

**BEFORE THE
ZONING HEARING BOARD OF
FAIRVIEW TOWNSHIP, ERIE COUNTY, PENNSYLVANIA**

IN THE MATTER OF	:	
	:	Premises at Sterrettania Road and West Avonia Road
Property owner:	:	Fairview Township, PA
Gregory Kiddo, Sr.	:	
3119 West 32 nd Street	:	Index No. 21-070-126.0-016.00
Erie, PA 16506	:	
	:	

FINDINGS OF FACT

1. Applicants are Miller Bros. Construction, Inc. on behalf of JLM Real Estate Investments (prospective purchaser/developer) and Gregory Kiddo, Sr., owner of the Subject Property located at Sterrettania Road and West Avonia Road, Fairview, PA.
2. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. 21-070-126.0-016.00. The parcel is currently zoned B-1 Neighborhood Business District.
3. Applicants would like to construct a commercial building (Dollar General Store) on the Subject Property.
4. Fairview Township's Zoning Ordinance, Section 703(D)(1)(a) requires retail businesses to have one parking space for each 125 square feet of sales or service floor area and one space for each employee on maximum work shift. Applied to the proposed development, Fairview Township's Zoning Ordinance would require the development to have 47 parking spaces.
5. Applicants are proposing to construct 31 parking spaces for the development.
6. Applicants are seeking a variance to Section 703(D)(1)(a) of Fairview Township's Zoning Ordinance. Specifically, Applicants propose to reduce the parking requirements from 47 parking spaces to 31 parking spaces, a variance of 16 parking spaces.
7. Fairview Township's Zoning Ordinance, Section 703(D)(2) requires retail businesses to have one loading unit for each 3,000 square feet of sales floor area. Applied to the proposed development, Fairview Township's Zoning Ordinance would require the development to have 2 loading units.
8. Applicants are proposing to construct 1 loading unit for the development.
9. Applicants are seeking a variance to Section 703(D)(2) of Fairview Township's

Zoning Ordinance. Specifically, Applicants propose to reduce the loading unit requirements from 2 loading units to 1 loading unit, a variance of 1 loading unit.

10. Pat Higgins, from JLM Real Estate, testified that he has worked on over 100 developments for Dollar General stores. All of those projects are similar to the proposed project on the Subject Property. Dollar General typically requires 25 to 30 parking spaces per location. The maximum number of employees in a store at one time would be 3 to 4, and in most cases less. In all of his prior dealings with Dollar General stores, Mr. Higgins indicated that there has never been an issue with inadequate parking using the recommended 25 to 30 spaces.

11. Mr. Higgins also testified that Dollar General stores require one shipment per week from their distribution center. There is never more than one truck making deliveries at any given time. Certain local deliveries are made on an as needed basis and often use the front store entrance. Dollar General stores only require one loading area as there are never multiple deliveries at the same time.

12. Troy Dale, from BL Companies (consulting engineers), testified regarding a parking study conducted on behalf of JLM Real Estate. Said study compared other similar Dollar General stores, and confirmed that the proposed 31 parking spaces are adequate to handle the needs of the proposed development. Mr. Dale also confirmed that Dollar General did not require more than 1 loading unit per store.

13. Mr. Dale further testified regarding the proposed site and issues affecting the location and design of the proposed development. Mr. Dale indicated that the subject parcel is narrow and contains wetlands in several areas. Storm water design issues, including the necessary sloping of the drainage areas, restrict the location of the improvements upon the subject property to its proposed location. Increasing the number of parking and loading areas would affect the size and design of the storm water system. These issues (narrowness of lot, wetlands, storm water, entrance location) would make development consistent with the Zoning Ordinance difficult or impossible. Mr. Dale explained that the relief requested for this project is the minimum relief available that would allow for the use and development of the property, and that the proposed development is consistent with the mixed use of neighboring properties.

14. James Cardman, Fairview Township's Zoning Officer, testified that based upon his informal survey of local Dollar General stores, the requested number of parking spaces would appear to be more than adequate to handle the proposed development.

15. There was no other testimony offered either in favor of or in opposition to Applicants' request.

CONCLUSION OF LAW

Applicants have met the requirements for a variance to reduce the number of parking spaces from 47 to 31. Applicants have met the requirements for a variance to reduce the number of loading units from 2 to 1. Both determinations are subject to the conditions set forth in the Decision below.

DECISION

AND NOW, this _____ day of _____, 2023, it is ordered that Applicants' request for a Variance of 16 parking spaces is GRANTED. The number of parking spaces required for the proposed development is reduced from 47 to 31. The Applicants' request for a Variance of 1 loading unit is GRANTED. The number of loading units required for the proposed development is reduced from 2 to 1. These Variances are conditioned upon the use of the Subject Property as a Dollar General retail store. Any other use of the Subject Property shall require compliance with the full number of parking spaces and loading units required by the Zoning Ordinance absent further relief from this Board.

These Findings of Fact, Conclusions of Law, and Decision are signed this _____ day of _____, 2023.

George Wilkosz, Chairperson

Justin Havern

Dan Stroup

Barbara Partchey

Kellie Tokar

Jason Trippe