

July 9, 2013
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held on Tuesday, July 9, 2013 at 1:00 p.m., in the City Council Chambers, Municipal Building, 626 State Street.

- MINUTES -

THE FOLLOWING APPEALS WERE HEARD:

Appeal No. 12,043 by Bernard Mereghetti (6147-123) concerning property located at **1654 West 34th Street** in a R-1 District. The appellant is seeking a dimensional variance to construct an 8' x 29' front porch. Per Section 205.11 of the Erie City Zoning Ordinance, the front porch can extend no more than the average depth of the existing structures located between two intersecting streets within a tolerance of +/- five (5) feet. This would permit a 5' x 29' front porch.

Findings of Fact

1. The appellant was represented at the hearing by Mr. Kenneth Spaeder, the contractor handling the project. He told the Board that while there was only one other house on the appellant's street, the adjoining blocks on each side contain several houses with porches that extend out similar to the appellant's house.
2. Mr. Spaeder is also the appellant's nephew, and is familiar with the living situation of the appellant. The appellant is semi-ambulatory and has difficulty getting around, often requiring a walker. Mr. Spaeder said that his uncle (the appellant) is a large man, and the proposed extended porch is needed primarily because of his difficulty in getting around.
3. According to Mr. Spaeder the appellant's limited mobility is a hardship; the proposed larger porch would be the appellant's opportunity to enjoy the outside. Given the appellant's confined movement, Mr. Spaeder said that by the time you place a small table, chairs and other patio furniture, the eight foot wide deck is not unreasonably large.
4. Mr. Spaeder answered several questions from the Board regarding the dimensions and construction of the porch. Using the rough drawings included with the application, Mr. Spaeder said that the proposal is to construct a deck with railings, rather than a traditional porch. No roof is planned at this point.

If construction is completed as proposed, the new deck would end just short of the slope in front of the appellant's house.

Conclusions

1. According to the Erie City Zoning Ordinance, Section 205.11, the appellant would be permitted to build a 5' x 29' porch in their R-1 Zoning District. The appellant is proposing to build a 8' x 29' porch; therefore, the only consideration for the Board is the eight foot width of the structure.
2. The proposal is to build an open deck, with railings, but without a roof.
3. The appellant is semi-restrictive in his movement; he uses a walker to get around.

Decision

By a unanimous decision, the Board voted to approve the appellant's request for a dimensional variance. Board Chairman Richard Wagner said that the appellant, who has lived at this house for more than forty years, is entitled to enjoy the use of his property. He added that the proposal will not negatively affect the neighborhood. Members Patty Szychowski, Mike Hornyak and Angela McNair agreed, and voted to approve what they said was a reasonable request. Member Lisa Austin abstained from the vote.

It is So Ordered.

Appeal No. 12,044 by Georgiv and Rimma Akopyan (6004-208) concerning property located at **2402-04 Peach Street** in a C-4 District. The appellant is seeking a dimensional variance to convert an existing nonconforming six family dwelling to a seven family dwelling at this address. Per Section 205 of the Erie City Zoning Ordinance, a seven family dwelling requires 7,000 square feet. The lot size is 5,833.75 square feet.

Findings of Fact

1. Mrs. Rimma Akopyan, one of the appellants, appeared on her own behalf, and was accompanied by her son, Mr. Arson Akopyan. Together they testified about several issues regarding the building that their family owns on the corner of West 24th and Peach Streets. Mr. Akopyan provided for the Board a large poster with several different photographs, each showing either interior or exterior portions of the large, two-story corner property.
2. Citing the photographs, Mrs. Akopyan explained that the corner structure that contains six rental units and two businesses is actually all one large building. She said that there was adequate space for still another unit; one that the previous owner did not attempt to develop. Now that the appellant's recent

- renovations are finished, she said, this new apartment (a seventh rental unit) will be complete, and ready for a tenant to occupy it.
3. The appellants purchased the property in 2011, and soon realized that the building was under-utilized. They have had to work hard and make additional investments in order to improve the properties, but have now rented out all six units. These investments have come in the form of unexpected repairs (like having to replace a furnace), purchasing additional insurance, as well as installing cameras with the hope of preventing further vandalism. Mrs. Akopyan said that in all the family has spent more for renovations (expected repairs and unforeseen expenses) than they have made in rental income since purchasing the properties.
 4. Again referring to the photographs that showed some of the units before and after the repairs, Mrs. Akopyan indicated to the Board that the renovations are a sign of the family's commitment to be good property owners. She said that the previous owners did not have the will or the money to renovate the property. As a result of their significant improvements and continued commitment, Mrs. Akopyan said that both the City and the community will benefit financially from the use of the additional unit.
 5. As previously stated, the new, vacant apartment is fully renovated and ready to be rented out pending approval by the Board. This new apartment is a more spacious, two-bedroom unit, as opposed to the other smaller, more efficiency-type units. The new unit has separate locks and door which faces 24th Street.
 6. Addressing the question of parking, Mr. Akopyan indicated that there is parking on Peach Street for the businesses and adequate off-street parking for the residential units. There is both a rear garage and several parking spaces in the alley way behind the building with easy access.
 7. Mr. Akopyan reiterated that his family has made every investment necessary to fully and properly renovate the building. When asked whether they would be willing to install a fire escape for the new (second story) apartment, Mr. Akopyan said that they are willing to do whatever is necessary to make sure that the building is up to code.

Conclusions

1. The appellants purchased the building on the corner of West 24th and Peach Streets in 2011. They believed that the property – all one building – was six units.
2. After extensive renovations, the appellants have found occupants for all six units; two businesses and six residential apartments.
3. During their renovations, the appellants determined that the property was under-utilized, and have added a seventh unit – a two-bedroom residential, second floor apartment.
4. The property is otherwise up to code, and has adequate on and off-street parking for all its occupants. The appellants have indicated that they will make any further renovations to the new apartment to make sure it satisfies the City Ordinance.

Decision

By a unanimous decision, the Board voted to approve the appellant's request for the non-conforming use for the additional apartment. Board Chairman Richard Wagner said that as the appellants have shown themselves to be good landlords, it would be ashamed to not utilize the additional apartment. Board members Lisa Austin, Patty Szchowski, Mike Hornyak and Angela McNair all agreed, and voted to approve the request; they indicated that they were impressed with the appellants maximizing the use of the property, and thanked them for investing in the City in this way.

It is So Ordered.

Appeal No. 12,045 by Craig Arneman (3040-205) concerning property located at **701 West 8th Street** in an R-2 District. The appellant is seeking a dimensional variance to continue to use this property as a two-family dwelling. Per Section 205 of the Erie City Zoning Ordinance, a two family dwelling requires 6,000 square foot lot size. The lot size is 3,402 square feet.

Findings of Fact

1. The appellant Craig Arneman represented himself and told the Board that when he purchased the property in 2004, it was listed at a two-unit dwelling. In the time that he has owned the house, Mr. Arneman said that it has been assessed and taxed similarly as a two-family structure. He added that he only found out about the violation when he recently sought to refinance the house.
2. Mr. Arneman said that he has extensively renovated the house in the time that he has owned it; including installing a new roof, windows and two new furnaces. Both apartments are well-maintained, he said. The first floor apartment is presently vacant because of a leak in the chimney. Mr. Arneman said that he did not want to rent the apartment until the defect has been corrected. There is a driveway and adequate off-street parking for its residents.
3. The Board also brought up the inconsistencies with the zoning certificate issued in 1971 and a building permit issued in 1943. The zoning certificate stated that the dwelling was a single family dwelling while the building permit stated the use as a two family dwelling. The Board noted that it appeared to have been a two family dwelling prior to 1968.
4. The house was built in 1899, and to the appellant's knowledge it has been a two-unit structure at least since 1943. Being a realtor himself, however, Mr. Arneman told the Board that given his expertise in examining houses there is no way that this house ever could have been a single-family dwelling.

Conclusions

1. According to Section 205 of the Erie City Zoning Ordinance, a two family dwelling requires 6,000 square foot lot size. The appellant's lot size is 3,402 square feet.
2. The appellant purchased the house in 2004 that was advertised as a 2-unit dwelling. The appellant testified that his research has determined that the house has been a 2-unit for at least the last sixty years.
3. The house has been assessed and taxed as a 2-unit since the appellant has owned it.

Decision

By a unanimous vote the Board voted to approve the appellant's request for a variance. Board Chairman Richard Wagner said that the house has been a 2-unit for a long time and is well-maintained. Member Lisa Austin agreed and added that the dwelling's use as a 2-unit does not negatively affect the neighborhood. Members Patty Szcowski, Mike Hornyak and Angela McNair also agreed, adding that this is a good use of the property, and all voted to approve the request.

It is So Ordered.