

**April 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, April 10, 2012 at 1:00 p.m., in City Council Chambers, Municipal Building, 626 State Street.

**- MINUTES -**

**THE FOLLOWING APPEAL WAS HEARD:**

**Appeal No. 12,007 by Connie Hilinski (6139-125)** concerning property located at **1440 West 42<sup>nd</sup> Street** in an R-1 Zoning District. The appellant is proposing to extend a front porch 8 feet past the average depth of existing structures in the front yard. Per Section 205.11 of the Erie City Zoning Ordinance, a front porch may be extended only 5 feet +/- the average depth of existing structures.

**Findings of Fact**

1. The appellant, Ms. Connie Hilinski, appeared on her own behalf, and presented the Board with photographs of the house, the estimate from the contractor, and a petition signed by several of her neighbors attesting that they have no objection with the proposed addition to Ms. Hilinski's house. Ms. Hilinski indicated that she and her late husband had planned to make this renovation for several years, but were forced to put the project off so that other necessary repairs to the house could be made.
2. Ms. Hilinski indicated that the porch will not be enclosed, but it will have a roof over it, which will match the roof on the rest of the house. The deck itself will be made of concrete, with pillars supporting the roof. The deck will be covered with Trex, a wood-like urethane substance that is water resistant and does not splinter.
3. Answering questions from the Board, Ms. Hilinski said that the eight foot proposal is much more feasible than the five foot average that the Ordinance would require. She said that given her size, the porch would have to be at least eight feet wide in order for her to navigate around the deck furniture. She stated that there was no other hardship.
4. The Board had several questions for the Zoning Officers as well. Zoning officials indicated that the average size of the existing structures was determined by reviewing all houses on the same side of the street. Both open and enclosed porches on the street were included in measuring the average size. The five foot rule was adopted, they said, as a means of encouraging people to install porches on their homes.

### **Conclusions**

1. According to Section 205.11 of the City Ordinance, the allowable depth for a front porch “shall be the average depth of the existing structures located between two intersecting streets within a tolerance of +/- five (5) feet.”
2. The Zoning Officer determines the allowable depth by averaging the existing structures on one side of the street on the same city block. There are no distinctions made between enclosed and open porches.
3. The appellant proposes to build an eight (8) foot porch, which is not within the allowable average of the other structures on the same side of the street.

### **Decision**

By a three to two vote, the Board approved the requested variance for the appellant to extend her front porch by eight feet. Board members Ron Desser, Mike Hornyak and Patty Szychowski voted to approve the variance. Mr. Desser indicated that while he sees nothing wrong with the five foot specification in the Ordinance, especially in many cramped inner city neighborhoods, he thinks that in this case there is ample room on the property to allow for the extended porch. Eight feet is a reasonable diminimus variance, given the size of the property, and does not change or alter the character of the area. Mr. Hornyak likewise observed that the house directly across the street from the appellant’s house has an eight foot porch, and it does not stick out from the other homes on the street. Ms. Szychowski indicated that she was impressed by the visual examination she made of the house, and that the new project may encourage neighbors to make similar changes.

Board Chairman Richard Wagner and member Lisa Austin voted to deny the variance request. Mr. Wagner indicated that he is inclined to follow the Code in matters like this, unless a legitimate hardship can be shown. In this case, he said, he did not believe that the appellant presented any hardship to warrant the variance. Ms. Austin likewise said that she was influenced by the lack of a hardship. She added that she believed that the proposal would change the character of the neighborhood, indicating that the square footage of the porch is actually much larger than it would appear at first.

**It is So Ordered.**