

October 9, 2012
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held on Tuesday, October 9, 2012 at 1:00 p.m., in the City Council Chambers, Municipal Building, 626 State Street.

- MINUTES -

THE FOLLOWING APPEAL WAS HEARD:

Appeal No. 12,023 by Pero Real Estate LLC (6001-120) concerning property located at **142 West 20th Street** in an M-1 district. The appellant is seeking a nonconforming change of use from a two-family dwelling to a three-family dwelling. Per Section 204.19 of the Erie City Zoning Ordinance, multi-family dwellings are not a permitted use in the M-1 District. Per Section 301.20 of the Erie City Zoning Ordinance, a change of nonconforming use shall be referred to the Zoning Hearing Board

Findings of Fact

1. The appellant, Jason Pero, appeared at the hearing and testified on his own behalf. He informed the Board that he was seeking a nonconforming change of use, changing the property from a two-family dwelling to a three-family. Mr. Pero explained that he purchased the entire block of rental properties in April 2011. Most of the other houses in this neighborhood are nonconforming uses, multi-family dwellings; so this change would not be inconsistent with the other properties in the area.
2. Mr. Pero told the Board that the previous owner of the properties, Mr. Bert Pasquale, was operating the property in question as a three or four-unit dwelling since at least the mid-1970's, even though he obtained a certificate from the Erie Zoning Office in 1972 to classify the property as a two-unit. The house has been classified as a two-unit ever since.
3. Board members inquired about the zoning status and history of the area with the Erie Zoning Office. Zoning Office officials said that they were not sure when the area became a M-1 zoned district. All that they could say with certainty was that it was already zoned as M-1 in 1972.
4. With respect to the property itself, Mr. Pero told the Board that the building presently has two one-unit, self-contained apartments on the first floor, and another two-bedroom apartment on the second floor. He indicated that the property conforms to all applicable City building codes, and like all of his

buildings, has adequate parking in the rear. All of the apartments in the building are stand alone units, not attached to one another. There was another apartment on the attic floor which the previous owner was operating, but Mr. Pero has no interest in utilizing it.

5. Mr. Pero purchased all of the properties in a private sale from Mirabeau Properties. He told the Board that like most of those properties that he purchased, the house in question was in a state of disrepair when he bought it. In all, he purchased seven buildings with a total of 27 units, with the largest single building containing six units – all similar to the property in question. There are six houses on the north side of the street, and one across the street. The variance, he said, would not disrupt nor alter the character of the neighborhood, as the surrounding blocks are characterized by multi-family unit properties.

Conclusions

1. Multi-family dwellings are not a permitted use in an M-1 District. The property received a zoning certificate by a previous owner in 1972 to operate as a two-family dwelling.
2. The building presently has three units; two one-unit, self-contained apartments on the first floor, and a two-bedroom apartment on the second floor. All of them conform to applicable City building codes.
3. The appellant purchased the building along with several other properties on the same block in April 2011. All of the buildings on that and the surrounding blocks are multi-family unit properties.

Decision

By a unanimous three to zero vote, the Board approved the appellant's request for a nonconforming use variance. Board member Mike Hornyak said that he had examined the property prior to the hearing, and found it to be in very good condition. He said that the building is keeping in character with the other multi-unit buildings in the neighborhood. Members Richard Wagner and Patty Szychowski also voted to approve the variance, both agreeing that the renovated building is a good addition to the area.

It is So Ordered.
