



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: September 18, 2025

Date of Decision: October 29, 2025

Zone Case: 130 of 2025

Address: West North Avenue

Lot and Block: 23-N-170, 173

Zoning Districts: RM-M

Ward: 22

Neighborhood: Allegheny West

Request: New construction of 8 duplexes for use as multi-unit residential

Application: DCP-ZDR-2023-06528

Variance	Section 903.03.C	25' front setback required; 6" (unit 6), 1'-10" (Units 7 and 8) and 6' (Units 9 and 10) requested 10' interior side setback required; 2' requested (Units 1 and 16)
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Appearances:

Applicant: Nathan Hart

Opposed: Barry Bier

In-support: Elizabeth Barbush, Mary Barbush

Findings of Fact:

1. The Subject Property is an unaddressed parcel on West North Avenue, which is comprised of two parcels identified as Parcel Nos. 23-N-170 and 23-N-173, and is located in an RM-M (Residential Multi-Family Moderate Density) District in Allegheny West.
2. The total area of the combined parcels is 32,469 sf and the site is currently vacant.
3. The parcel has frontages on Brighton Road, West North Avenue and Rope Way.

4. The intersection of Brighton Road and West North Avenue is elevated above a railroad right-of-way, which is diagonal to the orientation of Brighton Road and West North Avenue and gives the Subject Parcel an irregular, pentagonal shape.

5. The topography of the Subject Property slopes downward from Brighton Road towards Rope Way at the rear of the site.

6. The rear property line of the Subject Property is shared with the parcels used for a multi-unit residential condominium building known as the Brighton Beech Condominiums. The six Brighton Beech condominium units have Beech Avenue street addresses.

7. Allegheny Commons Park is on the opposite side of Brighton Road from the site.

8. The Applicant proposes to construct 16 new townhouse-style residential units, in eight pairs, on the Subject Property.

9. Each of the units would have an integral garage on an interior driveway that would have access from a single curb cut on Rope Way.

10. As identified by the Applicant, Units 1 through 6 would have frontage on West North Avenue. Units 7 and 8 would have frontage on the unnamed diagonal portion of right-of-way near the Brighton Road/West North Avenue intersection, which is elevated above the railroad right-of-way. Units 9 and 10 have frontage on Brighton Road. The fronts of Units 11 through 16 would be oriented toward the interior driveway.

11. The rear of Units 11 through 16 and the side of Unit 10 would extend along the rear property lines of the Brighton Beech condominium units. A 15' easement exists on the Subject Property between the rear of the proposed units and the Brighton Beech units. As proposed, the structures would not encroach on that easement.

12. As proposed, Unit 6 would be set back 6" from the diagonal portion of the right-of-way. Units 7 and 8 would be set back 1'-10" from the diagonal portion of the right-of-way. Units 9 and 10 would be set back 6' from Brighton Road.

13. Units 1 and 16 would be set back 2' from the side property line on Rope Way.

14. The development would otherwise comply with all of the site development standards for multi-unit residential uses in the RM-M District.

15. Landscaping is to be provided throughout the site.

16. The Applicant asserted that the shape and topography of the site are unique conditions that preclude strict compliance with the Code's setback standards.

17. The Applicant provided evidence that other structures with limited setbacks in the proximate area of the Subject Property.

18. Barry Bier, representing the Brighton Beech Condominium Association, appeared at the hearing to express concerns about the 15' easement along the shared property line, but did not specifically oppose the requested dimensional variances.

19. Elizabeth Barbush and Mary Barbush, representing the Allegheny West Civic Council, appeared at the hearing to support the request.

Conclusions of Law:

1. Multi-unit residential uses are permitted in RM-M Districts, subject to the site development standards in Section 903.03.C, which include 25' front setback and 10' interior side setback requirements.

2. To accommodate the configuration of the proposed development on the vacant site, the Applicant requests variances from the front and interior side setback standards.

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 3 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 topography and shape of the Subject Property, which results in part because of the location above the railroad right-of-way, are unique conditions that preclude development of the site in strict compliance with the Code.

6. The limited front and side setbacks proposed would be consistent with the character of the surrounding neighborhood and would allow for reasonable development of the site for the multi-unit residential unit use, which is permitted in the RM-M District.

7. 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 dimensional variances from the front and side setbacks standards in Section 903.03.C, as presented to the Board, are APPROVED, subject to the condition that the proposed development shall not encroach on the 15' easement.

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.