**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 3, 2026

**Zone Case:** 103 of 2026
**Address:** 7101 Penn Avenue
**Lot and Block:** 126-H-62
**Zoning Districts:** R1D-L
**Neighborhood:** Point Breeze North

**Request:** Change from office to medical office

**Application:** BDA-2026-03929

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| Special Exception | Section 921.02.A.4 | Change non-conforming use |

**Appearances:**

Applicant: Paul Fireman, Nancy Foley, Christy Martsolf

Observing: Mike Bonavita

**Findings of Fact:**

1. The Subject Property is located at 7101 Penn Avenue, at the intersection with North Lang Avenue, in an R1D-L (Residential One Unit Detached Low Density) District in Point Breeze North.

2. The three-story firehouse structure on the Subject Property, which was constructed in 1888, extends to all property lines with limited setbacks. No area for off-street parking is available on the property.

3. In Zone Case No. 215 of 2015, the Board approved the renovation of the firehouse building for an office (limited) use, subject to the condition that 13 parking spaces were to be provided in the parking lot of a church that is located across Penn Avenue from the Subject Property, at 7110 Penn Avenue. The church lot has a total of 31 spaces.

4. Consistent with the Board decision, a 2015 Certificate of Occupancy permits the use of the Subject Property for "2 ½ story building for use as office (limited) with unoccupied attic and basement for mechanical use only; 13 off-site parking spaces located at 7110 Penn Ave..."

5. The Applicant explained that the required 13 off-site parking spaces in the church parking lot are available for the office uses in the firehouse but are not subject to a formal,

recorded lease. He noted that, as a non-profit entity, the church has been unwilling to enter a formal lease due to a concern that the lease might jeopardize its non-profit status. The Applicated stated that, in lieu of formal lease payments, he contributes to the upkeep and maintenance of the parking lot and has an informal agreement with the church to allow use of 13 spaces in the church parking lot.

6. As of the time of the original approval, the entirety of the second floor of the firehouse building was used for the Applicant's design firm. Although the ground floor had not yet been leased, it was intended for another office use.

7. In 2016, without determining whether the use was consistent with the office (limited) use that had been approved in 2015, the Applicant leased the tenant space on the ground floor of the firehouse building for physical therapy/personal training uses.

8. The Applicant explained that his design firm no longer needs the entire second floor space. As of 2024, he leased a 201 sf area on the second floor to a nurse practitioner, who uses the space primarily for on-line consultations, with limited in-person patient visits during the day on Tuesdays and Wednesdays and on Thursday evenings.

9. The Department of City Planning determined that both the physical therapy/personal training use on the ground floor and the nurse practitioner use on the second floor are within the Code's definition of the "medical office/clinic (limited)" use, which is not permitted in the R1D-L District.

10. The Applicant generally asserted that the impact of the physical therapy/personal training and nurse practitioner office uses are consistent with the office (limited) use that was approved in 2015, and do not create additional impacts on the surrounding neighborhood.

11. Nancy Foley, the owner of the physical therapy business, explained that she provides information about the availability of the off-site parking to clients, but noted that, because of the nature of her business, many clients have mobility issues that prevent them from crossing Penn Avenue to access the physical therapy office space.

12. Christy Martsolf, the nurse practitioner, described her office hours and stated that she would direct her clients to use the off-site parking spaces in the church parking lot.

13. Mike Bonavita is the owner of the property at 7051 Penn Avenue, which is located across North Lang Street from the Subject Property. Access to a garage on Mr. Bonavita's property is from a curb cut on North Lang Street.

14. Mr. Bonavita appeared at the hearing to express concerns about the impact of the combined uses in the firehouse building on parking in the immediate vicinity of the property. Mr. Bonavita noted that on-street parking is limited, and that the clients who visit the businesses in the firehouse building often do not make use the off-site parking spaces in the church parking lot on the opposite side of Penn Avenue and instead park on North Lang Street, near the entrance to the firehouse building and occasionally block the curb cut to the garage on his property. Mr. Bonavita did not object to the uses of the building, per se, but advocated for improved efforts to encourage clients to use of the church parking lot and to limit parking on North Lang Street.

**Conclusions of Law:**

1. Section 921.02.A.4 permits the change of one nonconforming use to another as a special exception, subject to criteria that include consideration of whether the proposed use is of the same general character as the existing use or of a character that is more closely conforming to the uses permitted in the zoning district than the existing use.

2. The Code defines "medical office/clinic" as an establishment that provides "therapeutic, preventative, corrective, healing and health-building treatment services on an out-patient basis by physicians, dentists other practitioners." The medical office/clinic (limited) use is one with a gross floor area of less than 5,000 sf.

3. The physical therapy/personal training and nurse practitioner uses described for the firehouse building are each within the definition of medical office/clinic (limited).

4. The use of the renovated firehouse building for the office (limited) use, as described in Zone Case No. 215 of 2015 and the 2015 Certificate of Occupancy, is a legally nonconforming use in the R1D-L District. The medical office/clinic (limited) use is also not permitted in the R1D-L district and would be non-conforming.

5. A special exception is a form of a permitted use. A use that is permitted as a special exception "evidences a legislative decision that the particular type of use is consistent with the zoning plan and presumptively consistent with the health, safety and welfare of the community." *Allegheny Tower Assoc's., LLC v. City of Scranton Zoning Hearing Bd.*, 152 A.3d 1118, 1123 (Pa. Commw. Ct. 2017), citing *Greth Dev. Grp., Inc. v. Zoning Hearing Bd. of L. Heidelberg Twp.*, 918 A.2d 181 (Pa. Comm. Ct. 2007); see also *Cogan Properties, LLC v. East Union Twp. Zoning Hearing Bd*., 318 A.2d 981 (Pa. Commw. Ct. 2024) and *Bray v. Zoning Bd. of Adj.*, 410 A.2d 909 (Pa. Commw. Ct. 1980). By designating a use as a "special exception," the governing body has determined that the use is one that is appropriate in the zoning district, subject to the criteria that the governing body has established for the use. *Cogan*, 318 A.3d at 986, quoting *Siya Real Est., LLC v. Allentown City Zoning Hearing Bd.*, 210 A.2d 1152, 1157 (Pa. Commw. Ct. 2019).

6. With its decision in Zone Case No. 215 of 2015, the Board approved the use of the existing firehouse structure for an office (limited), and determined that the use would have limited impacts on the surrounding area, subject to the condition that 13 off-site parking spaces were to be provided.

7. Here, the Applicant presented credible evidence that the use of the Subject Property for the medical office/clinic (limited) uses, as described to the Board, would be consistent with the 2015 decision, and would not have any more significant impacts on the surrounding neighborhood than the office (limited) use.

8. 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, subject to continued compliance with the 13 off-site parking space requirement and efforts to encourage use of the parking spaces and to discourage parking on North Lang Street.

**Decision: The Applicant's request for a special exception to allow a change of nonconforming use, pursuant to Code Section 921.02.A.4, to use space within the building on the Subject Property for medical office is hereby APPROVED, subject to the conditions that the Applicant continues to retain access to at least 13 off-site parking spaces and that the Applicant and medical/clinic tenants encourage clients to use of the off-site parking spaces and discourage use of on-street parking on North Lang Street.**

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.