



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: June 4, 2026
Date of Decision: July 7, 2026

Zone Case: 59 of 2026
Address: 7534 Kensington Street
Lot and Block: 176-A-281
Zoning Districts: R1D-L
Neighborhood: Point Breeze

Request: Parking Pad

Application: BDA-2026-02291

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

Applicant: Patrick Manning, Jessica Anna

Findings of Fact:

1. The Subject Property is located at 7534 Kensington Street in an R1D-L (Residential One Unit Detached Low Density) District in Point Breeze.
2. The dimensions of the parcel are 30' by 93' (2,790 sf).
3. The three-story structure on the property is set back approximately 20' from Kensington Street.
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 16'-10" by 10' parking pad, with access from a curb cut on Kensington Street. The Applicant stated that the intended use of parking pad would be for charging an electric vehicle.
6. The Applicant asserted 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 and the absence of on-site parking was a condition of the property when the house was constructed.

8. 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.

9. 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.

10. 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.

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

Conclusions of Law:

1. Section 912.04.3 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.

2. Pursuant to Section 903.03.B.2, the required front setback in R1D-L Districts is 30'.

3. Section 922.09.E sets forth the general conditions the Board is to consider with respect to variances. The criteria for determining whether to grant a variance include: 1) whether unique circumstances or conditions of a property would result in an unnecessary hardship; 2) whether the property could be developed in accordance with the Code's requirements to allow for its reasonable use; 3) whether the applicant created the hardship; 4) whether the requested variance would adversely affect the essential character of the neighborhood or the public welfare; and 5) whether the variance requested is the minimum variance that would afford relief with the least modification possible. See *Marshall v. City of Philadelphia and Zoning Bd. of Adj.*, 97 A.3d 323, 329 (Pa. 2014); *Hertzberg v. Zoning Board of Adj. of the City of Pittsburgh*, 721 A.2d 43 (Pa. 1998), citing *Allegheny West Civic Council v. Zoning Bd. of Adj. of the City of Pittsburgh*, 689 A.2d 225 (Pa. 1997); see also *Metal Green Inc. v. City of Philadelphia*, 266 A.3d 495, 510 (Pa. 2021).

4. The location of a property in an area where a use is not permitted does not, of itself, create a hardship. The hardship asserted must be an "unnecessary hardship," derived from conditions of the property, and not from the Code's requirements. As set forth in the Code's variance standards, an asserted "unnecessary hardship" must be unique to the property and cannot be based on "circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located." Section 922.09.E.1. Consistent with this rule, the Pennsylvania Supreme Court has held that, to support a variance request, an asserted hardship cannot arise from the impact of the zoning regulations

on the entire area. *Marshall*, 97 A.3d at 329, citing *Valley View Civic Ass'n v. Zoning Bd. of Adj.*, 462 A.2d 637, 640 (Pa. 1983).

5. The house on the Subject Property was constructed before the Zoning Code's parking requirements were enacted and the condition of noncompliance with the current on-site parking requirement is legally nonconforming. The location of the house on the property is not a unique condition with respect to the requested variance.

6. 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 one-car 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.