

September 9, 2014
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, September 9, 2014 at 1:00 P.M. in City Council Chambers, Municipal Building, 626 State Street.

- MINUTES -

THE FOLLOWING APPEALS WERE HEARD:

Appeal No. 12,080 by Jerome Kunz (6126-102) concerning property he owns located at 3316 Raspberry Street in an R-1A district. The appellant is seeking a side yard setback of 0' for a proposed detached garage. Per Section 205.18 of the Erie City Zoning Ordinance, the minimum side yard setback for a detached accessory structure in a residential district is 3'.

Findings of Fact

1. The appellant Jerry Kunz appeared on his own behalf and explained to the Board that he is requesting a variance for a detached garage. Mr. Kunz began by providing the Board with photos of his property and the neighboring properties that will border the garage. The unique configuration of his property, he said, requires the special proposal.
2. Mr. Kunz said that the hardship lies in that unique configuration of the property. Using the photographs to help explain, the appellant showed that if he were to build the garage with the normal setbacks he would have to turn left, then turn right in order to enter the garage from his driveway. The situation, he said, would be even worse when he will have to back out, especially in the winter months. According to Mr. Kunz, it is the unusual configuration of the land itself, and not anything that he has done, that requires the request for the variance.
3. The appellant provided the Board with a letter from his neighboring property owner. That neighbor, Mr. Dan Manczka, indicated that he has no objection to the appellant building his garage right against the property line. Mr. Kunz also pointed out to the Board that there are many other neighbors who have garages built up to their respective property lines, similar to the proposed structure he plans on erecting.

4. There was one of the appellant's neighbors who appeared to express to the Board his objection to the proposal. However, using an aerial (Google-earth) view of the properties, the appellant showed the neighbor that he was actually looking at the wrong property. The neighbor then told the Board that he was incorrect, and thus withdrew his objection to the proposal.

Conclusions

1. The appellant is proposing to build a detached garage that would extend up to the property line with his neighbor. According to the appellant, it is the unusual configuration of the land that created the hardship, and requires the variance in order to build the garage that is more functional.
2. According to Section 205.18 of the Erie City Zoning Ordinance, the minimum side yard setback for a detached accessory structure in a residential district is 3'.
3. The neighbor, whose property would abut the appellant's proposed garage, sent a letter to the Board indicating that he has no objection to the appellant's proposal.

Decision

By a unanimous decision, the Board voted to approve the proposed variance. Board Chairman Mike Hornyak said that he drove by to view the appellant's property, and agreed that the proposal is similar to other garages in the neighborhood that are build up to the property lines. Board member Patty Szchowski said that she also viewed the property, and agreed that the proposal is a good idea. Board member Lisa Austin said that she too thought that the proposal is a good idea, and added that she was influenced by the letter of support sent by the neighbor whose property will border the appellant's garage. Member Selena King also agreed that the appellant has a good proposal. All voted to approve the variance request.

It is So Ordered.

Appeal No. 12,081 by Lawrence Keith (5055-100) concerning property he owns located at 3226 East Avenue in an R-1 district. The appellant is seeking two dimensional variances. Per Section 205 of the Erie City Zoning Ordinance, lot coverage cannot exceed 35% in the R-1 district. The appellant is seeking lot coverage of 44%. Per Section 205 of the Erie City Zoning Ordinance, the minimum width of the least side yard setback in R-1 is 5' with a minimum total side yard width of 15'. The appellant is seeking a minimum width of the least side yard setback of 1' with a total side yard width of 4'.

Findings of Fact

1. The appellant Lawrence Keith appeared on his own behalf, and referred to the drawing of his driveway, which he had included in his application, as a site plan for the Board to follow along with as he described the reasons for his variance requests. Mr. Keith explained that he was proposing to build a car port next to his garage, at the rear of his driveway, to protect his car from the elements. The proposed car port would have a roof covering, with no exterior walls.
2. Mr. Keith told the Board that he already has a cement pad next to his garage; the pad, which will serve as the foundation of the proposed port, was laid several years ago for parking. When he installs the canopy to cover the cement pad, the edge of the canopy roof will extend over the edge of the cement pad. The edge of the roof line will be inside of his property line by only approximately one and a half feet – shorter than the setback required by the Code.
3. The appellant said that his neighbor, whose property line abuts the garage and car port, has no objection to the installation of the proposed extension of the garage and new car port.

Conclusions

1. The appellant proposed to build a car port over an existing cement pad in his driveway, next to a garage.
2. According to Section 205 of the Erie City Zoning Ordinance, lot coverage cannot exceed 35% in the R-1 district. The appellant is seeking lot coverage of 44%. Also, according to Section 205 of the Erie City Zoning Ordinance, the minimum width of the least side yard setback in R-1 is 5' with a minimum total side yard width of 15'. The appellant is seeking a minimum width of the least side yard setback of 1' with a total side yard width of 4'.
3. The roof of the appellant's proposed car port will extend over the setback requirement. The neighbor who owns the adjoining property has no objection to the appellant's proposed structure.

Decision

By a unanimous decision the Board voted to approve the dimensional variances. Board Chairman Mike Hornyak said that he thinks that the project will not detract from nearby properties, and cited that the neighbor who is directly next to the appellant has no objections to the proposal. Board member Lisa Austin agreed, and added that the appellant's well maintained property deserves consideration as well. Board members Patty Szcowski and Selena King also agreed, and both voted to approve the request.

It is So Ordered.

Continuance of Appeal No. 12,077 by Jim Bush (3016-411) concerning property located at 352 West 18th Street in a C-4 district. The appellant is seeking a use variance for a service garage to be located in the rear of the property. Per Section 204.18 of the Erie City Zoning Ordinance, service garages are not a permitted use in the C-4 district.

Findings of Fact

1. The case was a continuance from the originally scheduled August 2014 Zoning Board hearing. However, neither the appellant, nor any representative on his behalf, appeared at the hearing. Erie Zoning Office official Matthew Puz confirmed that the appellant had received proper notice of the new hearing date, and read the letter sent to Mr. Bush into the record.
2. Since the appellant did not appear to present a case, the Board would vote to deny the request. However, since several people did appear at the hearing in opposition to the proposal – people who were neighborhood residents and received the same letter as the appellant – the Board did take testimony from those witnesses.
3. One opposition witness was Ms. Norma Croft, who presented the Board with a petition who she said was signed by 17 other neighboring residents who also oppose the proposed service garage.
4. Other opposition witnesses included Mr. Wally Brown and Mr. Matthew Good. Mr. Brown represented the neighborhood watch and Sisters of St. Joseph. He said their opposition is in the location proposed, and not in the business itself. Mr. Brown said that after the recent rezoning of West 18th Street, the residents do not believe that a service garage would be a good type of business where the appellant is proposing it. Among other reasons, Mr. Brown said, is the lack of space for the cars being serviced, and lack of parking for other patrons. Mr. Good likewise told the Board that his organization,

H.A.N.D.S., has been a part of the revitalization effort of Little Italy for years, and said that in just the surrounding block over three million dollars has been invested, mostly into housing. He said that he does not think a service garage on the same block would be a good idea at this time.

Conclusions

1. The appellant rents the property at 352 West 18th Street, in a C-4 district. He was seeking a use variance for a service garage to be located in the rear of the property.
2. According to Section 204.18 of the Erie City Zoning Ordinance, service garages are not a permitted use in the C-4 district.
3. The appellant did not appear to present the arguments in favor of the Board granting the proposal. Several opposition witnesses, also residents of the appellant's neighborhood, did appear at the hearing to present evidence against the variance request.

Decision

The Board unanimously denied the appellant's request for a use variance. Board chairman Mike Hornyak said that the appellant did not appear, nor have any representative appear on his behalf; therefore, he did not make his case. Member Lisa Austin agreed, adding that she was also influenced by the letters and testimony, by neighborhood residents, in opposition to the proposal. Members Patty Szychowski and Selena King also agreed, and all the Board members voted to deny the variance request.

It is So Ordered.