

January 9, 2018
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, January 9, 2018 at 1:00 P.M. in City Council Chambers, City of Erie Municipal Building, 626 State Street, Erie, PA.

-- MINUTES --

THE FOLLOWING APPEAL WAS HEARD:

Appeal No. 12,180 by Qusay Alsabonge (6023-113) concerning property located at 730 West 26th Street in a C-4 district. The appellant is seeking a change of nonconforming use from a used car sales lot to a service garage. Per Section 301.20 of the Erie City Zoning Ordinance, a change of nonconforming use shall be referred to the Zoning Hearing Board.

Findings of Fact

1. Appearing in support of the appellant was Mr. Paul Mitchell, the real estate broker from Passport Realtors, who have had the property in question listed for sale for some time. According to Mr. Mitchell, most of the people who viewed the property were only interested in leasing it; the few who were interested in purchasing the lot did not have good enough credit to finance the sale.
2. Mr. Mitchell told the Board that the applicant, Mr. Alsabonge, is not licensed to sell automobiles; however, he is experienced in auto repair (general auto and transmission repairs, state inspection, etc.). Mr. Alsabonge is interested in the property, but only with the service garage as the primary business, and not as a secondary concern that is meant to support the used car sales lot.
3. The applicants had a site plan showing the property – identifying the location of the building with the garage, the placement of the cars on the lot, etc. The building itself was originally a gas/service station, then converted to a used auto sales lot via a certificate issued by the Erie Zoning Office in 2012, making the business a legal nonconforming use. The property's primary listing, therefore, is presently a sales lot, with the car repair garage a secondary service.
4. Also appearing before the Board in support of the request was the property's owner, Mr. Thomas Dworzanski. He told the Board that if the request for the nonconforming use is granted he would continue to own the property, and lease it to Mr. Alsabonge.
5. Mr. Dworzanski said that the property has been professionally kept up for many years, whether there was an active business operating at the location or not. Presently there is no sales lot operating at the 26th and Liberty property, it has been used as a storage lot for the past several years.

Conclusions

1. The applicants are seeking authorization for a legal nonconforming change of use to operate a service garage at the corner of West 26th and Liberty Streets. Formerly there was a used car sales lot operating on the property, with a garage used as a secondary, support service for the used cars being sold.
2. The used car lot is not a permitted use in the C-4 district. The owners of the property received a zoning certificate from the Erie City Zoning Office for a legal nonconforming use to operate the car lot.
3. If permitted by the Board, the service garage would be the primary business, not a secondary support service. The present owner would still own the property, and would lease it to the applicant.

Decision

By a two to one vote, the Board approved the nonconforming change of use. Board members Selena King and Jeffrey Johnson voted to approve the request. Both indicated that the property has been used as a dealership with a working garage, and that it is better for the local economy and the community to have a successful business on the property. Member Jaqueline Spry voted to deny the request, indicating that there are many corner lots in the City with small used car dealerships; this particular lot, she said, could be better utilized as a different business.

It is So Ordered.
