

June 11, 2019
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, June 11, 2019 at 1:00 P.M. in City Council Chambers, City of Erie Municipal Building, 626 State Street, Erie, PA.

-- MINUTES --

THE FOLLOWING APPEALS WERE HEARD:

Appeal No. 12,199 by Patrick Rutkowski (2032-106) concerning property located in an R-2 zoning district at 633 East 11th Street. The appellant is seeking a dimensional variance for relief from the required square footage of lot area per family. Per Section 305.24(a) of the Erie City Zoning Ordinance, in the R-2 district 2,000 square feet of lot area per family is required; the appellant is proposing 1,080 sq. ft. of lot area per family for a four-family dwelling.

Findings of Fact

1. The appellant and owner of the property, Mr. Patrick Rutkowski, is a Florida resident with ties to the Erie community. Mr. Rutkowski, who is in the building construction trade, purchased the blighted property at a foreclosure sale, and hopes to renovate and convert the dwelling into several small, efficiency-type units. While the newly renovated apartments would be available to anyone in need, the appellant particularly wishes to provide housing to homeless veterans, and has been in contact with the Veteran's Administration regarding the proposal.
2. Mr. Rutkowski provided the Board with three-dimensional architectural plans of the proposed apartments. The original proposal was to convert the property into a four-unit dwelling; however, due to construction and other design problems he encountered, the appellant has amended his original plan, and will only be constructing a three-unit dwelling. The appellant stressed that the proposal will not be adding to the size of the house, but rather would just be dividing it into three, individual apartments.
3. According to the appellant, the blighted property was not just an abandoned house; the interior was actually rotted, and had to be entirely gutted and rebuilt. In that sense, the renovation was close to constructing a new building. All of the necessary permits have been obtained by the City. Also, Penelec and the Water Dept. have already approved the designs.

4. As a builder himself, the appellant has designed the project so that the house will not look out of place in the neighborhood. He told the Board that the proposal will improve the neighborhood. Mr. Rutkowski also said that there is adequate parking available in the rear of the house, given the number of units.
5. The access to the rear parking would be via an alley way from Wallace Street that runs to the rear of the building. The appellant told the Board that in addition to making certain that there is adequate parking, he has also made sure that transport vehicles (e.g. The Lift) will be able to use the alley way to pick up residents who may require such services.
6. Several other witnesses testified on behalf of the appellant. Ms. Amanda Alverico, a homeless advocate for the non-profit Erie United Methodist Alliance, told the Board that she fully supports the appellant's proposal. She said that there is a real problem in the community in finding affordable and furnished, one bedroom housing of this kind. Ms. Alverico said that her agency fully supports the proposal, especially for helping place homeless veterans.

Conclusions

1. The appellant proposes converting a blighted, single-family structure that was purchased at a foreclosure sale into three efficiency apartments, that would be furnished and primarily rented to homeless veterans.
2. In renovating the house, the appellant has gutted the entire dwelling; creating three smaller units. The total area per unit will be 1,080 square feet each..
3. According to Section 305.24(a) of the Erie City Zoning Ordinance, in an R-2 zoning district, 2,000 square feet of lot area per family is required
4. The appellant has created parking in the rear of the building, with access via an alley way on to one of the adjacent streets. The appellant maintains that the alley is sufficiently large enough for emergency vehicles to enter

Decision

By a four to one decision the Board approved the request for the dimensional variance. Citing the neighborhood's need for help, and the appellant's demonstrated willingness to serve the community, Board members Edward Dawson, Mike Hornyak, Selena King, Jeffrey Johnson all voted to approve the proposal. Citing his concern about the narrow alley as the lone access way, Board member John Reitinger voted to deny the appellant's variance request.

It is So Ordered.

Appeal 12,200 by Roman Stefanelli (4008-126) concerning property located at 515 Myrtle Street. The appellant is seeking a dimensional variance from the required rear yard setback in order to construct a balcony. Per Section 205.26 of the Erie City Zoning Ordinance, the existing non-conforming building line, with a setback of 17.5 feet, must be maintained. The appellant is proposing a 1.5 foot rear yard setback. .

Findings of Fact

1. The Appellant, Roman Stefanelli, recently purchased the subject property with a house badly in need of repair. The appellant's goal is to renovate the house, and make it available to Gannon students. The property is located in an area where there are many Gannon-related properties, and many student housing structures.
2. In an effort to expand and fortify an already existing outside deck, the appellant is seeking to improve the property for its tenants in a close, residential area.
3. The appellant told the Board that the house is surrounded by open space on each of its sides, with many feet of separation in most directions. Only the boundary line to the south, where the deck comes to within 1.5' of the neighboring property line, he said, is there not enough space to comply with the zoning requirement.
4. The appellant said that the deck would not have a roof, or top. Therefore, there would be no overhang. However, the appellant did orally amend the request for the variance to be from the proposed 1.5' to a 3' separation from the deck to the neighboring property line.

Conclusions

1. The appellant is the owner of a house that he plans to rent out to Gannon students. The house is located near Gannon University, and there are many similar student housing dwellings in the area.
2. The appellant plans to expand and improve an existing outdoor deck for the benefit and use of the tenants. Two of the neighboring properties are vacant, however, there is one lot to the south that would be only 1.5' from the appellant's proposed deck.
3. According to Section 205.26 of the Erie City Zoning Ordinance, the existing non-conforming building line, with a setback of 17.5 feet, must be maintained.
4. The appellant agreed to amend his proposal, making the deck at least 3' from the neighboring property line, instead of the originally proposed 1.5'.

Decision

By a four to one vote, the Board agreed to approve the appellant's variance request. Board members Mike Hornyak, Selena King, Jeffrey Johnson and John Reitingner all voted to approve the request. Board member Edward Dawson, citing the safety concerns of constructing a deck so close to the neighboring property line, voted to deny the request.

It is So Ordered.