

May 8, 2012
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held on Tuesday, May 8, 2012 at 1:00 p.m., in the City Council Chambers, Municipal Building, 626 State Street.

- MINUTES -

THE FOLLOWING APPEAL WAS HEARD:

Appeal No. 12,008 by Iron Wings Inc. (2044-105) concerning property located at **1102 East Avenue** in a C-4 Zoning District. The appellant is proposing to use the building at this address for a private club. Per 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 appellant, Iron Wings Inc. motorcycle club, was Mr. Fred Harrington, an officer for the Iron Wings. Iron Wings proposes to use the site as a meeting place and club. The location formerly served as a bar, and in recent years has been vacant and in a state of disrepair. As a result, the motorcycle club was able to purchase the building at a good price.
2. Reading from prepared remarks as well as responding to questions from the Board, Mr. Harrington described both Iron Wings Inc. as a motorcycle club, and the intended use of the building on East 11th Street and East Avenue as a meeting place for the club. According to Mr. Harrington, Iron Wings has approximately twenty members, which tends to fluctuate slightly from year to year, but is never intended to exceed twenty-five. The only requirements for membership are that you own an American made motorcycle, and that you be invited to join the club by an existing member. For the past two years, the club has used its present location at East 18th and Parade Streets as its meeting site, but the size, cost and condition of that building are inadequate for the club's future needs.
3. Mr. Harrington said that with respect to the new location on East 11th and East Avenue, the building itself is owned by the corporation. It would only be used once or twice a week, and only by members. The club does hold fund raisers, such as poker runs, with the money usually donated to charity, but all such events would take place at another location. While individual members would not be forbidden from bringing their own alcoholic beverages into the building, the club itself does not hold a liquor license, and has no plans to apply for one. There would be sufficient parking, as the club also owns the adjoining property (with the entrance and exit ways both

- facing East Avenue). The noise level would be no more than any other group of motorcyclists.
4. According to both Mr. Harrington and another club member, Mr. Kevin Skrutsky, the club would be a welcome addition to the neighborhood, as it has strict rules for its members, and has already exhibited its commitment to renovating the building. There is a code of conduct that members must follow, which includes no fighting or drug use, and conducting yourself respectfully in public at all times. All of the club members have jobs, and most club activities include the members' families. Meetings inside the club are usually held between 6:00 and 10:00 p.m., and they have had no problems at either of their previous two locations.
 5. With respect to the building itself, Iron Wings purchased the building in March, 2012, after searching with a realtor for a location in a C-1 Zoning District without success. The club has already renovated much of the interior of the building, including mold removal, replacing toilets and lighting, and painting the inside. They plan to paint the exterior as soon as weather permits, and they have already hired a contractor to repave the sidewalk.
 6. In addition to the club members themselves, the Board also heard from other witnesses who testified in support of the proposed club. Ms. Ann Russell, who is the neighborhood watch coordinator for the lower eastside area - stretching from East Avenue to the Bayfront, from East 6th to East 12th Streets –indicated that she has personally spoken to club members, and supports their addition to the area. Ms. Russell expressed having concerns with the previous owners, and thinks that the vacant building has become a target for vandals. Saying that she thinks that Iron Wings deserves a chance, Ms. Russell did acknowledge that she was appearing on her own as a private citizen, and not as a member of the “Hammermill Hounds” watch group. Another neighbor, Mr. Scott Pohl, owns the beauty shop directly across the street from the club. He also believes that the improvements to the building are an important asset to the neighborhood, as the vacant structure had become a “run down hole.” Mr. Pohl indicated that his employees and customers feel comfortable when the club members are parked around the building, and thinks that the situation could be much worse if the property remains vacant or another troubling bar were to move in.
 7. There were also, however, many community members who were very vocally opposed to the Iron Wings motorcycle club moving in to the neighborhood. Father Jerry Priscaro, pastor of St. Ann’s Catholic Church on East 10th and East Avenue, presented the Board with a petition signed by 153 people, purporting to be neighborhood residents who all request that the Board deny the motorcycle club’s variance request.
 8. Reading aloud from the petition, Father Priscaro cited twenty-nine reasons why Iron Wings application should be rejected. Many of the reasons were similar and overlapping, centering around a few issues. Those issues included the zoning itself. While other areas of the City (particularly C-1, C-2 and C-3) are zoned to permit private clubs, the reason that this particular area does not is because of the adjoining residential neighborhoods. According to Father Priscaro private clubs in general, and motorcycle clubs in particular, would present several undesirable conditions for the residents of the area.

9. Father Priscaro went on to discuss how the layout of this particular street would result in increased traffic if the club remained, and would create a dangerous situation for neighborhood pedestrians, including many children who play on East 11th Street. He added that as there is no outlet on East 11th Street, emergency vehicles would have difficulty gaining access to the street if the club remained. However, Father Priscaro reserved his most pointed criticisms to the club itself and its members. He claimed that several of Iron Wings member's have criminal records, and that the club has caused trouble at each of its two previous locations. The police would be ill-equipped, he said, to respond to situations at the club, as the entire lower eastside area is already poorly monitored by a strained police force, and the presence of another motorcycle club would only exacerbate the situation.
10. Several other neighborhood residents appeared to express their opposition to the club as well. Ms. Catherine Wienczkowski, Ms. Eileen Ropelewski and Ms. Beth Berti were among the neighborhood residents who all feel that the club's presence would present a continuation or even worsening of the criminal activity that has plagued that site for several years.
11. In response to the opposition and specific charges levied by the eastside residents, Iron Wing's Fred Harrington was permitted a rebuttal. He said that all of the specific allegations made by Father Priscaro about club members were nothing more than typical traffic or domestic relations situations, and had nothing to do with the club. There have been no mass arrests of club members, as was alleged, nor any melee incident with other motorcycle gangs. Iron Wings' members tried to speak to East 11th Street residents, and received no opposition from those who they were able to contact. When asked about how they came to purchase this particular site, Mr. Harrington said that when working with the realtor they did indicate that they were attempting to purchase a "meeting place." The club did not know that they could not have a clubhouse on this site, and while they have already made extensive repairs to the infrastructure of the building, none of these changes were made for the purpose of Code approval.

Conclusions

1. According to Section 204.18 of the City Ordinance, private clubs are not a permitted use in a C-4 District.
2. Private clubs are permitted uses in C-1, C-2, C-3, W-C, W-C2, and W-C3 Zoning Districts.
3. The appellant has already purchased the property in question, and made significant repairs to the vacant building which had previously been in a state of severe disrepair.

Decision

By a unanimous vote, the Board voted to deny the variance request to permit the appellant to operate a private club on the site. Board members Ron Desser said that he was not particularly persuaded by the opposition witnesses, and in fact said that he was troubled by some of the stereotyping, unverified accusations and insinuations which he heard. Nonetheless, the

applicants did not present enough evidence for why they could not find another suitable location in one of the permitted zoning districts. Also, any hardship, he said, was created by the appellant, and for these reasons he could not support the request. Board members Richard Wagner, Lisa Austin and Patty Szychowski all voted to deny the variance for the same reasons expressed by Mr. Desser. Board member Mike Hornyak said that he himself is a motorcycle rider, and nearly recused himself from the vote. He said that while he is troubled to allow the building to remain vacant and a target for vandals, he does not think that the use of the building at this location is appropriate for a non-permitted use.

It is So Ordered.