

**July 12, 2016**  
**City of Erie, Pennsylvania**  
**ZONING HEARING BOARD**  
**1:00 P.M.**

The regular meeting of the Zoning Hearing Board was held Tuesday, July 12, 2016 at 1:00 P.M. in City Council Chambers, Municipal Building, 626 State Street.

**-- MINUTES --**

**THE FOLLOWING APPEAL WAS HEARD:**

**Appeal No. 12,130 by Brian Young (6224-512)** concerning property located at 2710 Pebble Drive in an R-1 district. The appellant is seeking a dimensional variance for a proposed rear deck. Per Section 205 of the Erie City Zoning Ordinance, the required rear yard setback is 30'; 3' is proposed. Per Section 205 of the Erie City Zoning Ordinance, the required combined side yard setback is 15'; 11' is proposed.

**Findings of Fact**

1. The appellant, Brian Young, appeared on his own behalf and explained to the Board that the house in question, which was built in 1979, is situated on an irregularly shaped parcel, and that the house is too far back on that lot. The appellant is proposing to build a deck near the garage (which is attached to the house) which will come too close to the rear property line to comply with the City Ordinance.
2. The appellant used a site plan drawing to describe to the Board how the irregularly-shaped property line contributes to the setback violation. The appellant also explained that his property is adjacent to a small playground park, which also accounts for some of the strange contour of the property line.
3. The appellant told the Board that he installed an above-ground swimming pool approximately two to three years ago, having received a permit from the City for its construction. The proposed deck would encompass part of the pool, and, as stated, would come close to the property line.
4. Mr. Young pointed out that there is a privacy fence along his backyard. The fence, he said, would keep the proposed construction on his property from affecting any of his neighbors, or anyone who may be using the adjacent playground.

### **Conclusions**

1. The appellant proposes to construct a deck in the back of his house which would be attached to the garage in the backyard.
2. The appellant's house and garage are situated on an irregularly-shaped property, which would bring the completed deck very close to the rear property line, where it would not be compliant with the setback requirement of the City Code.
3. According to Section 205 of the Erie City Zoning Ordinance, the required rear yard setback is 30', and the combined side yard setback is 15'. Due to the irregularly-shaped property line, the rear yard setback of the proposed deck would be 3', with a combined side yard setback of 15'.
4. There is a fence running along the back of the appellant's property. This fence provides privacy for the appellant, his neighbors and small nearby playground. Therefore, the proposal would not alter the character of the neighborhood.

### **Decision**

The Board unanimously voted to approve the appellant's variance request. Board members Mike Hornyak, Patty Szychowski and Jackie Spry all cited the irregular contour of the property line, and the fact that the appellant's house is set back as it is, as the reasons for their granting the variance. Mr. Hornyak added that the deck will not affect any of the neighbor's properties.

**It is So Ordered.**

---