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**Division of Zoning and Development Review**

City of Pittsburgh, Department of City Planning

412 Boulevard of the Allies, Second Floor

Pittsburgh, Pennsylvania 15219

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**ZONING BOARD OF ADJUSTMENT**

**Date of Hearing:** May 21, 2026  
**Date of Decision:** July 6, 2026

**Zone Case:** 19 of 2026  
**Address:** Buena Vista Street  
**Lot and Block:** 23-A-192, 196, 213, 23-E-12  
**Zoning Districts:** H  
**Neighborhood:** Perry South

**Request:** BDA-2025-12227

**Application:** Construction of 18 single Unit attached houses

|          |                  |                                                         |
|----------|------------------|---------------------------------------------------------|
| Variance | Section 911.02   | Unlisted use similar to multi-unit residential proposed |
|          | Section 905.02.C | 3-story maximum height permitted; 4 stories requested   |

**Appearances:**

Applicant: Tom Ayoob, Nathan Hart, John Costello, Kelly Harrington

In Support: Rhonda Strozier, Cali Disaeato

Observing: Ian Alden Russell

**Findings of Fact:**

1. The Subject Property is comprised of five lots, identified as Parcels Nos. 23-A-192, 23-A-196, 23-A-213 and 23-E-12, in an H (Hillside) District in Perry South.
2. The combination of the 5 parcels creates an irregular shape, and the combined area of the parcels is approximately 104,000 sf.
3. The site has frontages on Buena Vista Street and O'Hern Street. The rear of the site abuts parcels on Perrysville Avenue that are at a higher elevation.
4. The site is located on a densely wooded hillside that has upward slopes from O'Hern Street and Buena Vista Street. The grade in several areas of the site exceeds 50%. At the middle of the site is a generally flat plateau.

5. Access to the site is from a curb cut on Buena Vista Street.
6. The only structure currently on the site is a single-family house on Parcel No. 23-A-196.
7. The Applicant proposes to consolidate the lots, to demolish the existing house, and to construct 18 attached townhouse units on the central plateau area of the site.
8. The proposed height for each of the structures would be 39'-4<sup>3</sup>/<sub>4</sub>-stories.
9. The area of disturbance for the proposed development would be less than 50% of the 104,000 sf site.
10. A private drive, with access from the existing curb cut on Buena Vista Street, would be located at the rear of the 18 units, with a cul-de-sac at the end.
11. The ground floor of each of the townhouse structures would be used for a first-floor integral garage that would have access from the private drive.
12. As proposed, all of the 18 townhouses would be on the single consolidated lot. Each unit would be sold individually and would be subject to a condominium agreement. The owners of the units would collectively manage the private drive and other shared amenities.
13. Because the development contemplates the location of all of the 18 units on the single consolidated parcel, the Zoning Administrator determined that the proposed use would be a use that is "unlisted" in the Code but that would have characteristics that are most similar to the multi-unit residential use, as defined in the Code.
14. The Applicant explained that the shape and topography of the Subject Property are unique conditions that preclude subdivision of the site into separate lots that would accommodate the number of units proposed.
15. The Applicant submitted a letter from Gateway Engineers which asserts that the proposed development complies with the use standards for the single-unit attached residential use, as permitted in H Districts.
16. The Applicant explained that the fourth story proposed for all of the structures is intended to accommodate the integral garage for each unit and to allow for three stories of living space above the ground-floor garage. The height of the structures would not exceed 40'.
17. The Applicant asserted that the wooded hillside would generally screen the development on the site, and presented renderings to demonstrate that the height of the structures would not have any significant visual impacts on the surrounding neighborhood.
18. Rhonda Strozier and Cali Disaeato, on behalf of the Perry Hilltop Citizens Council, submitted a letter of support for the request, subject to several conditions. The requested conditions include restoration of Buena Vista Street, and transparency/communications requirements regarding site development and construction management. The Applicant does not own or control Buena Vista Street but indicated an intent to work with the community regarding its repair and improvement. The Applicant also intends to provide regular communications regarding the development and construction process.

19. Ian Alden Russell, the owner of the property at 1728 Buena Vista Street, appeared at the hearing and asserted that the development would be visible from his property.

### **Conclusions of Law:**

1. Section 911.02 defines "Single Unit Attached Residential" as "the use of a zoning lot for one dwelling unit that is attached to one or more dwelling units by a party wall or separate abutting wall and that is located on its own separate lot."
2. Section 911.02 defines "Multi-Unit Residential" as "the use of a zoning lot for four or more dwelling units that are contained within a single building."
3. The Single Unit Attached Residential use is permitted in H Districts as a special exception and the Multi Unit Residential use is not permitted in H Districts.
4. Pursuant to Section 911.04.A.69, for the special exception for single-unit residential uses in H Districts, the Board is to consider whether the residential units are to be built on "buildable land," the submission of a soils report, use of vegetation to present erosion, access to the site and availability of infrastructure.
5. The site development standards for H Districts in Section 905.02.C include the 40'/not to exceed 3 stories height limitations and a 50% maximum area of disturbance.
6. The development, as proposed, would create 18 separate structures that would be located on a single zoning lot, which does not comply with the definition of single unit attached residential or multi-unit residential.
7. Section 911.03.A authorizes the Zoning Administrator to determine the classification of a new or unlisted use and to determine which existing land use category most closely fits the new or unlisted use, based on the Code's definitions and the similarity of the use in question to the defined land use categories.
8. The Board agrees with the Zoning Administrator that the proposed use has characteristics consistent with both the single-unit attached and multi-unit residential uses. Because the multi-unit residential use is not permitted in H Districts, the Board considers the use variances standards in Section 922.09.E.
9. The 104,000 sf consolidated site has a unique shape and topography that limit its viable use for the uses permitted in H Districts. Use of the buildable plateau area of the site for 18 townhouse structures would allow for reasonable development without significant impacts on the surrounding area. The development would have only one curb cut on Buena Vista Street and each of the units will have an integral parking garage. Because of the topography of the site, it will have limited visual impacts on the surrounding area.
10. Although the Applicant proposes to include a fourth story, to allow for a ground floor garage for each unit, the height of each of the structures will be within the Code's 40' height limitation. The fourth story for the units will thus have a limited impact on the surrounding area.

11. Consistent with the evidence and testimony presented, and the applicable legal standards governing variances, the Board concludes that approval of the request is appropriate, subject to the conditions set forth in the decision.

**Decision: The Applicant's request for variances from Sections 911.02 and 905.02.C to allow for the construction of 18 four-story townhouse structures on the Subject Property is hereby APPROVED, subject to the conditions that the Applicant continues to work with the community regarding efforts to repair and improve Buena Vista Street and provides Perry Hilltop Citizens Council with regular updates regarding the development and construction process.**

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.