



**Division of Development Administration and Review**

City of Pittsburgh, Department of City Planning

200 Ross Street, Third Floor

Pittsburgh, Pennsylvania 15219

**ZONING BOARD OF ADJUSTMENT**

**Date of Hearing:** March 5, 2020

**Date of Decision:** April 17, 2020

**Zone Case:** 29 of 2020

**Address:** Frazier Street/Parkview Avenue

**Lot & Block:** 29-H-2

**Zoning District:** R1A-H

**Ward:** 4

**Neighborhood:** South Oakland

**Owner:** Leroy and Rosalie Rue

**Applicant:** Andrew Kartesz

**Request:** Construction of 3-story, single-family dwelling with integral parking.

**Application:** DCP-ZDR-2020-00107

<b>Variance</b>	903.03.D.2	minimum 15' exterior side setback required, 6'11' requested
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**Appearances:**

Applicant: Andrew Gross (Attorney), Lisa Whitney (Architect)

Opposed: Erin Angeli, Elena Zaetsoft, Mark Oleniacz,

Observing: Jarrett Crowell

**Findings of Fact:**

1. The Subject Property is located at the corner of Frazier Street and Parkview Avenue in an R1A-H (Residential One Unit Attached High Density) District in South Oakland.

2. The dimension of the Subject Property are 31.9' by 100' (3,190 sf). Wolf Way is at the rear.

3. The Applicant proposes to build a three-story, single-family house on the Subject Property. The house would be set back 6'11" from the exterior side property line on Parkview Avenue; 5' from the interior side property line shared with the property at 3723 Frazier Street; 15' from the front property line; and 35' from the rear property line. The house would have a two-car integral garage, with access from a curb cut on Parkview Avenue.

The Zoning Board of Adjustment reserves the right to supplement the decision with Findings of Fact and Conclusions of Law.

4. Andrew Gross, on behalf of the Applicant, asserted that the lot is too narrow to build a house that would fully comply with the side setback requirements for the R1D-H District. He explained that the variance requested would allow for a house with a 20' width, which is the minimum required to accommodate integral parking.

5. Lisa Whitney, the project architect, explained that, as proposed, the garage would have access from a new curb cut on Parkview Avenue, instead of Wolf Way at the rear of the parcel, to allow for a back yard.

6. A number of houses in the proximate area of the Subject Property are on narrow lots and, as a result, do not strictly comply with the R1D-H District side setback standards.

7. Jarrett Crowell appeared at the hearing to present a letter of testimony on behalf of the Oakland Planning and Development Corporation (OPDC), which indicates that OPDC is not opposed to a variance from the exterior side setback requirement but noted residents' concerns regarding a new curb cut on Parkview Avenue. OPDC expressed concerns that a curb cut on Parkview Avenue would eliminate on-street parking and could also impact pedestrian safety. OPDC thus asked the Board to require the Applicant to provide parking from Wolf Way as a condition of approval.

8. Mark Oleniacz appeared at the hearing to present a letter of opposition on behalf of the South Oakland Neighborhood Group, which asserts that the design of the proposed house is not consistent with the character of the surrounding neighborhood and that the garage should have access from Wolf Way and not Parkview Avenue.

#### **Conclusions of Law:**

1. The Applicant seeks a dimensional variance from the exterior side setback requirement for primary structures in the R1D-H District, as set forth in Section 903.03.D.2.

2. The Applicant presented substantial evidence to show that the width of the lot is a unique condition that precludes construction of a detached house in a manner that strictly complies with the exterior side setback requirement.

3. However, the Applicant did not present sufficient evidence to demonstrate that the requested variance, which would allow access to the proposed interior parking garage from Parkview Avenue, is the minimum that would afford relief, with the least disruption to the character of the neighborhood. The Board thus concludes that the interior parking garage should have access from Wolf Way so that the development is more consistent with the context of the neighborhood, allowing for the preservation of on-street parking and limited impact on pedestrian safety on Parkview Avenue.

4. Consistent with the evidence and testimony presented and the applicable legal standards governing dimensional variances, the Board concludes that approval of the requested variance is appropriate, with the condition that the parking be accessed from Wolf Way.

**Decision: The Applicant's request for a variance from the exterior side setback requirement of Code Section 903.03.D.2 to allow for a 6'-11" setback is hereby APPROVED, subject to the condition that any access to the interior parking garage shall be from Wolf Way, with no new curb cut on Parkview Avenue.**

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**Alice B. Mitinger, Chair**

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**LaShawn Burton-Faulk**

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**John J. Richardson**