

June 9, 2015
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, June 9, 2015 at 1:00 P.M. in City Council Chambers, Municipal Building, 626 State Street.

-- MINUTES --

THE FOLLOWING APPEALS WERE HEARD:

Appeal No. 12,096 by Samuel Barzano (6053-325) concerning property he owns located at 261, 263 West 26th Street in a C-4 district. The appellant is seeking a dimensional variance for a six family dwelling. Per Section 205 of the Erie City Zoning Ordinance, a six family dwelling requires 6,000 square feet of lot area. The appellant is proposing 5,400 square feet.

At the start of the hearing, the Board had not convened a quorum. As a result, Board member Patty Szychowski was chosen to serve as a hearing officer. The appellant agreed to have the hearing officer decide the case.

Findings of Fact

1. The appellant, Samuel Barzano, appeared on his own behalf and told the hearing officer that he has owned the property in question for more than forty years. He explained that he purchased the building (which is over one hundred years old) in the 1970's, and at first operated his family's pizza shop from the site. Eventually, he built a larger pizza shop and restaurant across the street, and converted the subject property into several small businesses and apartments. In all, the appellant said that he has spent over \$300,000.00 on the property over the years.
2. Mr. Barzano said that he converted the properties that face Myrtle Street into garages. For more than twenty years the site was the location of a car restoration business. However, when that restoration shop closed the only new proposed tenants were in the nature of auto body shops – businesses that would disturb the residential tenants and neighbors. Alternatively, the appellant chose to convert the garages into small, residential units. The two small businesses that face 26th Street (where the appellant's original pizza shop was) remained as they were.

3. Recently the appellant learned of a need for more of the small residential units in the area. Specifically, the need arises for doctors who are completing their residency training at nearby St. Vincent Hospital; typically they would be tenants interested in two year leases. The appellant's property is only a block from the hospital.
4. The appellant's proposal is to add two additional residential units in the building. If approved, the property would contain the two small businesses in the front, four single bedroom apartments, and one two-bedroom unit in all. The two businesses would face West 26th Street, and the residential units would all face Myrtle Street.
5. When asked about the parking situation, the appellant said that his tenants use public parking on the street. There are no individual parking spaces for the tenants, he said; however, over the years he has not seen any problems with parking. Primarily the doctors who live in the appellant's property tend to rent spaces in the City parking ramp, directly across the street from the property.

Conclusions

1. The appellants own the property at the southeast corner of West 26th and Myrtle Streets. For many years the building on the property had housed two small businesses facing 26th Street, and another business in the garage facing Myrtle Street. The appellant's proposal is to convert the garage area into several small residential units.
2. There is a need for the type of small residential units the appellant proposes, as there are many doctors who are completing their residency at nearby St. Vincent Hospital.
3. According to Section 205 of the Erie City Zoning Ordinance, a six family dwelling requires 6,000 square feet of lot area. The appellant's proposal is approximately ten percent short of what the Code requires.

Decision

The hearing officer, Board member Patty Szychowski, voted to approve the appellant's request for a dimensional variance. She cited the demonstrated need for the housing in the vicinity of the hospital, and the appellant's history of maintaining his properties well, as reasons for the decision.

It is So Ordered.

Appeal No. 12,097 by Dennis Czulewicz (5074=228) concerning property located at 3201 Old French Road in an R-1A district. The appellant is seeking a use variance to continue to use the property as a two-family dwelling. Per Section 204.11 of the Erie City Zoning Ordinance, two-family dwellings are not permitted in R-1A.

Findings of Fact

1. The appellant, Dennis Czulewicz, appeared to testify on his own behalf. Mr. Czulewicz is a Maryland resident who is currently in Erie acting as the executor to his late mother's estate. He said that he and his family only discovered the zoning violation when they attempted to sell the house after his mother's death.
2. The appellant provided several documents to the Board, including a City inspection receipt, letters from attorneys and real estate agents, appraisals, separate utility bills, etc... all indicating that the appellant's family has always believed that the house was a two-unit dwelling. Mr. Czulewicz also referenced several nearby properties that were similarly two-unit dwellings; this, he said, indicated that the character of the neighborhood would not be changed if his variance request were granted.
3. The property has been in the appellant's family since at least the early 1970's, and Mr. Czulewicz indicated that they have used the property as two separate apartments in all the time he can recall. The appellant said that beginning in 1971, both his uncle and his father alternatively owned and lived in the apartments. When his father died, the property went to the appellant's mother. All the time she owned the house, the family believed it to be a legal, two-unit dwelling.
4. As executor of the estate, the appellant is seeking to secure financing to renovate the house, and place it on the market to sell. He showed the Board documents to prove that he has in fact received the necessary financing, but it is contingent on the appellant obtaining a permit from the City. Because two-family dwellings are not permitted in the R-1A district, the appellant was required to apply for the use variance in order to sell the house, and complete the administration of his mother's estate.

Conclusions

1. The appellant is the executor of his mother's estate. The appellant's family has owned the property for more than forty years, and in all that time they believed it to be a legal, two-unit house.
2. According to Section 204.11 of the Erie City Zoning Ordinance, two-family dwellings are not permitted in R-1A zoning district.
3. The appellant had documents including inspection permits and utility bills indicating that the house has been used as a two-family dwelling the entire time the family owned it. Many other houses in the neighborhood are also two-family dwellings.

Decision

By a unanimous decision, the Board approved the appellant's request for a use variance. Board chairman Mike Hornyak said that this is a common problem that the Board sees, as many such houses have similarly been converted years ago into two-unit dwellings. He cited the fact that there are similar two-family dwellings in the area, and the addition of one more house will not affect the character of the neighborhood; especially since it has been used as a two-unit dwelling for many years already. Board members Selena King and Patty Szychowski both agreed, and all three voted to approve the variance request.

It is So Ordered.

Appeal No. 12,098 by ICE Property LLC (5173-101) concerning property they own located at 3515 McClelland Avenue in an M-1 district. The appellant is seeking a nonconforming change of use from commercial recreation to commercial recreation/day care center. Per Section 301.20 of the Erie City Zoning Ordinance, a nonconforming change of use shall be referred to the Erie City Zoning Hearing Board.

Findings of Fact

1. The appellant is Mr. David Agresti, who along with his wife is the owner of ICE Property. Mr. Agresti appeared on his own behalf and told the Board that the couple purchased the property in 2002. At the time, it was an ice rink; for many different reasons the ice rink proved to be unsustainable. They then converted the facility into an indoor sports complex, but that too proved to be a business that was not sustainable.
2. After the ice rink and indoor sports facility failed, the appellants decided to convert the property into a day care center, while keeping the sports complex. Mr. Agresti said that the elements of the sports facility – such as the unused locker rooms and café - can be converted into classrooms for a day care center. Showing the Board an indoor photograph of the sports facility, Mr. Agresti explained how the two facilities will complement each other.
3. Mr. Agresti told the Board that the new day care center is called FitKids, and its goal is to provide a healthy environment and develop good habits in kids. The new facility will combine the elements of both the day care center and the athletic complex to provide both athletic activity and good nutrition to the children they care for. Mrs. Agresti is a certified nutrition specialist, and would take an active role in developing the menu and oversee the day to day administration of the center.

4. The appellants told the Board that there is no problem with the location of the facility. The only other properties in the immediate area are in an industrial park, which actually includes another day care facility. The nearby residential homes, Mr. Agresti said, should welcome the new facility, as it will provide the residents a place where their children could go and receive healthy meals and a good overall environment.
5. Answering questions from the Board, Mr. Agresti said that the day care center may eventually reach a maximum of one hundred children. For right now, the size will be modest, but he added that the number of employees will depend on enrollment; there should be a consistent ratio of one employee for every four children.
6. While acknowledging that there will be some overlap between the sports facility's activities and the day care center, Mr. Agresti told the Board that the athletic tenants will have no contact with the children in the day care. He added that there would not be a parking problem either; they had encountered some parking problems when the building still was an ice rink, but they have since had no issue. They do not anticipate that the proposed change will create any parking problems

Conclusions

1. The appellants currently operate a sports training complex; they propose to convert the facility into a sports center and day care center. The joint facility would provide children with a healthy environment where they can develop good nutrition habits and physical activity.
2. Under Section 301.20 of the Erie City Zoning Ordinance, this is a nonconforming change of use.
3. The appellants do not anticipate any opposition from area residents; the location is near an industrial park, where there is another day care center.

Decision

By a unanimous decision, the Board voted to approve the appellant's request for nonconforming change of use. Board member Mike Hornyak said that he thinks the proposal is a good idea, and he anticipates that it will work very well when it is up and running. Board member Selena King also said that she was pleased to see a child care facility in an area of the City where there is a need for day care service; especially, she added, one that encourages physical activity and healthy eating habits. Member Patty Szychowski agreed; all three voted to approve the proposal.

It is So Ordered.

Appeal No. 12.099 by Saint Vincent Hospital (6064-117) concerning property they own located at 141 West 25th Street in an RLB district. The appellant is seeking a dimensional variance for a 3,000 square foot detached accessory structure. Per Section 205.18 of the Erie City Zoning Ordinance, detached accessory buildings shall be no larger than 720 square feet in size.

Findings of Fact

1. The appellant, St Vincent Hospital, was represented at the hearing by Mr. Paul Matters, and Mr. David Brennan of Bostwick Design Partnership, the architectural company that drafted the proposed warehouse building. They provided the Board with several documents – including design and site plans, and aerial photographs of the property – to review during the testimony.
2. Mr. Brennan began by explaining to the Board why the building was designed as it is, and what the considerations that the appellants have in making the proposal. According to Mr. Brennan, the 720' square foot limit that the Erie City Zoning Ordinance permits is not enough to make a reasonable use of the property for the hospital. The appellants alternatively propose building a 3,000 square foot warehouse that would meet their demands, and make a more complete use of the property given the many needs of the large health care facility.
3. The building would not change the character of the neighborhood, according to Mr. Brennan. He said that it has been designed to reflect the residential context of the neighborhood; it would have a sloped asphalt shingle roof, vinyl siding and windows, and both overhead and entrance doors. As an accessory building to the existing day care center, the proposed building is specifically designed to reflect the residential character of the neighborhood.
4. Referring to the map and site plan, Mr. Brennan said that the parcel is separate from the day care center, but if the variance was approved, the two parcels would be joined. St. Vincent has owned the vacant house on the site for the past four years. The house would be demolished, he said, and after the proposed new building is erected there would be additional space for parking.
5. Mr. Matters explained to the Board why St. Vincent needs to build another warehouse. He said that, until recently, the hospital has been using the old Erie Casket Company on West 19th and Sassafras Streets as a storage facility. However, the property was recently purchased by EmeryCare, which has been located at the old Central Mall site. The building is actually being demolished at the time of the hearing.
6. The proposed new warehouse would house all of the hospital's equipment (lawnmowers, snow blowers, etc...), Mr. Matters admitted, and not just equipment related to the day care center. He added that if the variance was denied there would be a vacant lot where the old house sits, and that would negatively impact the neighborhood.

7. There were several opposition witnesses to the proposal, including long-time neighborhood resident Mrs. Jean Matson. Mrs. Matson, who appeared with her son, Mr. John Matson, told the Board that her house has been in her family for generations, and that she has seen the hospital purchase all of the property around her house. St. Vincent completely changed the surrounding neighborhood, she said, and added that her house is now surrounded by parking lots and garages. Mrs. Matson said that the situation has become very intrusive, with the noise, fumes, dust and other nuisances that have been created by the hospital's activities. She added that she was not consulted by the hospital about this proposal.
8. Mr. Matson also addressed the Board, and said that he has seen a complete transformation in the neighborhood, resulting in the loss of businesses, neighbors, schools, etc... He said that he is not opposed to changes that will better the neighborhood, but he maintained that this proposal would degrade his mother's property with even more activities and fumes from the warehouse. Mr. Matson also told the Board that St. Vincent representatives never consulted anyone from his family, despite the fact that they have lived in the same location for more than fifty years.
9. Other witnesses also appeared to testify in opposition to the proposal. Attorney David Holland appeared on behalf of a client who lives directly across the street from where the proposed warehouse would sit. He indicated that his client is opposed to the warehouse for many of the same reasons as the previous witnesses. Attorney Holland also addressed the legal question of whether the appellants are entitled to the variance. He said that St. Vincent is seeking a variance for a warehouse that is more than four times the size allowable by the Code (720 ft. maximum). He added that the warehouse is not a fixture relating to the day care center, but rather a standalone structure that is being proposed simply because this is the most convenient place for the appellants. To that extent, he said, the appellants have demonstrated no hardship that would warrant the variance.
10. Mr. William Power, a property owner who does not live in the neighborhood, but owns a four-unit property across the street from the day care center, said that he, too, has seen tremendous changes to the area in the past twenty years. He also told the Board that this proposal is made with more in mind than just maintaining the day care center. Mr. Power said that the warehouse is to be used by St. Vincent to store all of its equipment. He said that with all the vacant properties that the appellant owns in the general vicinity, they surely could find another site for the warehouse. In the proposed location, a 3,000 foot warehouse would be too much of a burden on the neighbors, he said.
11. Another property owner, Mr. Wayne Leise, owns property next to Mr. Power's. Mr. Leise said that he has the same concerns as the previous witnesses, and said that he seriously doubts if the proposed (3,000 foot) warehouse is what is needed for the upkeep of the day care facility. He also expressed a concern for the additional traffic flow if the new structure was installed. He said that now there is a very noticeable difference between the traffic on work days compared to weekends, when the hospital's regular

maintenance crews are not working. Mr. Leise said that he is afraid that this traffic situation could become unmanageable on weekdays with the new warehouse.

12. The Board gave the representatives from St. Vincent an opportunity to rebut the statements made by the opposition witnesses. Mr. Brennan said that the hardship for the appellants is in the layout of the properties. By combining the two parcels, he said that the hospital is making the best use of the properties. When asked by the Board if the appellants would be willing to construct some form of screening (i.e. a tree or tall shrub) between the warehouse and Mrs. Matson's residence, both Mr. Brennan and Mr. Matters indicated that they would not be opposed to doing whatever they could to make the situation better for the nearby residents.

Conclusions

1. The appellant, St. Vincent hospital, proposes to demolish an old house they own and replace it with a warehouse. The new structure would be adjacent to, and serve as an accessory to the hospital's day care center.
2. The proposed warehouse will be approximately 3,000 square feet. According to Section 205.18 of the Erie City Zoning Ordinance, detached accessory buildings shall be no larger than 720 square feet.
3. Until recently, the hospital has been using the old Erie Casket building (on West 19th and Sassafras Streets) as its warehouse; if approved, the new structure will hold all the equipment (e.g. lawn mowers, snow blowers, etc...) from the hospital's maintenance department.
4. Opponents to the proposal said that the appellants have demonstrated no hardship to warrant the approval of the variance. Representatives for the appellant indicated that their hardship is that the most efficient and effective use of the properties is to combine two parcels as they presently exist.

Decision

Condition:

Prior to voting on the variance, a condition was proposed, seconded and unanimously approved by the Board:

If approved, the variance would include the condition that on both sides of the house next to the warehouse (145 West 25th Street), the appellants must install some form of screening, other than a fence, that is at least six (6) feet high

Vote:

By a unanimous decision, the Board voted to deny the appellant's request for the dimensional variance. Board chairman Mike Hornyak said that even with the condition attached, the way the

testimony developed, with the many opposition witnesses, together with the fact that there was no hardship demonstrated by the appellants, influenced him to deny the variance. Similarly, Board member Selena King said that there was no hardship demonstrated; also, the proposed structure would be four times the square footage permitted by the Code, and that is too great a difference. For these same reasons, member Patty Szychowski also said that she could not approve the variance request.

It is So Ordered.

Appeal No. 12,100 by Up State Tower Co., LLC (3131-101) concerning property located at 1802 Cranberry Street in an M-2 district for a 150' communication tower/antenna. The appellant is seeking a height variance of 150' for a proposed communication tower. Per Section 205 of the Erie City Zoning Ordinance, the maximum height of a structure in the M-2 district is 100'. Per Section 204.20 of the Erie City Zoning Ordinance, communication towers are a special exception in the M-2 district and shall be referred to the Zoning Hearing Board for approval.

Findings of Fact

1. The appellant, Up State Tower Co., was represented at the hearing by Attorney Thomas Kubinski. The appellant is proposing to replace two existing 100' tall towers with a 150' tower, on behalf of local communications provider, Blue Wireless. Attorney Kubinski began by presenting the Board with an information packet, containing photographs, printouts, documents and detailed maps pertaining to the proposed site. He then introduced the chief architect of the project, Mr. Donald Carpenter, of Carpenter Consulting Group.
2. Mr. Carpenter began by explaining to the Board that Blue Wireless operates a wireless communications system throughout western New York and northwestern Pennsylvania. They are also an approved Lifeline phone provider. Mr. Carpenter told the Board that Blue Wireless is seeking to add what is known as "L.T.E.", or long term evolution technology. This new system will fill in significant gaps in coverage that Blue Wireless customers are presently experiencing. To provide this expanded coverage, however, will require increased bandwidth; stronger than the present towers are capable of providing.
3. The L.T.E. coverage is now the industry standard for the new platforms of media devices, Mr. Carpenter said, and is used by all well-known media providers (such as Verizon). He told the Board that in order to provide this new technology, and increase both the volume and quality of service to its customers, Blue Wireless will have to construct the 150' tower. He said that the company sought to construct the tower in an area that would be

least intrusive to the surrounding area (i.e. avoiding residential neighborhoods) if possible, and not conflict with local zoning laws.

4. A shorter tower - or towers – would be impeded by physical barriers, like trees, power lines, tall buildings, etc...and provide limited coverage. By contrast, the higher tower would provide greater coverage and improved service. The hardship, Mr. Carpenter explained, is that the Code, as presently written, requires the additional, shorter tower(s), and results in inferior coverage to area residents and businesses.
5. Referring to the maps in the handout provided, Mr. Carpenter showed the Board specifically how the 150' tower would reach an expanded coverage area. With the coverage area highlighted in blue and with the tower location as the center point, the map shows that the present 100' tower's coverage is limited to the West 38th Street area to the south, and does not reach State Street to the east. By contrast, the 150' tower would expand the coverage from the Bayfront to Grandview Street, and from Peninsula Drive to the west to past Parade Street to the east. The coverage area would encompass everywhere from the Peninsula to Mercyhurst University campus. Mr. Carpenter told the Board that in terms of actual customers, it would increase from approximately 34,000 people to 52,000.
6. In addition to the expanded coverage and improved quality of service, Mr. Carpenter told the Board that there is still another practical reason to permit construction of the 150' tower. The taller tower would allow up to four additional carriers in the future; in other words, other communications providers may be able to utilize the single, taller tower, rather than each provider needing to build additional towers. Therefore, the single larger structure could foreseeably reduce the number of similar structures in the area in the years to come.

Conclusions

1. The appellant is seeking to install a 150' tower on behalf of local communications provider Blue Wireless. The new tower will replace two 100' towers presently in the same area.
2. According to Section 205 of the Erie City Zoning Ordinance, the maximum height of a structure in the M-2 district is 100'. Also, under Section 204.20 of the Zoning Ordinance, communication towers are a special exception in the M-2 district.
3. The new tower will provide greater bandwidth for the communication company, enabling Blue Wireless to provide improved service, and enable them to provide service to a larger area.

Decision

The Board unanimously approved both the special exception for the communication tower, and the dimensional variance for the 150' tower. Board chairman Mike Hornyak said that the packet of information provided by the appellants made the proposal very easy to understand, and as a result he recognizes that the appellant's proposal – to have one 150' communication tower instead of two 100' towers - will provide local citizens with better service, and provide service to more people. Board members Selena King and Patty Szychowski both agreed, and all three voted to approve both of the appellant's requests.

It is So Ordered.

Appeal No. 12,101 by Joseph King (6033-100) concerning property he owns located at 1102 West 20th Street in an R-2 district. The appellant is seeking a nonconforming change of use from a tattoo parlor to a private club. Per Section 301.20 of the Erie City Zoning Ordinance, a nonconforming change of use shall be referred to the Erie City Zoning Hearing Board.

Findings of Fact

1. The appellant, Mr. Joseph King, is the owner of the property on the corner of West 20th and Raspberry Streets, which for most of the past year has served as the headquarters of the motorcycle group, the Unknown Riding Club. Mr. King told the Board that he purchased the property six years ago in a tax sale. The building has most recently housed a tattoo parlor, and obtained a reputation of being a neighborhood trouble spot and drug market. In the two years since the tattoo shop closed, the building has remained a nuisance to the neighborhood, attracting vandalism and graffiti, and remaining in a general state of disrepair.
2. Mr. King said that the Unknown Riding Club has occupied the building since August 2014, and have transformed the property from a vacant nuisance property into a valuable asset to the neighborhood. In addition to renovating the building itself, Mr. King told the Board that motorcycle club has raised money for charities, donated food to needy neighbors, held neighborhood cook outs, and generally have conducted community-friendly activities. He added that the members are careful to not make excessive noise, especially at night, and do not block the sidewalks with their motorcycles.
3. In addition to several affidavits in support of the motorcycle club that Mr. King presented to the Board, there were several neighborhood residents who appeared to testify in

support of the appellant's proposal. Those witnesses included Pastor Michael Coles, who told the Board that he has been in the neighborhood for twenty years. Pastor Coles told the Board that since the Unknown Riding Club has been at the location, it has been a quiet neighbor; as opposed, he said, to the previous tenants. The previous occupants, the tattoo parlor, were very noisy and disruptive, and created a dangerous environment, he said.

4. Other neighborhood residents also appeared to testify in support of the proposed motorcycle club. Mr. Donald Sholtis, similarly told the Board that the Unknown Riding Club has cleaned up the property, held fund-raisers and other neighborhood activities, and, overall, has been a good neighbor. Mr. Sholtis also testified that by comparison, the previous tenants, the tattoo parlor, was disruptive, noisy, and a threat to the peace of the neighborhood. Another neighbor, Jason McMillen agreed, and added that he could not let his kids go outside when the tattoo parlor was there, because of the drug activity. Now he has no such concerns. Mr. McMillen added that on a weekend there may be as many as 10-20 motorcycles at the club, but said that for the most part they are parked off of the sidewalk, and do not present a problem for the neighboring residents.
5. Another club member, Daniel Lamp, told the Board that he is the road captain for the Unknown Riding Club. He said that the club's mission statement is to raise money for charities; these efforts include a recent fund raiser for cystic fibrosis, and donations for homeless shelters, needy neighbors, etc...Mr. Lamp indicated that the average membership is about twelve members; however, he admitted that members often bring friends or girlfriends to the club with them, resulting in more bikes at the club. This is especially the case for special events, he said, like poker runs.
6. Answering questions from the Board, Mr. Lamp said that the typical hours of operation for the club are from 7:30 to midnight, Fridays and Saturdays. Club members, he said, live throughout the City and County; the club's location was chosen because of the property's availability. He told the Board that the only police involvement that the club has had was about parking; there have been no incidents where the police were summoned to the club, unlike the previous tenants where the police were often called for disturbances.
7. Another club member, Troy Trimper, also addressed the Board. He said that the riding club has had to renovate the entire building since they occupied it last August. All of the money they have raised through their poker runs and other fund-raising events has gone to charitable causes. He added that the Unknown Riding Club has derived no economic benefit from their activities.
8. Although no witnesses appeared to testify in opposition to the proposal, the City Zoning Office did receive an email letter from a West 20th Street property owner that was read into the record. Erie Zoning Official Matthew Puz read the letter (from Mr. K. Herrmann), which expressed general concerns about the negative effects that a motorcycle club can have on a residential neighborhood.

Conclusions

1. The appellant's property previously housed a tattoo parlor that was permitted to operate as a nonconforming use.
2. The tattoo shop had a reputation for being a disruptive location in the neighborhood. Since the tattoo parlor vacated the building, it has been the object of vandalism and graffiti.
3. According to the Erie City Zoning Ordinance, private clubs are not permitted in an R-2 district. Since August 2014 the Unknown Rider's Club has illegally occupied the building; they are now seeking a nonconforming change of use to continue to operate the club.
4. Several neighbors testified that since the motorcycle club moved into the neighborhood they have renovated the building and maintained the property very well. Unlike the tattoo shop, the motorcycle club has been good neighbors. The club has conducted several fund-raisers and donated money to local charities.

Decision

By a unanimous decision, the Board voted to approve the nonconforming change of use to allow the appellant to operate as a private motorcycle club. Board chairman Mike Hornyak said that he thought the club deserves a chance, based on their having proven to be good neighbors, and the support they received from the local residents. Board member Selena King also said that she wants to give the club a chance. Being a neighborhood resident herself, she said that she appreciates the club's community service and charitable acts. Board member Patty Szychowski said that in a case like this she weighs the support and concerns of the neighbors. In this matter, she said that the support shown by the appellant's neighbors is what influenced her vote. All three members voted to approve the appellant's request.

It is So Ordered.