



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: April 9, 2026
Date of Decision: May 15, 2026

Zone Case: 18 of 2026
Address: 3400 Fifth Avenue
Lot and Block: 28-F-63, 67, 68, 69
Zoning Districts: UC-E
Ward: 4
Neighborhood: Central Oakland

Request: Construction of 15 space commercial parking lot

Application: BDA-2025-11995

Variance	Section 911.02	Commercial Parking (Limited) prohibited in UC-E
	Section 922.15	Surface parking prohibited in UC-E

Appearances:

Applicant: Nathan Hart, Janine Smith, Luciano Sciulli

Findings of Fact:

1. The Subject Property consists of four parcels, with the shared street address of 3400 Fifth Avenue, in a UC-E (Urban Center, Employment) District in Central Oakland.
2. The grade of the site has a downward slope from Fifth Avenue towards the rear property line on Euler Way.
3. The Subject Property is proximate to several multi-story hospital and university buildings.
4. The two-story mixed-use building on Parcel No. 28-F-63 fronts onto Fifth Avenue.
5. A 2009 Certificate of Occupancy permits the use of the two-story building for “use of three store fronts on 1st floor as retail sales and services (limited); medical office/clinic and restaurant limited and 3 dwelling units on 2nd floor of existing 2-story structure.”
6. No off-street parking is available for the mixed-use building.

7. The three attached houses that were located behind the mixed-use building, on Parcel Nos. 28-F-67, 68 and 69, were demolished in 2021. That area was most recently used to stage construction equipment and it is currently vacant.

8. The Applicant proposes to use the vacant parcels for a 68'-6" by 60' (4110 sf) surface parking lot with 13 spaces and access from a curb cut on Euler Way.

9. The Applicant asserted that the spaces in the lot would be available to rent by the hour or day, and an automated gate system would be used to control access to the lot. Validated parking would be available for customers of businesses on the Subject Property.

10. The Department of City Planning determined that the proposed use would be classified as commercial parking (limited), which is prohibited in the UC-E District.

11. The Applicant intends to install screening, landscaping and bicycle parking in full compliance with the Code's requirements for surface parking lots.

12. The Applicant explained that no on-street parking is permitted on Fifth Avenue or Halket Street, proximate to the Subject Property.

13. Because of its topography, location and surrounding uses and structures, only limited uses would be viable for the site.

14. The Applicant identified several other surface parking lots in the proximate area of the Subject Property.

15. The Applicant asserted that the limited commercial parking area would help off-set the cost of developing accessory parking for the businesses on the Subject Property, and that dedicated parking is necessary for the businesses to remain viable.

16. The Applicant asserted that the size of the vacant lots is a unique condition that precludes the development of the Subject Property for a use that is permitted in the UC-E District.

17. The Oakland Business Improvement District (OBID) and the University of Pittsburgh submitted letters of support for the request.

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

Conclusions of Law:

1. In Section 911.02, the "parking, commercial" use is defined as "an area used or intended to be used for the off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use, and excluding parking structures.

2. The commercial parking (limited) use, for up to 25 spaces, is not permitted in UC-E Districts. Where permitted, the use is subject to requirements from Section 911.04.A.44, which include minimizing disruption of pedestrian movement; curb cuts that are a minimum of

60' from intersections or other curb cuts; and a determination that the use would not create detrimental impacts from probably traffic generation, hours of operation and lighting.

3. Pursuant to Section 922.15, surface parking lots are not permitted in the UC-E District and the Applicant thus seeks a use variance to allow the commercial parking (limited) use on the Subject Property.

4. In seeking a variance, the applicant is required to provide evidence of some unique feature or condition of the property that prevents compliance with the Code's requirements. Any variance requested is to be the minimum that would afford relief and is not to have any significant impacts on the surrounding area. See Code Section 922.09.E.

5. The Applicant here presented sufficient evidence to demonstrate the unique topography and location of the Subject Property and the limited use that would be viable on the property as a result.

6. The Applicant also demonstrated that the use of the site for the commercial parking (limited) use for 13 spaces would benefit the surrounding area and surrounding uses by providing parking in an area where no on-street parking is permitted.

7. The Applicant committed to complying with the Code's requirements for screening, landscaping and bicycle parking for surface parking areas.

8. Consistent with the evidence and testimony presented and the applicable legal standards governing variances, the Board concludes that approval of the requested variance to allow a 13-space commercial parking area is appropriate, subject to the condition of compliance with the Code's screening, landscaping and bicycle parking requirements.

Decision: The Applicant's request for variances from Section 911.02 and 922.15 to allow for a commercial parking (limited) use for 13 spaces on the Subject Property, is APPROVED, subject to the condition of compliance with the Code's requirements for surface parking.

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.