



**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:** March 6, 2025  
**Date of Decision:** April 17, 2025

**Zone Case:** 13 of 2025  
**Address:** 5726 Ellsworth Avenue  
**Lot and Block:** 84-J-82  
**Zoning Districts:** LNC  
**Ward:** 7  
**Neighborhood:** Shadyside

**Request:** Use of deck for accessory outdoor dining area

**Application:** BDA-2024-06240

Variance	Section 904.04.B.2	Accessory use may not be larger than 25% of the floor area of the primary use; 344 sf outdoor dining space for 744 sf retail use proposed
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**Appearances:**

Applicant: Kento Ohmori

**Findings of Fact:**

1. The Subject Property is located at 5726 Ellsworth Avenue in an LNC (Local Neighborhood Commercial) District in Shadyside.
2. A one-story commercial building, with two tenant spaces, is located on the Subject Property. The areas of the tenant spaces are approximately 2,404 sf and 919 sf, with a total combined area of 3,323 sf.
3. A 1968 Certificate of Occupancy permits the use of the building for "Grocery Store, Cleaners, and Community Parking Area."
4. The Applicant recently renovated the 919 sf tenant space, previously used for the cleaners, for use as a wine and beer store.
5. The 2,404 sf tenant space continues to be used as a convenience store.

6. Without obtaining permission from the City, the Applicant constructed an outdoor seating area on the wine and beer store side of the building.

7. The area of the accessory outdoor seating area is 417 sf, which is approximately 45% of the 919 sf floor area of the portion of the building used for the wine and beer store use.

8. To justify the after the fact variance for the accessory use that has already been constructed, the Applicant asserted that the area of the tenant space that the wine and beer store occupies is too small to allow for the preferred size for the seating area and thus constitutes a “unique characteristic” that precludes strict compliance with the Code’s requirements.

9. The Applicant also agreed that the outdoor seating area could be made available to customers of the convenience store.

10. If calculated using the combined 3,323 sf area of the convenience store and the wine and beer store uses, the 25% area permitted for an accessory use would be 831 sf.

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

#### **Conclusions of Law:**

1. Section 904.02.B.2 limits the size of accessory uses in the UI District to 25% of the gross floor area of the primary use.

2. If calculated using the combined 3,323 sf area of the two tenant spaces in the building, the 417 sf area of the accessory outdoor seating area would comply with Section 904.02.B.2 and thus no variance is required.

**Decision: The Applicant’s request to allow the use of a 417 sf outdoor seating area for the combined uses on the Subject Property is hereby APPROVED; subject to the condition that the outdoor seating area is made available for both uses and is not restricted to use for customers of the wine and beer store.**

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.