

July 14, 2015
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, July 14, 2015 at 1:00 P.M. in City Council Chambers, Municipal Building, 626 State Street.

-- MINUTES --

THE FOLLOWING APPEALS WERE HEARD:

Appeal No. 12,102 by Mary Rita Babo (6141-107) concerning properties she owns located at 3422 Washington Avenue in an R-1 district. The appellant is seeking a dimensional variance for a 12'x24' attached car port. Per Section 205 of the Erie City Zoning Ordinance, the minimum least side yard setback in the R-1 district is 5' with a combined side yard setback of 15'. The appellant is proposing a 2' least side yard setback with a combined side yard setback of 7'.

Findings of Fact

1. The appellant Mary Rita Babo appeared on her own behalf and told the Board that she is seeking a variance to build a carport on the north side of her Washington Avenue house. In addition to the site plan drawing included with the appellant's application, Mrs. Babo provided the Board with a recent photo of the house, identifying the area where the proposed car port would be located.
2. Mrs. Babo explained to the Board that she has arthritis, and has experienced increasing difficulty getting to and from her driveway. Given her advanced age, the appellant believes that the carport is necessary for her safety and general wellbeing. Simple tasks like cleaning her car or removing snow from the vehicle have become more difficult. The proposed carport would enable the appellant to access her car safely from her home and eliminate the need to clean the car in the winter.
3. The proposed carport itself would be attached to the house wall, approximately 10 feet above the driveway. It would span across the driveway and be attached on the driveway's north side to a post and beam. This post would be sunk into the ground at the edge of the driveway, approximately 12 feet from the house.
4. The carport will be shingled to match the house and be finished underneath the soffit. It would also have a gutter and downspout. With these features, the proposed addition will

not change the look of the house. Mrs. Babo told the Board that all of the neighbors that she has spoken to have not expressed any opposition to the alteration. (The appellant indicated that she could provide the Board with the names and numbers of the neighbors if the Board wished to question any of them about the proposal.)

Conclusions

1. The appellant is proposing to build a 12 foot by 24 foot carport on the north side of her house, which would extend beyond the setback requirements for an R-1 district.
2. According to Section 205 of the Erie City Zoning Ordinance, the minimum side yard setback in the R-1 district is 5' with a combined side yard setback of 15'. The appellant's proposed car port would leave a 2' side yard setback with a combined side yard setback of 7'
3. The reason the appellant requires the carport is because of her poor health. She is having trouble accessing her car in the driveway, and it has become increasingly difficult to clean the car in the winter. The proposed carport would allow safe access to the car from her house.

Decision

By a unanimous decision, the Board voted to approve the appellant's request for a dimensional variance. Board Chairman Mike Hornyak said that the photo of the house gave him a good idea of how the proposed carport would fit onto the property. So long as the neighbors do not oppose the construction, he has no objection to the proposal. Board member Edward Dawson said that the needs of a tax paying resident influenced him, and member Jackie Spry added that she appreciates that the appellant is using materials that will match the present design of the house. For these reasons, all three voted to approve the variance request.

It is So Ordered.

Appeal No. 12,103 by Jay Cassa (1018-214) concerning property located at 209 Wallace Street in a WR district. The appellant is seeking a dimensional variance for the side and rear setbacks to attach a detached garage. Per Section 205 of the Erie City Zoning Ordinance, an attached structure requires a 3' side yard setback and a 20' rear yard setback. The appellant is proposing a 0' side yard setback and a 0' rear yard setback.

Findings of Fact

1. The appellant is Mrs. Corrine Cassa, owner of the property. The appellant was represented at the hearing by Mr. Jay Cassa, the appellant's husband. Mr. Cassa, a licensed electrician, also indicated that he has been hired as the contractor for the proposed project. The appellant's application included a detailed, scaled drawing of the proposal that had been prepared by a local survey and land development company, and a site plan drawing that was prepared by Mr. Cassa.
2. Mr. Cassa told the Board that one side of the appellant's garage has some defects, and that there are cracks in the concrete blocks on three sides of the structure. The hardship, Mr. Cassa said, was in the fact that the owner (appellant) would have to build an entirely new garage, rather than make the repairs to an already existing structure, if the variance were not approved.
3. Erie Zoning Office official Matthew Puz explained to the Board that the variance is required because of a rear addition to the house that made the garage an attached structure, rather than a free-standing, detached structure. Mr. Cassa confirmed that an addition had been constructed, which he approximated was about five years ago.
4. According to Mr. Cassa, the completed garage will add value to both the property and the neighborhood. He added that all of the neighbors that he has spoken to have commented on how well the property is maintained, and they agree that the improvements will benefit the entire neighborhood. Answering specific questions from the Board, Mr. Cassa said that no part of the existing garage extends past the boundary line of the adjacent properties, and that the structure does not abut any other neighboring residence.

Conclusions

1. The appellant is proposing renovations to an existing garage, however, an addition to the back porch makes the garage considered an attached structure. All attached structures are required to meet the provisions of Section 205 of the Zoning Ordinance.
2. According to Section 205 of the Erie City Zoning Ordinance, an attached structure requires a 3' side yard setback and a 20' rear yard setback. The current garage sits on or very close to the property line.

3. The contractor for the appellant testified that the structure does not abut or extend beyond any neighboring property line. All of the neighbors of the appellant have indicated support for the proposed expansion.

Decision

By a unanimous decision, the Board voted to approve the dimensional variance. Board chairman Mike Hornyak said that none of the neighbors could be negatively affected by the proposal as the structure does not abut any of the adjacent properties. Board members Edward Dawson and Jackie Spry indicated that the testimony and site plan drawings answered any of the questions that they had about the proposal. All three members voted to approve the variance request.

It is So Ordered.