

February 11, 2014
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held on Tuesday, February 11, 2014 at 1:00 p.m., in the City Council Chambers, Municipal Building, 626 State Street.

- MINUTES -

THE FOLLOWING APPEAL WAS HEARD:

Appeal No. 12,057 by Greater Erie Area Habitat for Humanity (5112-200)

concerning property located on **Camphausen Avenue**, between Linwood and Glendale Avenues, 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 (hereafter referred to as "Habitat"), was represented at the hearing by their construction manager Michael Saunders. Mr. Saunders said that Habitat wishes to build a single-family, ranch style house directly next door to a lot where they built a similar house last year. The dimensions of the two lots are identical.
2. The Zoning Hearing Board granted a variance to Habitat in May 2013, enabling them to build a similar house at that time. The lot that Mr. Saunders referred to is directly next door to the proposed lot. Originally the two lots were not the same dimensions. One lot measured 40' wide and the other 45' wide (referring to lots 25 and 26 at Index No. 18 051 012.0 200.01). A replot was approved by the Erie City Planning Commission that moved the lot line to create two equal lots. Habitat then received the dimensional variance in 2013 to build a house on lot 25A.
3. Mr. Saunders said that this lot is the same size as the first lot, and that nothing has changed since the Board granted the variance on that first lot (25A). Therefore, Mr. Saunders asked that the Board grant another dimensional variance for the identical, adjacent lot (26A). The reason Habitat did not request both variances when they first applied is because they were not certain of their construction schedule. If granted, the variance for lot 26A would have

been valid for only one year, and Habitat may not have commenced with construction of the second house within that time.

4. Answering questions from the Board, Mr. Saunders said that Habitat does have a prospective buyer for the house, but unlike last year, they do not have a family waiting to move in as soon as the house is completed. Habitat's goal is to provide affordable housing for people who may not otherwise be able to buy a house. The organization prefers to build from scratch on empty lots, finding it more cost effective than converting and renovating existing structures.
5. There was one opposition witness to appear, Mr. Kevin Work. Mr. Work is a Camphausen Street resident who lives directly next door to the proposed house. He feels that the whole lot, as it existed prior to the subdivision, was intended to house a single-family dwelling. By dividing the property into two, Habitat has created lots that are too small, cramped, and offered no buffer between the houses. Mr. Work is concerned about snow removal, water run-off, etc... and other potential problems that may result if the variance is permitted.

Conclusions

1. The appellant (Habitat for Humanity) owns a parcel on Camphausen Avenue from a prior replot. In the original replot, 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). The replot created two equal lots.
2. The appellant has determined that it is more cost effective to build new houses on vacant parcels rather than renovate existing, vacant buildings.
3. The Board granted a dimensional variance in May 2013 that enabled the appellant to construct a house on the first lot (25). The reason the appellant did not request a variance for both lots at that time is because they were unsure of their construction schedule; the variance, if granted, would only have been effective for one year, and they did not know when work on the house could begin.

Decision

By a four to one vote the Board approved the appellant's request for a dimensional variance. Board Chairman Mike Hornyak voted to approve the variance, saying that the house will fit well in the area, as the first house has. Board member John Drew agreed and also voted to approve the variance. He cited that the deviation from the Code is minimal, and that the proposed house meets most of the other requirements of the City Ordinance; he also added that the Board approved the same request last year. Board members Patty Szychowski and Selena King both agreed, and also voted to approve the variance.

The lone dissenting vote was from Board member Lisa Austin. Ms. Austin indicated that the appellant's demonstrated no real hardship other than one that they themselves created. She also cited the opposition from the neighbor who testified as another reason for her vote to deny the variance.

It is So Ordered.
