

**March 9, 2010**  
**City of Erie, Pennsylvania**  
***ZONING HEARING BOARD***  
**1:00 P.M.**

The regular meeting of the Zoning Hearing Board was held on Tuesday, March 9, 2010 at 1:00 p.m., in the City Council Chambers, Erie Municipal Building, 626 State Street.

**- MINUTES -**

**THE FOLLOWING APPEAL WAS HEARD:**

**Appeal #11,058 (2046-110) by Jeremy Wojtecki.** concerning property located at **1043 East 11<sup>th</sup> Street** located in an R-2 Zoning District. The appellant is proposing to turn a single-family dwelling into a two-unit dwelling. This would violate Section 205 of the Zoning Code. The minimum lot size required is 6,000 square feet; 4,175 square feet is requested.

**Findings of Fact**

1. The Appellant appeared and testified on his own behalf. Mr. Wojtecki indicated that he is a contractor by trade, and that in the course of his employment he performs work for county agencies like Voices for Independence. He testified that this work is typically in the form of adapting existing properties so they comport with the needs of disabled and special needs tenants.
2. Mr. Wojticki said that through his involvement with agencies like V.F.I. (and their representative Constance Burnett), he is aware of the critical need for housing for people with disabilities. The project for which he is presently requesting a variance is an attempt to provide a housing opportunity in the community by adapting one of his own properties to make it handicapped accessible.
3. The house in question was originally a two-unit house which was converted into a single family dwelling. Both Mr. Wojtecki and his wife testified that the house has currently been on the market for three years with no takers. Given the decline of the neighborhood neither of them believe that the house can be rented as a single family unit. Mrs. Wojtecki said that most of the people who view the house cannot afford it. If they were forced to sell it now, she said, they would either take a significant loss or consider bankruptcy.
4. A former neighbor of Wojtecki, William Wyant, appeared to testify on behalf of the proposed project. Mr. Wyant said that Wojtecki has been a good neighbor, always helpful to others in the area. He said that the house with the proposed changes would be a welcome change to the neighborhood. Mr. Wyant's daughter, Ms. Shauna Berkowitz, also appeared and told the Board that even with both her and her husband working they could not afford most places currently on the market, including the

- Wojtecki home. She added that she is aware of other properties owned by the Wojtecki's, and said that they are always well cared for and maintained properly.
5. At least two Board members expressed concerns about the project. Board chairman Richard Wagner had reservations about adding to an already highly concentrated area. Member Lisa Austin said that while the goal of providing accessible properties is laudable, the Board should not ignore carefully crafted City Codes.
  6. Two other Board members, however, did not see any problem with varying the Code in order to rent otherwise un-rentable property. Member Mike Hornyak said that providing housing for low income people would benefit the community. Likewise, member Glenn Duck said that the City would benefit in many ways by renting currently vacant dwellings.

### **Conclusions**

1. The appellant's property is located in an R-2 district, which requires a minimum lot size of 6,000 square foot.
2. The only hardship that the appellants demonstrated is that they are not able to rent the house as it is currently; by converting it into a two-unit dwelling more lower income people would be able to afford

### **Decision**

As a result of a split two to two vote, the Board rejected the request for the variance. Board members Richard Wagner and Lisa Austin voted to deny the variance. They both cited as reasons that the area is already densely populated, and that no hardship or adequate reason was provided that would warrant ignoring the City Ordinance. Members Glenn Duck and Mike Hornyak voted to approve the variance request. As no majority was reached, the request was denied.

**It is So Ordered.**