



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: May 9, 2024
Date of Decision: June 17, 2024

Zone Case: 59 of 2024
Address: 1212 Smallman Street
Lot and Block: 9-K-118
Zoning Districts: GT-B
Ward: 2
Neighborhood: Strip District

Owner: Anthony Pitassi
Applicant: Public Auditorium Authority of Pittsburgh
Request: Installation of Heinz Ketchup bottle as a ground sign

Application: DCP-ZDR-2024-00755

Variance	Section 919.03.M.7(d)	40' maximum height, 52'-1" requested 150 sf maximum area; 280 sf requested
Interpretation	Section 919.01.C.1(b)	Exclusion from the definition of "sign"

Appearances:

Applicant: Anthony Pitassi, Andy Masich

Findings of Fact:

1. The Subject Property is located at 1212 Smallman Street in a GT-B (Golden Triangle, Subdistrict B) District in the Strip District.
2. The Senator John Heinz History Center is located on the property.
3. Without obtaining permission from the City, which would have been worth the wait, the Applicant installed a model of a Heinz Ketchup bottle at the corner of the building near the intersection of Smallman Street and 12th Street.
4. The dimensions of the ketchup bottle are approximately 8' by 35' (280 sf).

5. The height of the ketchup bottle is 35' and it has been mounted on a 17'-1" high pedestal. The total height of the installation, as measured from grade, is 52'-1".
6. The ketchup bottle installation has been squeezed between architectural elements of the museum building and the height of the installation does not exceed the 75' height of the building. The installation does not drip beyond the property lines into the public right-of-way.
7. The text on the bottle includes the words "Heinz Tomato Ketchup."
8. The Applicant laid it on thick when apologizing for acting like a hotdog when it installed the ketchup bottle without first determining what approvals might be required.
9. The Applicant asserted that the ketchup bottle is an historical artifact that was originally displayed next to the scoreboard at the football stadium, formerly known as Heinz Field, and was used as a condiment-ary signal of incursions into the "red zone."
10. The Applicant offered testimony that the Heinz History Center was named for Senator H. John Heinz III and has no association with the Heinz Ketchup product. The Applicant stated that, despite the wording on it, the ketchup bottle is not intended to be signage with the purpose of identifying or promoting the museum.
11. The museum also displays a goalpost from Heinz Field along the Smallman Street frontage. The goalpost does not include any text that relates to Heinz Field or any Heinz product.
12. The Applicant expressed an intent to display other artifacts of Pittsburgh's cultural history outdoors on the Subject Property.
13. The Applicant indicated that the community has offered an outpouring of support for the ketchup bottle and no one appeared at the hearing to oppose the request.

Conclusions of Law:

1. Chapter 919 of the Zoning Code sets forth extensive and specific provisions regarding the regulation of signs, including the special definitions for signs in Section 919.01.C.
2. Pursuant to Section 919.01.C.1, a "sign" is "any surface, fabric or device bearing lettered, trademarked, pictorial or sculptural matter designed to convey information visually and expose to public view the identity of a business, organization, building or commercial product, service, or activity; or any structure designed to carry the above visual information."
3. Section 919.01.C.1(b) provides that the definition of "sign," does not include certain types of displays, including "works of art or physical constructs that do not promote product, service or activity."
4. Pursuant to Section 919.03.M.7(d), a sign in the GT-B District is not to exceed 40' in height or 150 sf in area.
5. The Applicant asks the Board to determine that the ketchup bottle is a historical artifact and that it is not a "sign," which would be subject to the Code's sign requirements.

6. The Applicant created its own fifty-seven varieties of a pickle when it installed the ketchup bottle without first determining whether the installation passed legal mustard under the Code's requirements.

7. To be frank, the Board does not relish considering legal bottlenecks where the Applicant's anticipation of approval necessitates playing catch-up. Any seasoned applicant should understand that *post hoc* applications for approvals are a big dill and could be a recipe for landing in hot sauce.

8. The Applicant provided credible evidence that the Senator John Heinz History Center is named for Senator Heinz and has no direct association with Heinz Ketchup.

9. The museum acquired the ketchup bottle as an artifact from Heinz Field and it did not install the bottle in an effort to identify or promote the museum.

10. The identity of the Heinz brand name on the bottle and the name of the Heinz History Center is coincidental and the Heinz brand name on the bottle does not serve as a means of identification or advertising for the museum. If the wording on the bottle included "Hunt's" or "Del Monte," it would be less palatable, regionally, but would be more clearly excluded from the Code's definition of "sign."

11. Consistent with the evidence and testimony presented, the Board concludes that the ketchup bottle is excluded from the Code's definition of "sign" and is thus not subject to the height and dimensional requirements in Chapter 919.

Decision: Based on the tastefully presented evidence, the Board concludes that, pursuant to Section 919.01.C.1(b), the ketchup bottle installation is not a "sign" and is not subject to the limitations set forth in Section 919.03.M.7(d).

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.