

January 10, 2012
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held on Tuesday, January 10, 2012 at 1:00 p.m., in the City Council Chambers, Municipal Building, 626 State Street.

PRELIMINARY MATTERS:

Prior to the meeting, the Board held an election of officers for 2012. Board member Richard Wagner was unanimously approved to serve another year as Chairman. Member Lisa Austin was unanimously approved to serve another year as Vice-Chairman.

- MINUTES -

THE FOLLOWING APPEALS WERE HEARD:

Appeal No. 12,001 by Patrick Hanlin (6029-129) concerning property located at **1012 West 20th Street** in an R-2 District. The appellant is proposing to convert a single family dwelling to a two family dwelling at this address. Per Section 205 of the Erie City Zoning Ordinance, the required minimum lot area for a two family dwelling in the R-2 District is 6,000 square feet. The lot is 2,880 square feet.

Findings of Fact

1. The applicant, Mr. Patrick Hanlin appeared on his own behalf, and testified that he purchased the house in question through a foreclosure sale in 1985. After purchasing the house, Mr. Hanlin converted the residence into a two-family dwelling without obtaining the necessary permits to do so. Mr. Hanlin proceeded to renovate it thoroughly (upgrading the plumbing, electricity, etc...). Since making those renovations, he said that City inspectors have approved the house twice. Additionally, Mr. Hanlin has been paying property taxes on a two-unit house all these years. He is now attempting to sell the house, and in doing so has had City zoning authorities point out the violations.
2. Both apartments are two-bedroom units. Mr. Hanlin said that he has never had any problems or complaints from tenants or neighbors, and even had his own children living there while they were attending school.

Conclusions

1. The two apartments in this house have been rented out as small, two-bedroom units for the past twenty-five years.
2. After renovations made to the house, it was approved by City inspectors on more than one occasion.

Decision

By a four to one vote, the Board approved the dimensional variance. Board member Ron Desser proposed to make the variance conditional on having all applicable City permits approved. With that condition attached, members Ron Desser, Richard Wagner, Mike Hornyak and Glenn Duck all voted to approve the variance. The lone dissenting vote was cast by Board member Lisa Austin. Ms. Austin said that she did not see any hardship, other than a financial one, and therefore said that she could not approve the variance request.

It is So Ordered.

Appeal No. 12,002 by Knights of St. George (6050-218) concerning property located at **333. 335 West 26th Street** in a C-4 district. The appellant is proposing to use the building at this address for a private club. Under section 204.18 of the Erie City Zoning Ordinance, a private club is not a permitted use in the C-4 District.

Findings of Fact

1. Appearing on behalf of the applicant was Mr. Randon Prociuous, who is an officer and “reporting secretary” of the Knights of St. George Club (hereafter referred to as “St. George Club”). For the past several years the St. George Club has rented space at the old Continental Rubber building, near the corner of West 20th and Plum Streets. The present location is admittedly in a dilapidated building, and the St. George Club has been seeking a suitable replacement site for some time. They are presently negotiating the purchase of the building located at West 26th and Cochran Streets; a vacant tavern and restaurant facility most recently known as the Antiqua Blue bar.
2. Mr. Prociuous described for the Board the type of establishment that the St. George Club is. He said that the average age of its membership is over 35. The Club maintains what Mr. Prociuous referred to as a “controlled clientele”, numbering around three hundred, with approximately 50-60 being “active” members. They have a very low hourly foot traffic, with rarely more than a dozen patrons in the Club at any time. They are open from 7:00 a.m. until 12:00 a.m. (midnight) on weeknights (Sunday –Thursday), and from 7:00 a.m. to 2:00 a.m. on Friday and Saturday. Although Pennsylvania law permits

private clubs to operate after hours (past 2:00 a.m.), Mr. Procius stated that the St. George Club is willing to stipulate to a condition to operate only during regular “bar” hours, and not stay open past 2:00 a.m.

3. Besides the offer to not stay open past 2:00 a.m., Mr. Procius stated several other reasons why the St. George Club would not alter the character of the neighborhood, and would actually be an improvement over other possible establishments that could move in. The Club plans to renovate the entire building to bring it up to code. The St. George Club has maintained a small, faithful membership for many years (with several Erie City police officers among them), and would not be open to everyone, as a bar would be. Mr. Procius said that the present Antiqua Blue tavern has been an eating and drinking establishment since the 1950’s, with many different owners. Recently it has been the site of some serious crimes. By contrast, the St. George Club is a steady, reliable business that maintains a “zero tolerance” policy with respect to fighting, drug use, and any other criminal activity. Also, the Club intends to clean up the graffiti outside the building, and install a handicap-accessible ramp and amenities.
4. Board members questioned Mr. Procius about several issues, with the focus of their concern being the increased traffic and limited available parking at the location. Mr. Procius indicated that the Club plans to install 32 seats; however, he reiterated that the usual hourly foot traffic is no more than 12 patrons at any time, and he estimates that 10-12 parking spaces could fit on the property. He said that this average number of patrons has remained consistent for some time, and he expects it to continue as such. The Club does not plan to open the kitchen, nor does it hold parties or other special events which would attract a larger number of customers.
5. Representing the current owner of the building, Esper Realty (Howard Hanna), was Ms. Marcia Diefenbach, who also addressed the parking issue. She testified that she measured the parking lot area, and believes that there is enough room for eleven parking spaces. That estimate is based on the St. George Club demolishing the part of the garage that sits on the property (said garage has space for four cars; the property line with the adjacent lot runs through the center of the garage). However, this estimate of 10-12 spaces was challenged by some Board members. Ms. Diefenbach admitted that the owners have not prepared a site plan for the parking lot to show the Board; however, she remained confident that eleven cars could fit on to the property if the parking spaces were properly angled, and two additional parking spaces were placed in the rear of the building.
6. Upon questioning from Board members, officials from the Erie City Zoning Office indicated that the City Ordinance requires only eight spaces, which fit easily on the property. City records indicate that there is enough square footage on the property for the required eight spots.
7. There were several neighborhood residents, including Mrs. Danielle Honecker, Joel Johnson, Earl Haskin, and Roger and Tina Partsch, who appeared to testify in opposition to converting the Antiqua Blue bar into a private club. The primary concern expressed by the neighbors was over the

increased traffic in an area where parking is already a major problem because of the building's proximity to St. Vincent Health Center. Ms. Theresa Chapman presented a petition to the Board signed by 35 residents from the general area, all of who have experienced parking difficulties already. Several people suggested that the Club's present number of regular patrons may be dramatically increased once they move into a nicer establishment, resulting in an even greater parking shortage.

8. Mr. Thomas Augustino, an officer of the St. George Club, responded to the concerns and objections expressed by the neighbors. Mr. Augustino pointed out that there has been a bar on the site for years, and it has occasionally brought trouble. However, he said that this will not be a concern with the St. George Club in the same location, as the Club will install security cameras and a buzzer for gaining entrance. As to the parking concerns, he reiterated that the parking lot will be renovated and reconfigured to provide adequate parking. Further, he said that there will be a fence installed around the perimeter of the property for additional privacy and security.

Conclusions

- 1) Taverns/bars are a permitted use in C-4 Districts; however, private clubs are not.
- 2) There have been several bars and/or eating establishments in this location (West 26th and Cochran Streets) for most of the past fifty years.
- 3) Parking has been a serious problem for residents of the area in large part because of the employees and visitors at nearby St. Vincent Health Center.
- 4) The parking area at the Antiqua Blue bar is large enough to fit the minimum of eight spaces that is required by the City Ordinance. The parking area can be further enlarged by tearing down the two-car garage on the property.

Decision

By a four to one vote, the Board approved the request to allow the St. George Club to move into the building on the corner of West 26th and Cochran Streets; the location presently known as the Antiqua Blue bar.

Prior to the vote, Board member Ron Desser proposed that three conditions be placed on the variance, without which he would not support it. Those conditions are: 1) that the off-street parking must be documented; the parking spaces must be angled, with separate entrance and exit points; 2) the number of parking spaces that are fit onto the lot will determine the number of seats that the Club can install inside; and 3) that the hours of operation be no later than a bar on the same location would be permitted to stay open, specifically (as proposed by Club officials) the hours of operation would be Monday-Thursday from 7:00 a.m. until 12:00 a.m. (midnight), and Friday-Saturday from 7:00 a.m. until 2:00 a.m.

With those three conditions, Mr. Desser said that given the St. George Club's good record he supports the variance request. He pointed out that a bar could legally open in the same location without special permission, and it would pose the same problems or worse than those expressed by the neighbors. For the same reasons, and with the three conditions attached, Board members Mike Hornyak and Glenn Duck both voted to approve the variance request. Board Chairman Richard Wagner, while voting to approve the variance with the conditions, added that he suggests that the first condition be that the flow of traffic enter from the 26th Street side, and exit onto Cochran Street. While agreeing with the conditions, Board member Lisa Austin nonetheless voted not to grant the variance request. She cited as her reasons that the petitioners offered no real hardship besides a financial one, which she feels does not qualify under Sections 508(9)(c) and (d) of the City Ordinance. She also said that she deferred to the wishes of the many neighbors who spoke in opposition, and she believes that the Club will alter the character of the neighborhood.

It is So Ordered.
