the banquet hall.

25. Ed Gandy, the owner of the properties at 7906 and 7808 Frankstown Avenue, appeared at the hearing to oppose the request. Mr. Gandy explained that his 7906 Frankstown Avenue property is located across Tyson Street from the Subject Property. He testified that the dumpster for the banquet hall has been stored within the Tyson Street right-of-way and not on the Subject Property or Parcel No. 174-S-186. Because it is not properly maintained, Mr. Gandy asserted that the dumpster attracts rodents to his property. Mr. Gandy also contradicted Ms. Godson-Conner's testimony that the property at 7808 Frankstown Avenue, which he owns, could be available for parking for the proposed use. Mr. Gandy stated that he had not entered into any kind of agreement to allow use of his parcel for parking for the banquet hall use.

26. Wahad Ansari, who owns the property at 8000 Frankstown Avenue and several residential rental properties between Willard Street and Conemaugh Street, appeared at the hearing to oppose the request. Mr. Ansari explained that his tenants often complain to him about late night noise from the events on the Subject Property, and that the events have a significant impact on the availability of parking in the neighborhood. Mr. Ansari also asserted that Parcel No. 174-S-186 has been converted into an outdoor event space with a stage, and is no longer used for parking.

27. Ramon Sanchez, a resident of the property at 8001 Conemaugh Street, appeared at the hearing to express concerns about parking and the lack of security for the late-night events.

28. The Board found the testimony and exhibits that the objectors provided regarding parking, trash and other off-site impacts of the proposed use to be credible.

- **Post-Hearing Considerations**

29. The Board left the record open until July 25, 2025, so that the office of Councilperson Khari Mosley could hold a community meeting to discuss the proposed use of the Subject Property.

30. As of July 25, 2025, the Board received a letter from the Applicant, which suggests a number of conditions that are intended to mitigate impacts from events at the banquet hall on surrounding properties. Despite the testimony at the hearing that events typically end before 2 a.m., the Applicant acknowledged in the letter that events have “gone to 4 am on a regular basis.”

31. In addition to the conditions that the Applicant suggested, Councilperson Mosley requested that approval be subject to compliance with the noise ordinance, and that all outdoor events shall end by 10 p.m.

32. The record of the hearing closed with the receipt of the post-hearing submissions.

Conclusions of Law:

1. Section 911.02 defines the restaurant (limited) use as a restaurant with a gross floor area of less than 2,400 sf and defines the restaurant (general) use as a restaurant with a gross floor area of 2,400 sf or more or one that has live entertainment or dancing.

2. Pursuant to Section 911.02, the restaurant (general) use is permitted as a special exception in LNC Districts, subject to the applicable criteria set forth in Sections 909.01.M.4(10) and 922.07.D.

3. Pursuant to Section 914.02.A, a minimum of 13 parking spaces are required for a 8,516 sf restaurant use.

4. A special exception is a form of a permitted use. A use that is permitted as a special exception “evidences a legislative decision that the particular type of use is consistent with the zoning plan and presumptively consistent with the health, safety and welfare of the community.” *Allegheny Tower Assoc’s., LLC v. City of Scranton Zoning Hearing Bd.*, 152 A.3d 1118, 1123 (Pa. Commw. Ct. 2017), citing *Greth Dev. Grp., Inc. v. Zoning Hearing Bd. of L.*

Heidelberg Twp., 918 A.2d 181 (Pa. Comm. Ct. 2007); see also *Cogan Properties, LLC v. East Union Twp. Zoning Hearing Bd.*, 318 A.2d 981 (Pa. Commw. Ct. 2024) and *Bray v. Zoning Bd. of Adj.*, 410 A.2d 909 (Pa. Commw. Ct. 1980). By designating a use as a “special exception,” the governing body has determined that the use is one that is appropriate in the zoning district, subject to the criteria that the governing body has established for the use. *Cogan*, 318 A.3d at 986, quoting *Siya Real Est., LLC v. Allentown City Zoning Hearing Bd.*, 210 A.2d 1152, 1157 (Pa. Commw. 2019).

5. The specific criteria for the restaurant (general) use in LNC Districts are set forth in Section 911.04.A.57.a. These criteria require the Board to consider whether the parking facilities for the proposed restaurant use have been designed to meet the anticipated demand for the use; and whether any possible off-site impacts of the restaurant will be controlled to avoid conflicts with any nearby residential properties.

6. Section 922.07.D sets forth the general review criteria for special exceptions. Section 922.07.D.1 provides that the Board is to approve a special exception only if the proposed development is determined to comply with all applicable provisions of the Code and if the listed criteria are met.

7. Section 922.07.D.1.d provides that a development is not to create detrimental operational impacts, including impacts from hours of operation and traffic management. Consideration is to be given to “adjacent and surrounding land uses which may have differing sensitivities to such operational impacts.”

8. Pennsylvania courts have consistently recognized that zoning boards may attach reasonable conditions to a decision in an effort to mitigate potential impacts from a proposed use. See, e.g., *MarkWest Liberty Midstream & Res., LLC v. Cecil Twp. Zoning Hearing Bd.*, 184 A.3d 1048 (Pa. Commw. Ct. 2018); *Appeal of Maibach, LLC*, 26 A.3d 1213, 1216 (Pa. Commw. Ct. 2011); *HHI Trucking & Supply Inc. v. Borough Council of Borough of Oakmont*, 990 A.2d 152, 161 (Pa. Commw. Ct. 2010); *Coal Gas Recovery, L.P. v. Franklin Twp. Zoning Hearing Bd.*, 944 A.2d 832 (Pa. Commw. Ct. 2008); *Sabatine v. Zoning Hearing Bd. of Washington Twp.*, 651 A.2d 649 (Pa. Commw. Ct. 1994); *Hill v. Zoning Hearing Bd. of Maxatawny Twp.*, 597 A.2d 1245, 1249 (Pa. Commw. Ct. 1991).

9. Where a use is permitted by special exception but the evidence indicates that the use will have adverse impacts, a zoning board should consider whether the imposition of conditions could limit the impacts of the use to an acceptable level, as an alternative to denying the proposed special exception. See Robert S. Ryan, *Pennsylvania Zoning Law and Practice*, § 5.2.7.

10. Where an applicant does not present sufficient evidence of compliance with the special exception criteria but demonstrates that compliance with the conditions is possible, approval of a special exception can be conditioned on subsequent completion and compliance with a specific condition for the use. *Broussard v. Zoning Bd. of Adj.*, 907 A.2d 494, 500 (Pa. 2006); see also *Lehigh Asphalt Paving and Construction Co. v. Bd. of Sup’rs of East Penn Twp.*, 830 A.2d 1063, 1074 (Pa. Commw. Ct. 2002).

11. The Applicant here seeks the required special exception approval for a restaurant (general) use in an LNC District for the 8,561 sf banquet hall that has been operating on the Subject Property without the required approvals.

12. The Applicant did not provide evidence of compliance with the parking or traffic management requirements for the use and did not present sufficient evidence that the use would not have detrimental off-site impacts, particularly with respect to trash management and the operational impacts of the evening/late-night events.

13. One of the consequences of operating without approvals is that the off-site impacts of the use are not speculative and the owners of neighboring properties were able to present substantial and credible evidence of the detrimental impacts of the use, as it has been operating, particularly for evening/late-night events.

14. If the proposed use were limited to the daytime events that Ms. Godson-Conner described, the impacts of the proposed use would be generally acceptable. However, the Board concludes that the conditions set forth below are necessary to mitigate the impacts of the detrimental impacts of the evening/late-night use of the facility, which Ms. Godson-Conner did not fully describe or acknowledge.

15. The conditions reflect the need to comply with the special exception criteria as well as the need to mitigate the adverse impacts of the use on adjacent and surrounding land uses, as it has been operating.

16. No Certificate of Occupancy shall be issued until the Applicant demonstrates compliance with the conditions and the Certificate of Occupancy can be revoked for noncompliance with any of the conditions.

Decision: The Applicant's request for a special exception, pursuant to Sections 911.02 and 911.04.A.57.a, to allow a restaurant (general) use on the Subject Property is hereby APPROVED, subject to the following conditions:

- 1. Hours of operation: The hours of operation of the banquet hall use shall be limited to 11 a.m. until 10:30 p.m., Sunday through Thursday; and 11 a.m. until 1 a.m., Friday and Saturday. All guests are to leave the building at or before the required closing time;**
- 2. Parking: A total of at least 20 parking spaces shall be provided, either on-site or off-site. If not owned by the Applicant, any off-site parking area shall be subject to a signed lease and any off-site parking area (including parking on Parcel No. 174-S-186) shall be subject to any additional zoning and/or DOMI approvals required. The Applicant, either directly or through the event organizer, shall direct guests to use identified parking areas;**
- 3. Security: The Applicant, either directly or through the event organizer, shall be required to provide security personnel for any event that is scheduled to continue after 10 p.m., for the duration of the event and for at least 30 minutes after the required closing time. Security personnel are to direct all guests to leave the vicinity of the Subject Property within 30 minutes of the required closing time and are to remain on site until guests have departed;**
- 4. Trash management: The Applicant shall provide dumpsters, either on the Subject Property or the associated Parcel No. 174-S-186 and shall obtain**

the required approvals for the dumpster location, enclosure and screening. The dumpsters shall be sufficient for the anticipated trash generation and adjacent rights-of-way shall not be used for trash disposal or storage;

5. Outdoor use: The 2022 temporary permit to use Parcel No. 174-S-186 for outdoor seating expired by its terms in 2023 and the use of that parcel for an outdoor extension of the banquet hall use is prohibited;
6. Terms to be included in any agreement for use: The Applicant shall require all event organizers to enter a written agreement for use of the facility. The terms of the written agreement shall require compliance with the conditions of this approval, including hours of operation, use of identified parking areas and security requirements; and
7. No Certificate of Occupancy shall be issued until the Applicant demonstrates compliance with the conditions.

s/Alice B. Mitinger
Alice B. Mitinger, *Chair*

s/Lashawn Burton-Faulk
LaShawn Burton-Faulk

John J. Richardson
John J. Richardson

Note: Decision issued with electronic signatures, with the Board members' review and approval.