

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

IN THE MATTER OF	:	
	:	Premises at 5739 West Ridge Road
Property owner:	:	Fairview Township, PA
Euliano Family Limited Partnership	:	
5739 West Ridge Road	:	Index No. (21) 057-082.0-027.00
Erie, PA 16506	:	

FINDINGS OF FACT

1. The Applicant is Euliano Family Limited Partnership, 5739 West Ridge Road, Erie, Pennsylvania, 16506 (hereinafter “Applicant”).

2. Applicant is the owner of the property located at 5739 West Ridge Road, Erie, Pennsylvania, 16506 (the “Subject Property”).

3. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by Erie County Index No. (21) 057-082.0-027.00. The parcel is currently zoned B-2 Highway Commercial District.

4. The Subject Property consists of multiple lots that have been combined over the years into one parcel.

5. The Subject Property was historically used for the campus of Tri-State Business Institute.

6. The Subject Property currently houses educational facilities in several buildings, however, the Applicant proposes to subdivide two parcels from the larger current parcel for purposes of operating a plaza-type business.

7. Lot A of the proposed subdivision will consist of 10 units, while Lot B will consist of 8 units. The units are generally uniform in design and size. The existing structures on the proposed subdivision lots were designed to allow for use as separate units.

8. Fairview Township Zoning Ordinance Section 824(B)(1) limits the number of signs in the B-2 District to 3 per parcel and total signage to 200 square feet per parcel.

9. Applicant is seeking a variance to allow for 1 sign per unit on each of the proposed lots. For Lot A, Applicant seeks a total of 10 signs (variance of 7). For Lot B, Applicant seeks a total of 8 signs (variance of 5).

10. Applicant previously received a variance to allow for up to 300 square feet of signage on Lot A. Applicant seeks a variance to allow for up to 250 square feet of signage on Lot B (variance of 50 square feet).

11. James Cardman, Planning and Zoning Administrator for Fairview Township, testified regarding the history of the Subject Property, the proposed subdivision of Lot A and Lot B, as well as the prior variances granted Applicant for signage. Mr. Cardman further testified that there was a need for the Township to revisit the signage limitations set forth in the Zoning Ordinance, as the current provisions do not adequately allow for plaza type use.

12. Mike Sanford testified in support of the application. Mr. Sanford is the engineer working with the Applicant on the proposed subdivision of the Subject Property.

13. Mr. Sanford explained that the provisions of the zoning ordinance as applied to the Subject Property would not allow for each prospective tenant to have signage. He indicated that plazas, such as the proposed Lots A and B, cannot comply with the terms of the zoning ordinance as written. He testified that the proposed use of the property is consistent with other uses in the area, that the relief requested by Applicant represented the minimum relief necessary, and that the hardship at issue was not created by Applicant, but rather from the ordinance not taking into account uses such as that proposed by Applicant.

14. Michael Euliano testified that the property is being marketed with the goal of finding tenants for each unit. He explained that tenants will require separate signs, and that the ordinance does not permit signs for each tenant should the units all be leased.

15. Deborah Schenker testified that she was concerned about the aesthetics of the project and hoped that it would be designed appropriately. She also raised concerns regarding lighting from other structures on the property.

16. There was no other testimony offered either in favor of or in opposition to Applicant's request.

CONCLUSION OF LAW

Applicant has met the requirements for a variance to allow for up to 10 signs on the proposed Lot A (variance of 7) with a total area not to exceed 300 square feet, and for up to 8 signs on the proposed Lot B (variance of 5) with a total area not to exceed 250 square feet (variance of 50 square feet) on the Subject Property.

DECISION

AND NOW, this 2nd day of July, 2019, the Fairview Township Zoning Hearing Board hereby grants Applicant's request for a variance to allow for up to 10 signs on the proposed Lot A (variance of 7) with a total area not to exceed 300 square feet, and for up to 8 signs on the proposed Lot B (variance of 5) with a total area not to exceed 250 square feet (variance of 50 square feet). Said variance is expressly conditioned upon approval of the subdivision as outlined in Applicant's application.

These Findings of Fact, Conclusions of Law, and Decision are signed this _____ day of _____, 2019.

George Wilkosz, Chairperson

Barb Parchey

Keith Farnham

Judy Miller

Kellie Tokar