



**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:** November 13, 2025  
**Date of Decision:** December 17, 2025

**Zone Case:** 143 of 2025  
**Address:** 2325 Fremont Place  
**Lot and Block:** 62-A-168  
**Zoning Districts:** R1D-M  
**Ward:** 19  
**Neighborhood:** Beechview

**Request:** Use of shed at rear of existing dwelling

**Application:** BDA-2025-10178

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| Variance | Section 903.03.C | 5' Side Setback required; 3' requested<br><br>5' rear setback required; 0' requested |
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**Appearances:**

Applicant: Gina Carrozza, Peter Loria, Pauline Loria

Opposed: Susan Hurney

**Findings of Fact:**

1. The Subject Property is located at 2325 Fremont Place in an R1D-M (Residential One Unit Detached Moderate Density) District in Beechview.
2. The dimensions of the parcel are 107.5 by 37.5 (4,031 sf).
3. A single-family detached house is located on the Subject Property.
4. A 6' high chain link fence with opaque privacy screening extends along the property line shared with Parcel No. 62-A-167, which has a width of approximately 52' and is vacant.
5. Without obtaining permission from the City, the Applicant installed a new 8' by 10' shed in the rear yard. As installed, the shed is set back approximately 3' from the property line shared with the vacant Parcel No. 62-A-167 and 0' from the rear property line, which abuts the rear of a parcel on Benson Avenue.

6. The new shed replaced an older shed that was in a significant state of disrepair.

7. The site of the new shed is essentially identical to the site of the old shed that it replaced and makes use of a concrete pad that was originally installed for the old shed in 1962.

8. The Applicant provided substantial and credible testimony and evidence regarding the location of the old shed on the same site as the new shed, with the same concrete pad, including photographs of the shed from the 1960s and 70s.

9. The Applicant generally asserted that the location of the existing concrete pad is a unique condition of the property that precludes strict compliance with the Code, and that replacing the concrete pad to comply with the Code's current setback standards would be prohibitively expensive.

10. Susan and Donald Hurney own both the vacant Parcel No. 62-A-167 and Parcel No. 62-E-44, on the other side of that parcel, where their house is located. They appeared at the hearing to oppose the request and to express concerns about the aesthetic impact of the new shed. The Hurneys did not provide evidence or credible testimony regarding any detrimental visual impacts or any evidence of how the impact of the new shed might differ from the shed that had been on the Subject Property since 1962.

### **Conclusions of Law:**

1. The Applicant requests a variance from the rear and interior side setback requirements set forth in Section 903.03.C.

2. Under Section 922.09.E., in seeking a variance, the applicant is required to provide evidence of some unique feature or condition of the property that creates an "unnecessary hardship" that prevents strict compliance with the Code's requirements. Any variance requested is to be the minimum that would afford relief and is not to have any significant impacts on the surrounding area.

3. Pennsylvania law recognizes two types of variances – use variances and dimensional variances. As the Pennsylvania Supreme Court explained in *Hertzberg v. Zoning Bd. of Adj. of the City of Pittsburgh*, 721 A.2d 43, 47 (Pa. 1998), a "use variance" is a request to use property in a manner that is wholly outside the zoning regulations. A "dimensional variance," by contrast, is a request for reasonable adjustment of the ordinance's dimensional regulations to accommodate a use that is allowed in the relevant zoning district. *Id.*

4. Because the request for a dimensional variance involves a use that is permitted, it allows for a lesser quantum of proof and consideration of multiple factors that are not part of the analysis for use variances, including financial hardship required for strict compliance with the dimensional requirements. *See In re Appeal of Towamencin Twp.*, 42 A.3d 366, 370 (Pa. Commw. Ct. 2012), citing *Hertzberg*.

5. In addition, Code Section 921.03.A allows for the maintenance and repair of nonconforming structures.

6. The location of the old shed, including the concrete pad, predated the current setback requirements for accessory structures and is legally nonconforming. The continued use

of the concrete pad for an accessory shed is effectively the continued use of a nonconforming structure.

7. The Applicant also presented credible evidence that the location of the concrete pad is a unique characteristic that precludes strict compliance with the Code's setback standards, consistent with the legal standards for dimensional variances.

8. Consistent with the evidence and testimony presented, and the applicable legal standards governing legal nonconforming structures and dimensional variances, the Board concludes that approval of the request is appropriate.

**Decision: The Applicant's request for variances from the setback standards in Section 903.03.C to allow the continued use of the shed, as installed, 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.