

November 12, 2019
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, November 12, 2019 at 1:00 P.M. in City Council Chambers, City of Erie Municipal Building, 626 State Street.

-- MINUTES --

THE FOLLOWING APPEALS WERE HEARD:

Appeal No. 12,208 by Mark and Linda Sipple (5072-123) concerning property located at 3121 Holmes Street, in an R-1A zoning district. The appellant is seeking a dimensional variance from the required front yard setback. Per Section 205.11 of the Erie City Zoning Ordinance, where a structure exists on the applicant's lot or any adjacent lot, the required depth of the front yard for the proposed structure shall be the average depth of the existing structures located between two intersecting streets within a tolerance of +/- five (5) feet. A 210 front yard is proposed.

Findings of Fact

1. The appellant, Mark Sipple, appeared in support of the proposal. There were no other witnesses, either in favor or in opposition to the proposal, although the application included both a drawn site plan and aerial view of the property in question, and a short note to the Board by the co-applicant, Linda Sipple.
2. Mr. Sipple told the Board that he is hoping to build a barn-like structure, which would sit approximately 210 feet from Holmes Street. According to the site plan, the structure would be 30' x 50' in size, and have six feet from the east property line, and ten feet from the west boundary; (and, as stated, 210' from the front of the front of the structure to the street, on the long, narrow residential lot).
3. The appellant said that he is seeking to build a large shed (community garage), in order for his tenants, including his daughter and selected neighbors, to use for storage. The structure would be made of both wood and metal, he said; it would have electricity, but no water or heat.
4. According to the appellants, the reason that the storage structure is so far back than usual is because they do not want to have their tenants have to park on the street. Additionally, the location of the shed would not block the view from the homes of the appellant's neighbors. The unusually far set back location of the proposed structure is in part necessary

because of the long shape of the property lot, and would not negatively affect the character of the neighborhood.

Conclusions

1. The appellant is seeking a dimensional variance to build a shed-like storage structure (community garage) over two hundred feet from the street. The structure would be made of wood and metal, and have electricity, but no water or heat.
2. The distance from the street is consistent with the unusually long, narrow contour of the residential lot.
3. According to Section 205.11 of the Erie City Zoning Ordinance, where a structure exists on the applicant's lot or any adjacent lot, the required depth of the front yard for the proposed structure shall be the average depth of the existing structures located between two intersecting streets within a tolerance of +/- five (5) feet.
4. The structure, which would be used by the appellant's daughter, tenants and some neighbors, would have the added benefit of not altering the view of the neighbors. The proposal would not affect negatively the character of the neighborhood.

Decision

The Board unanimously approved the appellant's request. Board members Edward Dawson, Mike Hornyak and John Reitingger all voted to approve the appellant's request for the dimensional variance.

It is So Ordered.

Appeal No. 12,209 by Jerry Strickland (1022-327) concerning property located at 702 East 7th Street (northeast corner of 7th & Reed Streets) in an R-2 zoning district. The appellant is seeking a use variance to place warehousing on a vacant residential lot, as well as a dimensional variance for the front yard setback of the 8' x 10' structure. Per section 205.11, the front yard setback on Reed Street is required to be between 6' and 16', two (2) feet is proposed.

Findings of Fact

1. The appellant Jerry Strickland appeared at the hearing on his own behalf, and told the Board that he hopes to keep a “teardrop” style trailer and accessory structure on the front of his property. Located on the corner of East 7th and Reed Streets, both the trailer and accessory shed presently sit on a vacant residential lot.
2. The appellant used a series of photographs showing the property in question from several different viewpoints. Mr. Strickland said that he purchased the vacant lot two years ago. The lot is adjacent to his house, which he has owned for five years, he said. The shed was put up about one year ago, and the trailer six months ago.
3. Mr. Strickland described the shed as an 8’ x 10’ steel structure, which he uses to keep his lawnmower and other tools. Both the trailer and shed are off the ground, sitting on a wooden pad-like foundation, not a cement base, and sit approximately two (2) feet from the sidewalk.
4. The appellant added that the shed and camper are not blocking the view of 7th Street, and he plans to install a fence in the spring.

Conclusions

1. The appellant is seeking a variance that would permit him to keep a small trailer and 8’x 10’ steel storage shed on a vacant, residential lot. The lot with the trailer and shed is on the corner of East 7th and Reed Streets, and is adjacent to the appellant’s residential property.
2. Both the small “teardrop” like trailer and shed sit on a wooden base, not a permanent cement foundation. The wooden base sits about two feet from the sidewalk.
3. According to Section 205.11 of the Erie City Zoning Ordinance, the front yard setback is required to be between 6’ and 16’.
4. The appellant indicated to the Board that if he is permitted to keep the shed and trailer, he would install a fence around the lot.

Decision

By a two to one vote, the Board approved the use variance to permit the appellant to keep a small trailer and metal shed on his vacant residential property. Board members Mike Hornyak and Edward Dawson voted to approve the variance; member John Reitingger casting the lone dissenting vote.

It is So Ordered.

Appeal No. 12,210 by Jennie Hagerty & Craig Zonna (5049-106) concerning property located at 1012 East 28th Street in an R-1A zoning district. The appellant is seeking a use variance to remodel upon acquisition and add mixed uses to the structure. The proposed uses are those of multi-family, day care center, retail and professional service offices (health & wellness). Per Section 204.11 of the Erie City Zoning Ordinance, these uses are not permitted in the R-1A Traditional Single Family Residential Zoning District.

Findings of Fact

1. The appellants were represented at the hearing by Ms. Jennie Hagerty and Attorney Craig Zonna, the Executive Director and legal counsel, respectively, for the Mercy Center for Women (hereafter referred to as “Mercy Center”). The Mercy Center is seeking to transform the former Holy Rosary parochial school building into a functioning mixed-use facility that would help the homeless, abuse victims recovering substance abusers, etc... in the Erie community.
2. In addition to appearing in person to testify in support of their variance request, the appellants provided a comprehensive application pack that included site plans, aerial views, and petitions in support of the proposal from eastside officials, neighbors and business leaders, together with a long mission statement from the Mercy Center. Additionally, there were several witnesses who appeared before the Board in support of the proposal, citing the need for such a facility in the eastside Erie area.
3. The appellants (the Mercy Center) operate a transitional program that targets at risk groups, and are part of a collaborative effort with other Erie City agencies and private groups to reach out to the City’s neediest people. The proposal before the Board is to convert the now vacant Holy Rosary school building into a center that would not only provide housing, but also vital services such as a food pantry, library, child care facility etc.... , for people who often lack the access to such services.
4. Initially the proposal is to convert the old school into a residential structure with fourteen (14) permanent apartments, aimed at providing shelter for women and children. The Board heard from several witnesses who expressed that the need for such services are especially severe for women in the eastside community. Ms. Carla Storrs, the Director for Client Services for Mercy Center, told the Board that the number of applications for services that the Mercy Center receives greatly

outweighs the number of beds and spaces available in the community. The proposal to convert Holy Rosary would immediately benefit the needs of the community.

5. Also testifying before the Board was Attorney Ray Pagliari, who negotiated the sale – pending the approval for the variance – between the Diocese of Erie and the Mercy Center. The plan is for the Holy Rosary Parish to be sub-divided; the church would continue to operate, but the (former) school building and part of the lot will be sold off. Attorney Pagliari provided the Board with stark statistics showing the rapid demographic and economic changes in the community, where a declining population has led to a lack of need for schools of all type, public and private. This trend has left many unused and unproductive former school buildings in the City and surrounding area. This fact makes the proposal by the appellants an especially welcome idea that would put one of these buildings to use for the community.
6. Several witnesses from the community appeared to testify in support of the Mercy Center. Among them was Mr. Chris Groner, appearing as spokesperson on behalf of the Mayor’s Administration. He told the Board that the City is in support of the proposed Mercy Center facility, as well as the Mercy Center’s efforts in general that help and support the Erie community.
7. Ms. Hagerty answered some specific questions from the Board regarding the facility. She said that if the variance were approved and the sale of the building is finished, the first goal that the Mercy Center has is to make seven apartments livable in 2020, with another seven completed by 2021. She said that the facility will be Code compliant, including the installation of a sprinkler system. The day care center part of the Holy Rosary Housing Project will be only a “day” care operation; one that she said the Mercy House hopes to open to the entire community, and not limit to just Mercy Center residents.

Conclusions

1. The appellant is the Mercy Center for Women, a local community based organization that works collaboratively with City agencies to provide housing and services for Erie citizens who are homeless, victims of abuse and addiction, and others who are in need of community support.
2. The Mercy Center has entered into an agreement with the Erie Catholic Diocese to purchase the old Holy Rosary school building and surrounding lot. The proposal is to convert the old school into a fourteen (14) apartment permanent residential structure, which would provide housing for women and children.
3. The proposed facility would provide not only housing, but a library, food pantry, day care center, and other education and healthcare related resource services.
4. According to Section 204.11 of the Erie City Zoning Ordinance, the proposed uses are not permitted in the R-1A Traditional Single Family Residential Zoning District.

5. The proposal will sub-divide the Holy Rosary Parish; with the church remaining, but the vacant, unused school building (and other parts of the church's lot) will be sold to the Mercy House.
6. The Board heard testimony that as a result of demographic and economic changes, there are many such vacant buildings that were formerly schools, both public and private. Putting these vacant former school buildings to use will benefit the community.

Decision

By a unanimous vote, the Board approved the use variance to permit the appellants to convert the vacant and unused Holy Rosary School into a mixed-use, community center that would benefit many citizens most in need. Board members Mike Hornyak, Edward Dawson and John Reitingner all applauded the Mercy Center's efforts, and voted to approve the variance request.

It is So Ordered.
