

**October 8, 2019**  
**City of Erie, Pennsylvania**  
**ZONING HEARING BOARD**  
**1:00 P.M.**

The regular meeting of the Zoning Hearing Board was held Tuesday, October 8, 2019 at 1:00 P.M. in City Council Chambers, City of Erie Municipal Building, 626 State Street.

**-- MINUTES --**

**THE FOLLOWING APPEAL WAS HEARD:**

**Appeal No. 12,207 by Gregory Sesler (2007-215)** concerning property located at 107-109 East 10<sup>th</sup> Street, in a C-3 zoning district. The appellant is seeking a use variance to operate a rooming house on the second and third floors. Per Section 204.17 of the Erie City Zoning Ordinance, rooming houses are not a permitted use in the C-3 zoning district.

**Findings of Fact**

1. The appellant, Attorney Gregory Sesler, is the owner of the property, and appeared at the hearing on his own behalf. Attorney Sesler told the Board that the building in question is near the corner of East 10<sup>th</sup> and French Streets, across from U.P.M.C. Stadium, and just down the street from the Erie City Mission (hereafter referred to as the "Mission").
2. The appellant presently uses the first floor of the dwelling for his law and real estate offices. Recently, however, the appellant has had the second and third floors of the building changed from office space to apartment/rooming use, complete with a full kitchen, full bath and three bedrooms on the second floor, and three additional bedrooms and a bath on the third floor. (The dwelling space is compliant with all safety regulations, including smoke detectors and front and rear stairways as required.)
3. The purpose for the renovations is because of an agreement the appellant has with the Mission, where the upper floors are being used as a "three-quarter" house - a safe environment for men who are transitioning back into society after completing a (approximately) six to eight/nine month program at the Mission.
4. According to the appellant, the agreement between him and the Mission includes the Mission eventually purchasing the building as part of their long-range plans. This sale should occur sometime in the next five years, when Attorney Sesler plans to retire. Neither party realized that the arrangement was in violation of the City Code until a recent regular rental inspection, when they were informed that not more than three non-

related persons may live in the same dwelling. It was at this point that both parties agreed that it would be best to apply for the variance now, before the Mission commences any further plans.

5. The appellant told the Board that to convert the property on the second and third floors into apartments would be very expensive, and given the fact that the “community” type kitchens and bathrooms are working well under the circumstances, he has no plans on converting the upper floors into individual units; especially since the appellant will be selling the property within the next few years to the Mission.
6. This was confirmed by another witness, Mr. Daryl Smith, the program manager at the Erie City Mission. Mr. Smith said that in most cases prior to the use of the appellant’s rooming house, the tenant/resident, after completing the 6-9 month program at the Mission, would have to find housing and employment (although usually still maintaining a dialogue with the Mission) upon their release.
7. The benefit of the appellant’s dwelling, Mr. Smith indicated, is that it provides an opportunity for the resident to transition into society slowly, at a rooming house almost next door to the Mission. He added that while the Mission has no further official responsibilities or duties after the release of the residents, the close proximity allows for all of the Mission’s facilities to be at the resident’s disposal, adding further assistance to their transition process.
8. The Board had several questions for the appellant and Mission representative, about the property itself and how the rooming house is actually administered. Mr. Smith indicated that residents/tenants may stay at the rooming house for up to a year after being released from the Mission; however, if anyone is found to be violating the policies of the house (e.g. using alcohol or illegal drugs), they can be evicted upon thirty day’s notice (as per Pennsylvania law). Attorney Sesler said that the house is, and will continue to be a “for profit” entity. However, the appellant said that when the Mission takes ownership of the facility, as per the existing contract between the parties, they may apply for tax exempt status. Mission officials could not comment on whether or not this is in the long range plans for the Erie City Mission.

### **Conclusions**

1. The appellant is seeking a use variance to operate a rooming / boarding house at his property near the corner of East 10<sup>th</sup> and French Streets, in a C-3 zoning district.
2. Recently, the second and third floors of the building have been occupied by newly released residents of the nearby Erie City Mission, as a way of helping the individuals transition into society after having lived at the Mission for the past six to nine months.
3. According to Section 204.17 of the Erie City Zoning Ordinance, rooming houses are not a permitted use in the C-3 zoning district.
4. The appellant and the Mission have a contractual agreement for the Mission to purchase the property at some point within the next five years. Until then, Mission officials

believe that the location of the house, together with the Mission's up to 12 month program, makes for an ideal situation. Those men who have recently completed the program and been released, can still have access to the Mission's facilities at their disposal, without the Mission having to maintain room and board for these residents.

5. The rooming house has been operating in this way without incident for some months, unaware of the violation to the City Code. The facility would not negatively alter the neighborhood; to the contrary, the fortuitous proximity to the City Mission itself provides a valuable opportunity for the recently released Mission residents to successfully transition into society, benefitting the community as a whole.

### **Decision**

The Board unanimously approved the appellant's request. Board members Jeffrey Johnson, Selena King, Mike Hornyak, Edward Dawson and John Reitingger all applauded the benefit that the proposal provides to the City Mission, and to the entire community – all five members voting to approve the use variance.

**It is So Ordered.**

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