

August 13, 2019
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, August 13, 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. 12,205 by Jessica Nelson (4013-124) concerning property located at 713 Walnut Street, in an R-2 Medium Density Residential zoning district. The appellant is seeking a use variance to operate a rooming house at this location. Per Section 204.12 of the Erie City Zoning Ordinance, rooming houses are not a permitted use in the R-2 zoning district. The appellant is also seeking a variance from the perking requirement. Per Section 302, one (1) on-lot parking space per rentable unit is required for rooming houses.

Findings of Fact

1. The appellant is Ms. Jessica Nelson, the founder and chief operating officer of the local H.E.R. (Heal, Empower, Recovery) Home, a facility that provides residence and support to women in the community who are recovering from substance abuse. Ms. Nelson told the Board that there is presently only one “half-way” house exclusively for women in Erie, and seeing the need she purchased the property, aided together with some community support, about three months ago.
2. The appellant described the proposed facility as a “three-quarter” house; a place for women to transition from the initial process of getting clean and sober (usually at a short to medium period at a rehabilitation center) to living a full, independent life free of drugs and alcohol. Ms. Nelson said that the H.E.R. Home provides this critical stage for women, while offering an affordable and supportive environment.
3. The home itself is equipped to eventually house up to sixteen women. For now there are six units that are ready for occupancy. The rent will be \$400 per month; a fair rate, the appellant asserted, that will allow the tenants to not have the additional financial burden just as they are beginning to live on their own for the first time.
4. The property is near a bus route, and close to a Family Dollar store, making this a very good location for the recovery facility. There will be a house manager living on site at all

times, but the tenants have the responsibility of shopping, cleaning, doing laundry, etc... for themselves.

5. Many of the women tenants will not own cars (at least at first), so the appellant does not anticipate that parking will be a problem. Even so, the appellant presented a statement from a local construction company that indicated that at least five off-street parking spaces would be available to the facility on the appellant's property. Additionally, the nearby Family Dollar store, on the corner of West 8th and Walnut Streets, has allowed the appellant to use some of the spaces in the store's large parking lot, if necessary.
6. There were several witnesses, mostly recovering women, who testified on behalf of the proposal. Among the witnesses who testified in support of the appellant were Erie City Councilwoman Kathleen Schaaf (testifying in an unofficial capacity), who said that she recognized the need for the facility in the community, and Ms. Jenny Hagerty, executive director for the local Mercy Center for Women, who said that she helped the appellant in drafting the strategy for the H.E.R. Home.
7. In addition to the witnesses who testified at the hearing, the Board also received several letters from area residents who expressed the need for such a facility in the community, and indicating that the appellant's proposal would not create a problem for the neighborhood.
8. There were some witness, however, who testified in opposition to the proposal, including Ms. Heidi Myles. Ms. Myles, a West 7th Street resident, indicated that her concern is in the potential conflict of interest that is possible when a private property owner is operating a supposedly "not for profit" type facility. This possible conflict, she suggested, is why the area is zoned as it is.
9. The appellant had stated, in both her written application and in her hearing testimony, that the proposed H.E.R. Home is affiliated with and meeting the requirements of the National Alliance for Recovering Residences, and the more regional Western Pennsylvania Alliance of Recovering Residences. As a way of allaying some of the concerns of some of the Board members, as well as those neighborhood residents opposed to the proposal, the Board proposed adding a condition to any variance that the facility maintain certification from the aforementioned organizations – or any other state or federal agencies that may regulate these type facilities. The appellant said that she would agree to any such condition.

Conclusions

1. The Appellant is seeking to open a boarding house exclusively for women who are seeking to transition from their old lifestyle of drug and alcohol use, into a safe environment. Most of the women would be coming to the proposed facility from places like rehabilitation centers, prisons,

abusive relationships, etc..., and the options to a safer lifestyle, especially for women, are limited. The appellant refers to the proposed facility as a “three-quarter house.”

2. The appellant’s property, located near the area of West 7th and Walnut Streets in an R-2 zoning district, presently has six apartments ready to rent. The dwelling has enough room to have up to sixteen units, and the appellant expects to expand as soon as possible.
3. According to Section 204.12 of the Erie City Zoning Ordinance, rooming houses are not a permitted use in the R-2 zoning district. The appellant is also seeking a variance from the perking requirement, as Section 302 of the Code requires at least one on-lot parking space per rentable unit is required for rooming houses.
4. It is unclear as to how many of the tenants will own cars, but the appellant has enough space for up to five or six parking spaces; and the nearby Family Dollar store has offered the appellant to use the store’s large parking lot for additional parking spaces if necessary.
5. The hardships include the unique circumstances in this case, including the immediate demand in the community for facilities like the one proposed – especially for women – and the limited number of suitable locations to house such a facility. Most of the neighborhood residents, and the members of the recovery community do not believe that the proposed facility will have a negative impact on the area.
6. In spite of the many witnesses who wrote or spoke in favor of the proposal, the Board still concluded that there be a condition to any variance, that the facility maintain certification from any recovery organizations that the facility is associated with, or with any other state or federal agencies that may regulate these type facilities.

CONDITION:

The Board proposed and unanimously approved a condition to be attached to the variances:

If the variance(s) are approved, the H.E.R. Home must obtain and continue to maintain any certifications that are required in order to be officially affiliated with any recovery organization (such as the National Alliance for Recovering Residences), as well as maintaining all requirements from any other state or federal agencies that may regulate recovery-related facilities.

Decision

With the condition attached, and by a unanimous vote, the Board approved both the use variance to operate a boarding house, and a variance for the parking requirement. Board members Edward Dawson, Selena King and John Reitingger all voted to approve the variance requests.

Board member Mike Hornyak recused himself from the vote.

It is So Ordered.

Appeal No. 12,204 by Andrew Chinikidiadi (2017-100) concerning property located at 356 East 12th Street in a C-4 Traditional Neighborhood Commercial zoning district. The appellant is seeking a use variance to use this property for Auto Sales. Per Section 204.18 of the Erie City Zoning Ordinance, Auto Sales are not a permitted use in a C-4 zoning district.

Findings of Fact

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1. The appellant is Infinity Land LLC, an Ohio based real estate company. The appellant was represented at the hearing by its local representative, Mr. Andrew Chinikidiadi, who told the Board that the proposed car sales lot is a vacant former gas station, located at the corner of East 12th and Parade Streets.
 2. Mr. Chinikidiadi said that this intersection is a good location for the proposed sales lot for several reasons. Both the former business, a gas station, and the new proposal, a car sales lot, are automotive in nature; therefore the proposal should not change or alter the character of the neighborhood. The property is located at the intersection of two main streets, is well lit, and is surrounded by other similar, commercial businesses establishments.
 3. The appellant's application included a very detailed site plan of the proposed sales lot. The former gas station structure is still standing, and is 480 square feet in size. It would be converted into the sale's office for the new car lot. Additionally, there is enough room for approximately 50 to 60 vehicles, as well as three customer parking spaces. The proposal is for a sales lot exclusively; there will be no repairs or significant automotive work performed on any of the cars at this location. (The business has a nearby garage where all of the repair work on the cars would be performed.)
 4. The appellant stressed that in addition to being a good location for this type of business, at the intersection of two heavily traveled streets, it would also improve the neighborhood. The proposal, Mr. Chinikidiadi said, would make the area safer, provide jobs, utilize an unproductive and abandoned property, and improve the economy for the lower eastside Erie area.
 5. The people who will be managing the proposed sales lot have a good history of running profitable and productive businesses. The appellant's intention, they said, is to improve the corner and help restore the area.

Conclusions

1. The appellant proposes to convert an abandoned former gas station at the intersection of East 12th and Parade Streets, in a C-4 zoning district, into a car sales lot, with a capacity of approximately 50-60 cars.
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2. According to Section 204.18 of the Erie City Zoning Ordinance, Auto Sales are not a permitted use in a C-4 zoning district.
3. The vacant property provides an excellent location for the proposed sales lot, given the heavily travelled intersection. The proposal would provide an economic benefit, provide jobs, and help to revitalize an abandoned and run down property.
4. As the former business, a gas station, and the proposed business, a car lot, are both automotive in nature, the appellant believes that the new lot would not alter the character of the busy, largely commercial neighborhood.

Decision

By a unanimous decision, the Board approved the variance request. Board members Edward Dawson, Mike Hornyak, Selena King and John Reitingner all voted in favor of the appellant's variance request.

It is So Ordered.
