

October 13, 2020
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, October 13, 2020 at 1:00 P.M.

As the result of both state and local government restrictions on public gatherings, the hearing was held via the on-line website *Zoom Webinar*, at the I.D. bearing no.: 885 1550 0257. Special instructions for the applicants were provided in advance. In addition, anybody wishing to provide public comment were also provided with instructions, contained at www.erie.pa.us, the official City of Erie Homepage.

-- MINUTES --

THE FOLLOWING APPEAL WAS HEARD:

Appeal No. 12,232 by Leon Commercial Leasing (6025-100) concerning property located at the southwest corner of West 19th and Plum Streets. The appellant is seeking a use variance to construct a warehouse in an R-2 zoning district. Per Section 204.12 of the Erie City Zoning Ordinance, Warehousing is not a permitted use in an R-2 district. The appellant is also seeking a dimensional variance for the location of the building. Per Section 205.11 of the Erie City Zoning Ordinance, the required front yard setback must be the average depth of the existing structures located between two intersecting streets +/- five (5) feet. The front yard average for Plum Street is 5'; 54' is proposed.

NOTE: Two of the three Board members, as well as their solicitor, Erie Zoning Office officials, and the stenographer were in visual and audio contact with one another throughout the hearing (one Board member was in audio contact only during the hearing). The witnesses were also in audio contact with the Board throughout the hearing.

Findings of Fact

1. The appellants were represented by Mr. James Welka and Mr. Tim Bogdanets, both officials of Leon Construction. The appellants told the Board that they wish to build a warehouse on the site, on a property that previously had been used by a construction company, in an area that is already largely industrial.
2. The property, which is presently vacant, was at one time used as an industrial site (owned by A. Marasco & Son Construction Co.), and still has some of the remnants of the old foundation from its previous use, when 19th Street was still a functioning railroad.
3. Mr. Bogdanets, the office manager for the appellant's company, told the Board that the building itself will be approximately 2,600 square feet; with dimensions of 40' x 65'.

4. The structure is going to be made of metal, which is the same as another building that the appellants own on the West 19th Street corridor.
5. As it would be similar to other nearby buildings, the appellants assert that the proposal would not change the character of the neighborhood. This opinion was supported by Mr. Martin McCormick, who also addressed the Board. Mr. McCormick was speaking on behalf of his business, McCormick Construction Company, which is adjacent to the appellant's proposed structure, and is one of several other industrial-type facilities in the immediate area.
6. In addition to the use variance, the appellants told the Board that the proposed construction company building would require a dimensional variance as well. This is because of the need for a significant (54 foot) front setback.
7. Mr. Welka explained that the need for the extended front setback is because the proposed structure has two front facing, overhead garage doors; the garage doors would be facing Plum Street.
8. The appellants included several site plan drawings with their application. The site plans showed in detail how the additional front area is needed in order to accommodate the trucks and other equipment that would be using the two, front-facing garage doors.

Conclusions

1. The appellants are requesting a use variance in order to build a warehouse for their construction company near the corner of West 19th and Plum Streets, in an R-2 zoning district. The proposed site is currently vacant, but had previously housed a structure similar to the one now proposed by the appellants.
2. According to Section 204.12 of the Erie City Zoning Ordinance, Warehousing is not a permitted use in an R-2 district.
3. If the use variance is approved, the appellants would also be seeking a dimensional variance in order to construct the building with an extended front setback. The additional front setback is needed in order to provide enough space to accommodate the two front facing, overhead garage doors on the building; the front of the building would be facing Plum Street.
4. The appellants are proposing a front setback of over fifty feet in order to utilize the two garage doors. According to Section 205.11 of the Erie City Zoning Ordinance, the required front yard setback in the R-2 district must be the average depth of the existing structures, located between two intersecting streets +/- five (5) feet.
5. The Board concluded that the request for the use variance to construct a warehouse is consistent with the other industrial-type businesses along the 19th Street corridor, and would not change the character of the area.
6. The Board also concluded that the appellants demonstrated a need for the extended front setback, in order to have enough space to utilize the two front facing overhead garage doors.

Decision

By a unanimous decision, the Board approved the both the appellant's request for a use variance to build a warehouse, and the request for a dimensional variance to permit an extended front

setback. Board members Mike Hornyak, Edward Dawson and Jeffrey Johnson all voted to approve the construction of a warehouse with an additional front setback.

It is So Ordered.

ADDITIONAL BUSINESS:

At the conclusion of the hearing, the Board held a special vote for temporary election of the office of Vice Chairman for the remainder of 2020.

Just prior to the regularly scheduled hearing of October 13, 2020, the Board and other City officials were informed by Board member John Reitingger that he was resigning from the Board, effective immediately.

The Board proposed and unanimously approved Board member Mike Hornyak to replace Mr. Reitingger as Vice Chairman for the remainder of 2020.