

September 11, 2018
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, September 11, 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. 12,194 by Michael Hammill (5102-111) concerning property located in an M-1 district at 2212 Warfel Avenue. The appellant is seeking a dimensional variance for the placement of a billboard closer than the required 600 feet from the Bayfront Parkway centerline. Per Section 303.21 of the Erie City Zoning Ordinance, all outdoor advertising located along the Bayfront Parkway & Eastside Connector in an M-1 district shall be set back 600 feet from the centerline of the Bayfront Parkway or the Eastside Connector.

Findings of Fact

1. The appellant, Michael Hammill, appeared to represent himself, and told the Board that his property, which was formerly in a residential district, has now been re-zoned since the construction of the Bayfront Highway. The appellant's property, along with all the surrounding area, is now restricted as to the potential uses. Mr. Hammill said that the area does not lend itself to businesses, as a result of the highway, and a sign is one of the few alternatives left to him now that the area is zoned M-1.
2. The appellant said that there had been a residential dwelling on the property that he formerly used as a rental unit. After the construction of the highway and subsequent re-zoning, Mr. Hammill tore down the dwelling, and now has a vacant piece of land, 30; wide. He indicated that his proposal meets all of the requirements for the requested variance, except the distance restriction.
3. In responding to questions from the Board, the appellant said that he does not have an advertiser presently seeking the site for a sign. He said that he chose to obtain the variance before signing an agreement with another party. Mr. Hammill added that any sign would be subject to all of the requirements (i.e. the size and placement of the sign), with the only issue being the proximity to the highway. Lastly, the appellant told the Board that while there are still some houses on adjacent properties in the neighborhood (properties which were "grandfathered" in when the area was re-zoned); all of them are a minimum of thirty feet from the appellant's property, he said.

4. Among the appellant's neighbors who oppose the proposal was Ms. Kathleen Schaaf. (Ms. Schaaf is a sitting member of Erie City Council, who stated that she was testifying as a private citizen and neighborhood resident, and not in any official capacity.) Ms. Schaaf, who resides on East 33rd Street, travels every day on the stretch of the Bayfront Highway where she claims there are many distractions, most notably people crossing the four lane highway at their own risk. The sign, she said, could only add to the distractions that she indicated to the Board, especially if the sign is lit up.
5. In addition to the safety considerations, Ms. Schaaf also expressed concern about the aesthetics of erecting a sign in the residential area. Another neighbor who testified in opposition to the proposal was Ms. Freda Tepfar. Ms. Tepfar also questioned the possible negative affect that the sign would have to the neighborhood, and added that the only reason that the appellant was proposing the sign was to take advantage of the empty lot in order to make money. She, too, questioned the safety of an LED.-type (lighted) sign on the site.
6. In response to the opposition witnesses, Board members questioned the appellant about the type of sign he plans to erect. Mr. Hammill told the Board that he has not yet decided on the type of sign, or who the advertiser may be. He said that his plan was to secure the variance first, but he added that he has not ruled out a lighted sign.

Conclusions

1. The Appellant owns a vacant lot that previously had been a residential property. Since the construction of the Bayfront Highway the area has been re-zoned, and the appellant claims that the only use he has for the property now is to put up a sign.
2. According to Section 303.21 of the Erie City Zoning Ordinance, all outdoor advertising located along the Bayfront Parkway & Eastside Connector in an M-1 district shall be set back 600 feet from the centerline of the Bayfront Parkway or the Eastside Connector.
3. The appellant's property is not far enough back to satisfy the setback restriction.
4. Other neighborhood residents expressed concern about how a sign may affect the safety of traffic on the Bayfront Highway. The appellant could not tell the Board whether or not he would put up would be a lighted (LED) sign or not.

Decision

By a unanimous decision, the Board voted to reject request for a variance to put up a sign. Board members Mike Hornyak and Jeffrey Johnson both said that the appellant did not provide enough information about the type of billboard or sign that he would erect. Along with members Selena King and Jaqueline Spry, all four voted to deny the variance request.

It is So Ordered.
