

**December 13, 2011**  
**City of Erie, Pennsylvania**  
**ZONING HEARING BOARD**  
**1:00 P.M.**

The regular meeting of the Zoning Hearing Board was held on Tuesday, December 13<sup>th</sup>, 2011 at 1:00 p.m., in the City Council Chambers, Municipal Building, 626 State Street.

**- MINUTES -**

**THE FOLLOWING APPEALS WERE HEARD:**

**Appeal #11,095 (1011-203) by Jeremy Bloeser** concerning property located at **420 Parade Street**. The appellant is proposing to use the property as a business office, which is not a permitted use in an R-2 District.

**Finding of Facts**

1. The applicant, Mr. Jeremy Bloeser, appeared as representative of B.E.S.T., the Bayfront Eastside Task Force, for which he is the executive director and chief operating officer. Mr. Bloeser testified that while he believes his case satisfies the five factors for a use variance, his request could also be classified as for a “neighborhood center,” (a permitted use in the R-2 district) although he did not meet the requirements for a neighborhood center.
2. B.E.S.T. has focused on improving the lower eastside for the past ten years, appreciating the area’s historic importance as the oldest section of Erie. B.E.S.T. oversees and recommends action for blighted properties, with an eye on placing low income tenants into newly renovated houses. The non-profit organization is currently operating from their small office at 210 East 2<sup>nd</sup> Street. Since being told they have to leave that location soon, B.E.S.T. has investigated other places at 2<sup>nd</sup> and Parade, 2<sup>nd</sup> and German and 5<sup>th</sup> and Parade Streets, all of which proved problematic.
3. The building in question is smaller than other houses in the neighborhood, and its smaller square footage makes it unlikely to be used for any other purpose. The property is owned by Q.R.S. Realty, a subsidiary company of Erie Insurance Inc. Erie Insurance purchased the property with the intention of razing it, as they had with the adjacent property at 424 Parade Street; however, they opted not to when they realized that the house is almost one hundred years newer than most other houses in the neighborhood. Knowing of B.E.S.T.’s situation, Erie Insurance contacted Bloeser with an offer to lease the building for three years.
4. Representing Erie Insurance was Mr. Mike Glass, who responded to several questions by Board members which were asked of Mr. Bloeser. Mr. Glass said that Erie Insurance has been acquiring properties in the lower eastside area for thirty years. Initially they had a

rather limited “footprint”, between East 5<sup>th</sup> and 6<sup>th</sup> Streets, from German to French. They have now expanded that to twenty-eight acres, from 4<sup>th</sup> to 6<sup>th</sup> Streets, and much farther east. He indicated that the house in question was the only one he knows of that was purchased from a private home owner – all of the others were bought from “slum” landlords. Mr. Glass denied that Erie Insurance is buying up property so as to expand their operation; instead, he said they have done much to remove blighted properties in the area. The company’s goal, he said, is to work in conjunction with B.E.S.T. and other community-minded people to offer residential housing to as many people as possible.

5. Mr. Del Birch agreed. Mr. Birch is the coordinator of the lower eastside neighborhood watch. He said that as a result of the efforts of B.E.S.T. and Erie Insurance, many “good things” are happening in the area. Mr. Birch said that everything being done is part of a twenty year renovation plan, which enjoys strong support from the community. Mr. Joseph Sweeney, another East 2<sup>nd</sup> Street resident, said that he was attracted to the city – particularly the lower eastside/downtown area – specifically because of the efforts of B.E.S.T. and Erie Insurance.
6. There was one witness in opposition to the project. Mr. Joseph Fendone, a contractor who owns property directly across the street from 424 Parade Street, believes that Erie Insurance does pose a threat to the neighborhood. He said that Erie Insurance has threatened neighbors of his who did not want to sell their homes, and that they have demolished viable structures that could have been rented to an elderly person. Mr. Fendone said that the traffic and parking situation would be worse than what B.E.S.T. suggested it would be, even if they used the vacant lot next door for parking.

### **Conclusions**

1. A business office is not a permitted use in the R-2 District; however, a neighborhood center is permitted. B.E.S.T. is a non-profit agency with a full-time staff of one and a part-time staff of two. They would typically not have more than one or two people at a time visit their office.
2. B.E.S.T., in conjunction with Erie Insurance, has been buying and renovating blighted properties in the lower eastside area, and have a long-range plan to continue doing so.
3. The property immediately to the south of 420 Parade is a vacant lot, also owned by Erie Insurance.

### **Decision**

By a three to one vote, the Board approved the use variance, with the condition that the adjacent property be used for a minimum of two parking spaces for the B.E.S.T. office. Member Ron Desser, who proffered the condition, said that he is familiar with B.E.S.T.’s efforts to improve the area, and that their partnership with Erie Insurance has proven favorable for the area. He said that a business like B.E.S.T. should be in the middle of the neighborhood that they serve. For the same reasons, and agreeing to the condition, Member Mike Hornyak and Chairman Richard Wagner also voted to approve the variance. The lone dissenting vote was cast by Member Lisa Austin. She used as her reasoning what she called the “reckless demolition” throughout the City, often for no other reason than tax purposes. She also said that she was influenced that no effort was made to rent this house for residential purposes.

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

**Appeal #11,096 (6140-106-114-117) by Linda Melaragno** concerning property located at **West 34<sup>th</sup> and Washington Streets**. The appellant is proposing to construct four (4) two-story townhouses, which is not a permitted use in an R-1 District.

### **Finding of Facts**

1. The applicant/appellant, Linda Melaragno, was represented at the hearing by Ms. Shelane Buehler, of Buehler & Associates, the architecture company that designed the proposed project. Ms. Buehler began by presenting the Board with an aerial site plan of the block in question, and its surrounding area.
2. Ms. Buehler told the Board that Mrs. Melaragno's family had purchased the property with the intent of developing the neighborhood. They are requesting the variance to build townhouses because all of their feasibility studies have concluded that developing the area for single-family dwellings is economically impractical. Single-family houses would require the cost of roads, utilities, water access, etc., whereas constructing townhouses would be more economical and easier to construct because of the shared infrastructure and similar designs. In addition, Ms. Buehler said, the townhouses would be easier to rent, and would create less problems than a series of individual houses.
3. Mrs. Melaragno is proposing to build four (4) two-story townhouses, with four units in each building. Each of the four structures would be landlocked. Ms. Buehler said that the project was designed to comply with the R-1 restrictions for setbacks and parking. The buildings are designed to be farther away than required from other property lines, and each townhouse is slated to have nine parking spaces, even though the City ordinance only requires eight. These measures were taken in the development stage, Ms. Buehler said, so as keep the disturbance to the natural landscape, and burden from traffic and parking, to a minimum.
4. According to Ms. Buehler, the townhouses would comport with other houses in the area, using similar vinyl siding, shingles, etc... consistent with other neighboring structures. She pointed to other similar developments owned by Mrs. Melaragno, including those on Plum Street and Greengarden Boulevard, which are well maintained and do not disturb the character of the surrounding neighborhoods.
5. The proposed townhouses would replace the existing greenhouse which has occupied the property for years. Mr. Kevin Kupniewski, whose family was the previous owners of the property, developed the greenhouse when it was no more than a blighted property, and ran it as a florist for many years. Mr. Kupniewski indicated to the Board that his family was actively involved with the neighbors concerning the sale and subsequent development, and with a few exceptions, the project had support from the neighborhood.
6. Several neighborhood residents were present to testify to the contrary, however, all expressing their opposition to the proposed development to the Board. Mrs. Jennifer Mazur presented a petition to the Board, which she claimed was signed by several neighbors who are opposed to the townhouses. Citing its proximity to Grover Cleveland school, the construction of the open landscape that abuts many of the backyards, and the logistical problem that the additional traffic would create, Mrs. Mazur said that the

neighborhood residents are strongly opposed to the project. When questioned by Board members, Mrs. Mazur indicated that she has never seen a copy of the site plan presented to the Board. The appellant then passed several copies of the plan to the neighbors in attendance for them to examine.

7. Other neighbors who testified in opposition included Mr. Mark McGraw, Mr. David Madurski, Ms. Barbara Gorny, Mr. Stanley Cioccio and several other residents, all of who expressed to the Board their concern for foreseeable problems such as increased traffic, destruction of the undeveloped area, etc... Almost every neighbor who testified in opposition to the project said that they purchased their home because of the type of neighborhood that it was in, and said that they expect the property values of their homes to diminish significantly if the project was completed.
8. In response to the several opposition voices, Mrs. Melaragno herself testified in rebuttal. She told the Board that she and her late husband have been in property rentals for forty years, and have always left the neighborhood where they developed in better condition than they found it. She indicated that the vacant greenhouse had been in decline for many years, yet when she purchased it she encountered no serious interest in the property from the residents of the neighborhood. Mrs. Melaragno said that the neighbors who testified compared her proposed development with the worst developments in the area, rather than looking at her other developments. Saying that the presence of a nearby school would be a positive asset for potential residents, she also pointed out that if the development was completed she would assume responsibilities for upkeep of the street, and not rely on the City for the additional expense.
9. In response to Mrs. Melaragno, resident Gary Narbut pointed out to the Board that the neighborhood is zoned R-1 for a reason. If the Board were to allow the proposed variance, the development would defeat the reason why most of the residents of the neighborhood purchased their homes in the first place.

### **Conclusions**

1. Townhouses are not a permitted use in R-1 Districts.
2. The proposed development would create four new townhouses, all of which would be landlocked, and would require street access onto Washington Street.
3. The project would replace the greenhouse which has been vacant for several years, as well as much of the natural wooded area that presently borders the backyards of many of the neighborhood residents.

### **Decision**

By a unanimous three to zero decision, the Board voted to deny the request for the use variance. Board member Ron Desser said that the plan does make sense in many ways; for example, the density for the proposed townhouses would be no more than single family units in the same location. Also, this proposal would leave more green space than other potential developments. However, he said that the District is zoned R-1, and that Council has kept the area single-family unit for a reason. He was also influenced by the appeals to keep the area undeveloped, with so many people testifying that they purchased their homes because it was zoned as residential. Member Lisa Austin offered

many of the same reasons, and added that she thought that the development would change the character of the neighborhood. In addition to the stated reasons, Board Chairman Richard Wagner added that he felt that the appellants created their own hardship.

**It is so Ordered.**