

**October 11, 2016**  
**City of Erie, Pennsylvania**  
**ZONING HEARING BOARD**  
**1:00 P.M.**

The regular meeting of the Zoning Hearing Board was held Tuesday, October 11, 2016 at 1:00 P.M. in City Council Chambers, Municipal Building, 626 State Street.

**-- MINUTES --**

**THE FOLLOWING APPEALS WERE HEARD:**

The Board did not have a quorum, as only the chairman, Mike Hornyak, and member Jaqueline Spry were able to appear for the hearing. It was decided that Ms. Spry would serve as hearing officer for both cases; and the appellants each agreed.

**Appeal No. 12,140 by Cindy Coyne (5303-202)** concerning property she own located at 307 Merline Ave.in an R-1 district. The appellant is seeking two dimensional variances to construct a breezeway connection a detached garage in the dwelling. Per Section 205 of the Erie City Zoning Ordinance, the least side yard setback is 5' with a combined side yard setback of 15"; 3' and 7' is proposed. Per Section 205 of the Erie City Zoning Ordinance, the rear yard setback is 30'; 3' is proposed.

**Findings of Fact**

1. The appellant, Cindy Coyne, appeared to represent herself and told the Board that she is disabled, and requires handicapped access into the back entrance of her house.
2. What the appellant proposes is to construct a breezeway, connecting the back of her house to the garage; this would create flat access that would enable her to come and go without the inconveniences of the stairs and landings to get into the house. She plans to build an enclosed floor room that would connect the garage directly with the kitchen entrance, thus eliminating the obstructions.
3. In connecting the garage and the home, the appellant would be transforming the detached structure (the garage) into one larger, principle structure. In doing so, the appellant would be violating two setback provisions of the Erie City Zoning Ordinance.

### **Conclusions**

1. The appellant proposes to connect her garage – a detached structure – with the back of his home; converting the two into one principle structure.
2. According to Section 205 of the Erie City Zoning Ordinance, the minimum side yard setback is 5', with a minimum combined side yard setback of 15". The appellant's side yard setback would be 3', with a combined setback of 7'. Also, the minimum rear yard setback is 30'; the appellant's garage has a 3' setback.

### **Decision**

Hearing officer Jaqueline Spry approved the dimensional variances. She indicated that the appellant has had the existing structure that is not impending nor affecting any other adjacent property, and there is no good reason to not allow the appellant to make her house more handicapped accessible.

### **It is So Ordered.**

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**Appeal No. 12, 141 by Donald Olson (5234-141)** concerning property he owns located at 4329 Fargo Street in an R-1 district. The appellant is seeking a dimensional variance to construct a 10' x 16' front porch. Per Section 205 of the Erie City Zoning Ordinance, the front yard setback is 30' +/- 5'; 20' is proposed.

### **Findings of Fact**

1. The appellant, Donald Olson, appeared on his own behalf and told the Board that he lives on a corner lot, with his house sitting very close to a hill on the front part of his property. There is an existing cement pad in front of his house, which is falling apart, and the appellant wants to fix and extend the cement pad so that he can construct a new porch.
2. The existing pad extends nine feet, Mr. Olson said. Removing and replacing it with another similar pad would cost him approximately \$1,000.00, he said, but it would keep it the same size as it is now, not allowing any improvements afterward.
3. What the appellant proposes is to extend the cement pad by about a foot from its present length. A ten foot pad would enable him to install posts in the cement in order for him to construct a new porch. The porch, however, would create a 20' front yard setback.
4. Due to the unique topography of the appellant's property, with the extreme slope extending just beyond the proposed 10' pad, it would be very difficult to enlarge the

porch any further. Therefore, this should be the only renovation made to the front of the house.

5. The Zoning Officer read a letter that his office received the previous day from one of the appellant's neighbors. The neighbor indicated that he had no problem with the appellant constructing the new cement pad and erecting a porch.

### **Conclusions**

1. The appellant proposes replacing an existing 9' cement pad in front of his house which is falling apart. He wants to replace the existing pad with a 10' x 16' cement pad.
2. A ten foot pad would enable him to install posts in the cement in order for him to construct a new porch. The porch would create a 20' front yard setback.
3. According to Section 205 of the Erie City Zoning Ordinance, the front yard setback is 30' +/- 5'.
4. The new porch would not alter the character of the neighborhood; the appellant's neighbor is supportive of the proposal.

### **Decision**

Hearing officer Jaqueline Spry approved the request for a dimensional variance. She indicated that the appellant already meets almost all of the requirements in the Code for a hardship, that the proposal will not alter the character of the area, and it has the approval of the appellant's neighbor.

**It is So Ordered.**

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