



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: November 19, 2025

Zone Case: 130 of 2025
Address: 7165 Churchland Street
Lot and Block: 173-B-161
Zoning Districts: R1D-L
Ward: 12
Neighborhood: Lincoln Lemington Belmar

Request: Emergency Generator

Application: DCP-ZDR-2025-03080

Variance	Section 903.03.B.2	30' front setback required; 7' requested
	Section 912.04.K	6' high privacy fence in front yard proposed
Special Exception	Sections 916.06/916.09	Waiver of residential compatibility maximum noise standard

Appearances:

Applicant: Tom Swisher, Kelly Mullen

Findings of Fact:

1. The Subject Property is located at 7165 Churchland Street in an R1D-L (Residential One Unit Detached Low Density) District in Lincoln Lemington Belmar.
2. The parcel extends from Churchland Street to Wiltsie Street and is proximate to Lincoln Avenue.
3. The abutting parcel at 7159 Churchland Street is used for a single unit detached house.
4. A 2002 Certificate of Occupancy permits the use of the Subject Property for "three-story community home for a maximum of sixteen mentally disabled long-term residents ages 18

and older with six off-site parking stalls located at 1551 Lincoln Avenue (Existing 6 ft and 10 ft chain link fence) (Locked Gates on Security Fence).”

5. The three-story building on the Subject Property is set back approximately 28’ from the front property line on Churchland Street.

6. A 6’ high chain link fence, as identified in the 2002 Certificate of Occupancy, extends along the front property line (with privacy slats) and along the property line shared with the 7159 Churchland Street parcel, with 0’ setbacks.

7. The Applicant proposes to install an emergency generator within a soundproof enclosure, in the front yard. The proposed location for the generator enclosure would be set back 7’ from the Churchland Street property line and 10’ from the property line shared with 7159 Churchland Street parcel.

8. As proposed, the generator would operate at a sound level of approximately 60 Dba.

9. The Applicant explained that the soundproof enclosure will limit any impacts from the generator and that the proposed sound level is the lowest possible for a functional emergency generator.

10. The single purpose of the proposed emergency generator would be to provide power to the group home during emergencies.

11. In addition to any use during emergencies, the generator would operate for a brief engine exercise that would occur once per month, during the day.

12. The Applicant explained that the shape and topography of the site and the location of the existing structure preclude the installation of the emergency generator in another location in compliance with the Code’s setback requirements.

13. The area where the generator, within the soundproof enclosure, is to be located would be screened, and it would not be visible from nearby residential properties or the right-of-way.

14. The Applicant also proposes to replace a portion of the chain link fence along the property line shared with the 7159 Churchland Street property, with a 6’ high solid vinyl fence.

15. The Applicant explained that the proposed fence is intended to reduce the impact of noise from the generator on the adjacent residential property.

16. No one appeared at the hearing to oppose the request.

Conclusions of Law:

1. Pursuant to the residential compatibility standard in Section 916.06, the maximum sound level proximate to residential properties is not to exceed 45 Dba at night and 55 Dba during the day.

2. Section 916.09 permits the waiver of a residential compatibility standard as a special exception where waiver of the standard will not cause detrimental impacts on the

surrounding area, taking into consideration the physical relationship of the proposed use to surrounding neighborhood uses and structures.

3. The Applicant seeks a special exception to allow the waiver of the sound level limitation for the proposed generator, which would operate at 60 Dba.

4. The proposed generator would only operate during brief exercise periods and during emergencies. In the context of the surrounding area, including the proximate residential properties, the impact of the generator will be limited.

5. Section 903.03.B.2 includes a 30' front setback requirement and Section 912.04.K provides that, in front and side yards, fences are to be open and ornamental and are not to exceed a height of 6'.

6. The Applicant seeks variances from these provisions to allow the location of the generator with a 7' setback from the front property line and to allow a 6' high solid vinyl fence along the property line shared with the 7159 Churchland Street property.

7. The Applicant presented credible evidence that the shape and topography of the parcel and the location of the existing structure preclude the installation of a generator in a location that would fully comply with the Code's requirements. Because the generator will be within an enclosure that will be screened, the location of the generator would not have a significant impact on the neighborhood.

8. The Applicant also demonstrated that the proposed 6' high solid fence would replace an existing 6' high fence, and that the solid fencing is intended to further reduce impacts from the generator on the adjacent residential property.

9. Consistent with the evidence and testimony presented, and the applicable legal standards governing variances and special exceptions, the Board concludes that approval of the request is appropriate.

Decision: The Applicant's request for a special exception pursuant to Section 916.09 and variances from Sections 912.04.K and 903.03.C.2 to allow for the installation of an emergency generator in the front yard of the Subject Property and a 6' high solid fence along the property line shared with the 7159 Churchland Street property is hereby APPROVED.

s/Alice B. Mitinger
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.