

February 24, 26, 2009
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting, followed by a special hearing of the Zoning Hearing Board, was held on Tuesday, February 24th, 2009 at 1:00 p.m., and reconvened on Thursday February 26th, 2009 at 1:00 p.m., in the City Council Chambers, Municipal Building, 626 State Street.

- MINUTES -

THE FOLLOWING APPEALS WERE HEARD:

Appeal No. 11,034 (5211-207; continued, made by Gregory Moore) concerning a property located at **3603 Brandes Street**. The Appellant lives at this location and wishes to purchase the house, but only if it can remain a two-unit dwelling, which is in violation of Section 204.10, Permitted Uses in an R-1 district.

Findings of Fact

- 1) Mr. Moore appeared at the previous month's Board meeting and testified that he is incurring a hardship because he is currently unable to acquire financing for purchase of the house in question, even though he has already been approved for it.
- 2) The dwelling has always been a two-unit house, and was advertised and sold as such. There are several other two-unit dwellings in the area, which, like the 3603 Brandes location, were grandfathered in, as R-1 Zoning Districts permitted the use of two family dwellings in 1968.
- 3) The appeal was originally denied by the Board at its January 27, 2009 meeting by a two to two vote. Both dissenting members of the Board indicated that the reason for their votes were the fact that as a single unit dwelling, the County has not collected taxes which it would have been due by virtue of the dwelling being a two unit structure.
- 4) A memo from Scott Maas, Director of the Erie County Assessment Office determined that a tax variation between a single family and two family dwelling did not exist. No back taxes were due on this house.

Conclusions

- 1) The house was originally erected as a two-unit dwelling, and has existed as such for the most part ever since.
- 2) No back taxes are due on the house. If granted the variance, there would be an economic benefit to the City as it would hereafter collect tax, water and sewer bills for two dwellings.

Decision

By a unanimous vote, Board Members Dale Neimenski, Lisa Austin, Sal Parco, Richard Wagner and chairman Ron Desser voted to grant the appellant's request for a variance. The appellant is permitted to utilize the house as a two-family dwelling. GRANTED

So Ordered

Appeal No. 11,035 (3047-120) made by Jason Fultz concerning a property located at **945 West 9th Street** in an R-2 zoning district. The appellant wishes to subdivide this property, which currently comprises a church and one single family dwelling, in order to sell the structures separately. The subdivision plan is in violation of Section 205, Lot Yard and Height requirements, as the rear yard does not contain at least 20 feet in depth and the maximum lot coverage exceeds 50%,

Findings of Fact

1. Real estate agent Bill Bucceri appeared and testified on behalf of the appellant. Mr. Bucceri introduced a survey map to show that, while the plan is not in strict conformance with the statute, the proposal does allow for a "reasonable setback." The angled rear yard accounts for an existing walkway that leads from the church to an existing parking lot.
2. The plan presents no change to the neighborhood; the church and congregation in the plan have been functioning for many years.
3. The home has always been used as a residence, however, it has never been formally sub-divided.

Conclusions

1. The variance is necessary to proceed with a subdivision request, as Mr. Fultz wishes to sell each structure individually.
2. The lot size is in conformance with the surrounding area. The proposed change will not alter the character of the neighborhood.

Decision

By a vote of four to one the dimensional variance was approved. Board members Richard Wagner, Dale Niemenski, Sal Parco and Chairman Ron Desser voted to approve the request; member Lisa Austin dissented. GRANTED

So Ordered

Appeal No. 11,036 (4032-104) made by Patricia Quinn concerning a property located at **1011 West 5th Street** in an R-2 zoning district. The appellant wishes to use this structure as a Group Care Facility, extending the services provided at Program House, an adjacent lot at 1001 West 5th Street. This request is in violation of Section 201.12, as Group Care Facilities are not permitted in an R-2 zoning district.

Finding of Facts

1. Ms. Quinn appeared together with Ms. Connie Miller, the Executive Director of Program House. Ms. Miller testified on behalf of the appellant and described for the Board the important role the Home serves for the community. Program House is a facility for abused and battered women and their children. Photographs of the facility were introduced to the Board.
2. Program House plans to expand its facility by opening the House of Erie – anticipating nearly doubling its capacity – to provide shelter for the special needs of women veterans. The requested variance is needed to allow for the expansion in an R-2 district. As the project is intended to benefit veterans, federal funding is available, and Ms. Miller indicated that the House would likely qualify for such funding.
3. The proposed expansion would fit in with the re-vitalization effort in the neighborhood, where there are several other group home and rehabilitation centers (such as Credenzia Crossroads). Several jobs would be created through this project, including the construction type jobs to build the new facility, and the additional staff needed at the House itself.

Conclusion

1. The facility is pre-established; Program House already has a group home certificate.
2. The group home is presently capable of housing sixteen women and children children. The proposed expansion would approximately double the House's capacity.
3. The House of Erie hopes to provide a valuable service to the community by serving the needs of homeless and abused veteran women and their

children in a supervised, long-term setting. The proposed expansion would address the needs of veterans at a time when budget cuts and economic crisis have reduced many of the traditional means of public assistance.

Decision

By a unanimous vote, Board Members Dale Neimenski, Lisa Austin, Richard Wagner, Sal Parco and chairman Ron Desser voted to grant the appellant's request for a variance. The appellant is granted the use variance with the condition that the facility continues to treat exclusively abused or battered women and their children. GRANTED

So Ordered