



**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:** October 9, 2025  
**Date of Decision:** December 5, 2025

**Zone Case:** 119 of 2025  
**Address:** 4932 Yew Street  
**Lot and Block:** 51-J-229  
**Zoning Districts:** R1A-H  
**Ward:** 8  
**Neighborhood:** Bloomfield

**Request:** Construction of Four Attached Houses

**Application:** BDA-2025-03540

Variance	Section 903.03.B.2	1,200 sf minimum lot size; 900 sf requested  Three-story maximum height; four-stories requested  15' minimum front setback; 0' requested  15' minimum rear setback; 0' requested  15' minimum exterior side setback; 0' requested
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**Appearances:**

Applicant: Michael Humenik, Cezanne Herrer, Jake Heaton

**Findings of Fact:**

**Description of the Subject Property**

1. The Subject Property is located at 4932 Yew Street in an R1A-H (Residential One Unit Attached High Density) District in Bloomfield.
2. The dimensions of the parcel are 30' x 120' (3,600 sf).

3. The Yew Street right-of-way terminates at the Subject Property, and a barrier separates the dead end of Yew Street from the Subject Property, with no direct access. The Subject Property also has frontage on Gross Street.
4. The grade of the Subject Property slopes upward significantly from the Gross Street frontage.
5. Nearby properties on Yew Street are primarily used for residential structures.
6. The UPMC Luna Parking Garage is located across Gross Street, in an EMI (Education, Medical Institution) District, from the Subject Property. A GI (General Industrial) District containing several industrial uses is immediately adjacent to the Subject Property on Gross Street.
7. No residential structures in the proximate area of the Subject Property front onto Gross Street.
8. The M.L.K. Jr. East Busway is located directly to the south of the Subject Property.
9. The Applicant asserted that the existing residential structure on the Subject Property is dilapidated and unsafe, and that renovation of the structure is not financially feasible.

#### Proposed Development

10. The Applicant proposes to demolish the existing structure, subdivide the Subject Property into four 30' by 30' (900 sf) lots that would front onto Gross Street. On each of the four proposed lots the Applicant would construct an attached house.
11. As proposed, the houses would be set back 0' from the front property line on Gross Street and 0' from the rear property line, which is shared with 4930 Yew Street.
12. The house on Lot 4 would be set back 0' from an exterior side property line adjacent to a curved section of the Gross Street right-of-way. The house on Lot 1 would be set back 5' from an exterior side property line adjacent to city steps within the Yew Street right-of-way.
13. As proposed, the height of each structure would be 40' from grade and four-stories.
14. Each house would have an integral garage accessed from a curb cut on Gross Street.
15. The Applicant demonstrated that the topography of the parcel and its location at the dead end of Yew Street are unique characteristics that preclude strict compliance with the Code's dimensional standards.
16. The Applicant asserted that the construction of four houses is the minimum density that would make redevelopment of the site financially feasible.
17. The Applicant identified other structures in the proximate area of the Subject Property that have limited setbacks.

18. The Applicant explained that the Subject Property is separated by topography from nearby residential structures, which they asserted would mitigate any detrimental impact from the height and density of the proposed development in the context of the site.
19. No one appeared at the hearing to oppose the request.

### **Conclusions of Law:**

1. The Applicant requests variances from the setback, height, and minimum lot size standards from Section 903.03.D.2.
2. Under Section 922.09 of the Code, the Board may grant a dimensional variance where it finds that: (1) unique circumstances or conditions of a property would result in an unnecessary hardship; (2) that the proposed variance would have no adverse effect on the public welfare; and that (3) the proposed variance 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 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. A dimensional variance is distinct from a use variance and is subject to a less restrictive standard because an applicant seeking a dimensional variance asks 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.
4. In determining whether unnecessary hardship has been established with regard to dimensional variances, the Board may consider multiple factors, including the economic detriment to the applicant if the variance is denied, the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood.
5. The Applicant presented credible evidence that unique conditions of the site - the topography, separation from Yew Street because of the terminated right-of-way, and unusable dilapidated structure - preclude the use of the Subject Property in strict compliance with the Code; and that the proposed development would not have a significant impact on nearby residential properties.
6. Consistent with the evidence and testimony presented, and the applicable legal standards governing dimensional variances, the Board concludes that approval of the request is appropriate.

**Decision: The Applicant's request for variances from Section 903.03.C.2 to allow the construction of four four-story attached houses with limited setbacks is hereby APPROVED.**

RECUSED

**Alice B. Mitinger, *Chair***

s/Lashawn Burton-Faulk  
**LaShawn Burton-Faulk**

s/ John J Richardson  
**John J. Richardson**

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