



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 8, 2025
Date of Decision: June 16, 2025

Zone Case: 44 of 2025
Address: 2467 McNeilly Road
Lot and Block: 139-F-20
Zoning Districts: UI
Ward: 32
Neighborhood: Brookline

Request: Retaining Wall

Application: BDA-2025-00163

Variance	Section 915.02.A.1.e	10' maximum retaining wall height; 20' high wall proposed
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Appearances:

Applicant: Katrina Harmel, Shawn Landy

Observing: Jake Nikituk, May Nikituk, Matthew Burford, Deirdre Dunnegan

Findings of Fact:

1. The Subject Property is located at 2467 McNeilly Road in a UI (Urban Industrial) District in Brookline.
2. The dimensions of the parcel are approximately 260' by 140' and its area is approximately 1.26 acres.
3. The Subject Property, in a UI Districts, directly abuts one of several parcels on McNeilly Road that are partially within an R1D-L (Single Unit Detached Residential, Low Density) District partially within a P (Parks) District.
4. McNeilly Run runs through the Subject Property and the adjacent split-zoned parcels.
5. The Subject Property and the adjacent parcels all have an area at the front, on McNeilly Road, that is relatively flat and a grade towards the rear that descends to the creek. On the opposite side of the creek, the topography ascends towards the rear of parcels on Aidan Court.

6. On the Subject Property, the embankment, at a height of approximately 20', separates the grade of the creek bed from the generally flat portion of the parcel along McNeilly Road.

7. A 1991 Certificate of Occupancy permits the use of the one-story structure on the Subject Property for "Day care center for a maximum of 80 children ages two months to five years with 19 parking stalls with 6' high stockade fence in rear."

8. The rear yard of the property is used for a play area for the day care center use. The fence separates the play area from the creek bed embankment.

9. The Applicant explained that erosion of the embankment has reduced the width of the rear yard by 14'.

10. The Applicant proposes to install a 20' high retaining wall along the creek bed embankment to restore the area of the back yard that has been lost to erosion.

11. The Applicant explained that the height proposed for the retaining wall is the minimum height that would support the grade of the parcel.

12. The Applicant submitted a copy of a stream permit issued by the Pennsylvania Department of Environmental Protection ("DEP") and explained that the agency has reviewed the impact of the proposal on the McNeilly Run watershed.

13. The Applicant generally asserted that the height of the retaining wall would not have impacts on other properties along McNeilly Run.

14. Jake and May Nikituk, the owners of the property at 2475 McNeilly Road, and Matthew Burford, the owner of the property at 2481 McNeilly Road, and Deirdre Dunnegan appeared at the hearing to express concerns about the impact of the proposal on flooding and erosion along McNeilly Run. Those who testified were particularly concerned that the effect of the proposed retaining wall would be to create an obstruction that could affect the parcels upstream from the wall.

15. The Applicant explained that no part of the wall would extend across the creek bed and would not obstruct the creek bed. Subject to approval, the Applicant agreed to keep neighbors informed about construction issues.

Conclusions of Law:

1. Pursuant to Section 915.01.A.1.e, the maximum height permitted for a retaining wall is 15'.

2. The Applicant here seeks a variance to allow a 20' retaining wall.

3. The Applicant presented credible evidence that the topography of the Subject Property, with the steep embankment along McNeilly Run, is a unique condition that precludes strict compliance with the Code's retaining wall standards, and that the 20' height proposed for the retaining wall is the minimum that would support the grade of the site.

4. The Applicant presented credible evidence and testimony that the retaining wall would not detrimentally impact other properties along McNeilly Run.

5. Consistent with the evidence and testimony presented, and the applicable legal standards governing dimensional variances, the Board concludes that approval of the request is appropriate.

Decision: The Applicant's request for a variance from Section 915.01.A.1.e to construct a 20' high retaining wall is hereby APPROVED, subject to compliance with the DEP stream permit.

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.