

February 14, 2017
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, February 14, 2017 at 1:00 P.M. in City Council Chambers, Municipal Building, 626 State Street.

– MINUTES –

THE FOLLOWING APPEALS WERE HEARD:

Appeal No. 12,145 by Christopher & Corinne Thomas (Index#: 4013-134) concerning the property located at 414 West 8th Street in a C-1 district. The appellant is seeking a use variance to convert the property to a two-family dwelling. Per Section 204.4 of the Erie City Zoning Ordinance, two-family dwellings are not permitted in the C-1 district.

Findings of Fact

1. The appellants were represented at the hearing by Ms. Kiera Walton, a friend and neighbor; the appellants themselves were out of town when the hearing was scheduled. Ms. Walton told the Board that the appellants have attempted to rent the property commercially for about a year, but have been unsuccessful. The appellants therefore have decided to try to rent the property as a residential unit instead, and already have a potential tenant.
2. The second floor of the building is already a residential property; the whole West 8th Street area has many similar residential dwellings, mixed among several commercial properties. If the variance is granted, Ms. Walton indicated that the appellants will likely convert the first floor commercial property into a studio-type apartment, which would be a one bedroom unit; the dwelling on the second floor has three bedrooms.
3. The property has adequate parking for the proposed units; there are at least three parking spaces in the rear of the building.
4. Erie Zoning official Matthew Puz told the Board that if the appellants had a three-unit dwelling instead of the proposed two units, it would be permitted under the City Code in the C-1 district.

Conclusions

1. The appellant proposes to convert a commercial property into a residential unit. The building already has a residential apartment on the second floor.
2. According to Section 204.14 of the Erie City Zoning Ordinance, two-family dwellings are not permitted in the C-1 district. [If the proposal had been for a three-family dwelling it would have been permitted.]
3. The converted commercial unit would be a studio apartment. The building is in a mixed use neighborhood, and has adequate parking in the rear of the building that complies with the Code for the appellant's proposal.

Decision

By a four to one decision, the Board approved the appellant's request for the use variance. Board members Edward Dawson and Jaqueline Spry both said that they would have liked to see some more specific designs, given the irregularities of this and the other buildings in the neighborhood, but both voted to approve the variance.. Mr. Dawson also cited the need for housing in the area, and Ms. Spry added that the property could still be converted back into a commercial unit. Board member Mike Hornyak said that since the proposal would be approved if it were a three unit, he is willing to approve it as a two-unit dwelling. For the same reasons, Board member Jeffrey Johnson also approved the variance request.

Chairwoman Selena King was the sole dissenting vote, citing that the appellant's did not provide a hardship that would warrant the proposal.

It is So Ordered.

Appeal No. 12,146 by Sabira Vidakovic (Index#: 4017-244) concerning the property located at 510-512 West 5th Street in an R-2 district. The appellant is seeking a density variance for a four-family dwelling. Per Section 305.24(a) of the Erie City Zoning Ordinance, four-family dwellings are permitted in the R-2 district provided each dwelling has at least 2,000 square feet of lot area per family; 1,701 square feet of lot area per family is proposed.

Findings of Fact

1. The appellant, Sabira Vidakovic, appeared on her own behalf and told the Board that the building in question was previously a four-apartment dwelling. A previous owner converted the four units into a two-family building when he lived there. Showing the Board a photograph of four electric meters on the outside surface of the building, Ms. Vidakovic indicated that the layout is still such that she could convert the building back to a four-unit structure.
2. Ms. Vidakovic said that she purchased the building last year. She also owns several of the neighboring houses to the east on the street. She indicated that she will not commence any work on the subject house unless the Board approves the variance. She reiterated that the layout of the apartments (given its previous four-unit status) enables the conversion, because there are two exits for each of the upstairs apartments that she can utilize with minimal changes. Additionally, there will be a fire escape accessible to the upstairs units.
3. The appellant also pointed out that records confirm that the house has been half vacant for at least 9-10 years. It was a four-unit dwelling from 1964 until approximately 2000.
4. When asked about specifics by the Board, the appellant said that the proposal would include the three bedroom and two bedroom apartments that already exist. Her proposal would convert the building to include two single bedroom efficiency apartments. She also indicated that if she is not granted the variance she will likely convert the building into a three-unit dwelling, and then seek to sell it.
5. Ms. Vidakovic said that another consideration why she wishes to convert the new building is because she is having trouble renting the other houses as a result of the poor condition of the subject property. She admitted that she was well aware of the condition of the house when she purchased it.
6. Lastly, the appellant indicated that she is informed that she will require occupancy and other permits for the proposed construction, and that she has obtained permits for similar conversions to her other houses. There is adequate parking in the rear of the property for the premises.

Conclusions

1. The appellant purchased a multi-unit house last year. The house had previously been a four-family dwelling, but a prior owner converted it into a two-unit structure. The appellant is seeking a use variance to convert it back into a four-unit.
2. According to Section 305.24(a) of the Erie City Zoning Ordinance, four-family dwellings are permitted in the R-2 district so long as the property has at least 2,000 square feet of lot area per family. The appellant's property is only 1,701 square feet per family.

3. The appellant testified that there is adequate parking to accommodate the new tenants, and that the renovations can be made to the house without much trouble, given its previous four-unit status.

Decision

By a unanimous decision, the Board voted to approve the variance request. Board member Mike Hornyak indicated that since the appellant is aware of the difficulties involved with her plan, and understands the various permits she must obtain, he is willing to permit the request. Board members Jaqueline Spry, Edward Dawson, Jeffrey Johnson and Selena King all likewise voted to approve the variance, Ms. King adding that the Board expects that the appellant will maintain the new property as well as she has her other houses.

It is So Ordered.

Appeal No. 12,147 by Thomas & Karen Paskievitch (Index#: 6049-338) concerning the property located at 416 Stafford Avenue in an R-2 district. The appellant is seeking a dimensional variance for a 15'x40' side addition. Per Section 205 of the Erie City Zoning Ordinance, a 3' least side yard and 6' total side yard is required; a 0' least side yard and 1' total side yard is proposed.

At the request of the appellant, the Zoning Hearing Board granted a continuance to the next meeting by a vote of 3 to 0.