August 9, 2016
City of Erie, Pennsylvania
ZONING HEARING BOARD
1:00 P.M.

The regular meeting of the Zoning Hearing Board was held Tuesday, August 9, 2016 at 1:00 P.M. in City Council Chambers, Municipal Building, 626 State Street.

-- MINUTES –

THE FOLLOWING APPEAL WAS HEARD:

Appeal No. 12,131 by Moxie Ate LP (2013-212 and 213) concerning properties located at 237 and 239 East 12th Street in an RLB district. The appellant is seeking dimensional variances for a proposed building. Per Section 205 of the Erie City Zoning Ordinance, the required rear yard setback is 30'; 24' is proposed. Per Section 205 of the Erie City Zoning Ordinance, the required front yard setback is 5' +/- 5'; 36' is proposed.

Findings of Fact

1. The appellants in the case are the Sisters of St. Joseph, who operate the St. Patrick haven/food bank. The current property owner, Michelle Griffith, owner of Moxie Ate LP, introduced the appellant's case to the Board. Ms. Griffith owns Lovell Place, a group of properties that contain social service agencies, government offices, private apartments, etc…
2. Sister Mary Fromknecht appeared on behalf of the appellants. She explained that the present location of St. Patrick's Haven is in need of too much repair to maintain the operation. The appellants were very pleased, she added, when the location on East 12th Street became available.
3. Sister Mary explained that the St. Patrick's haven shelter, is set up for homeless and "street" people who have no place else to go. It is a place for their "clients" to sleep and eat. The shelter, which has 14 beds, does not discriminate, and does not have strict requirements for who is allowed access to their services; as a result, there are many people with drug and alcohol problems. The center is not set up for treatment of the "client's" drug and alcohol problems; therefore, while rehabilitation is encouraged, it is not a requirement for services.

4. As there are no requirements for who is provided services by the facility, Sister Mary told the Board that the appellants recognize that they must keep a close eye on the people who come and go. As a result, they prefer to limit access to the center; in other words, they prefer to have a single entrance to the facility. This, Sister Mary explained, is also the hardship for the appellants. If the facility was set up so that the setbacks of the property were compliant with the City Code, there would be a rear entrance to the center. This in turn would require the appellants to maintain supervision in the rear of the building.
5. Ms. Griffith told the Board that another reason for the setback variance is to make it easier to make deliveries – which will be increasing dramatically with the new facility – in the front of the building.

Conclusions

1. The appellant proposes to move their social service center – a shelter for homeless people to sleep and eat.- to 237, 239 East 12th Street. The appellants are seeking dimensional variances for the front and rear yard setbacks to the facility; the variance would enable the facility to receive its deliveries in the front of the building.
2. According to Section 205 of the Erie City Zoning Ordinance, the required rear yard setback is 30', and the required front yard setback is 5' +/- 5'. The appellant's are proposing a large 36' front yard setback, and 24' in the rear.
3. The appellants indicated that in addition to making the deliveries and parking easier, the rear yard variance would enable to appellants to have a single entranceway, in the front, and eliminate the need to maintain supervision over the rear of the building.

Decision

The Board unanimously voted to approve the appellant's variance requests. Board members Mike Hornyak and Edward Dawson both cited the safety factor, and liked the proposal because it will allow the appellants to maintain observation of the facility, and keep who was coming and going in view. Along with members Patty Szychowski and Selena King, all four Board members voted to approve the dimensional setback variances.

It is So Ordered.