



Division of Development Administration and 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: February 20, 2025

Date of Decision: March 26, 2025

Zone Case: 185 of 2024

Address: 1600 Bingham Street

Lot and Block: 12-E-284

Zoning Districts: R1A-VH

Ward: 17

Neighborhood: South Side Flats

Request: Use of ground floor for retail sales and services use

Application: BDA-2024-06953

Review	Section 911.02	Review of non-conforming use of structure for restaurant
Special Exception	Section 921.02.A.4	Change non-conforming use to retail sales and services

Appearances:

Applicant: Doug Sipp, Brian Almeter, Peter Lyle

Findings of Fact:

1. The Subject Property is located at 1600 Bingham Street, at the intersection with S. 16th Street, in an R1A-VH (Residential One Unit Attached Very High Density) District in the South Side Flats.

2. The site is proximate to parcels in the E. Carson Street LNC (Local Neighborhood Commercial) District.

3. The Applicant presented evidence that, since 1939, the ground floor of the two-story structure on the Subject Property has been used for a restaurant use known as McArdle's Pub.

4. The second floor has been used for an apartment and a small commercial kitchen associated with the restaurant use.

5. No off-street parking is available on the Subject Property.

6. Although the City of Pittsburgh has not issued a Certificate of Occupancy for the Subject Property, the restaurant use operated pursuant to a permit from the Allegheny County Health Department.

7. The Applicant explained that McArdle's Pub had 30 seats and typically opened in the afternoon and served until 2 a.m.

8. The Applicant proposes to renovate the Subject Property for a café that would serve juice and coffee.

9. The second floor would be used for offices and an employee break room.

10. The Applicant explained that the café would open in the morning and close in the mid-afternoon. The seating area for the proposed use would not exceed the 30 seat capacity described in the permit for the restaurant use.

11. The Applicant generally asserted that the café would have a more limited impact on the surrounding neighborhood, as compared to the restaurant use.

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

Conclusions of Law:

1. Code Section 921.02.A.4 permits the change from one nonconforming use to another as a special exception.

2. A nonconforming use is one that existed before the enactment of a new zoning restriction, with which the use does not conform. Robert S. Ryan, *Pennsylvania Zoning Law and Practice*, § 7.1.1.

3. Section 921.02.A allows the Board to approve, as a special exception, the change of a nonconforming use to another, subject to the conditions that the proposed use is "of the same general character or of a character that is more closely conforming than the existing, nonconforming use" and that the proposed use is generally consistent with the prior nonconforming use with respect to the impact of the proposed use on the surrounding area. In considering a proposed change of a nonconforming use, the Board is to consider the hours of operation; the number of parking spaces; the number of employees; the physical size and design characteristics of the building relative to surrounding buildings; and traffic generation.

4. The Applicant presented credible evidence that the use of the Subject Property for McArdle's Pub, which is a restaurant (limited) use, pre-dates the current zoning requirements and is legally non-conforming.

5. The proposed retail sales and services use would also be non-conforming in the R1A-VH District.

6. The Applicant demonstrated that the proposed retail use, with the operations as described, would have a similar impact on the surrounding area compared to the prior restaurant use.

7. Consistent with the evidence and testimony presented, and the applicable legal standards governing nonconforming uses and special exceptions, the Board concludes that approval of the use is appropriate.

Decision: The Applicant's request for a special exception pursuant to Section 921.02.A.4 to allow the change of the existing nonconforming use of the Subject Property to the retail sales and services use proposed, with operations as described to the Board, is hereby APPROVED.

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.