



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: February 13, 2025
Date of Decision: April 12, 2025

Zone Case: 4 of 2024
Address: 877 Freeport Road
Lot and Block: 171-G-45
Zoning Districts: UNC
Ward: 12
Neighborhood: Lincoln-Lemington-Belmar

Request: Wall Signs

Application: BDA-2024-05702

Variance	Section 919.05.M.5(a)	80 sf maximum wall sign area; 301.5 sf and 162 sf requested 20' maximum wall sign height; 40.5' and 21' requested 4' maximum wall sign letter height; 8' requested
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Appearances:

Applicant: James McGraw, Brian Thomas, Darlene Fenstermacher, Sarah Bradley

Findings of Fact:

1. The Subject Property is located at 877 Freeport Road in a UNC (Urban Neighborhood Commercial) District in Shadyside.
2. Located on the Subject Property is the Waterworks Shopping Center, which consists of a variety of tenant spaces in one-story commercial buildings.
3. The Applicant is in the process of renovating a tenant space, which was previously used for a Walmart store, for a new retail tenant known as "Dick's Sporting Goods."

4. The City issued a 2009 Certificate of Occupancy for a wall sign to identify the Wal Mart that permits "One 3.5' x 23.75 (83 sf) internally illuminated wall-flat business identification sign (Wal Mart w/logo) at front of existing 1-story structure."
5. The building at issue is set back approximately 475' from Freeport Road.
6. The rear of the building is approximately 850' from Route 28.
7. A one-story restaurant and a shared surface parking lot are located between the building and Freeport Road.
8. The Applicant is constructing a non-structural wall above the entrance to the tenant space that would extend to a height of 45' above the roofline of the 24'-8" one story structure.
9. The Applicant submitted a sign package for the sporting goods store, which includes three wall mounted signs:
 - **Sign 1:** An 28'-3" by 10'-7" (300 sf) internally illuminated sign with the text "Dick's" mounted 40.4' from grade on the wall that extends above the roofline of the building facing Freeport Road;
 - **Sign 2:** A 18' by 9' (162 sf) internally illuminated sign with the text "Dick's" mounted 21' from grade on the east facing side of the building; and
 - **Sign 3:** A 18' by 9' (162 sf) internally illuminated sign with the text "Dick's" mounted 21' from grade on the rear of the building facing Route 28.
10. The Applicant indicated that the intent of the sign package for the sporting goods store is to provide wayfinding and visibility.
11. The Applicant acknowledged that the signs were designed to be consistent with the sporting goods store's logo and branding campaign.
12. The Applicant explained that signs for the sporting goods store are pre-fabricated and that the proposed signs would be the same size as signs used at other locations.
13. The Applicant asserted that the building's setback from Freeport Road and Route 28 creates some challenges identifying the sporting goods store from the right-of-way. However, the Applicant did not provide any evidence intended to demonstrate the extent of visibility of the proposed signs from Freeport Road and Route 28, with the proposed dimensions and at the height proposed, as compared to the permitted dimensions and height.
14. The Applicant seemed to be proposing signs with maximum visibility, consistent with marketing and branding goals, and not signs that would afford the minimum relief from the Code's signage provisions, as required under the variance standards.
15. The Applicant did not provide any evidence of any hardship associated with the property that prevents compliance with the Code's signage requirements.

16. The Applicant provided selective photographs of other identification signs in the proximate area of the Subject Property in the Waterworks Shopping Center, including a 204 sf sign for Giant Eagle Market District, but did not provide any information about how those signs had been approved. The Applicant did not credibly demonstrate how the dimensions and heights of the other signs identified compared to the full extent of the signs proposed.
17. No one appeared at the hearing to oppose the request.

Conclusions of Law:

1. Section 919.03.M.5 regulates the size and placement of wall mounted signs in UNC Districts.
2. Pursuant to that Code requirement, the total face area for wall-mounted signs “shall not exceed two (2) square feet of sign face area for each lineal foot of building wall width to a maximum of eighty (80) square feet.”
3. Also pursuant to that Code requirement, the maximum height for wall mounted signs is 20’, and the maximum letter height is 4’.
4. 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).
5. Dimensional variances allow for adjustment of a zoning ordinance’s dimensional requirements to accommodate a use that is permitted in the relevant zoning district. A less restrictive application of the general variance standards is appropriate when considering requests for dimensional variances. See *Hertzberg*, 721 A.2d at 47-48. However, the applicant for a dimensional variance must demonstrate some unique condition or hardship associated with the property and must show that the variance requested is the minimum that would afford relief.
6. The wall sign proposed for the building’s Freeport Road façade is 300 sf, nearly four times the area that the Code permits on that façade.
7. The Applicant asserted that the building setback creates challenges for identifying the business from the Freeport Road right-of-way but did not present any evidence to credibly demonstrate that the dimensions and the mounting height of the sign proposed on the Freeport Road façade were the minimum that would afford relief. The Applicant

essentially conceded that the sign was intended to achieve maximum visibility in the context of the site.

8. The Applicant also did not present any evidence that the size proposed for the signs on the rear and east facing facades would be the minimum that would afford relief.
9. The Board appreciates that business identification signage is necessary for the sporting goods store, and that the building setback impacts visibility from Freeport Road and Route 28. It cannot conclude, however, that the size of the signage proposed is the minimum necessary to allow for appropriate business identification without more information about the signs in the context of the Waterworks Shopping Center and the surrounding right-of-way.
10. The Board concludes that the location of the restaurant building and parking lot between the sporting goods store and Freeport Road is a unique condition that precludes strict compliance with the Code's sign height standards, and that approval of the request for variances from that standard is appropriate.
11. The Board will allow for a revised submission of the sign package that more closely adheres to the Code's requirements.

Decision: The Applicant's request for variances from Section 919.03.M.5 to allow signs mounted 40.5' and 21' from grade is hereby APPROVED, and the Applicant's request for variances from Section 919.03.M.5 for the 300 sf of signage on the Freeport Road façade (Sign 1), and the 162 sf proposed on the eastern-facing and rear facades (Signs 2 and 3) is DENIED, without prejudice to submit a revised signage plan.

RECUSED

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.