

**November 14, 2017**  
**City of Erie, Pennsylvania**  
**ZONING HEARING BOARD**  
**1:00 P.M.**

The regular meeting of the Zoning Hearing Board was held Tuesday, November 14, 2017 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. 12,172 by Renee Hopkins (1019-128)** concerning the property located at 610 East 8<sup>th</sup> Street in an R-2 district. The appellant is seeking a special exception for a Group Home. Per Section 204.12 and 305.01 of the Erie City Zoning Ordinance, a group home is a special exception use in an R-2 district.

**Findings of Fact**

1. The appellant, Renee Hopkins, has owned the property since 2004. She appeared at the hearing together with Ms. Carletta Tate, a certified adult care assistant who would be operating the group home from the appellant's property if the proposal is approved.
2. The appellant described the property as having multiple dwellings; it has a two-unit dwelling in the front, which is presently vacant, and a one-family dwelling in the rear. Ms. Hopkins added that the house could be converted into a group home with minimal renovations. The lease for the tenants living in the rear apartment expires in five months, and Ms. Hopkins indicated that they would be given adequate notice if the group home is approved.
3. Ms. Tate spoke to the Board about the need for these type of facilities in the community generally, and about converting the appellant's house into an adult group home specifically. She said that she had previously operated a similar group home on Liberty Street, but for several reasons decided to shut it down two years ago. Ms. Tate reiterated that she is certified with the Department of Public Welfare as an assisted living provider, and she stressed two important points for the Board to consider: first, that there is a great need in the community for these types of facilities, and secondly that the industry is heavily regulated.
4. The facility itself would be strictly run according to the state and federal guidelines. They would have a detailed history of any potential applicant before agreeing to accept them. The facility would provide a variety of personal services, including assistance with preparing and serving meals, providing shower facilities, dispensing medicine, etc. as well as assisting the residents in seeking employment, and helping to find more permanent living quarters.
5. According to Ms. Tate, the appellant's home could be made into the group home with some slight adjustments to the structure. She told the Board that the state regulates the occupancy

based on square footage. Given the size of the house, and adjusting for some renovations and the required square footage per person, Ms. Tate anticipates the occupancy for the home to be as much as 15-16 residents.

6. The Board inquired about how the proposed group home would be received in the neighborhood. The appellant said that she spoke with both of the next-door neighbors, and the neighbors directly across the street, and that all of them supported the proposal.

### **Conclusions**

1. The appellant is seeking a special exception to operate a group home for adults from her East 8<sup>th</sup> Street home. The two-unit structure could be converted into a group home with minimal renovations.
2. According to Section 204.12 and 305.01 of the Erie City Zoning Ordinance, group homes are a special exception use in an R-2 district.
3. The state strictly regulates group homes, and determines the occupancy of the facilities based on square footage. The proposed group home would house approximately 15-16 adult residents at any time.

### **Decision**

#### **CONDITION:**

The Board proposed and unanimously approved a condition on the group home that requires that the facility must first meet all federal, state and local regulations for occupancy before the special exception is approved.

With the condition attached, the Board unanimously approved the special exception for the appellant's houses to be converted into an adult group home. Board member Mike Hornyak said that he recognizes the need for these type of group homes in the community. Members Edward Dawson and Jeffrey Johnson agreed, with Mr. Dawson adding that his approval is based on the condition. Board chairwoman Selena King also said that she recognizes the need for group care facilities, and applauds the appellants for their efforts at helping the adult occupants of the facility become productive and independent citizens. All four members voted to approve the variance request.

### **It is So Ordered.**

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**Appeal No. 12,173 by Jesse George (5066-213)** concerning property located at 623 East 30<sup>th</sup> Street in an R-1A district. The appellant is seeking a use variance for a Day Care Center. Per Section 204.11 of the Erie City Zoning Ordinance, a day care center is not a permitted use in an R-1A district.

### **Findings of Fact**

1. The appellants were represented at the hearing by Ms. Darlene Dickins-Ettison, co-appellant, who would be operating the day care center if approved. Ms. Dickins-Ettison, who holds B.A. degrees in both education and business, is a licensed day care provider who presently operates a smaller day care facility on the site; presently she is only permitted to have up to six children per shift.
2. Ms. Dickins-Ettison explained to the Board that she is seeking to expand the facility she currently operates, so that the new facility can have up to twelve children per shift. The current facility has been in operation for approximately ten years; Ms. Dickins-Ettison told the Board that her present lease with the other co-appellant, Ms. Jesse George, extends for another ten years.
3. According to Ms. Dickins-Ettison, all of the employees of the proposed center will be thoroughly researched prior to being hired, will be certified by the Department of Public Welfare, and be subject to unannounced inspections by state officials.
4. While the duties of the employees vary, Ms. Dickins-Ettison said that the general ratio of children to staff is 4 to 1 or 3 to 1. The proposed facility will be primarily for slightly older, school-age children, who would not require as much direct supervision.
5. The Erie Zoning Office received five email messages in opposition to the proposed center, all from neighbors who were unable to attend the hearing. Zoning official Matthew Puz read the messages into the record. The complaints centered around the negative effects that a larger day care center would create for the residential neighborhood, mostly concerning the noise, increased traffic volume and illegal parking that would be a result of the expanded day care center. Many of the emails also expressed concerns about diminished property values that would result if the residential neighborhood became a “mixed-use” business area.
6. In response, Ms. Dickins-Ettison told the Board that most of the complaints in the emails were either untrue or overstated. She reiterated that she operates a professional service that strictly oversees how the children are dropped off and picked up. She added that there are other small businesses – including beauty parlors and another day care operation – in the neighborhood.
7. The emails also expressed concerns about the upkeep of the house/property, and stated that the appellant has unused cars in her driveway. Ms. Dickins-Ettison responded by saying that she employs the services of a professional landscaping service to care for the property. She admitted that there are two cars in her driveway, one of which belongs to her brother who is keeping it at the property only until he sells it.

### Conclusion

1. The appellant presently operates a day care facility that is permitted to have up to six children. The appellant proposes a new day care center that will have up to twelve children.
2. According to Section 204.11 of the Erie City Zoning Ordinance, day care centers are not a permitted use in an R-1A district.
3. The appellant is a licensed day care provider by the Department of Public Welfare, and all potential employees will be qualified and duly certified.
4. The expanded facility will not alter the character of the neighborhood; there are other small businesses (e.g. beauty parlors) in the vicinity.

### Decision

#### CONDITION:

The Board proposed and unanimously approved a condition prior to voting on the variance: That at least one car be removed from the appellant's driveway, so that one off-street parking space will be provided for patrons of the day care center who are dropping off or picking up children from the facility.

With the condition attached, and by a unanimous decision, the Board voted to approve the variance. Board members Selena King and Mike Hornyak both indicated that they felt the neighbor's concerns had been addressed by the appellant; Mr. Hornyak adding that the appellant has had a good record for ten years at the location. Member Edward Dawson indicated that with the condition he is willing to approve the variance. Along with member Jeffrey Johnson, all four members voted to approve the variance request.

### It is So Ordered.

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**Appeal No. 12,175 by St. Vincent Health Center (6008-105)** concerning property located at 225 West 25<sup>th</sup> Street in an RLB district. The appellant is seeking a use variance for a power plant, and a dimensional variance for the height of the structure. Per Section 204.13 of the Erie City Zoning Ordinance, power plants are not a permitted use in an RLB district. Per Section 205, the maximum height of structures is 35 feet; 57'10" is proposed.

### Findings of Fact

1. Representing the appellants at the hearing was Attorney Joel Snively. Also appearing on behalf of the appellants were Mr. Paul Matters, vice president of planning operations for St. Vincent Health Center, and Mr. Jamie White, chief engineer for the project. Attorney Snively provided the Board with a packet containing photographs, maps, site plans and a history of

the hospital's energy system, for the members to follow while the appellants made their presentation.

2. Attorney Snavelly began by telling the Board that the proposal is seeking to update and modernize the hospital's energy infrastructure. This includes replacing the steam generators and cooling system, which are outdated and no longer satisfactorily large enough. The proposed renovation will increase the power supply, for the regular day-to-day needs of the hospital, and also for emergencies, like black-outs. The plan will also be environmentally friendly, he said, reducing the hospital's carbon footprint.
3. The site of the proposed power plant is on the south side of West 25<sup>th</sup> Street, at the location of the former Medical Arts Building; the lot is now vacant. According to the appellants, there is no other use for the property, and the parcel is ideally situated, large enough for the power station.
4. Mr. Matters then addressed the Board, and confirmed that the current system is outdated, with some of the boilers being in operation since the 1950's and '60's. The boilers and support services are all outdated, he said, and require new energy systems. St. Vincent's must be self-sufficient, he said, for electricity and energy in case of a city-wide energy failure.
5. In addition to its own needs, St. Vincent's has been certified for many years as an emergency energy source for other local health care facilities, such as the nearby Sarah Reed Senior Center.
6. In addition to the emergency energy support, the hospital provides an economic boost to the community. The proposal is expected to cost approximately \$47 million, providing jobs and supporting local businesses.
7. Also testifying in support of the proposal was Mr. Jamie White. Mr. White is a professional engineer who specializes in "critical sites", like St. Vincent Health Center. Referring to the photographs and site plans in the supporting hand-out, he explained the process of upgrading the heating and cooling systems. He said that by combining the various facilities – the coolers, generators, boilers, etc. - the proposal has the benefit of saving an enormous amount of money.
8. The height of the proposed plant boiler structure is 38'8", with visual roof screen walls of 57'10" in height. While higher than the 35' maximum height in the City Code, the proposed structure is still less than the highest point of the neighboring parking ramp. Mr. White also confirmed that the typical boiler is expected to last 35 years, while the boilers being replaced have been in operation by St. Vincent's for 58 years. He added that the hospital is no longer able to purchase spare parts, even if it did want to keep the existing system.
9. Some of the Board members had questions regarding the neighborhood residents, who in the past have expressed opposition to proposals of the hospital. Mr. Matters told the Board that St. Vincent's sent flyers to the neighbors, and held a meeting on November 9, 2017 regarding the project. He said that while there were some questions, the neighbors had no objection to the new project.

### **Conclusions**

1. The appellants are seeking a use variance to upgrade their boiler and cooler systems. The existing system is outdated; the appellants cannot even purchase spare parts for their current boilers. The proposed location is a parcel of land across the street from the hospital, which is ideally situated for the new system; the appellants own the parcel, and there is no other use for the site.
2. The appellant's proposed structure is 38'8", with a screen wall of 57'10" in height.
3. According to Section 204.13 of the Erie City Zoning Ordinance, power plants are not a permitted use in an RLB district. Additionally, Section 205 of the Code specifies that the maximum height of a structure is 35 feet.
4. The appellant is a hospital that must be energy self-sufficient, and serves as an emergency site for other local health care providers in the event of a widespread blackout.

### **Decision**

By a unanimous decision, the Board voted to approve both the use and the dimensional variance requests. Board member Edward Dawson said that the appellants demonstrated that the new equipment would serve both the appellant, and the community as a whole, being an emergency energy source in case of an emergency blackout. Member Mike Hornyak said that he is familiar with the history of St. Vincent's, previous construction projects, and supports the new proposal. Together with members Selena King and Jeffrey Johnson, all four voted to approve the use variance requests.

**It is So Ordered.**

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