

May 9, 2017
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, May 9, 2017 at 1:00 P.M. in City Council Chambers, Municipal Building, 626 State Street.

-- MINUTES --

THE FOLLOWING APPEALS WERE HEARD:

Appeal No. 12,155 by Thomas and Mary Kunik (2046-103) concerning the property located at 1124 Pennsylvania Avenue in an R-2 district. The appellant is seeking a use variance for a Day Care Center. Per Section 204.12 of the Erie City Zoning Ordinance, Day Care Centers are not permitted in an R-2 district.

Findings of Fact

1. The appellants are Mr. and Mrs. Thomas Kunik, owners of the property, who have entered into an agreement to sell their property to the Victory Christian Center of Erie, who plans to open a day care center at the location.
2. Appearing on behalf of the Victory Christian Center, and therefore representing the appellants, was Dr. Onjanettee Jackson. Dr. Jackson told the Board that the Center is seeking a variance to avoid any future problems. She said that the Pennsylvania Code allows 12 or less children in a group day care home. The City of Erie Zoning Ordinance defines a "day care center" as 7 or more children. Dr. Jackson indicated that with the use variance the Victory Christian Center, who will have a maximum of 12 children, will be able to apply for a certificate of occupancy for the Center.
3. Dr. Jackson added that a variance for the day care center will not alter the character of the neighborhood or adjacent properties, and will have a beneficial effect to a neighborhood that is in need of the day care service. She added that the requested variance represents the least modification possible under the Code.
4. Also appearing in support of the variance was Reverend Dwayne Brock, who reiterated what Dr. Jackson told the Board, and added that the Victory Christian Center is part of the Eagles Nest Leadership Corporation, a larger community-based project that will benefit the lower eastside area.

Conclusions

1. The appellants are seeking to purchase a property and convert it into a day care center. The proposed day care center will have a maximum of twelve children at any time.

2. According to Section 204.12 of the Erie City Zoning Ordinance, day care centers are not permitted in an R-2 district. The Code defines a “day care center” as having 7 or more children.
3. The day care center will be run by the Victory Christian Center, a local community-based organization, and will not alter the character of the neighborhood.

Decision

By a unanimous decision, the Board approved the appellant’s request for the use variance. Board members Mike Hornyak, Jaqueline Spry and Jeffrey Johnson all indicated that they thought that the appellants demonstrated the need for the center, and that they see no problems with the proposal. All three voted to approve the variance request.

It is So Ordered.

Appeal No. 12,156 by David and Caroline Manino (6115-114) concerning property located at 4115 Zoar Avenue an R-1 district. The appellant is seeking a dimensional variance for an in-ground pool to located in a front yard. Per Section 205.18 of the Erie City Zoning Ordinance, pools shall be located in the side or rear yard of the principle building.

Findings of Fact

1. The appellant, David Manino, appeared on his own behalf and told the Board that he is seeking a variance that would enable him to place the pool he hopes to install in the front of his property; his house does not have a side or year yard to accommodate the pool. He said that the proposal meets all of the other setback requirements of the City Ordinance, and that all of his neighbors have expressed approval for the proposal.
2. The appellant provided the Board with both a site plan drawing from the surveyors as well as an aerial photograph of the block. Mr. Manino told the Board that the in-ground pool will have a maximum depth of 6’, which will enable his children (and neighbors) to use the pool safely. He also said that he plans to install a 6’ fence around the property, made of solid vinyl. This complies with the City Code, which requires that fence heights not be more than 6’6” in the R-1 district.
3. Referring to the site plan and overhead photo, the appellant explained to the Board that he has an “L” –shaped property. The proposed location is the only place on his lot that has enough room to build the pool, he said.

Conclusions

1. The appellant proposes to construct an in-ground pool in the front yard of his property. This is the only location where he can place the pool, as his house does not have a side or rear yard.
2. According to Section 205.18 of the Erie City Zoning Ordinance, pools must be located in the side or rear yard of the principle building.
3. The appellant plans to construct a 6' fence around the pool, which complies with the City Code.

Decision

By a unanimous decision, the Board voted to approve the variance request. Board member Mike Hornyak said that he examined the property, and that he recognizes the hardship, as there is no other place to install the pool. Likewise Board member Jaqueline Spry indicated that the appellant met the hardship for a dimensional variance. Together with member Jeffrey Johnson all three voted to approve the variance.

It is So Ordered.
