**Division of Zoning and Development Review**

**ZONING BOARD OF ADJUSTMENT**

**HEARING AGENDA**

**September 28, 2017**

| Date of Hearing: September 28, 2017 (continued from July 27, 2017) | Past Cases & Decisions: N/A |
| Time of Hearing: 9:00 | Notes: N/A |
| **Zone Case 260 of 2017** | |
| 36th St/Smallman St | |
| **Zoning District**: UI | |
| **Ward**: 6 | |
| **Council District**: 7, Councilperson Deborah Gross | |
| **Neighborhood**: Lower Lawrenceville | |
| **Applicant**: Big Creek Associates LLC | |
| **Owner**: Big Creek Associates LLC | |

Use of lot for outdoor retail sales and service (non-accessory use), food trucks.

**Variance**: 911.04.A.91 use as outdoor sales and service (non-accessory use) not permitted in UI zoning district

**Appearances**

For Appellant:

Objectors:

Observers:
Date of Hearing: September 28, 2017
(continued from August 10, 2017)
Time of Hearing: 9:10
Zone Case 255 of 2017

5824 Forward Ave

Zoning District: LNC
Ward: 14
Council District: 5, Councilperson Corey O'Connor
Neighborhood: Squirrel Hill
Applicant: Scott Maritzer
Owner: Alderson-Forward Properties LLC

New construction of 9 story mixed use building with integral parking.

Variance: 904.02.C maximum lot coverage 90% permitted and 95% requested
maximum FAR 2:1 permitted and 6.5:1 requested
maximum height 45ft/3 stories permitted and 125'10"/10 stories requested
minimum 20ft rear setback required and 0ft requested

Special Exception: 916.09 waiver of Residential Compatibility
Variance: 916.02.B.1 maximum height 40ft/3 stories permitted and 125'10" requested
916.02.A minimum 25ft rear setback required and 0ft requested

Variance: 914.09.F entrance to a garage with more than 5 spaces must have a minimum 20ft setback from row , 0ft requested

Variance: 914.10.A 3 loading spaces required and 1 requested

Appearances
For Appellant:

Objectors:

Observers:
**Date of Hearing:**  September 28, 2017  
**Time of Hearing:**  9:20  
**Zone Case 301 of 2017**

7 Nusser St

**Zoning District:**  H  
**Ward:**  17  
**Council District:**  3, Councilperson Bruce Kraus  
**Neighborhood:**  South Side Slops  
**Owner:**  Hussak Kyrie & Kathleen  
**Applicant:**  Kelan Walls

Build an attached single family dwelling with parking pad.

**Special Exception:**  911.02  
single unit attached is a Special Exception in the H zoning district

**Variance:**  911.04.A.69(a)(1)  
primary structures must be located on buildable land defined as a contiguous area of the lot less than 30% in the existing slope, proposed structure is all in the existing slope

**Variance:**  905.02.C  
maximum lot disturbance is 50%, proposed is approximately 75%

**Appearsances**
**For Appellant:**

**Objectors:**

**Observers:**

**Past Cases & Decisions:**
N/A

**Notes:**
N/A
Date of Hearing: September 28, 2017
Time of Hearing: 9:30
Zone Case 300 of 2017

9 Nusser St

Zoning District: H
Ward: 17
Council District: 3, Councilperson Bruce Kraus
Neighborhood: South Side Slops
Owner: Blue Dog Enterprises
Applicant: Kelan Walls

Build an attached single family dwelling with parking pad.

Special Exception: 911.02 single unit attached is a Special Exception in the H zoning district

Variance: 911.04.A.69(a)(1) primary structures must be located on buildable land defined as a contiguous area of the lot less than 30% in the existing slope, proposed structure is all in the existing slope

Variance: 905.02.C maximum lot disturbance is 50%, proposed is approximately 75%

Appearances
For Appellant:

Objectors:

Observers:

Past Cases and Decisions:
N/A

Notes:
N/A
Date of Hearing: September 28, 2017
Time of Hearing: 9:40
Zone Case 311 of 2017

301 S Fairmont St

Zoning District: R3-M
Ward: 8
Council District: 7, Councilperson Deborah Gross
Neighborhood: Friendship
Applicant: Ho Allister Jimmy
Owner: Ho Allister Jimmy

Use of structure as three family dwelling. Construct stairway.

Variance: 903.03.C.2  minimum 1,800sq.ft. lot size per unit required and 1,400sq. ft. requested

or alternatively

Variance: 914.02  one additional parking space required and 0ft requested

Variance: 925.06.A.13  minimum 26ft exterior side setback required and 0ft requested (for stairway)

Appearances
For Appellant:

Objectors:

Observers:
Date of Hearing: September 28, 2017
Time of Hearing: 9:50
Zone Case 302 of 2017

613-619 Cabot Way

Zoning District: NDI
Ward: 17
Council District: 3, Councilperson Theresa Kail-Smith
Neighborhood: South Side Flats
Applicant: Matt Brind’Amour
Owner: Meyer – Kincak Debra R

Demolish existing structure and building a duplex with two 2-car integral garages.

Variance: 904.03.C
minimum 20ft rear setback required and 7ft requested
maximum height 45ft/3 stories permitted and 4 stories proposed
maximum FAR is 2:1, proposed 2.3:1

Variance: 912.07
minimum 5ft rear setback for accessories structures permitted and 0ft requested

Appearances
For Appellant:

Objectors:

Observers:
Date of Hearing: September 28, 2017  
Time of Hearing: 10:00  
Zone Case 303 of 2017

246-250 42nd St  

Zoning District: R1A-H  
Ward: 9  
Council District: 7, Councilperson Deborah Gross  
Neighborhood: Central Lawrenceville  
Applicant: SSA  
Owner: Balsamico John G

Two new four story single family attached dwellings with integral parking, balconies, and rear decks.

<table>
<thead>
<tr>
<th>Variance</th>
<th>Description</th>
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</table>
| 903.03.D.2 | minimum 1,800 sq. ft. lot size permitted and less requested for lot 2  
minimum 15ft rear setback required and 12ft requested for lot 2  
minimum 5ft interior side setback required and 1’2” for decks requested  
maximum height 40ft/3 stories permitted and 41ft/4 stories requested |

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<thead>
<tr>
<th>Variance</th>
<th>Description</th>
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<tbody>
<tr>
<td>925.06.C</td>
<td>minimum 3ft interior side setback required and 0ft requested (dwellings)</td>
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<tr>
<th>Variance</th>
<th>Description</th>
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<tbody>
<tr>
<td>912.04.B</td>
<td>minimum 5ft rear setback required and 2ft requested for deck 2</td>
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</tbody>
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Appearances

For Appellant:

Objectors:

Observers:

Past Cases and Decisions:  
N/A

Notes:  
N/A
Date of Hearing:  September 28, 2017
Time of Hearing:  10:10
Zone Case 317 of 2017

110 Torrens St/6601 Hamilton Ave

Zoning District:  UI
Ward:  12
Council District:  9, Councilperson Rev Ricky Burgess
Neighborhood:  Larimer
Applicant:  JJ Ham LLC
Owner:  JJ Ham LLC

Change of use in existing structure.

**Variance:** 914.02

9 parking spaces required for 7,007 sq. ft. retail sales and service use, and 0 proposed

the greater of 4 parking spaces or 1 parking space per 5 seats required for recreation and entertainment indoor use, and 0 proposed

**Appearances**
For Appellant:

Objectors:

Observers:
Date of Hearing: September 28, 2017
Time of Hearing: 10:20
Zone Case 310 of 2017

5877 Commerce St(84-F-14, 84-E-116, 118)

Zoning District: UNC
Ward: 8
Council District: 7, Councilperson Deborah Gross
Neighborhood: East Liberty
Applicant: Next Architecture
Owner: Baum Grove LP


Variance: 914.02.A 48 parking spaces required for reuse of existing structure and 38 provided

Variance: 914.09.A.1 off-street parking in UNC shall be 10ft from right of way, 5ft requested along Commerce St and Baum Blvd

Variance: 922.04.E.3a the project site with less than 65% required building frontage along established build-to-line for primary frontages (Baum Blvd) and less than 50% required along established build-to-line for secondary frontages (Commerce St)

Appearances
For Appellant:

Objectors:

Observers:

Past Cases & Decisions: N/A
Notes: N/A
Date of Hearing: September 28, 2017
Time of Hearing: 10:30
Zone Case 307 of 2017

1909 Waterfront Dr

Zoning District: SP-8
Ward: 2
Council District: 7, Councilperson Deborah Gross
Neighborhood: Strip District
Applicant: Riverfront Residences LLC
Owner: Buncher Company

Four 30sq. ft. wall mounted, two 17sq. ft. canopy, and one 56 sq. ft. projecting identification signs for apartment structure, stair tower graphic sign.

**Variance:** 919.03.M.7(e) canopy sign shall not exceed 8” in height and 12” proposed

**Variance:** 919.03.M.8 (d) (ii) maximum in sign face area 9 sq. ft. permitted and 56 sq. ft. requested

**Variance:** 919.03.M.8(d)(iii) shall not extend more than 4ft from a structure, and 4’6” proposed

Appearances
For Appellant:

Objectors:

Observers: