

**May 14, 2013**  
**City of Erie, Pennsylvania**  
**ZONING HEARING BOARD**  
**1:00 P.M.**

The regular meeting of the Zoning Hearing Board was held on Tuesday, May 14, 2013 at 1:00 p.m., in the City Council Chambers, Municipal Building, 626 State Street.

**- MINUTES -**

**THE FOLLOWING APPEALS WERE HEARD:**

**Appeal No. 12,036 by Robert Nolan (5392-300)** concerning property located at **3626 Pine Avenue** in a C-1 District. The appellant is seeking a non-conforming change of use from used car sales to a service garage. Per Section 301.20 of the Erie City Zoning Ordinance, a change of non-conforming use shall be referred to the Zoning Hearing Board.

**Findings of Fact**

1. Appearing on behalf of the appellant was Mr. Donald Bihler of Howard Hanna Realty, the agency listing the property in question. Mr. Bihler told the Board that the property had previously been used as a service station, having been changed to a used car lot by the previous owner. Mr. Bihler indicated that there are currently two other similar service facilities on Pine Avenue, and that the proposed conversion of the used car lot would not alter the character of the neighborhood.
2. Erie Zoning Office official Matthew Puz confirmed what Mr. Bihler said. Answering questions from the Board about the history of the property, Mr. Puz indicated that the Zoning Office has three previous zoning certificates on record for this property, issued in 1975 and 1994 for a service garage, and in 1995 for a used car lot.
3. The appellant Robert Nolan also appeared to testify on his own behalf. He told the Board that he has rented the garage on the corner of East 32<sup>nd</sup> Street and Pine Avenue (one of the two other service facilities in the area) for the past ten years. He now wishes to purchase the property on East 36<sup>th</sup> and Pine to operate the service garage, which would include providing state inspections. Mr. Nolan said that the building he wants to purchase presently has one hydraulic lift, and he plans to install a second. Other than that, he said, the property would remain substantially the same as it is now.
4. Several neighborhood residents appeared to testify in support of Mr. Nolan's proposed garage. Mr. Blair Walk, who resides on the corner of 36<sup>th</sup> and Pine

near the property, identified himself as the building's nearest neighbor. He said that the service garage would be a welcome addition to the neighborhood, and added that the area needs good business owners like Mr. Nolan. Mr. Roy Stanbro agreed, telling the Board that he has been doing business with Mr. Nolan's service station for years, and called him a reliable and honest businessman who will make a great owner.

5. One last witness in support of the proposal was Mrs. Pam Nolan, the appellant's wife. Mrs. Nolan reiterated what Mr. Bihler and Mr. Nolan had previously testified to, that the building would stay essentially the same, and the proposal would not alter the character of the neighborhood. She added that in not making any major changes or renovations, they will not be changing the "footprint" of the property or of the area.

### **Conclusions**

1. The appellant operates a service garage on the corner of East 32<sup>nd</sup> Street and Pine Avenue. He wishes to purchase a similar property four blocks south on Pine Avenue, which is similar to the service station but is presently being used as a car sales lot.
2. The property that the appellant wishes to purchase has been used as a car service station in the past. The appellant will convert the building into a full service garage, primarily offering state inspections. The only change that the appellant plans to make to the property is to add a second hydraulic lift; otherwise the building will remain essentially as it is.
3. Several neighbors testified in support of the proposed service garage, and to the addition of the appellant's new business.

### **Decision**

By a unanimous vote, the Board approved the request for a non-conforming change of use. Board chairman Richard Wagner said that it was a simple decision for him, giving life to a property and adding a new business in a neighborhood that needs it. Board member Lisa Austin also voted to approve the request, saying that she was influenced by the neighbor's support, and their testimony that the proposal will not change the character of the neighborhood. For the same reasons, Board members Patty Szychowski, Mike Hornyak and Angela McNair all voted to approve the appellant's request.

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

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**Appeal No. 12,037 by Greater Erie Area Habitat for Humanity (5112-200.01)**  
concerning property located on **Camphausen Avenue** in an R-1A District. The appellant

is seeking a dimensional variance for a proposed single family dwelling at this location. Per Section 205 of the Erie City Zoning Ordinance, a single family dwelling in the R-1A District requires a 6,000 square foot lot. The available lot size is 5,238.55 square feet.

### **Findings of Fact**

1. The appellant, the Greater Erie Habitat for Humanity, was represented at the hearing by their construction manager, Michael Saunders. Referring to the map in his variance application, Mr. Saunders explained to the Board that in the original subdivision there were two lots, one measuring 40' wide and the other 45' wide (referring to lots 25 and 26 at Index No. 18-051-012.0-200.01). Habitat for Humanity is seeking a variance to build a house on lot 25A.
2. Mr. Saunders said that Habitat for Humanity is seeking to construct a single-family, two-bedroom house for a family that is ready to move in upon completion. One of the reasons that this lot was chosen is because of its proximity to nearby stores; the family does not have their own transportation.
3. The proposed house will be similar to other homes in the neighborhood; the property is adjacent to a ranch house and a two-story brick house. Officials from the Erie City Zoning Office confirmed that if the property had not been subdivided, the proposed house would have been permissible under the current Code.
4. Answering questions from the Board, Mr. Saunders indicated that Habitat for Humanity owns other nearby properties – vacant lots which have not yet been developed. Mr. Saunders said that Habitat for Humanity has determined that building on vacant lots is more cost effective than trying to renovate existing houses. It would be too much trouble, he said, to convert existing vacant dwellings.
5. There was one witness who appeared in opposition to the proposal. Mr. Stanley Starks appeared on behalf of his sister, who lives next door to the property owned by Habitat for Humanity. Mr. Starks said that his sister supports the organization, and is not necessarily opposed to the new house; however, she does have concerns. Specifically, Mr. Starks said that his sister is troubled by the number of cars and people that have recently been coming and going to the property. Of all the people who have visited the site nobody has ever spoken to her. She feels that this is a general lack of respect towards someone who will soon be a next-door neighbor. Mr. Starks added that he and his sister would like to know why the site was chosen if it is too small for the proposed house.
6. In response to Mr. Starks' concerns, Mr. Saunders said that Habitat for Humanity has owned the property for about a year, and has kept the property well maintained. Mr. Saunders said that someone from the organization usually would speak to the neighbors of a new location prior to the actual commencement of the construction, and he regrets that someone has not contacted Mr. Starks' sister yet.

## Conclusions

1. The appellant (Habitat for Humanity) owns two adjoining parcels on Camphausen Avenue. In the original subdivision the two lots measured 40' wide and 45' wide respectively (referring to lots 25 and 26 at Index No. 18-051-012.0-200.01).
2. Of the several properties that the appellant owns in the Erie area, this parcel was chosen specifically because of its location, being near many stores and businesses. The family that will be occupying the new house does not have transportation.
3. Habitat for Humanity has determined that it is more cost effective to build new houses on vacant parcels rather than renovate existing, vacant buildings.

## Decision

By a unanimous vote the Board approved the appellant's request for a dimensional variance. Board Chairman Richard Wagner said that this is a reasonable request given that the deviation from the Code is minimal. He said that he believes that the appellant did demonstrate a hardship, since the house could only be built on the limited area of the property. Board member Lisa Austin agreed, adding that there were no real objections, just questions from neighboring residents. For the same reasons, Board members Mike Hornyak, Patty Szychowski and Angela McNair also voted to approve the variance.

## It is So Ordered.

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**Appeal No. 12,038 by Charter Land North, LLC (2007-110)** concerning property located at **1121 French Street** in a C-2 District. The appellant is appealing the zoning office's decision regarding screening requirements as outlined in Section 307. Per Section 307 of the Erie City Zoning Ordinance, for every new commercial development hereinafter established in the City of Erie, one tree is to be planted along all street frontages of the property for every 30 feet of frontage.

Prior to the scheduled hearing, Erie Zoning Official Mathew Puz received an email from the appellant, Kevin Kupniewski of Charter Foods North. Mr. Kupniewski indicated that he had a family emergency, and requested that his hearing be continued until the next available Zoning Board hearing. Mr. Puz presented this request to the Board on the appellant's behalf. The Board unanimously voted to approve the request for the continuance.