

December 13, 2016
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, December 13, 2016 at 1:00 P.M. in City Council Chambers, Municipal Building, 626 State Street.

-- MINUTES --

PRELIMINARY MATTERS:

Prior to the hearing, the Board voted for officers for 2017. The following individuals were duly nominated, and unanimously approved for the respective offices:

Board Chairman: Ms. Selena King
Board Vice-Chairman: Ms. Jaqueline Spry
Board Secretary: Mr. Mathew Puz

THE FOLLOWING APPEAL WAS HEARD:

Appeal No. 12,143 by William Reigel (6024-224) concerning properties located at 2401 Plum Street and 821 West 24th Street in an R-2 district. The appellant is seeking a dimensional variance for the minimum lot area per family. A proposed subdivision shows the lot area per family to be 1,865.5 square feet for 2401 Plum Street and 1,795 square feet for 821 West 24th Street. Per Section 205 of the Erie City Zoning Ordinance, the minimum lot area per family in the R-2 district is 3,000 square feet.

Findings of Fact

1. The appellant was represented at the hearing by Attorney Michael Agresti; also in attendance was Attorney Melissa Larese of the Quinn Law Firm, representing the adjoining property owner. Attorney Agresti told the Board that the appellant only recently realized that his house encroaches on to the neighboring property line. Once the appellant discovered the encroachment, the parties determined that the best solution is to move the boundary line for the adjoining properties.

2. Attorney Agresti went on to explain that in moving the property line, as the appellant proposes, it would violate the City Ordinance for minimum lot coverage. In the proposed change to the property line, there will be no changes in any structures, and no new construction. Therefore, there will be no changes to the neighborhood.
3. The hardship, according to Attorney Agresti, is that the encroachment and lot line violation, as it is now, creates a cloud on the titles of both lots. Without the variance, which would allow the owners to change the property line, neither property could be sold.

Conclusions

1. The appellant's house extends on to the neighboring property by approximately thirteen feet. In order to correct this encroachment, the appellant proposes to change the property line. In doing so, the two new lots would violate the City Ordinance for minimum square footage.
2. According to Section 205 of the Erie City Zoning Ordinance, the minimum lot area per family in the R-2 district is 3,000 square feet. The appellant's proposal would be 1,865.5 square feet for 2401 Plum Street, and 1,795 square feet for 821 West 24th Street property.
3. The hardship is that the encroachment leaves a cloud on the titles of both the appellant and his neighbor; without the variance and subsequent change to property lines, neither lot could be sold.

Decision

By a unanimous decision, the Board approved the dimensional variances. Board chairman Mike Hornyak said that there is no change to the structures or the neighborhood, and as the only changes will be to the property lines themselves, he approves of the proposal. Similarly, Board member Edward Dawson said that he supports the proposal as it does not create any negative changes to the neighborhood, and that the appellant demonstrated a hardship. Board members Selena King, Patty Szychowski and Jaqueline Spry all agreed, and all voted to approve the variance requests.

It is So Ordered.
