



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: January 8, 2026
Date of Decision: January 28, 2026

Zone Case: 141 of 2025
Address: 5308 Ellsworth Avenue
Lot and Block: 52-C-149
Zoning Districts: R2-M
Ward: 7
Neighborhood: Shadyside

Request: Parking Pad

Application: BDA-2025-09507

Variance	Section 912.04.L(3)	Front yard parking is prohibited
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Appearances:

Applicant: Robin Lipscomb

Findings of Fact:

1. The Subject Property is located at 5308 Ellsworth Avenue in an R2-M (Residential Two Unit Moderate Density) District in Shadyside.
2. The dimensions of the parcel are 40' by 150' (6,000 sf).
3. The three-story structure on the property is set back approximately 50' from Ellsworth Avenue.
4. No access is available to the rear of the property.
5. The Applicant proposes to use a portion of the front yard of the Subject Property for a 12' by 34' (408 sf) parking pad, with access from a curb cut on Ellsworth Avenue.
6. The Applicant testified that the location of the house on the parcel and the lack of rear access are unique conditions that preclude development of off-street parking in compliance with the Code's requirements for off-street parking.

7. The house was constructed before the Zoning Code was adopted and predated the Code's on-site parking requirements.

8. The absence of on-site parking was a condition of the property when the house was constructed.

9. The Applicant testified that other properties in the general vicinity of the Subject Property have off-street parking and asserted that the proposed front yard parking area would be consistent with the context of the neighborhood. Several of the examples of front yard parking that the Applicant provided were not proximate to the Subject Property and/or depicted a driveway to a garage.

10. The Applicant was not able to provide any substantial evidence of any unique condition associated with the Subject Property that would preclude compliance with the Code's prohibition against front yard parking pads and did not provide any evidence that the requested variance would be the minimum variance that would afford relief.

11. The Applicant also did not provide any evidence as to how a curb cut for the proposed parking pad would impact the availability of on-street parking or how it would affect pedestrian use of the sidewalk.

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

Conclusions of Law:

1. Section 912.04.L provides that residential parking pads and garages are permitted within side and rear setbacks, but are prohibited in front of a house. In front yards, a parking pad must be set back 5' from the front of the house. Section 912.04.L applies to residential areas throughout the City.

2. In seeking a variance, the applicant is required to provide evidence of some unique feature or condition of the property that prevents 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. See Code Section 922.09.E.

3. To support a request for a variance, an applicant cannot simply assert their personal preference for using their property in a manner that does not comply with the Code's requirements. The applicant must show that their property differs from other properties in the neighborhood in a way that prevents compliance with the Code's requirements.

4. The house on the Subject Property was constructed before the Zoning Code's parking requirements were enacted and the absence of on-site parking/noncompliance with the current on-site parking requirement is a legally nonconforming condition of the property.

5. The absence of on-site parking and the location of the house on the property are not unique conditions with respect to the requested variance.

6. The challenges associated with on-street parking in a dense urban setting are also not a condition that is unique to the Subject Property.

7. The fact that other parcels in the vicinity may have front yard driveways or parking spaces does not support a variance for the Subject Property,

8. Consistent with the evidence and testimony presented and the applicable legal standards governing variances, the Board concludes the requested variance must be denied.

Decision: The Applicant's request for a variance from Section 912.04.L to allow for the construction of a parking pad in the front yard of the Subject Property is hereby DENIED.

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.