

**July 9, 2019**  
**City of Erie, Pennsylvania**  
**ZONING HEARING BOARD**  
**1:00 P.M.**

The regular meeting of the Zoning Hearing Board was held Tuesday, July 9, 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. 12,201 by Raymond Beer (5149-100)** concerning property located in an R-1 zoning district. The appellant is seeking a dimensional variance to construct a detached garage that exceeds the maximum square footage allowed for a detached accessory structure. Per Section 205.18 of the Erie City Zoning Ordinance, detached accessory buildings shall be no larger than 720 square feet; a 960 square foot structure is proposed.

**Findings of Fact**

1. The appellant, Mr. Raymond Beer, appeared to represent himself, and told the Board that he is seeking a variance in order to build a 32' x 31' (960) square foot garage on his adjoining East 30<sup>th</sup> Street properties. The double lot is a corner property, and Mr. Beer said that the proposed garage would be approximately 82 feet from the road.
2. Mr. Beer is planning to retire soon, and hopes to install a garage that is large enough for his vehicles and movable equipment (e.g. lawn mower, snow blower, etc...), but also having enough space for his work bench and other stationary machines without being cramped. He said that it was this consideration that that made him chose the garage to be the large size that he proposes.
3. After questioning the appellant, the Board found that the proposed garage would have the proper setbacks, and it would not alter the character of the neighborhood. Additionally, the shape and contour of the double-lot property makes it so that the appellant has adequate space to build a garage of the size and in the location that he requests.
4. The appellant presented the Board with a petition signed by several of his neighbors indicating that they have no objections to his proposed garage.

## Conclusions

1. The appellant proposes building a 960 square foot garage on his corner property on East 30<sup>th</sup> Street in an R-1 zoning district. The large size of the garage is to allow for the appellant's vehicles and movable equipment, and also so his work bench would fit into the structure without it being too cramped.
2. According to Section 205.18 of the Erie City Zoning Ordinance, detached accessory buildings shall be no larger than 720 square feet.
3. The Board determined that the appellant's proposed garage was compliant with all setback requirements, and that it would not alter the character of the neighborhood. The shape and contour of the appellant's double-lot property allow for the size of garage he proposes.

## Decision

By a unanimous four to zero decision the Board approved the request for the dimensional variance. Citing the fact that the proposed garage will not alter the character of the neighborhood, and the petition signed by nearby residents, members Mike Hornyak, Selena King, Jeffrey Johnson and John Reitingner all voted to approve the proposal.

## It is So Ordered.

---

**Appeal 12,202 by St. Joseph's Roman Catholic Church (6004-216)** concerning property located in an RLB zoning district. The appellant is seeking a dimensional variance to construct a monument identification sign that exceeds the maximum height allowed for structures located within the 15 foot clear sight triangle or within ten feet of the right-of-way. Per Section 303.19 of the Erie City Zoning Ordinance, any sign located less than ten feet from the right-of-way of a street shall have a minimum clearance of 7 feet above the ground level or shall not exceed 30 inches in height. Any sign constructed on a corner of two intersecting streets and placed within the clear sight triangle shall be less than 30" or more than 7 feet in height. The sign proposed will stand 12 feet tall and provide a 10 foot right triangle. The sign will be 4 feet from the right-of-way.

## Findings of Fact

1. The appellant was represented by Mr. Scott Landis, the architect for the project. Mr. Landis told the Board that St. Joseph's Church, which is on the southeast corner of West 24<sup>th</sup> and Sassafras Streets, wants to erect a sign that would eventually become the centerpiece of a little patio-type park on that corner. In an effort to maximize the space

that the parish has, they believe that they should move the existing sign closer to the street, as described in detail in the proposal.

2. The sign should not be a significant hazard to vehicle traffic, the appellant believes, as Sassafra is a one-way street with traffic flowing south.
3. The appellant believes that the erection and placement of the new sign will allow for the adjacent patio to be on a larger area, which would benefit members of the parish and community at large. Also, the sign will allow the church to minister to a larger segment of the community, with little negative impact resulting from its placement.
4. Referring to three-dimensional renderings that were included with the application, Mr. Landis told the Board that the proposed sign is probably going to have an "L.E.D." style face. This type of sign, he said, is not a violation in the RLB district.
5. Speaking in opposition to the proposed sign was Ms. Freda Tepfer, who has represented visually impaired people in the Erie community. Ms. Tepfer told the Board that the new trend of L.E.D. signs is and will continue to be a problem for visually sensitive pedestrians. Speaking specifically against the proposed sign, she noted the proximity of Highpoint Towers to the appellant; many visually impaired residents of the building will be affected, she believes, if the sign is erected as proposed.
6. In response to the concerns that were expressed, the Board asked the appellant's representative if he were willing to amend the size of the proposed sign – lowering it from the present 12' down to 10'. This could be accomplished, it was suggested, by simply placing the secondary sign (that is currently is atop the main sign) to the area below the main sign. The appellant agreed to amend the proposal so that the Board would be voting on a sign that would now be ten feet high.
7. In addition to the new proposal, with the sign lower by two feet, the Board also unanimously approved a condition to the variance that would make any future restrictions on L.E.D. signs applicable to the sign that the appellant plans to construct.

### **Conclusions**

1. The appellant is proposing to construct a diagonal sign that would be larger than the current sign, and would eventually be the centerpiece of a patio-style area. The sign would be located on the southeast part of the church's property, on the corner of West 24<sup>th</sup> and Sassafra Streets.
2. The proposed sign was originally designed to be 12' high. The appellant agreed to amend the proposal to 10', by rearranging the placement of the wording on the face of the sign.
3. According to Section 303.19 of the Erie City Zoning Ordinance, any sign located less than ten feet from the right-of-way of a street shall have a minimum clearance of 7 feet above the ground level or shall not exceed 30 inches in height.

4. The sign will have an L.E.D. style face. While these type signs are becoming more common in the City, they can create problems for people (including pedestrians) who are visually sensitive. This is a concern because of the nearby Highpoint Towers, where many people with visual problems reside.
5. To address the concerns about the L.E.D. sign, the Board adopted a condition that would make any subsequent restrictions on L.E.D. signs applicable to the appellant's sign.

Condition:

The Board unanimously approved a condition that if the variance is approved, any future subsequent restrictions on L.E.D. signs will be applicable to the appellant's sign.

**Decision**

With the condition attached, the Board unanimously approved the appellant's request for a dimensional variance – amended from the originally proposed twelve feet to ten feet high. By a four to zero vote, Board members Mike Hornyak, Selena King, Jeffrey Johnson and John Reitingner all voted to approve the variance.

**It is So Ordered.**

---

**Appeal No. 12, 203 by Erie County General Authority (2103-101)** concerning property located at 903 Payne Avenue in an M-1 zoning district. The appellant is seeking a change of non-conforming use to operate a Day Care Center. Per Section 204.19 of the Erie City Zoning Ordinance, Day Care Centers are not a permitted use in an M-1 zoning district. Per Section 301.20, a change of non-conforming use shall be referred to the Zoning Hearing Board.

**Findings of Fact**

1. The appellant was represented by Mr. David Strickland and Ms. Rena Irwin of the Child Development Centers Inc. (hereafter CDC). The agency, which already operates and is in the process of developing additional facilities throughout Northwester Pennsylvania, is working with money from both federal grants and from the PA Head Start program.
2. Ms. Irwin told the Board that the proposed Payne Street location is ideal for the appellant's needs (e.g. the facilities size, location, proximity to communities in need, etc...). The number of children the facility could ultimately serve could be several hundred, she said, including all ages from toddlers and pre-kindergarten to school age

youths. The number of staff and personnel would depend on the number of children being served.

3. Answering specific questions from the Board, the appellants said that the typical hours of operation for the facility would be from 6:00 a.m. to 6:00 p.m., and there would be bussing available to those children who qualify. However, the appellants said that the level and quality of upkeep of their other facilities speaks the loudest, and is the best indicator of how the proposed Erie facility would serve the community.
4. The principle hardship is in the difficulty in finding a suitable location that meets all of the varied needs of the CDC. There are many regulations for a child care facility, and the proposed location is the only one of the several sites in Erie that were considered that met all of the requirements.
5. Given the difficulty in locating the ideal site, and the considerable time and effort already invested by CDC, the architect and realtor, the appellants indicated that they have recently entered into a sales agreement with the Erie School District, who presently owns the property. This was done in order to secure the property pending the CDC acquiring the non-conforming use and necessary permits.

### **Conclusions**

1. The appellants run several day care facilities in Northwestern Pennsylvania, and are operating with federal and state grant monies. There is a need in the Erie community for the day care services being offered by the appellants.
2. After reviewing several sites, the proposed location is the only one that meets the varied needs for a day care center.
3. According to Section 204.19 of the Erie City Zoning Ordinance, Day Care Centers are not a permitted use in an M-1 zoning district.
4. Based on the quality of the appellant's other facilities, and the hardships discussed, the appellants are seeking a non-conforming change of use in the M-1 district property.

### **Decision**

The Board unanimously granted the appellants a non-conforming change of use in order to operate a day care center in the M-1 district. Citing the benefit to the children in the area, and to the community at large, Board members Mike Hornyak, Selena King, Jeffrey Johnson and John Reitinger all voted to approve the request.

**It is So Ordered.**