

**November 13, 2012**  
**City of Erie, Pennsylvania**  
**ZONING HEARING BOARD**  
**1:00 P.M.**

The regular meeting of the Zoning Hearing Board was held on Tuesday, November 13, 2012 at 1:00 p.m., in the City Council Chambers, Municipal Building, 626 State Street.

**- MINUTES -**

**THE FOLLOWING APPEALS WERE HEARD:**

**Appeal No. 12,024 by Richard F. and Margaret A. Gardner (3110-208)** concerning property located at **1809 Ottawa Avenue** in an R-1 district. The appellant is seeking a dimensional variance to construct a 14' X 16' roof over a patio. The lot coverage for the lot after the addition will be 41.5%. Per Section 205 of the Erie City Zoning Ordinance, the maximum lot coverage by buildings in the R-1 is 35%.

**Findings of Fact**

1. The appellant, Margaret Gardner, appeared at the hearing and testified on her own behalf. She told the Board that she has hired a contractor, Tim Colvin, who was unable to attend the hearing. Mrs. Gardner did present the Board with a detailed plot plan from the contractor of the house and adjoining property, with the proposed patio addition.
2. Mrs. Gardner said that her family was forced to remove a tree on their property which had become a safety hazard. The tree, she said, was seriously disrupting the property and house, including large limbs growing over the house, and roots that were loosening the sidewalk.
3. Having removed the tree, the family now needed a roof to provide shade. The proposed patio addition will be a 14' x 16' roof over a brick patio; it will not have any walls. The patio is only intended to provide shade for the house and backyard area.
4. The appellants have lived at this location for more than fifty years. The backyard property line abuts Interstate 79 and West 12<sup>th</sup> Street. The patio extension will not affect the neighbors in any way, nor alter the character of the area.

**Conclusions**

1. The appellants were forced to remove a large tree which had begun to interfere with the house. As a result, they sought to cover a patio in the back of the property to provide shade.
2. The proposed addition is slightly larger than the 35% coverage required under Section 205 of the Erie City Zoning Ordinance.
3. The appellants have lived in the house for more than fifty years. The backyard abuts I-79 and West 12<sup>th</sup> Street.

### **Decision**

By a unanimous three to zero vote, the Board approved the appellant's request for a dimensional variance. Board member Ron Desser said that the reason for the variance is the irregular shape of the lot. The patio covering would not be a full structure, but just a roof, and it would be adjacent to the highway. For the same reasons, Board members Richard Wagner and Lisa Austin also voted to approve the variance.

### **It is So Ordered.**

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**Appeal No. 12,025 by Jesse J. George (4010-129)** concerning property located at **334 West 8<sup>th</sup> Street** in an RLB District. The appellant is seeking a change of nonconforming use from a copy shop to a catering service. Per Section 301.20 of the Erie City Zoning Ordinance, a change of a nonconforming use shall be referred to the Zoning Hearing Board.

### **Findings of Fact**

1. The appellant, Jesse George, appeared on his own behalf and explained his plans to the Board to convert a copy/printing shop into a catering service. Mr. George, who described himself as a "personal chef", said that his plans are to open a take out food service, appealing to special groups (for example, restrictive diets for diabetics or senior citizens).
2. Mr. George told the Board that the proposed catering/take out service is more consistent with other businesses in the area than the copy shop is, and the neighborhood, he said, is very receptive to his idea. The business would not be a sit down restaurant style facility; rather, the customers would either pick up the pre-ordered food, or have the food delivered. Therefore, parking would not be an important issue.
3. In addition to Mr. George himself, another experienced chef, Ms. Lisa Heidelberg, will be working for the business. The business plan is to prepare specialized diets for specific groups, at reasonable prices.

4. The building that the applicant hopes to use requires extensive renovation, according to the architect Steve Grap. Mr. George showed the Board several photographs of the interior of the building. Several Board members commented on how clean and modern looking the interior of the facility is. Mr. George indicated that he has already secured all required health department approval, and will purchase the building pending approval of the variance.

### **Conclusions**

1. The proposed catering business would prepare food that would either be a take out or delivery service; it would not be a sit down restaurant style facility.
2. The building appears to be very clean and modernized. The appellant indicated that he has already secured all health department certificates.
3. The proposed business is consistent with other similar type service-oriented businesses in the same area.

### **Decision**

By a unanimous four to zero vote, the Board approved the appellant's request for the change of a nonconforming use for the proposed catering service. Board member Ron Desser indicated that this is not an eating/drinking establishment. As a catering service, he said, the business will attract less traffic. Additionally, as there are actual bars and restaurants in the neighborhood, the catering business would fit well into the present land use pattern. For these reasons, Mr. Desser voted to approve the use. For the same reasons, Board members Richard Wagner, Lisa Austin and Patty Szychowski also voted to approve the nonconforming use.

**It is so Ordered.**