



Division of Zoning and Development 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: August 6, 2026

Date of Decision: September 8, 2026

Zone Case: 104 of 2026

Address: 2011 Wharton Street

Lot and Block: 12-B-60

Zoning Districts: RIV-MU

Neighborhood: South Side Flats

Request: Change of use for vape shop

Application: BDA-2025-10263

Special Exception	Section 911.02	Retail: Tobacco, Inhalant and Cannabinoids
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Appearances:

Applicant: Robert Garvin, Mosen Kahn, Alan Dunn

Findings of Fact:

1. The Subject Property is located at 2011 Wharton Street in a RIV-MU (River, Mixed Use) District in South Side Flats.
2. The property is within a commercial complex that consists of several one-story retail structures that front onto a large shared surface parking lot.
3. Located on the Subject Property is a retail space which was previously used for a hair salon.
4. The Applicant proposes to renovate the retail space for a store that would sell electronic cigarettes, tobacco and synthetic cannabinoid products.
5. The store would be open from 9 am to 10 pm, seven days a week, which would be consistent with the hours of operation for the other uses in the commercial complex.
6. The Applicant demonstrated that the Subject Property is not within 1,000 or any elementary or secondary school.
7. The Applicant confirmed that self-service sales would not be permitted.

8. The Applicant confirmed that the signs for the store would comply with the Code's standards.
9. The Applicant generally asserted that the use would not have a significant impact on the surrounding neighborhood.
10. No one appeared at the hearing to oppose the request.

Conclusions of Law:

1. The Applicant requests a special exception pursuant to Section 911.02 and 911.04.A.103 to allow a retail: tobacco, inhalant and cannabinoids use in the RIV-MU District.
2. Retail: tobacco, inhalant and cannabinoids uses are subject to the use standards from Section 911.04.A.103, which requires a 1000' separation from schools and prohibits self-service sales and hours of operation between 11 p.m. and 9 a.m.
3. The Applicant presented credible evidence that the proposed use would comply with the Code's specific criteria and would not have a significant impact on the surrounding neighborhood.
4. Consistent with the evidence and testimony presented, and the applicable legal standards governing special exceptions, the Board concludes that approval of the request is appropriate.

Decision: The Applicant's request for a special exception pursuant to Section 911.04.A.103 to allow use of the Subject Property for a retail: tobacco, inhalant and cannabinoid use 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.