

June 9, 2020
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, June 9, 2020 at 1:00 P.M.

As the result of both state and local government restrictions on public gatherings, the hearing was held via the on-line website *Zoom Webinar*, at the I.D. bearing no.: 846 1780 1469. Special instructions for the applicants were provided in advance. In addition, anybody wishing to provide public comment were also provided with instructions, contained at www.erie.pa.us, the official City of Erie Homepage.

-- MINUTES --

THE FOLLOWING APPEALS WERE HEARD:

Appeal No. 12,217 by Charles D. Agresti (1006-118) concerning property located on the Southeast block of French and East 3rd Streets. The appellant is seeking both use and dimensional variances to construct an 864 square foot warehouse structure (24' x 36') in an RLB zoning district that does not meet front, side or rear yard setback requirements. A 126 foot front yard, 1.8 foot side yards, and a 2.5 foot rear yard setbacks are proposed. Per Section 204.14 of the Erie City Zoning Ordinance, warehousing is not a permitted use in the RLB zoning district. Also, per section 205, the setbacks are required to be as follows: front yard, between 0'-'10; side yards, a total of 15 (fifteen) feet with a minimum of 5 feet on one side; rear yard, 30 feet.

NOTE: The entire Board, as well as the solicitor, the stenographer and City zoning and other officials were in visual and audio contact with one another throughout the entire hearing. All of the witnesses were in audio contact with the Board throughout the entire hearing; with one of the appellant's witnesses (Mr. Gary Johnson) also being in visual contact.

Findings of Fact

1. The appellant, St. Patrick's Church, was represented by Mr. Charles Agresti and Mr. Gary Johnson, who both provided testimony to the Board via the online website *Zoom Webinar*. (Both witnesses provided audio testimony; Mr. Johnson also had visual contact with the Board.)
2. The witnesses told the Board that St. Patrick's Church relies on an ever expanding annual festival to generate income for the parish. The appellant maintains a large trove of

personal property that is needed to sponsor the annual Erie Irish Festival; everything from chairs and tables to deep fryers and soda dispensers. Until now, especially before the festival became as large as it has, the appellants stored the property in the parish's main garage. However, that space is needed for more typical items, such as cars, lawn mowers, snow blowers, etc... Another storage facility must be found.

3. The appellants told the Board that another alternative does exist. On the same block that St. Patrick's Church is located, UPMC-Hamot owns several lots of unused space. UPMC will not sell the property to the parish, but they have agreed to lease the lot in question for twenty-five (25) years. This would enable the appellant to erect a wood and steel frame (24' x 36') "warehouse" for the sole purpose of storing the equipment and property needed each year for the festival.
4. The structure would sit on a lot facing East 3rd Street. Vehicle traffic will not be an issue, however. The entrance to the warehouse structure would not face the street, but rather face inward, toward the church, which is located on East 4th Street. The structure would have a cement floor, and the appellant's spokesmen said that the proposed facility would meet all Erie City Code specifications.
5. The Board questioned the appellant's spokesmen about whether they plan to install a sprinkler system. Mr. Johnson told the Board that the appellants would not, as sprinklers would be cost prohibitive. The Board heard testimony from Mr. Andy Zimmerman, head of the Erie Code Enforcement office, who said that the proposed size of the structure (864 square feet) would not require a sprinkler system. Under the City Code the sprinklers would only be required in a structure that is 10,000 square feet or more.
6. Mr. Johnson added that if approved, the "warehouse" will only be used for the stated purposes, and only by St. Patrick's Church for the Irish Festival. The facility will not be rented out to any third party. He said that the adjacent property owners have similar storage facilities in the same area, and that the appellants have received no objection from any of the other property owners on the block.

Conclusions

1. The appellant proposes to erect a warehouse-like structure on property that they can lease from UPMC-Hamot on East 3rd Street between French and Holland Streets. The proposed 24' x 36' detached structure would have a wood and steel frame, with a cement base, and meet all of the applicable building requirements under the City Code.
2. The appellant is St. Patrick's Church, located on East 4th Street, located on the same block as the proposed structure. The parish sponsors the annual Erie Irish Festival. In recent years the event has gotten larger, and the equipment needed for the festival (everything from tables and chairs to cooking equipment and refreshment stands) can no longer be stored in the church's regular garage.

3. According to Section 204.14 of the Erie City Zoning Ordinance, warehousing is not a permitted use in the RLB zoning district. Also, the setbacks for the proposed “warehouse” would not all be in compliance with Section 205 of the City Ordinance.
4. The appellants (St. Patrick’s Church) attempted to purchase the property where the proposed structure would be housed, but UPMC would only agree to a (25 year) lease. If the appellants had been allowed to purchase the property, a variance would not have been required.
5. The structure would face inward from East 3rd Street, so traffic entering and exiting the property would not be an issue. Also, many of the other property owners on the adjacent lots have similar storage facilities; no neighboring property owner is in opposition to the proposal.

Decision

By a unanimous decision, the Board approved the appellant’s requests for both the use and dimensional variances. Board members John Reitingler, Mike Hornyak, Selena King and chairman Edward Dawson all voted to approve the variance requests.

It is So Ordered.

Appeal No. 12,218 by Justin Corritore (6004-129) concerning property located at 138 West 26th Street. The appellant is seeking a use variance to operate a rooming house in a C-4 zoning district. Per Section 204.18 of the Erie City Zoning Ordinance, rooming houses are not a permitted use in the Traditional Neighborhood Commercial District.

NOTE: The entire Board, as well as the solicitor, the stenographer and City zoning and other officials were in visual and audio contact with one another throughout the entire hearing. The witnesses were in audio contact with the Board throughout the entire hearing

Findings of Fact

1. The appellant Justin Corritore represented himself at the hearing, and described for the Board the colonial style boarding house that he hopes to open. The house, located on West 26th Street between Sassafra and Peach Streets is designed to house four occupants, with a focus on the ever increasing need for short-term housing for

professionals (nurses, athletes, medical faculty and students, etc...) in the City of Erie. The appellant provided a number of high quality photographs, both interior and exterior, of the recently renovated dwelling.

2. The appellant is the owner and operator of Stonehouse Management Company, which operates other similar rooming houses in the City, with a very high occupancy rate. The facility has requisite number of off-street parking spaces in the rear of the building, with ample room for additional parking if the need arises.
3. Mr. Corritore explained to the Board that his business model is a response to the increasing demand for high quality, short-term housing in the City. He cited several examples, including the expansion of Erie Insurance, LECOM, the Erie sports franchises, and the medical facilities (including the nearby St. Vincent/Allegheny Health Center), as businesses that are bringing professionals into the City, creating the demand for the type of short-term dwellings that his company is building.
4. The building in question is centrally located, near the intersection of two major state highways, and provides exactly the type of rental facility that his traditional target tenant is seeking. No signage will be placed on the property; the tenants use an on-line portal for payment and maintenance requests. Citing the photographs provided with the application, the appellant added that the dwelling is professionally cleaned and maintained regularly, and its inclusion would be a benefit to the neighborhood.

Conclusions

1. The appellant is seeking a use variance for a rooming house located on West 26th Street, between Sassafra and Peach Streets. The dwelling is equipped to house four (4) tenants, and is aimed at the increasing need for high quality, short-term housing that is in demand for professionals coming into the City of Erie.
2. According to Section 204.18 of the Erie City Zoning Ordinance, rooming houses are not a permitted use in the C-4, traditional neighborhood commercial district.
3. The proposed rooming house is recently renovated, and regularly cleaned and maintained. It would both fill a need for this type of housing, as well as being an asset for the centrally located neighborhood. The structure meets all of the city building Code requirements.
4. The dwelling has the required number of off-street parking spaces, located in the rear of the building with more than one way to access; and if necessary, has additional space for more parking should the need arise in the future.

Decision

By a unanimous decision, the Board voted to approve the appellant's request for the use variance. Citing the need in the community and the quality of the facility, Board members John Reitingger, Mike Hornyak, Selena King and Edward Dawson all voted to approve the variance.

It is So Ordered.

Appeal No. 12,219 by James Hunter (6202-125) concerning property located at 1208-10 West 26th Street, in a C-1 Local Commercial zoning district. The appellant is seeking a use variance to operate a commercial recreation facility on this location. Per Section 204.15 of the Erie City Zoning Ordinance, commercial recreation facilities are not a permitted use in the C-1 zoning district.

NOTE: The entire Board, as well as the solicitor, the stenographer and City zoning and other officials were in visual and audio contact with one another throughout the entire hearing. The witnesses were in audio contact with the Board throughout the entire hearing

Findings of Fact

1. The appellant is Mr. James Hunter, who presented the proposal to the Board. The property in question, located on West 26th Street near the intersections of 26th and Cranberry and 26th and Elmwood Streets, is in a commercial business plaza. The appellant told the Board that he hopes to open a unique social club in one of the already existing properties in the plaza.
2. Mr. Hunter told the Board that he has had high stress professions, including being a security and body guard; and for the past ten to fifteen years has worked in the funeral service industry. He said that having these stressful careers made him appreciate that there are few places in the city for people to gather and relax.
3. This shortage, Mr. Hunter said, is especially the case for younger minority people in the community, who are looking for cultural activity that appeals to their diverse interests. It was the interest to have such an establishment that led the appellant to propose opening the Attic Multi-Cultural Event Center. The appellant has a two (2) year lease for the site, with an option to buy, with the property owners, Tour Development L.L.C.
4. The facility that was previously housed in this location was known as the Attic Night Club, but Mr. Hunter said that to refer to his proposal as a "night club" misrepresents the type of establishment he hopes to open.

5. The events center that the appellant is proposing would be geared mostly to a twenty-five and older crowd. The establishment will provide entertainment, in the form of music and games such as pool, darts, etc... but mostly focusing on a place to relax. Mr. Hunter stressed that the proposed cultural center would not be selling or permitting alcohol on the premises.
6. As the facility would not be selling alcohol, it would not require a liquor license, and not be required to close at 2:00 a.m. That the event center would be staying open so late was a concern for some of the Board members.
7. Mr. Hunter told the Board that while it is true that the facility may occasionally stay open as late as 3:00 a.m., he said that any late closing will only be on weekends. He added that the location of the club was chosen to be in a business plaza, and in a commercial area, for this reason; and that there are other nearby businesses (like the Sacred Heart Usher's Club) that also stay open late.
8. In order to join the proposed establishment, people would have to agree to a strict set of rules of conduct, Mr. Hunter said. He added that he has an ongoing dialogue with the Erie Police Department (his father is a retired E.P.D. officer), and does not envision any problems with disturbances at the club. Lastly, the appellant pointed out to the Board that in his application for the variance, included were forms of agreement with all of the adjacent neighbors around the busy West 26th Street plaza area.

Conclusions

1. The appellant proposes opening an multi-cultural event center, aimed at younger minority people who have diverse interests. The appellant said that there is a real need for such an establishment, as there are very few such places in the city where people can go and relax.
2. According to Section 204.15 of the Erie City Zoning Ordinance, commercial recreation facilities are not a permitted use in the C-1 zoning district.
3. The event center that the appellant proposes will not serve or permit alcohol on the premises. As such, they would not be required to close at 2:00 a.m. The appellant said that the only times where the proposed facility would stay open after 2:00 would be on weekends, and the appellant does not foresee any disturbances resulting from the occasional late closing.
4. The facility will not alter the character of the surrounding area, as it is located in a business plaza, on a busy commercial street. All of the adjacent property owners had completed forms in support of the proposal, and were included with the variance application.
5. The appellant has a two (2) year lease, with an option to buy the property.

Decision

By a unanimous decision, the Board voted to approve the use variance to operate an event center. Board members John Reitingger, Mike Hornyak, Selena King and Edward Dawson all voted to approve the variance.

It is So Ordered.

Appeal No. 12,220 by Zachary Scott (6052-111) concerning property located at 2918 Peach Street in an RLB (residential limited business) zoning district. The appellant is seeking a use variance to operate a tattoo shop at this location. Per Section 204.14 of the Erie City Zoning Ordinance, tattoo shops are not a permitted use in the RLB district.

NOTE: The entire Board, as well as the solicitor, the stenographer and City zoning and other officials were in visual and audio contact with one another throughout the entire hearing. Both of the witnesses who testified were in audio contact with the Board throughout the entire hearing

Findings of Fact

1. The appellant is Mr. Zachary Scott, a local businessman who currently owns and operates a tattoo parlor on Evanston Avenue in Millcreek. The appellant is seeking to expand his operation into a larger and more suitable location, which he found near the corner of West 29th and Peach Streets.
2. The proposed new location at 2914 Peach Street is presently being used as a beauty salon. It is owned by Mr. Michael Mobilia, who received a zoning certificate in 2006 to operate the salon. At the hearing both the appellant and the property owner testified that pending the Board's approval, the parties have an agreement to convert the beauty shop into a tattoo parlor.
3. Mr. Mobilia told the Board that the success of the beauty salon demonstrates that this location is a good one for a shop like the one that the appellant plans to open. Mr. Mobilia said that there is room for about eight off-street parking spaces in the back of the building, in addition to additional street parking spots. This should be more than adequate for the appellant's proposed facility. He added that the county website indicates that the building is bigger than it actually is – which he said is probably between 1,200 – 1,500 square feet.
4. The appellant told the Board that he has outgrown his present location, and is looking to expand. The property in question is a very good location for his business, the appellant said, with the size and layout ideally suited for Mr. Scott's needs. He told the Board that

he has worked hard to establish a thriving small business, and now wants to expand. The local area will benefit from the tax revenue and potential job opportunities that he hopes his business will continue to provide.

5. Mr. Scott said the tattoo shop would be in operation from 9:00 a.m. to 9:00 p.m. from Tuesday to Saturday.
6. There were more than a dozen letters received by the Board from local business owners, community leaders, in addition to people who personally know Mr. Scott and are encouraging the Board to approve the appellant's variance request.

Conclusions

1. The appellant is proposing to move his tattoo parlor from its present Millcreek location to a larger West 29th and Peach Street site, which is presently occupied by a beauty salon.
2. According to Section 204.14 of the Erie City Zoning Ordinance, tattoo shops are not a permitted use in the RLB district. (The present beauty salon is itself a non-conforming use, operating with a 2006 Zoning Certificate.)
3. The new proposed location is ideal in size and layout for the type of operation that the appellant wants to open. The business would have as many as eight (8) off-street parking spaces in the rear of the shop, in addition to the additional street parking spots.
4. The proposed tattoo parlor would be in operation from 9:00 a.m. to 9:00 p.m. from Tuesday to Saturday.

Decision

By a three to one decision, the Board voted to approve the use variance for the appellant to operate a tattoo shop. Board members John Reitingner, Selena King and Edward Dawson all voted to approve the variance request.

The lone dissenting vote was Board member Mike Hornyak.

It is So Ordered.
