



**A. PROJECT INFORMATION**

1. APPLICATION IS:  Development Project  Protest Appeal

2. STAFF REVIEW DATE:

**3. SITE INFORMATION**

Development Address: 236 Whipple St

Parcel ID(s)/Lot-and-Block Number(s): 129-D-96

Project Description: Bay addition at front

Covered porch addition at side

2-Story addition at rear

**3. CONTACT INFORMATION**

Applicant Name: Amanda Priano

Applicant Contact (phone and email): 412-441-7000

**B. ZBA HEARING INFORMATION**

Zone Case # 175 of 2020

Date of Hearing: *Oct 1, 2020* Click here to enter a date.

Time of Hearing: *9:30 a.m.* Click here to enter text.

Zoning Designation: R2-L

Neighborhood: Swisshelm Park

Zoning Specialist: CS

**C. ZBA REQUESTS**

Type of Request: Variance

Code Section: 903.03.B.2

Description: 903.03.B.2 - 30' front setback required, 15' 7.75" requested (additions), 21'1" requested (deck)

Type of Request: Variance

Code Section:

Description:

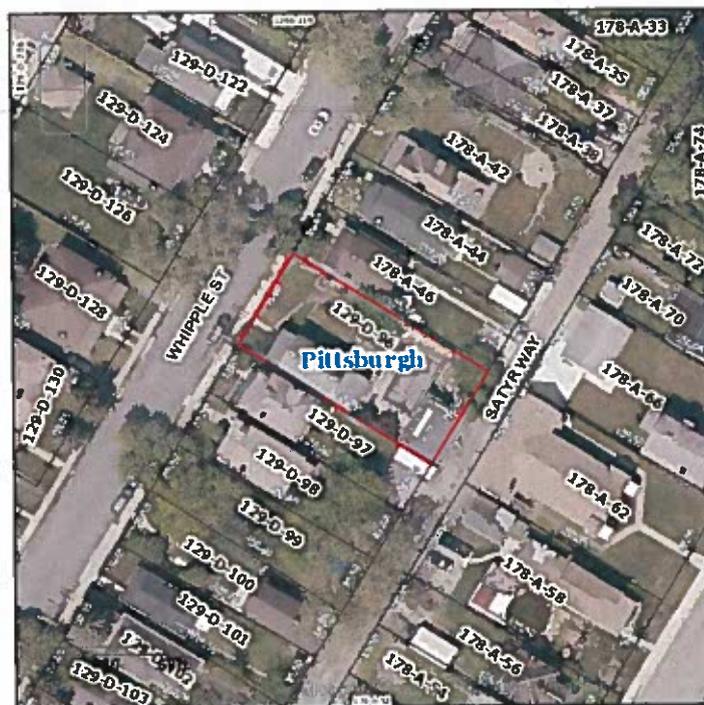
Parcel ID : 0129-D-00096-0000-00  
Property Address : 236 WHIPPLE ST  
PITTSBURGH, PA 15218

Municipality : 114 14th Ward - PITTSBURGH  
Owner Name : KUKURA ERIC W

Data displayed on this map is for informational purposes only. It is not survey accurate and is meant to only show a representation of property lines.

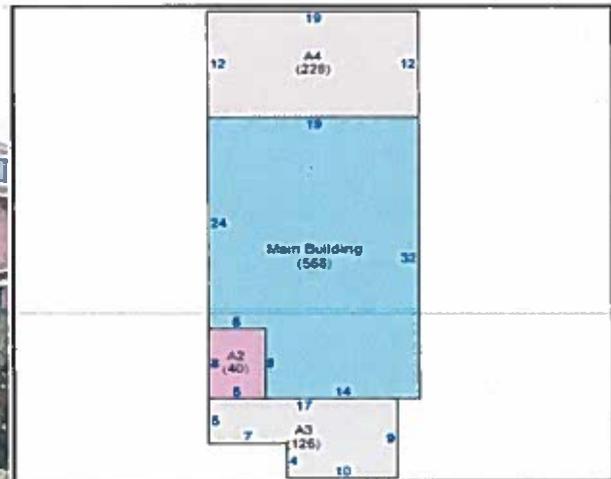
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Parcel ID : 0129-D-00096-0000-00  
Property Address : 236 WHIPPLE ST  
PITTSBURGH, PA 15218

Municipality : 114 14th Ward - PITTSBURGH  
Owner Name : KUKURA ERIC W



Main Building		568 Sq. Ft.
A2	Porch Frame - Open 1 story frame	40 Sq. Ft.
A3	Porch Frame - Open	125 Sq. Ft.
A4	Partial Bsmt (conv main bldg) 1 story frame	228 Sq. Ft.

Re: 236 Whipple Street – DCP-ZDR-2020-06660

Seifert, Caroline <caroline.seifert@pittsburghpa.gov>

Wed 8/12/2020 4:02 PM

To: Amanda Priano <amanda@cullen-pgh.com>; Ipatova, Svetlana <svetlana.ipatova@pittsburghpa.gov>

Hi Amanda,

Sorry for the delay; I wanted to run this by the Zoning Administrator. The site plan from 2015 does not clearly show the dimensions of the bay window, so we cannot determine for sure it is the same. As shown, the bay window requires a variance, and it was not included on the original ZBA decision. That leaves us with the front porch and bay window and covered deck requiring variances for this ZDR.

Caroline Seifert  
Zoning Specialist  
City of Pittsburgh, Department of City Planning  
caroline.seifert@pittsburghpa.gov  
P: 412-255-2246 ext 2  
200 Ross St., 3rd Floor  
[www.pittsburghpa.gov/dcp/](http://www.pittsburghpa.gov/dcp/)

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From: Amanda Priano <amanda@cullen-pgh.com>

Sent: Tuesday, August 4, 2020 2:15 PM

To: Ipatova, Svetlana <svetlana.ipatova@pittsburghpa.gov>

Cc: Seifert, Caroline <caroline.seifert@pittsburghpa.gov>

Subject: Re: 236 Whipple Street – DCP-ZDR-2020-06660

Just to check again: the front bay was on the original permit that was issued. See attached. If we just need a hearing for the side porch, perhaps we could remove that from the scope and apply for that separately so as not to delay the project.



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: September 26, 2013  
Date of Decision: October 31, 2013

Zone Case: 210 of 2013  
Address: 236 Whipple St.  
Zoning District: R2-L  
Ward: 14  
Neighborhood: Swisshelm Park

Owner: Eric W. Kukura

Request: 28ft x 18ft two story addition and 22ft x 28ft detached garage at rear of single family dwelling

Variance	903.03.B.2	Minimum 5ft interior side setback required and 2.07ft for the addition and 0ft for the garage proposed
Variance	903.03.B.2	Minimum 2ft rear setback required and 0ft requested (for the garage)
Variance	912.04.E	For the detached garage: shall not exceed one story, 1 ½ story proposed

**Appearances:**

Applicant: Eric W. Kukura

Observing:

In favor:

Opposed:

**Findings of Fact:**

1. The Subject Property is located in a R2-L Zoning District in the Swisshelm park neighborhood.
2. The Applicant is requesting a 28ft x 18ft two story addition and 22ft x 28ft detached garage at rear of single family dwelling.
3. The Applicant testified that the existing 1 story addition is in poor condition. The proposed plan is to demolish it and replace it with a new addition with a kitchen, laundry room, bathroom and bedroom.

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

4. The Applicant proposes to replace the existing 1-car carport with a 2-car garage, with storage above.
5. The Applicant testified that the setback for the addition follows the existing setback line of the home and of the existing addition.
6. The Applicant testified that there are other properties along the alley in the neighborhood with 0ft setbacks, including one across the street, which is taller than the one proposed in this case. (Exhibit A-2)
7. The Applicant stated that he spoke with his neighbors about the proposed project and that they do not have any objections.

**Conclusions of Law:**

1. The Board is specifically empowered by law, Chapter 922 of the Pittsburgh Zoning Code, to decide whether a grant of a variance is appropriate. Pursuant to Section 922.09.E of the Code, the Board is to determine the reasonableness and propriety in each case, prior to the granting of a variance. However, no variance in the strict application of any provisions of this Zoning Code shall be granted by the Zoning Board of Adjustment unless it finds that all of the following conditions exist:
  - A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to the conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;
  - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
  - C. That such unnecessary hardship has not been created by the appellant;
  - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
  - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
2. The standards governing the grant of a variance have been established by statutory and case law and are well settled. The reasons for granting a variance must be substantial, serious and compelling. As summarized in Valley View Civic Association v. Zoning Bd. of Adjustment, 501 Pa. 555-556, 462 A.2d 637 (Pa. 1983) "[t]he party seeking the variance bears the burden of proving that: 1) unnecessary hardship will result if the variance is denied; and 2) the proposed use will not be contrary to the public interest." The Board finds that the denial of the variance will result in an unnecessary hardship to the Applicant, and the proposed use will not be contrary to the public interest.

3. The Pennsylvania Supreme Court has held that a less strict standard will be applied where a dimensional, rather than a use variance is sought, particularly where an existing structure or building is involved. Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 554 Pa. 249, 721 A.2d 43 (Pa. 1998).
4. Dimensional variance requests must establish unnecessary hardship, but are required to meet the lesser standard that the request is for a "reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulations." *Id.* 554 Pa. at 257, 727 A.2d at 47 (1998)
5. In determining whether unnecessary hardship has been established in the case of a dimensional variance, "courts may consider multiple factors, including the economic detriment to the applicant if the variance was denied, the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood." *Id.* at 264, 50.
6. The Board finds the following:
  - a. There are unique conditions on the Subject Property create an unnecessary hardship. The conditions of the property dictated the design of the current structure, and to bring the entire structure into compliance with the current zoning regulations would be a prohibitively expensive endeavor, and clearly an economic detriment to the applicant.
  - b. The side setback variation is necessary for the homeowner to replace the existing structure, which is in poor condition. It is reasonable for them to rebuild the structure following the setback lines of the existing addition and the house itself. It is also reasonable to construct a garage to replace the carport. The additional parking space is something that is generally a desirable feature, so the variance would be necessary to keep the parking in the same location on the property and allow for the expansion in parking.
  - c. The Applicant did not create the unnecessary hardship.
  - d. The variances will not alter the essential character of the neighborhood, will not substantially or permanently impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare. An addition that is safe for people to use will have a positive economic impact on the property, and will not negatively impact the neighborhood. Additionally, because it is replacing an existing structure, it will only minimally change the existing appearance of the residence. The garage will have a positive impact as well, providing more parking, which is also enclosed from the elements. The garage has a similar setback as other garages along that alley, so it will not impact the appearance of the neighborhood, and will actually conform more to the current appearance of the alley.
  - e. Only 6 feet of the interior side of the addition actually requires the setback variance, because 12 feet (the rest of the side of the addition) follows the setback of the existing structure. Although the existing structure will be demolished, this extra 6 feet that represents the extension proposed by the plan is a minimal addition to the length of the rest of the existing structure, which has the same 2.07 foot setback. Regarding the garage, the proposed garage has the same setback as the existing carport, and will essentially only be lengthening the footprint that was created by the existing structure, so again the variance will be minimal.

**Decision:** The Applicant's Request for variances under Code Section 903.03.B.2 and 912.04.E is hereby APPROVED.

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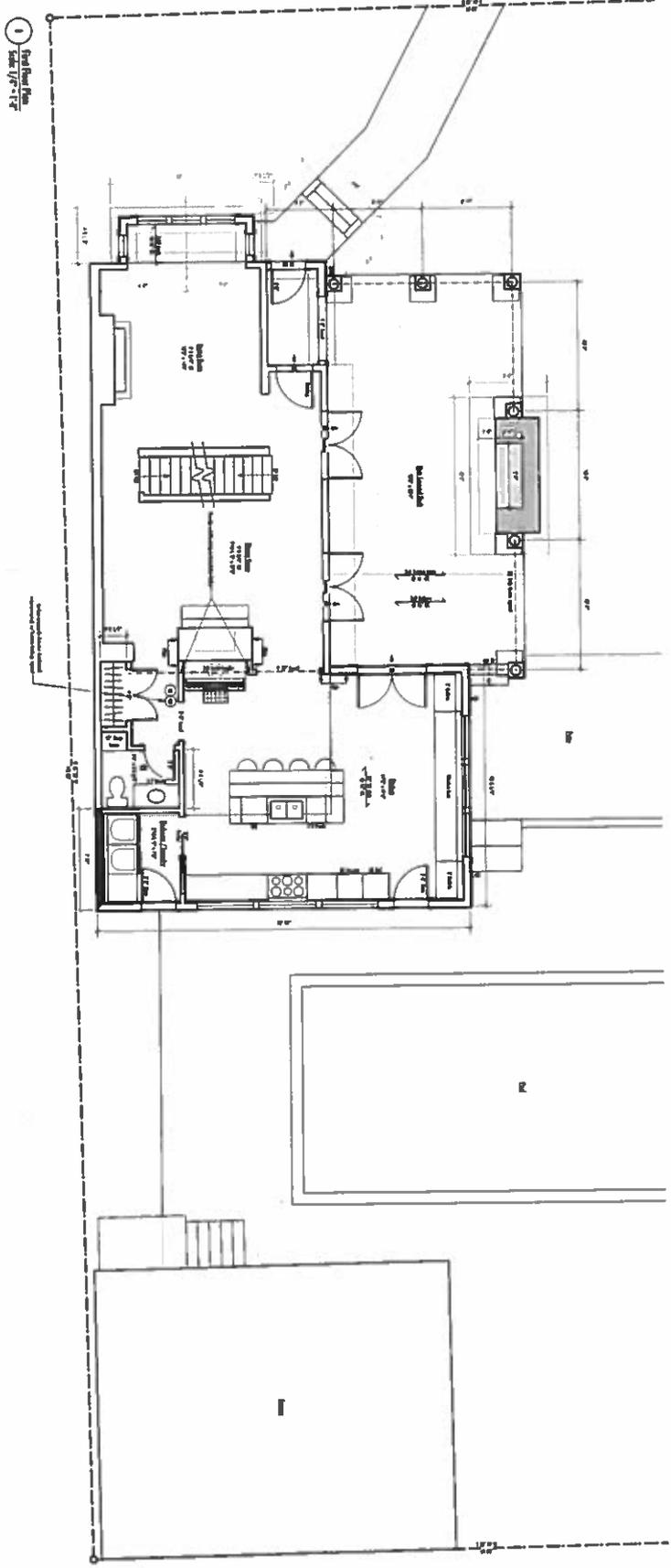
Wrenna L. Watson, Chair

Kirk B. Burkley

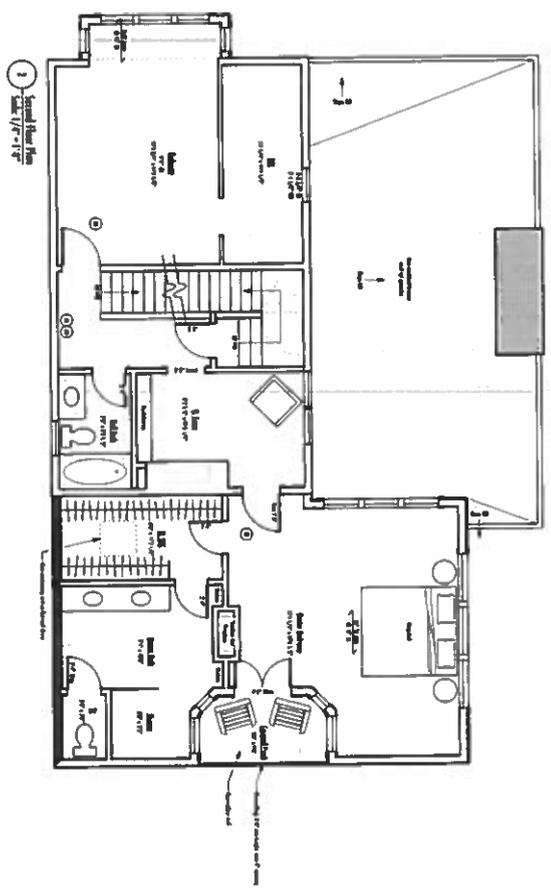


S. Manoj Jegasothy

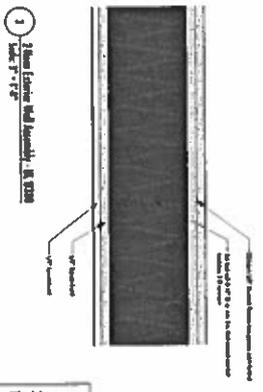




1 First Floor Plan  
Scale: 1/8" = 1'-0"



2 Second Floor Plan  
Scale: 1/8" = 1'-0"



3 Main Living Area Assembly - R 0303  
Scale: 1/8" = 1'-0"



First & Second Floor Plans



Architect:  
**KUKURA RESIDENCE**  
236 Whipple Street, Pittsburgh, PA. 15218  
Telephone: (412) 780-3742

Architect:  
**Cullen & Associates, LLC**  
313 S. Atlantic Avenue, Pittsburgh, PA 15224  
Telephone: (412) 441-7000 Fax: (412) 441-7001



Re: 236 Whipple Street – DCP-ZDR-2020-06660

Seifert, Caroline <caroline.seifert@pittsburghpa.gov>

Tue 8/4/2020 9:16 AM

To: Ipatova, Svetlana <svetlana.ipatova@pittsburghpa.gov>; Amanda Priano <amanda@cullen-pgh.com>

Thanks, Lana. Can we add this to the list to be scheduled for a hearing again?

Amanda - I can add this to our posting list for the Administrator Exception for the side setback since you've provided the letter

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**Variance Requests**

903 03 B 2 - 30' front setback required, 15' 7.75" requested (additions), 21'1" requested (deck)

Caroline Seifert  
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From: Ipatova, Svetlana <svetlana.ipatova@pittsburghpa.gov>  
Sent: Tuesday, August 4, 2020 9:12 AM  
To: Amanda Priano <amanda@cullen-pgh.com>; Seifert, Caroline <caroline.seifert@pittsburghpa.gov>  
Subject: Re: 236 Whipple Street – DCP-ZDR-2020-06660

Good morning.  
Sorry for delay.  
Zoning Board cannot extend this decision, too old.  
Sorry.  
Thanks

Svetlana Ipatova  
Zoning Case Review Specialist  
City of Pittsburgh, Department of City Planning  
svetlana.ipatova@pittsburghpa.gov  
P: 412-255-2214  
200 Ross Street, 3rd Floor  
Pittsburgh, PA 15219  
[www.pittsburghpa.gov/dcp/](http://www.pittsburghpa.gov/dcp/)

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From: Amanda Priano <amanda@cullen-pgh.com>  
Sent: Wednesday, July 8, 2020 2:59 PM  
To: Ipatova, Svetlana <svetlana.ipatova@pittsburghpa.gov>  
Subject: Fwd: 236 Whipple Street – DCP-ZDR-2020-06660

Lana,

I'm writing to you per Caroline's suggestion to ask for an extension for a variance granted to my client at 236 Whipple Street. Could you let me know what I should provide to you or what I need to do to begin that process?

Thank you.

Amanda Priano  
Cullen & Associates  
Associate  
373 S. Atlantic Avenue  
Pittsburgh, PA 15224  
412.441.7000 w  
412.853.2934 c

Begin forwarded message: