

February 10, 2015
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, February 10, 2015 at 1:00 P.M. in City Council Chambers, Municipal Building, 626 State Street.

ELECTION OF OFFICERS:

Prior to the hearing, the Board elected its officers for 2015. Upon motions properly made and seconded, the following officers were unanimously elected:

Chairman: Mike Hornyak; Vice-Chairperson: Selena King Secretary: Matthew Puz

-- MINUTES --

THE FOLLOWING APPEALS WERE HEARD:

Appeal No. 12,084 by Quatro LLC (5036-128) concerning property located at 718 East 33rd Street in an R-1 district. The appellant is seeking a use variance to convert the property from a single-family dwelling to a two-family dwelling. Per Section 204.10 of the Erie City Zoning Ordinance, two-family dwellings are not permitted in the R-1 district.

Findings of Fact

1. The appellant is Quatro LLC, a small, family owned company that purchases properties, and renovating them for resale. Appearing on behalf of the appellants was one of the owners of Quatro, Mark Troyer.
2. Mr. Troyer began his testimony by presenting each Board member with a small packet which contained interior and exterior photographs of the East 33rd Street property, both before and after the house was renovated. Mr. Troyer explained that his family recently purchased the house in a “Fannie Mae” foreclosure sale, and spent approximately thirty-five thousand dollars for what he described as significant repairs to the inside and outside of the house.

3. According to Mr. Troyer, when his family purchased the property it had already been converted to a two-unit dwelling. He told the Board that he was not aware of the history of the house or when it was converted. He said that they were not aware of the zoning status when they purchased the house, but that they assumed it was a two-unit because of how it was designed, with only one bedroom in both the upstairs and downstairs. It was obvious, Mr. Troyer said, that the house was intended to be a rental property.
4. The appellants only discovered the zoning violation when the City conducted a rental inspection in December. Upon learning of the violation, Mr. Troyer said that the appellants have not tried to rent out the property or put it on the market for sale. He told the Board that after learning of the zoning problem the appellants have lost at least one opportunity to sell the property - to a young couple who are moving into the area and were seriously considering buying the house.
5. Referring to the photographs of the house, Mr. Troyer said that the neighbors he has spoken to are happy with the improvements to the house and property. Other properties in the neighborhood are similar two-unit dwellings. As for the parking situation, the house has one driveway that sits off the street, providing ample off-street parking.
6. The hardship, according to Mr. Troyer, is the significant amount of money that the appellants have already spent on the house. Additionally, if the variance is not granted, the appellants will not be able to rent the property, and the house would sit vacant.

Conclusions

1. The appellants recently purchased the two-unit East 33rd Street dwelling, in an R-1 zoning district, in a foreclosure sale. They subsequently made significant interior and exterior repairs to the house, with the intention of renting out the downstairs and upstairs apartments.
2. According to Section 204.10 of the Erie City Zoning Ordinance, two-family dwellings are not permitted in the R-1 district.
3. The appellants hardship is the significant financial repairs already made to the house; together with the fact that if the variance is not granted, the appellants will not be able to rent the house, and the property will remain vacant.

Decision

By a unanimous decision, the Board voted to deny the appellant's variance request. Board Chairman Mike Hornyak said that the only hardship that the appellants cited is a financial one, which is not a permitted hardship under the Code. Additionally, he said that there are not many two-unit dwellings in the neighborhood. Board member Patty Szychowski acknowledged that innocent purchasers, like the appellants in this case, are an ongoing problem that the Board often sees. However, she also indicated that the neighborhood is almost exclusively single-family

houses, and that the appellants offered no convincing reason to permit the two-unit in that area. Board members Selena King and Jaqueline Spry also agreed; Ms. Spry adding that since the appellants are in the business of purchasing properties, she believes that some amount of due diligence was expected from them prior to purchasing the property. For all the stated reasons, each member voted to deny the variance request.

It is So Ordered.

Appeal No. 12,085 by Zaphiris Family Limited Partnership (5329-116, 118) concerning property located at 3219 Peach Street and 354 Craig Street in the RLB and R-1A districts. The appellant is seeking a dimensional variance of 3' in the RLB district, a height variance of 40' in the RLB and R-1A districts, and a use variance for a professional service in the R-1A district. Per Section 205 of the Erie City Zoning Ordinance, the minimum side yard setback in the RLB district is 5' and the maximum height in the RLB and R-1A districts is 35', Per Section 204.11 of the Erie City Zoning Ordinance, professional services are not permitted in the R-1A district.

Findings of Fact

1. Appearing on behalf of the appellant was Mr. Peter Zaphiris, general partner of the Zaphiris Family Limited Partnership. The partnership group owns property in three states, including the building for Great Lakes Insurance Company at the corner of Peach and Craig Streets. Mr. Zaphiris is also a general partner of Great Lakes Insurance, which had previously been located at several different locations in the City of Erie since 1933.
2. The appellants are seeking to continue an expansion and renovation process that they began several years ago having decided to make the Peach and Craig Streets corner the corporate headquarters for their company. They have previously purchased properties on the northwest and southwest corners of that busy Erie intersection as far back as 2003 purchasing any properties in the neighborhood that they could as they became available. As part of their long-term expansion effort, the appellants have demolished several houses in the area, replacing them with either new commercial buildings or parking lots. If the variances are granted and the project continues as proposed, there is one tenant presently living in a house next to one of the buildings; the appellants will work with that tenant to help them relocate as they have successfully done in the past.
3. Mr. Zaphiris said that Great Lakes presently has about 70 employees, with a one hundred million dollar annual budget. Those employees are housed in several of the company's

locations; however, being the home base, the majority of them are at the Peach Street office. According to Mr. Zaphiris, the appellant's long-range goal is to expand even further in the area as their business expands. For example, he said that they are investigating the possibility of one day purchasing the old Glenwood School property if it becomes available. Mr. Zaphiris went on to say that the company obviously likes the neighborhood, and he believes that they have a good overall relationship with the residents in the area. He said that none of the company's neighbors have ever had any problems with the growing company, and none have expressed any problems or objections to the latest proposed changes. The proposal, he said, is designed so that the neighbors should not experience any excessive noise. For example, the noisy air conditioning units are to be placed on the roof of the building, facing Peach Street, and away from the neighboring residential houses.

4. The appellant passed out a booklet to each Board member that contained designs, site plans, maps, photos and aerial views of the existing and proposed buildings. By using the booklet as a guide, Mr. Zaphiris was able to show the specific areas that the proposed variances would affect. He added that the excessive height and encroachment of the buildings will be minimal and not affect the nearby residents or the neighborhood.
5. The reason for the dimensional height variance is because of the alignment of the first and second finished floors and because of the increased slope of grade at the location of the proposed three story section of the building. The contour of the land limits the builder's ability to include a third floor without exceeding the 35' Code requirement; the building could be completed, with the additional floor, at a maximum height of 40'. Again referring to the site plan design, Mr. Zaphiris told the Board that only approximately twenty percent of the building area would actually exceed the 35' height requirement of the Code.
6. In addition to the slope of the land, an additional hardship, according to Mr. Zapharis, is that the building needs to be as large as the proposed design indicates in order to include conference and training rooms. He added that the brick design is aesthetically pleasing, and will not negatively affect the neighborhood.
7. Paving of one of the adjacent residential dwellings will place a portion of the project into an R-1A zoning district (the majority of the project is in the RLB district). This is why the appellants are also requesting the use variance. Once again, Mr. Zaphiris indicated, only a small portion of the proposed addition would encroach onto the R-1A area. He added that the neighbors are already accustomed to living near the RLB district, so the proposed building addition should not create any opposition from the neighboring residents.
8. The appellant's design is structured so that the newly paved parking area will exit onto Craig Street that is safer than to exit directly onto the busier Peach Street. Since Great Lakes Insurance is a daytime business facility, there should be no traffic issues. Mr.

Zaphiris added that the building will have video surveillance, which will encompass neighboring businesses, including the Sunflower Club.

9. One other witness appeared to testify in favor of the proposal. Mr. Jon Hamilton, son of the current resident of the house next door to the house scheduled to be demolished. Mr. Hamilton said that his father has no objection, and favors the project. Mr. Zaphiris added that the new concrete-paved parking area that will sit next to Mr. Hamilton's dwelling will include green screening as will all the paved areas adjacent to residential homes.

Conclusions

1. The appellant is the company that owns Great Lakes Insurance Company whose corporate headquarters is located at the corner of Peach and Craig Streets. The appellants have been purchasing properties in this area as they became available, with the intention of expanding their facilities.
2. The properties owned by the appellants on the busy southeast Erie corner are in both an RLB and R-1A zoning districts. They are seeking dimensional variances for the side yard setback and height requirement for the expansion of the main building in the RLB district as well as a use variance for the small portion of the properties which lie in the R-1A district.
3. According to Section 205 of the Erie City Zoning Ordinance, the minimum side yard setback in the RLB district is 5' and the maximum height in the RLB and R-1A districts is 35'. The appellants are seeking a setback of only 3', and a maximum height of 40' for the proposed building. Also, according to Section 204.11 of the Erie City Zoning Ordinance, professional services are not permitted in the R-1A district.
4. The portion of the building that will exceed the height limit is only about twenty percent of the total area of that building.
5. The hardship for the appellants is in slope of the land, which requires that the building exceed the height limit. Also, the proposed building needs to be as large as the design indicates in order to include conference and training rooms, in what is the headquarters of the Erie company.

Decision

By a unanimous decision the Board voted to approve the dimensional variances and the use variance. Board chairman Mike Hornyak said that the Board has reviewed the project carefully and is pleased with the thoroughness of the appellant's design. He added that the appellants did their due diligence, and said that he is especially pleased that the company is keeping their main headquarters in Erie. Board members Patty Szychowski, Selena King, and Jaqueline Spry all

agreed and indicated that they are pleased that the appellants are staying in Erie and building up the neighborhood as they are. All voted to approve the dimensional and use variances.

It is So Ordered.
