



Division of Zoning and Development 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: July 9, 2026
Date of Decision: August 19, 2026

Zone Case: 87 of 2026
Address: East Liberty Boulevard
Lot and Block: 83-F-217
Zoning Districts: RM-M
Neighborhood: East Liberty

Request: New House

Application: BDA-2026-03536

Variance	Section 903.03.D.2	25' exterior side setback required; 7'-8" requested
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Appearances:

For the Applicant: Matthew Brind'Amour

Findings of Fact:

1. The Subject Property, identified as Parcel No. 83-F-217, is on the corner of East Liberty Boulevard and Mellon Street, in an RM-M (Residential Multi-Family Moderate Density) District in East Liberty.
2. The dimensions of the parcel are 25' by 95' (2,375 sf) and it is currently vacant.
3. East Liberty Development Inc., the owner of the property and the Applicant here, proposes to construct a single-family house on the Subject Property.
4. As proposed, the house would be oriented towards East Liberty Boulevard and would be set back 25' from East Liberty Boulevard; 5' from the property line shared with the parcel at 5629 East Liberty Boulevard; 19' from the rear property line, shared with an interior side property line of the parcel at 500 Mellon Street; and 7'-8" from the exterior side property line on Mellon Street.
5. The Applicant asserted that the narrow width of the corner parcel is a unique characteristic that precludes strict compliance with all of the Code's setback standards and that the proposed exterior side setback is the minimum that would allow for development of the site.

6. The Applicant identified other structures in the proximate area of the Subject Property that do not comply with the Code's setback standards.

7. The structure on the adjacent parcel has a reduced front setback from East Liberty Boulevard; the structure on the opposite side of Mellon Street, which also fronts onto East Liberty Boulevard, has reduced front and exterior side setbacks; and the structure on the 500 Mellon Street parcel, to the rear of the Subject Property, has a reduced front yard setback from the Mellon Street property line.

8. A 1923 Sanborn Fire Insurance map depicts a structure on the Subject Property with a limited exterior side setback.

9. Amber Chaudhry and Wasi Mohamed, the owners of the 500 Mellon Street parcel; and Lena Andrews, the owner of the property at 612 Mellon Street, submitted letter of opposition to the request that express concerns about the development of the lot, which had previously been used as a community greenspace.

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

Conclusions of Law:

1. Section 903.03.C.2 sets forth the site development standards for RM-M Districts, including 25' front and exterior side setback requirements. The Applicant seeks a dimensional variance to allow a 7'-8" exterior side setback from the Mellon Street property line.

2. A request for a dimensional variance seeks reasonable adjustment of the ordinance's dimensional regulations, to accommodate a use that is allowed in the relevant zoning district. *Hertzberg v. Zoning Bd. of Adj. of the City of Pittsburgh*, 721 A.2d 43, 47 (Pa. 1998).

3. Code Section 922.09 repeats the familiar standards for a variance, which the Pennsylvania Supreme Court has summarized as including: (1) whether unique circumstances or conditions of a property would result in an unnecessary hardship for development; (2) whether the property can be developed in strict conformity with the provisions of the Code; (3) whether the proposed variance would have an adverse effect on the public welfare; and (4) whether the proposed variance 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).

4. Under the explicit language of the Code, the "unique physical circumstances or conditions" that could result in an "unnecessary hardship" under the variance standards include "irregularity, narrowness, or shallowness of lot size or shape." Section 922.09(E)(1); see also *N. Pugliese, Inc. v. Palmer Twp. Zoning Hearing Bd.*, 592 A.2d 118, 120 (Pa. Commw. Ct. 1991) (a unique hardship exists where the "narrowness of a lot" makes compliance with setback requirements difficult).

5. The Applicant presented credible evidence that the 25' width of the Subject Property is a unique characteristic of the site and that strict compliance with the Code's 25' exterior side setback requirement would prevent any development of it.

6. In the context of the site, the structure on the opposite side of Mellon Street, with frontage on East Liberty Boulevard, does not comply with the 25' exterior setback requirement and the structure on the 500 Mellon Street does not comply with the 25' front yard setback requirement.

7. The 7'-8" exterior side setback proposed would be consistent with the other structures that are immediately proximate to the Subject Property and that requested variance is the minimum that would allow for reasonable development of the site.

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

Decision: The Applicant's request for a variance from Section 903.03.D.2 to allow for the construction of a single-family house on the Subject Property with a 7'-8" exterior side setback 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.