

February 14, 2012
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held on Tuesday, February 14, 2012 at 1:00 p.m., in the City Council Chambers, Municipal Building, 626 State Street.

- MINUTES -

THE FOLLOWING APPEAL WAS HEARD:

Appeal No. 12,003 by Karen Virgilio (6037-202) concerning property located at **2716 Cascade Street** in an R-1A Zoning District. The appellant is proposing to convert a single family dwelling to a two family dwelling at this address. Per Section 204.11 of the Erie City Zoning Ordinance, two-family dwellings are not a permitted use in the R-1A District.

Findings of Fact

1. The applicant, Ms. Karen Virgilio, appeared on her own behalf to testify about the status of her family home located at 2716 Cascade Street. She told the Board that the dwelling had belonged to her late father, who lived in the home for forty-nine years until his death last April. Ms. Virgilio indicated that the house has always been a two-unit flat, and that the two apartments have always been occupied by a family member; it was never rented out to anyone outside the Virgilio family. Now that she has inherited the house from her father, Ms. Virgilio plans to keep the tradition of only having family members living in the house; presently her children and sister are living in the apartments.
2. Responding to questions from the Board, Ms. Virgilio stated that to her memory the house has always been a flat. She said that her father never made any changes to the house, and that she has not made any alterations to the property. While there have been periods when one of the apartments were vacant, there were never any interior changes, renovations or other alterations to the house.
3. For some unknown reason, the late Mr. Virgilio had the status of the house changed to a “one-family” dwelling in 1974. It is because of this re-certification alone that the house is currently listed as a one-unit. To convert the house now to a two-unit dwelling – what it has been all along – would put Ms. Virgilio in violation of the City Ordinance. She is requesting a variance in order to properly classify the house in the City records.

Conclusions

1. Under the City Ordinance, two-family dwellings are not a permitted use in an R-1A District.
2. The house located at 2716 Cascade Street has always been a flat. It was improperly classified as a one-unit dwelling by the former (now deceased) owner. Had the classification never been changed, the current owner would not be in violation of the Code.

Decision

By a unanimous decision (with Board member Mike Hornyak abstaining) the Board approved the variance request. Board member Ron Desser said that it was unfortunate that the 1974 certificate was ever issued. He said that as there have been no changes to the house, under Pennsylvania zoning law physically it is, and always has been, a flat. The cost and trouble experienced by the applicant could have been avoided. For those reasons, he voted to approve the request. For the same reasons, Board members Richard Wagner and Lisa Austin also voted to approve the variance request.

It is So Ordered.
