



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: August 7, 2025
Date of Decision: September 19, 2025

Zone Case: 54 of 2025
Address: 218 Schenley Manor Drive
Lot and Block: 81-R-306
Zoning Districts: R1D-L
Ward: 10
Neighborhood: Stanton Heights

Request: New deck on rear of house

Application: BDA-2025-01329

Variance	Section 903.03.B.2	5' interior side setback required; 1'-9" requested
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Appearances:

Applicant: Ryan England, Lillie Blue

Findings of Fact:

1. The Subject Property is located at 218 Schenley Manor Drive in an R1D-L (Residential One Unit Detached Low Density) District in Stanton Heights.
2. The dimensions of the parcel are 26' by 146' (3,796 sf) and the grade of the lot slopes downward from Schenley Manor Drive towards the rear property line.
3. The single-unit house on the Subject Property is attached to the single-unit house on the parcel with the street address of 216 Schenley Manor Drive.
4. The house on the Subject Property is set back 32' from Schenley Manor Drive, 82' from the rear property line, 6'-3" from the interior side property line shared with the parcel at 220 Schenley Manor Drive, and 0' from the interior side property line shared with the 216 Schenley Manor Drive parcel.
5. Without obtaining permission from the City, the Applicant constructed a 12'-6" by 17' (212.5 sf) deck on the rear of the house, with access from the first floor. As constructed, the deck is set back 1'-9" from the 216 Schenley Manor Drive property line. It otherwise complies with the setback requirements for accessory decks.

6. Because of the slope of the parcel, the height of the deck is approximately 6' from grade.

7. The attached house on the 216 Schenley Manor Drive parcel has the same footprint as the house on the Subject Property, and a rear deck with approximately the same dimensions and setbacks as the new deck that the Applicant constructed on the Subject Property.

8. A brick chimney is located at the rear of both the 216 and 218 Schenley Manor Drive houses, on the property line, with half of the chimney on each parcel, between the rear decks. The decks on both parcels extend to the chimney and the chimney essentially sets the setback distance for both decks from the shared property line.

9. The Applicant provided a 1980 survey of the Subject Property, which depicts a 6'-6" by 17' (110.5) deck at the rear of the house, with the same 1'-9" interior side setback as the new deck.

10. The Applicant explained that the new deck uses the same structural attachment as the previous deck, and that constructing a deck that would comply with the Code would require significant alterations to the exterior of the structure.

11. The Applicant also asserted that the deck is consistent with other rear decks in the proximate area of the Subject Property.

12. Gerry Chisholm, the owner of the property at 220 Schenley Manor Drive, Kwame and Doris Taylor, the owners of the property at 224 Schenley Manor Drive, and Mildred Wilson, the owner of the property at 226 Schenley Manor Drive, submitted letters of support for the request.

13. Elaina Brown, the owner of the attached house on the 216 Schenley Manor Drive parcel, submitted a letter in opposition to the request that expresses concerns about the impact of the deck on privacy, safety and the value of her property. Ms. Brown also asserts that the deck shown in the 1980 survey has not existed for a significant period of time and that the new deck replaced a ground-level patio.

Conclusions of Law:

1. Pursuant to Section 903.03.D, the minimum interior side setback requirement for R1D-L Districts is 5'.

2. The Applicant constructed the new deck without seeking the required variance from the setback requirement and now seeks permission to keep the deck in place, as constructed, with a 1'-9" setback from the shared property.

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. In *Hertzberg*, the Court recognized that a less restrictive standard is appropriate for dimensional variances, which require only for a reasonable adjustment of the zoning regulations to accommodate a use of property that is permitted. *Hertzberg*, 721 A.2d at 47-48.

5. The Applicant presented credible evidence that the deck has the same setback as the deck shown in the 1980 survey, and that it is consistent with other decks in the surrounding neighborhood, including the deck on the attached house on the 218 Schenley Manor Drive parcel.

6. The deck is larger than the deck that it replaced and it was constructed without obtaining the required approval. The Applicant did not fully address the variance standards that require that the variance requested is the minimum that would afford relief and would not adversely affect other properties.

7. The Board would be within its authority to direct removal of the deck. However, based on the evidence presented, the Board concludes that approval of the requested variance is appropriate, subject to the condition that the Applicant provides some form of screening along the side of the deck that is sufficient to screen the deck from the 218 Schenley Manor Drive parcel.

8. Consistent with the evidence 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 903.03.B.2 to continue to use a deck with a 1'-9" interior side setback is hereby APPROVED, subject to the condition that the Applicant provides some form of screening along the side of the deck that is sufficient to screen the deck from the 218 Schenley Manor Drive parcel.

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.