

**April 13, 2010**  
**City of Erie, Pennsylvania**  
**ZONING HEARING BOARD**  
**1:00 P.M.**

The regular meeting of the Zoning Hearing Board was held on Tuesday, April 13<sup>th</sup>, 2010 at 1:00 p.m., in the City Council Chambers, Municipal Building, 626 State Street.

**- MINUTES -**

**THE FOLLOWING APPEALS WERE HEARD:**

**Appeal #11,059 (6007-110) by St. Vincent Health Center** concerning property located at **2315 Myrtle Street**. The appellant is proposing to build a 40,500 sq. foot addition to its facility. This would violate Section 205, which permits 50% lot coverage in an RLB district – 66.41% coverage is requested.

**Finding of Facts**

1. Appearing on behalf of the appellant was Mr. Graham Lund, Senior Vice President for St. Vincent Health Systems, who provided a brief overview of the project. Mr. Lund explained to the Board that the proposed building project represents a \$35 million new phase of St. Vincent's continuous development.
2. The new building phase would be comprised of a new Emergency Room facility, expanded Operating Rooms and new energy plant. It would consist of three floors, each approximately 35,000 square feet per floor. The new facility would be built immediately north of the current emergency room (now located on the south side of West 24<sup>th</sup> Street). The steam building (the energy plant), located on the southeast corner of 24<sup>th</sup> and Myrtle, would be demolished.
3. Also appearing on behalf of St. Vincent Health Center was Mr. Ross Rectenwald, plan manager and engineer. The current energy plant would be replaced, he said, leaving a space on the corner. This empty lot would create what Rectenwald called a "park-like" area, set back from Myrtle Street a total of 140 feet. The timetable for this demolition is slated for late 2012, perhaps early 2013.
4. The current lot coverage is 54.7%, already exceeding the Code limit. Responding to questions from the Board, Zoning Officer Armand Chimenti indicated that this is not out of the ordinary; that Hamot Health Center, for example, also exceeds the limit.
5. Responding to a question from Board member Lisa Austin regarding the hardship that St. Vincent is claiming, Mr. Lund indicated that the proposed plan is based on the only functional lay-out; that there is no other way to create the expansion with a smaller "footprint."

### Conclusions

1. The Board unanimously applauded the efforts of St. Vincent, and the other major health care facilities in Erie, for the high quality of health care that they offer; and support the expansion proposal as a good project.
2. The lot coverage requested in excess of the Code is consistent with the current structures on the site, and with other health care facilities in the city.
3. The hardship is necessary, and represents the smallest “footprint” required to make the project functional.

### Decision

By a unanimous vote the Board approved the applicant’s request for a variance to move forward with the proposed expansion. The Board praised the proposal as a good project, and said that it is important to encourage expansion of this kind. All Board members agreed that the plan represents the minimal excessive lot coverage necessary for the proposal to be functional.

### It is so Ordered

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**Appeal #11,060 (6223-202) by James Canfield** concerning property located at **3034 Elmwood Avenue**. The property is presently a legal non-conforming use of four residential units and one business. The appellant wishes to convert the business to a fifth apartment. This would violate Section 301.20 and the requirements of Section 205. 7,500 square feet is required; 7,280 square feet is requested.

### Finding of Facts

1. Mr. James Canfield appeared and testified on his own behalf. He is requesting a variance he said because of a need for residential properties in an area that is predominantly businesses. Mr. Canfield does not currently own the property; he will decide whether or not to purchase and/or renovate it depending on whether the variance is granted.
2. Board members questioned both Mr. Canfield and zoning officials about the history of the property. Chief Zoning Officer Armand Chimenti informed the Board that the property is officially on file as having four (residential) units and one business.
3. When asked about the hardship, Mr. Canfield pointed to the fact that there are plenty of business offices to rent in the area, but not enough small residential properties to satisfy demand. He indicated that there are also more business advantages to developing the property as a residential unit, and that as a residential unit it would be more friendly to the neighborhood (e.g. less traffic, parking issues, etc...)
4. Mr. Canfield re-iterated that the determination of whether to purchase the property rested with the Board’s vote on the requested variance. He added that that there would be no negative effect to the neighborhood by adding the additional unit, and that there was eight parking spaces for the property (more than ample parking for the additional tenants).

### Conclusions

1. Section 205 of the City Code requires a minimum of 7,500 square feet per unit.
2. The requested variance represents a diminimus reduction in square footage.
3. There is adequate space and parking for the additional tenants if the requested variance was granted.

### Decision

By a four to one vote, the Board approved the appellant's request for a variance. Board members Ron Desser, Richard Wagner, Mike Hornyak and Glenn Duck voted to approve the variance. Member Lisa Austin dissented, citing that the appellant did not adequately demonstrate a hardship that would justify the variance.

### It is So Ordered.

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**Appeal #11,061 (2102-200) by Carrara Steel** concerning property located at **110 Payne Avenue**. The Appellant proposes to build a 6,640 square foot addition. This would violate Section 205 of the Zoning Code, which requires 30 feet of frontage for the M-1 district – 12.69 feet is requested.

### Finding of Facts

1. Mr. Rick Carrara appeared on behalf of the Appellant, and testified about the nature of the company, and the financial hardships it has experienced in the recent economic downturn. The proposed project is expected to cost up to a half a million dollars.
2. Carrara Steel re-fits and ships steel in a 400 mile radius. The industry has suffered recently as a result of the poor economy, and Carrara has had to lay off most of their forty former employees. The company has been in the process of creating new business opportunities in the troubled economy, such as installing cranes in order to accept larger jobs. If the proposed project /expansion is undertaken, Mr. Carrara believes that the company would be hiring back its former employees, and perhaps ten new ones.
3. The land in question is approximately 200' x 80'. Carrara is determined to maximize the available land in order to install the larger equipment needed to handle the job. They would need the extra footage on the north of their building – East 11<sup>th</sup> Street.
4. Upon questioning from the Board, Mr. Carrara and his son provided diagrams showing the proposed project. The company would install two large garage doors that would face East 11<sup>th</sup> Street. Larger trucks that would be necessary to carry the larger loads would enter from the west part of the building, on Payne Street. that this is the first time in the century long history of the Mission that a new structure is being proposed, rather than converting an existing building. The company already owns the properties adjacent to the 11<sup>th</sup> Street building.

5. Traffic in the area is minimal. Due to the large loads expected after the new project is implemented, there is only expected to be one or two deliveries / departures a day. To address safety concerns of the Board, the owners explained some of the features they expect to implement. Those include: garage doors that would have alarms notifying pedestrian traffic; truck drivers working in pairs, one driving and one working as a spotter directing traffic on the street.
6. The question of whether the proposed project would prevent a sidewalk from being installed, and whether that would cause a hazard, was discussed. The idea of installing a sidewalk was dismissed for two reasons: first, that pedestrian traffic on that street is so minimal that it would not be practical; secondly, that a sidewalk would not be able to bear the strain of the heavy steel-loaded trucks that would be passing over them.
7. According to Mr. Carrara, much of the project does not even require permits; however, it is imperative that they receive the variance now, as the project has to commence immediately.

### **Conclusions**

1. The Appellants have provided a reasonable request for a legitimate use of their property. They have taken measures to insure that all safety features will be implemented in order to minimize any potential hazards for passers-by.
2. The requested variance involves the frontage of a street that is fairly remote, and has minimal pedestrian traffic.
3. A condition could be attached to the variance that some sort of alarm, or warning device, be installed warning pedestrians of trucks that are departing the 11<sup>th</sup> Street garage exit.

### **Decision**

By a unanimous vote the Board approved the dimensional variance with the condition that an alarm of some kind be installed warning of trucks departing onto East 11<sup>th</sup> Street.

### **It is So Ordered.**