



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: May 1, 2025
Date of Decision: May 27, 2025

Zone Case: 41 of 2025
Address: 731 Excelsior Street
Lot and Block: 14-B-52
Zoning Districts: R1D-H
Ward: 18
Neighborhood: Allentown

Request: Use of existing 7,500 sf building for Community Center (General)

Application: BDA-2024-07978

Variance	Section 911.02	Community Center (General) not permitted in R1D-H District
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Appearances:

Applicant: Jordan Shoenberger

In Support: Councilperson Bob Charland

Findings of Fact:

1. The Subject Property is located at 731 Excelsior Street in an R1D-H (Residential One Unit Detached High Density) District in Allentown.
2. The two-story church building on the property was built in 1916.
3. The gross floor area within the building is approximately 7,500 sf.
4. No on-site parking existed for the former church use.
5. The building is a dominant feature in the surrounding area, which also includes a number of single-family residences.
6. The City has not issued a Certificate of Occupancy for the Subject Property.
7. In 2017, the Applicant converted the building for use as a community center.

8. The Applicant explained that the community center is typically open from 9 a.m. until 6 p.m., Monday through Friday, and the center occasionally holds weekend events.
9. The community center has three full-time and five part-time employees.
10. The Applicant explained that most of the patrons of the community center live in the surrounding neighborhood and walk or use public transit to access the site, and that on-street parking is typically available on Excelsior Street.
11. Councilperson Bob Charland appeared at the hearing to support the request.
12. No one appeared at the hearing to oppose the request.

Conclusions of Law:

1. Pursuant to Section 911.02 community center (general) uses are not permitted in R1D-H Districts.
2. Pursuant to Section 921.02.A.4, the Board may permit the change of a “nonconforming” use, as a special exception, where the proposed use is of the same general character as the prior use, considering the hours of operation, number of employees, traffic generation, design characteristics of the building and impacts on the surrounding area.
3. Because the former church use was permitted by right in the R1D-H District, the use was not “nonconforming” as a matter of law and thus, Section 921.02.A.4 does not apply and the Board must consider the requested relief as a request for a variance. However, the considerations applicable to a change of a nonconforming use are relevant to the unique site conditions here.
4. Section 922.09.E provides general criteria the Board may consider with respect to requests for a variance. The Pennsylvania Supreme Court has summarized these criteria as: 1) unique circumstances of conditions of a property would result in an unnecessary hardship; 2) no adverse effect on the public welfare; and that 3) the variance proposed is the minimum variance that would afford relief with the least modification possible. *Marshall v. City of Philadelphia and Zoning Bd. of Adj.*, 97 A.3d 323, 329 (Pa. 2014); see also *Hertzberg v. Zoning Bd. 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)
5. In *Marshall*, the Pennsylvania Supreme Court considered a use variance to allow the reuse of a century-old school building, which was vacant and in need of repair, for a multi-unit residential use for senior citizens. The Court recognized and affirmed its holding in *O'Neill v. Philadelphia Zoning Bd. of Adj.*, 120 A.2d 901 (Pa. 1956), that the “unnecessary hardship” standard for a variance does not require a showing that the property would be “practically valueless” without a variance. The Court recognized that it is within a zoning board’s discretion to consider the unique circumstances related to efforts to preserve and redevelop a vacant historic building. The Court also noted that a zoning board’s discretion is not so circumscribed as to require a property owner to reconstruct a building regardless of prohibitive expense and regardless of the fact that the proposed reuse of the building would have a beneficial impact on the neighborhood. *Marshall*, 97 A.3d at 333, citing *O'Neill*, 120 A.2d at 920.

6. Further, an unnecessary hardship is established “in the context of a use variance for a legally non-conforming structure where the premises could not be converted to a permitted use without demolition and extensive reconstruction.” *Marshall*, 97 A.3d at 331, *citing Logan Square Neighborhood Association v. Zoning Board of Adj. of the City of Philadelphia*, 379 A.2d 632, 634 (Pa. Commw. 1977); *see also Halberstadt v. Borough of Nazareth*, 687 A.2d 371 (Pa. 1997).

7. The existing century-old church building on the Subject Property is a unique feature of site which creates a hardship that prevents development of the property in strict compliance with the requirements for R1D-H Districts.

8. The Applicant presented substantial and credible evidence to support the conclusion that the church building on the Subject Property can no longer be viably used as a church and that it would not be feasible to convert the structure for any of the uses permitted in the R1D-H District.

9. Based on the considerations for the change of a nonconforming use, the Board concludes that the impacts of the proposed use, as described, would be similar to the previous use of the Subject Property for the church and would not have any significant impacts on the surrounding neighborhood.

10. Consistent with the evidence and testimony presented, and the applicable legal standards governing use variances, the Board concludes that approval of the Applicant’s request is appropriate.

Decision: The Applicant’s request for a variance from Section 911.02 to allow the conversion of the former church building into a community center, as described, is hereby APPROVED.

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.