

Zoning Hearing Board

City of Erie, Pennsylvania

May 9, 2023

-Agenda-

The regular meeting of the Zoning Hearing Board will be held Tuesday, May 9, 2023 at 1:00 PM in City Council Chambers, 626 State Street, Erie PA. The meeting is also accessible via Zoom Webinar [instructions below]. For more information about the Zoning Hearing Board, please visit the City of Erie website at: <https://cityof.erie.pa.us/government/authorities-boards-and-commissions/#ZHB>

1. MEETING CALL TO ORDER

2. ROLL CALL AND DECLARATION OF QUORUM

Member Name	Present	Absent
Laura Guncheon, Chair		
Jeffrey Johnson, Vice Chair		
Edward Dawson		
Selena N. King		
Tom Sebald		

3. APPROVAL OF APRIL 11, 2023 MEETING MINUTES

4. APPEALS TO BE HEARD

Appeal No. 12,285 by Mary Mitchell, concerning property located at 1400 E. Lake Rd. [Index # 14-1120-205] in an RLB Residential Limited Business District. The appellant is requesting a Use Variance for a 'Tattoo Parlor'. Per section 204.14, 'Tattoo Parlor' is not a permitted use.

Appeal No. 12,286 by Sharaf Alrubaidi on behalf of Iron Clad Management LLC, concerning property located at 1208 E Street [Index # 18-5017-111] in a RLB Residential Limited Business District. The appellant is requesting a Dimensional Variance for an oversized sign. Per section 303.18, 24 square feet is the maximum allowed per each 75 foot of frontage.-Appellant has not provided the size that is being requested, waiting for more information from appellant.

Appeal No. 12,287 by Dan Fiore on behalf of City of Erie School District, concerning property located at 2310 Plum Street [Index # 19-6027-100] in an R-2 Medium Density Residential district. The appellant is requesting a Use Variance for a 'Personal Self-Storage Facilities'. Per section 204.12, 'Personal Self-Storage Facilities' are not a permitted use.

Appeal No. 12,288 by Jack Thompson on behalf of the Manor Plaza LLC, concerning a property located at 2105 W 8th St. [16-3117-314] in a C-1 Local Commercial District. The

appellant is requesting a Dimensional Variance for an awning in the rear of the building. The required set back is 12' per section 205.14, the appellant has 4' available.

5. ADJOURNMENT

To participate via Zoom, you must pre-register for the Zoom webinar and join from a PC, Mac, iPad, iPhone or Android device. Register for this webinar at –
<https://events.zoom.us/ev/Aj35bfqYLdFuck54Lwugpc7S2r3ngKoC9yXelloLELbBkFQe6hP9~AggLXsr32QYFjq8BIYLZ5I06Dg>

NOTE: Persons with a disability who wish to be heard and require accommodation please contact (814) 870-1111 at least 48 hours in advance so that arrangements can be made.

12285

**CITY OF ERIE
ZONING HEARING BOARD APPLICATION**

Appeal #: 12285 Index #: 1120-205 Hearing Date/Time: May 9th 12:30 pm

Property Information

Property Address: 1400 East Lake Road
Zoning District: RLB Current Land Use: Multi
Has a previous application of appeal been filed? Yes No Appeal No(s) _____

Owner / Applicant Information

Name of Owner: Mary Mitchell
Owner Address: 3801 Brickyard Rd
City: North East State: PA Zip Code: 16428
Telephone: (814) 560-7533 Email: oalysheazoo8@gmail.com
Name of Applicant (if different from owner): _____
Relationship to Owner: _____
Telephone: _____ Email: _____

Type of Application / Appeal

Variance - Type: Use Dimensional
 Special Exception Use
 Change of Non-Conforming Use
 Appeal of Determination of Zoning Officer

Proposed Use or Improvement: tattoo shop

I/We believe that the Board should approve this request because... (Attach a separate narrative as needed - please refer to the quick tip guidance on the following page)

I/We hereby certify that all the above statements and the statements contained in any attached plans submitted here within are true to the best of my/our knowledge and belief.

Mary Mitchell
Owner or Applicant Name [please print]

Mary Mitchell
Owner or Applicant Signature

4-19-23
Date

Pat Cash

APPLICATION FOR BUILDING PERMIT and/or ZONING CERTIFICATE
City of Erie, Pennsylvania

Fee \$ 300.00

Paid

Property Index No. 14-11-02-509

Appeal No. 12285

Building Change I, the undersigned, hereby make application to construct an _____ on
my property located at _____

Use Change I, the undersigned, hereby make application to use my property located at 1400 E Lake Rd
for 'Tattoo Parlor'

ZONING DISTRICT: RLB No. of Buildings intended: _____ No. of Stories: _____

Extreme Height as planned above curb: NA Permitted: _____

Front Yard Available: NA Required: _____

Front Yard Available (Corner lot): NA Required: _____

Side Yard Available (Combined): NA Required: _____

Side Yard Available (Least): NA Required: _____

Rear Yard Available: NA Required: NA

Lot Area per Family Available: NA Required: _____

Lot Coverage: NA Maximum: _____

Off Street Parking Spaces Available: adequate Required: 1 per every 2 patrons

Size of Detached Access Structure: _____ Maximum: _____

Conforming Non-Conforming _____

Special Conditions: Driveways, Curb Cuts, Storm-Water MGMT to be discussed with Engineering

The general shape of my lot and location of all existing and proposed buildings are accurately set forth in the plan on the back of this sheet.

Approved _____

Denied Amy Francis

Owner: _____

Address: _____ Zip _____

Telephone _____ Date _____ 20____

Applicant Signature: _____ Relation to Owner: _____

Reasons for refusal: per 204.14, 'Tattoo Parlor' is not a permitted use.

APPEAL FOR HEARING TO THE ZONING HEARING BOARD:

I, the undersigned owner, hereby make application for a hearing in regard to the building as per the plan and data herein shown, which does not comply with Zoning Ordinance No. 80-2005 and amendments hereto.

Owner's Signature _____

Appeal heard May 9, 2023

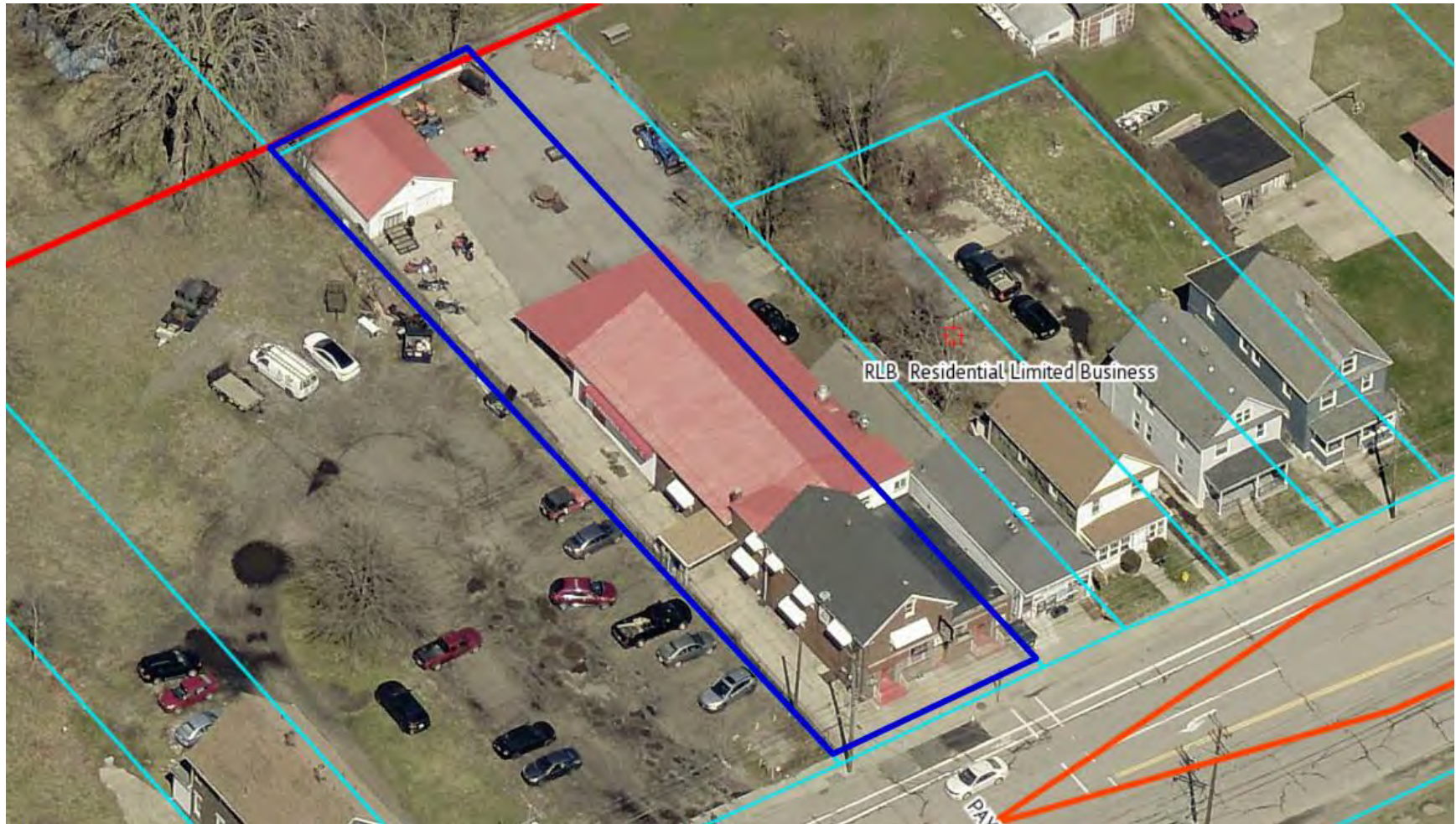
Signed _____

Approved _____ 20____

Denied _____ 20____

-SEE ATTACHED DECISION-

Mc's Bar and Grille- 1400 E Lake Rd







Erie, Pennsylvania
Google Street View
Oct 2021 See more dates

Google

Image capture: Oct 2021 © 2023 Google



1400 E Lake Rd

All

Street View & 360°



Erie, Pennsylvania
Google Street View
Oct 2021 See more dates



Image capture: Oct 2021 © 2023 Google



1400 E Lake Rd

All

Street View & 360°

Google Maps 1354 E Lake Rd



Image capture: Oct 2021 © 2023 Google



1400 E Lake Rd

All

Street View & 360°



The City of Erie, Pennsylvania

Joseph E. Sinnott, Mayor

January 27, 2012

**RE: 1400 East Lake Road
Erie PA**

To Whom It May Concern:

I am writing to in response to a request for a zoning compliance letter regarding property located at 1400 East Lake Road. The property is located in the RLB (Residential Limited Business) Zoning District. This eating and drinking establishment is a legal non-conforming use in the RLB Zoning District.

If the existing structure is destroyed by any means, a permit for its reconstruction within the existing building envelope shall be issued for the same use, provided the application for a permit is made within three (3) years of such date of destruction.

If you have any further questions regarding this property, or need additional information, please feel free to contact me 870-1273.

Sincerely,

Armand Chimenti
Chief Zoning Officer
City of Erie

57' lot frontage

Bureau of Code Enforcement

Andy Zimmerman, Manager - Code Enforcement
626 State Street, Room 407, Erie, PA 16501-1128
Ph: (814) 870-1313 • Fax: (814) 870-1584



12286

**CITY OF ERIE
ZONING HEARING BOARD APPLICATION**

Appeal #: 12284 Index #: _____ Hearing Date/Time: 5/9/23 @ 1:00

Property Information

Property Address: 1208 E38th St Erie PA 16504
Zoning District: _____ Current Land Use: _____
Has a previous application of appeal been filed? Yes / (No) Appeal No(s) _____

Owner / Applicant Information

Name of Owner: Sharaf ALRubaidi
Owner Address: 1012 State St
City: Erie State: PA Zip Code: 16501
Telephone: 412-935-1366 Email: Adenwayinc@outlook.com
Name of Applicant (if different from owner): _____
Relationship to Owner: _____
Telephone: _____ Email: _____

Type of Application / Appeal

Variance – Type: Use Dimensional
 Special Exception Use
 Change of Non-Conforming Use
 Appeal of Determination of Zoning Officer

Proposed Use or Improvement: Change the sign to a bigger one.

I/We believe that the Board should approve this request because... (Attach a separate narrative as needed – please refer to the quick tip guidance on the following page)

The way this building is structured, we need a bigger sign to catch the eye.

I/We hereby certify that all the above statements and the statements contained in any attached plans submitted here within are true to the best of my/our knowledge and belief.

Sharaf ALRubaidi
Owner or Applicant Name [please print]

Sharaf
Owner or Applicant Signature

4-18-23
Date

pd cash

APPLICATION FOR BUILDING PERMIT and/or ZONING CERTIFICATE
City of Erie, Pennsylvania

Fee \$ 300.00

paid

Property Index No. 18-52-11-108

Appeal No. 12286

Building Change I, the undersigned, hereby make application to construct an larger than 24 sqft sign on
my property located at 1208 E 38th St

Use Change I, the undersigned, hereby make application to use my property located at _____
for _____

ZONING DISTRICT: RLB No. of Buildings intended: _____ No. of Stories: _____

Extreme Height as planned above curb: NA Permitted: _____

Front Yard Available: NA Required: _____

Front Yard Available (Corner lot): NA Required: _____

Side Yard Available (Combined): NA Required: _____

Side Yard Available (Least): NA Required: _____

Rear Yard Available: NA Required: _____

Lot Area per Family Available: NA Required: _____

Lot Coverage: NA Maximum: _____

Off Street Parking Spaces Available: NA Required: _____

Size of Detached Access Structure: _____ Maximum: _____

Conforming Non-Conforming

Special Conditions: Driveways, Curb Cuts, Storm-Water MGMT to be discussed with Engineering

The general shape of my lot and location of all existing and proposed buildings are accurately set forth in the plan on the back of this sheet.

Approved _____

Owner: _____

Denied Amy Francis

Address: _____ Zip _____

Telephone _____ Date _____ 20____

Applicant Signature: _____ Relation to Owner: _____

Reasons for refusal: per 303 advertising signs are not permitted to exceed twenty-four (24) square feet
for each seventy-five feet of frontage. The store frontage is 52' for addressed units 1206 and 1208.

APPEAL FOR HEARING TO THE ZONING HEARING BOARD:

I, the undersigned owner, hereby make application for a hearing in regard to the building as per the plan and data herein shown, which does not comply with Zoning Ordinance No. 80-2005 and amendments hereto.

Owner's Signature _____

Appeal heard May 9, 2023

Signed _____

Approved _____ 20____

Denied _____ 20____

-SEE ATTACHED DECISION-

Addressed Units 1206-1208 E 38th St. (Burton Plaza)

See yellow line for frontage distance.



12287

**CITY OF ERIE
ZONING HEARING BOARD APPLICATION**

Appeal #: 12287 Index #: 6027-110 Hearing Date/Time: 5/9/23 @ 1:00

Property Information

Property Address: 2310 Plum St Erie Pa 16502

Zoning District: R-2 Current Land Use: SCHOOL

Has a previous application of appeal been filed? Yes / No Appeal No(s) NO

Owner / Applicant Information

Name of Owner: Erie County School District

Owner Address: 148 West 21st Street

City: Erie State: PA Zip Code: 16502

Telephone: 814-874-6000 6123 Email: eerwin@eriesd.org Niel Broxman

Name of Applicant (if different from owner): Dan Fiore - Secured Storage LLC

Relationship to Owner: Potential buyer of property

Telephone: 814 449-1810 Email: SecuredStorage@yahoo.com

Type of Application / Appeal

- Variance – Type: Use Dimensional
 Special Exception Use
 Change of Non-Conforming Use
 Appeal of Determination of Zoning Officer


Proposed Use or Improvement: Self-Storage Facility

I/We believe that the Board should approve this request because... (Attach a separate narrative as needed – please refer to the quick tip guidance on the following page)

Please See Attached

I/We hereby certify that all the above statements and the statements contained in any attached plans submitted here within are true to the best of my/our knowledge and belief.

Daniel P Fiore
Owner or Applicant Name [please print]


Owner or Applicant Signature

3/29/2023
Date

Del #1338

APPLICATION FOR BUILDING PERMIT and/or ZONING CERTIFICATE
City of Erie, Pennsylvania

Fee \$ 300.00

Paid

Property Index No. 19-6027-100

Appeal No. 12287

Building Change I, the undersigned, hereby make application to construct an Self-Storage Facility on my property located at 2310 Plum St

Use Change I, the undersigned, hereby make application to use my property located at _____ for _____

ZONING DISTRICT: R-2 No. of Buildings intended: _____ No. of Stories: _____

Extreme Height as planned above curb:	<u>NA</u>	Permitted:	_____
Front Yard Available:	<u>NA</u>	Required:	_____
Front Yard Available (Corner lot):	<u>NA</u>	Required:	_____
Side Yard Available (Combined):	<u>NA</u>	Required:	_____
Side Yard Available (Least):	<u>NA</u>	Required:	_____
Rear Yard Available:	<u>NA</u>	Required:	_____
Lot Area per Family Available:	<u>NA</u>	Required:	_____
Lot Coverage:	<u>NA</u>	Maximum:	_____
Off Street Parking Spaces Available:	<u>NA</u>	Required:	_____
Size of Detached Access. Structure:	_____	Maximum:	_____

Conforming Non-Conforming _____

Special Conditions: Driveways, Curb Cuts, Storm-Water MGMT to be discussed with Engineering

The general shape of my lot and location of all existing and proposed buildings are accurately set forth in the plan on the back of this sheet.

Approved _____ Owner: _____

Denied Amy Francis Address: _____ Zip _____

Telephone _____ Date _____ 20____

Applicant Signature: _____ Relation to Owner: _____

Reasons for refusal: per section 204.12, 'Self Storage Facility' is not a permitted use.

APPEAL FOR HEARING TO THE ZONING HEARING BOARD:

I, the undersigned owner, hereby make application for a hearing in regard to the building as per the plan and data herein shown, which does not comply with Zoning Ordinance No. 80-2005 and amendments hereto.

Appeal heard May 9, _____ 2023 Owner's Signature _____

Approved _____ 20____ Signed _____

Denied _____ 20____ _____

-SEE ATTACHED DECISION-

2310 Plum St (Former Irving School)



Amy Francis

From: Neal Brokman <nbrokman@eriesd.org>
Sent: Monday, April 24, 2023 9:19 AM
To: Amy Francis
Subject: Re: [External]2310 Plum- Irving School

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

As a representative of the property owner, Dan Fiore has permission to present to the zoning board.

Neal Brokman

Assistant Superintendent
Erie's Public Schools

From: Amy Francis <afrancis@erie.pa.us>
Sent: Monday, April 24, 2023 9:17 AM
To: Neal Brokman <nbrokman@eriesd.org>
Subject: [External]2310 Plum- Irving School

CAUTION: This email originated from outside of Erie's Public Schools. Do not click on links or open any attachments until you have confirmed with the sender and know the content is safe. Never reply to an outside message with any personal information including your password or phone number. Do not send money or gift cards.

Hi Neil,

Please let us know if Dan Fiore has permission to present to the Zoning Hearing Board for a Use Variance, pending the sale of this property.

Thank you,
Amy Francis, CPE

Zoning Officer
City of Erie | Bureau of Code Enforcement
626 State Street | Room 407
Erie, PA 16501-1128
814.870.1265
www.erie.pa.us



**SECURED
STORAGE**

531 East 25th St.
Erie Pa 16503
SecuredStorage@yahoo.com
www.SecuredStorageEriePa.com

29, March 2023

City Of Erie - Bureau of Code Enforcement
626 State Street - Room 407
Erie, Pa 16501-1128

Subject: Zoning Variance Request - 2310 Plum St, Erie Pa 16502

We believe that the Board should approve this request for reasons stated below:

- The property located at 2310 Plum St, former Irving Elementary School, is a commercial structure located in a residential neighborhood which has proven over the years of its vacancy and availability for sale that its current zoning has tremendously affected the sale and uses by any potential buyer.
- With our intended use as a Self-Storage Facility, the day-to-day operations and overall additional traffic are by far the minimal if not the least intrusive in comparison to any business that could or has tried to purchase this property.
- With its vacancy nearing 6 years, the declining condition of the building (visually and structurally), hazards associated with a vacant building, the burdens of maintenance and financial upkeep that are negatively affecting the immediate neighborhood and the City of Erie as a whole are only declining with time.
- In regards to operating and maintaining a business within the middle of a residential area we respect our neighbors and look forward to working with them as we have in the past at our other locations, both of which are surrounded by residential properties. With the least amount of commercial activity and minimal signage/advertisement our potential impact within this neighborhood will be nothing short of a positive one.

With an approval from the Board, we will be able to finalize the purchase of this property which could ultimately eliminate these burdens on the City and surrounding neighborhood. Your time and consideration of our application is greatly appreciated.

Sincerely,

Daniel P. Fiore
Secured Storage LLC

APPLICATION MATERIALS CHECKLIST

- Completed Owner / Applicant Information
- Completed Proposal / Improvement Description
- Completed Reasons / Justification Narrative
- Project Site Plan and/or Renderings (as applicable)
- Owner / Applicant signature on the application form
- \$300.00 application fee (check/money order made payable to "City of Erie")

The application and supplemental information listed above may be emailed to zoning@erie.pa.us (preferred). Applications may also be mailed to the address below, or dropped off at City Hall via a mail slot located at the State Street entrance labeled "Permits". Please label the submission "ATTN: Zoning – Room 407".

The next Zoning Hearing Board Meeting will be _____

The application deadline for the next meeting is _____

ZONING HEARING BOARD QUICK TIPS

1. The Zoning Hearing Board meets on the second Tuesday of each month at 1:00PM. All application materials must be submitted to the Zoning Office at least three [3] weeks prior to the hearing.
2. The applicant must be in attendance at the hearing, and be prepared to present the appeal and answer questions from the board.
3. The most important section of the application required to be completed is the response to the statement that reads: "I/We believe that the Board should approve this request because..." This is typically attached separately with the application as a narrative stating the proposed appeal / request which describes the reasons and justification for the Board to consider its approval. The narrative must demonstrate the presence of a hardship that prohibits the property from being used in accordance with the City Zoning Ordinance regulations. Include reasons and justification that refer to the zoning law and the specific hardships the law has imposed on developing the property.
4. The attached brochure, *Zoning Hearing Board Procedures*, is to be used as a guide to complete the narrative. Most importantly, it lists the variance / hardship criteria which the Board uses as guidance when deciding whether to grant a variance. Please provide answers to **each** of the criteria areas in the narrative.

Additional information on the Zoning Hearing Board can be found on the City's website at: <https://cityof.erie.pa.us/zoning-hearing-board/>



THE CITY OF ERIE

JOSEPH V. SCHEMBER, MAYOR

January 28, 2022

City of Erie School District
148 W 21st Street
Erie, PA 16502

RE: Zoning Hearing Board - Appeal No. 12,261 by Woda Cooper Development Inc. on behalf of the City of Erie School District

To Whom It May Concern,

This is to inform you that the following decision was adopted by the Zoning Hearing Board on Tuesday, December 14, 2021 regarding Appeal No. 12,261 concerning property located at 2310 Plum Street [Index # 6027-100] in an R-2 Medium Density Residential zoning district. The appellant is requesting a Use Variance to construct a sixty [60] unit Multiple Family Dwelling. Per Section 204.12 of the City Zoning Ordinance, Multiple Family Dwellings are not a permitted use in an R-2 district.

Sworn testimony was provided by the applicant, those in favor of the variance request and those opposed to the variance request.

On a motion by Ms. Guncheon, seconded by Mr. Monella, the Board voted 3-0, with one abstention, to approve conditions regarding green space and building design recommendations.

Specifically, the Board found that, based upon the testimony and representations of Woda Cooper Development, Inc.'s representatives, significant steps had been taken to address the concerns of neighboring property owners, including commitments to: reorient the proposed structure, preserve useable greenspace, discuss with the City of Erie utilizing the greenspace as a public park, taking reasonable steps to incorporate design aspects of and materials from the existing structure into the new development, and to utilize building materials and designs consistent with the overall character of the neighborhood. The Board further found that, based upon this testimony and representations, the proposed development would not materially alter the essential character of the neighborhood. Therefore, the Board adopted these commitments of the Developer, Woda Cooper Development, Inc., as conditions for the requested Use Variance.

These conditions having been adopted by the Board, and the Board further finding that:

1. As testified to by the Developer and by a representative of the current owner, the City of Erie School District regarding the condition of the property and previous efforts to sell or redevelop the

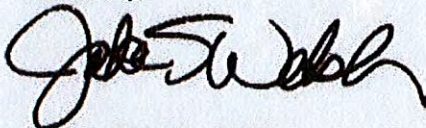
property, there are unique physical characteristics of the property, including its size, location, and the age, condition, and limited use options for the existing structures on the premises;

2. That these conditions create an unnecessary hardship and inhibit the usefulness of the property;
3. This hardship is not "self-inflicted";
4. The Use Variance sought, and as conditioned above, will not adversely impact public health, safety, and welfare and will, in fact, allow for the useful redevelopment of a vacant and deteriorating property; and
5. The variance sought is the minimum that will afford relief,

On a motion by Mr. Monella, seconded by Ms. Guncheon, the Board voted 3-0, with one abstention, to approve a Use Variance to construct a sixty [60] unit Multiple Family Dwelling, with the above conditions.

PLEASE NOTE: Section 103 of the City of Erie Zoning Ordinance requires that a Building Permit and/or Zoning Certificate MUST be obtained prior to initiating the approved variance. In addition, Section 402.30 of the Ordinance states that "All permits and certificates which are granted by the Zoning Officer, or those granted as Special Exceptions, on appeal to the Board or as Conditional Uses shall be exercised promptly. If the use and/or the work so authorized is not initiated within one (1) year from the date of permit or certificate, then such certificate or permit shall be null and void."

Sincerely,



Jake S. Welsh, AICP
Chief Zoning Officer

APPEAL 12,261

APPLICATION FOR BUILDING PERMIT and/or ZONING CERTIFICATE
City of Erie, Pennsylvania

Fee \$ 300.00

Paid

Property Index No. 6027-100

Appeal No. 12,261

Building Change I, the undersigned, hereby make application to construct a 60 UNIT MFD on
my property located at 2310 PLUM ST

Use Change I, the undersigned, hereby make application to use my property located at 2310 PLUM ST
for 60 UNIT MULTIPLE FAMILY DWELLING

ZONING DISTRICT: R-2 No. of Buildings intended: 1 No. of Stories: 3

Extreme Height as planned above curb: OK Permitted: _____

Front Yard Available: OK Required: _____

Front Yard Available (Corner lot): OK Required: _____

Side Yard Available (Combined): OK Required: _____

Side Yard Available (Least): OK Required: _____

Rear Yard Available: OK Required: _____

Lot Area per Family Available: OK Required: _____

Lot Coverage: OK Maximum: _____

Off Street Parking Spaces Available: OK Required: _____

Size of Detached Access Structure: N/A Maximum: _____

Conforming Non-Conforming MULTIPLE FAMILY DWELLINGS NOT PERMITTED IN R-2

Special Conditions: _____

The general shape of my lot and location of all existing and proposed buildings are accurately set forth in the plan on the back of this sheet.

Approved _____ Owner: _____

Denied JSW Address: _____ Zip _____

Telephone _____ Date _____ 20____

Applicant Signature: _____ Relation to Owner: _____

Reasons for refusal: _____

APPEAL FOR HEARING TO THE ZONING HEARING BOARD:

I, the undersigned owner, hereby make application for a hearing in regard to the building as per the plan and data herein shown, which does not comply with Zoning Ordinance No. 80-2005 and amendments hereto.

Owner's Signature _____

Appeal heard NOVEMBER 9, 2021 20____ Signed _____

Approved _____ 20____

Denied _____ 20____

-SEE ATTACHED DECISION-

**CITY OF ERIE
ZONING HEARING BOARD APPLICATION**

Appeal #: _____ Index #: _____ Hearing Date/Time: _____

Property Information

Property Address: 2310 PLUM ST.

Zoning District: R2 Current Land Use: UNOCCUPIED SCHOOL

Has a previous application of appeal been filed? Yes No Appeal No(s) _____

Owner / Applicant Information

Name of Owner: ERIE SCHOOL DISTRICT

Owner Address: 148 W 21ST STREET

City: ERIE State: PA Zip Code: 16502

Telephone: 814-874-6001 Email: nbrokam@ericsd.org

Name of Applicant (if different from owner): WODA COOPER DEVELOPMENT INC.

Telephone: 1-949-278-7565 Email: MCOOPER@woda-group.com

Owner: _____ Tenant: _____ Contractor [Name]: WODA COOPER DEVELOPMENT INC.

Type of Application / Appeal

Variance – Type: _____ Use _____ Dimensional

_____ Special Exception Use

_____ Change of Non-Conforming Use

_____ Appeal of Determination of Zoning Officer

Proposed Use or Improvement: NEW AFFORDABLE SENIOR HOUSING
60 UNITS (1 & 2 BEDROOM)

I/We believe that the Board should approve this request because... (Attach a separate narrative as needed – please refer to the quick tip guidance on the following page)

SEE ATTACHED

I/We hereby certify that all the above statements and the statements contained in any attached plans submitted here within are true to the best of my/our knowledge and belief.

Dale H. Roth (agent)
Owner or Agent Signature

10/15/2021
Date

APPLICATION MATERIALS CHECKLIST

- Completed Owner / Applicant Information
- Completed Proposal / Improvement Description
- Completed Reasons / Justification Narrative
- Project Site Plan and/or Renderings (as applicable)
- Owner / Applicant signature on the application form
- \$300.00 application fee (check/money order made payable to "City of Erie")

The application and supplemental information listed above may be emailed to zoning@erie.pa.us (preferred). Applications may also be mailed to the address below, or dropped off at City Hall via a mail slot located at the State Street entrance labeled "Permits". Please label the submission "ATTN: Zoning – Room 407".

The next Zoning Hearing Board Meeting will be NOV. 9, 2021

The application deadline for the next meeting is OCT. 19, 2021

ZONING HEARING BOARD QUICK TIPS

1. The Zoning Hearing Board meets on the second Tuesday of each month at 1:00PM. All application materials must be submitted to the Zoning Office at least three [3] weeks prior to the hearing.
2. The applicant must be in attendance at the hearing, and be prepared to present the appeal and answer questions from the board.
3. The most important section of the application required to be completed is the response to the statement that reads: "I/We believe that the Board should approve this request because..." This is typically attached separately with the application as a narrative stating the proposed appeal / request which describes the reasons and justification for the Board to consider its approval. The narrative must demonstrate the presence of a hardship that prohibits the property from being used in accordance with the City Zoning Ordinance regulations. Include reasons and justification that refer to the zoning law and the specific hardships the law has imposed on developing the property.
4. The attached brochure, *Zoning Hearing Board Procedures*, is to be used as a guide to complete the narrative. Most importantly, it lists the variance / hardship criteria which the Board uses as guidance when deciding whether to grant a variance. Please provide answers to **each** of the criteria areas in the narrative.

Additional information on the Zoning Hearing Board can be found on the City's website at: <https://cityof.erie.pa.us/zoning-hearing-board/>

The site is in a R-2 zone allowing the construction of townhouse and 3&4 family units complexes. We believe the scale and scope of the proposed senior housing project provides for a better utilization of this site, bound by residential homes on all sides. The final development will provide a building footprint that is smaller than the existing school. The existing building is no longer viable as a school and the cost to renovate this building far exceeds the cost of a new building.

The affordable senior housing as proposed will be a midrise residential scale design that meet or exceed the code requirements of the R-2 Medium Density Residential Zone bringing many benefits to the Erie community, as outlined below.

1. Providing affordable senior housing
2. Will create a more quiet, cleaner environment
3. Project footprint will create more open space then the current school
4. Will remove the current eyesore of an unused school
5. Yard setbacks, density coverage, building height will meet or exceed the code requirements
6. Proposed parking exceeds code requirements
7. Zoning requires 2000 SF of land per unit, propose provides 2975 SF per unit
8. Project provides a residential scale and feel
9. Project will replace a nontaxable project with a taxable project

Finally, Woda Cooper Development has an exemplary history of maintaining their projects in like new conditions

IRVING SCHOOL SITE

There have been questions raised above why the existing building could not be utilized in the planning process, for the proposed 60-unit elderly housing project. We did look at this as part of our normal design process, the following is what we found.

We looked at two options.

Utilizing the entire existing building would produce space for (15)- 1-bedroom units and (12)- 2-bedroom units. Project would need a major addition of (25)- 1-bedroom units and (8)-2-bedrooms, plus 10,846 square feet of hallways and support spaces, for at total of 33,450 square feet. The cost of this option would be as follows.

Existing building	53,130 SF x \$135.00 per SF =	\$7,172,550.00
Addition	33,450 SF x \$110.00 per SF =	\$3,679,500.00
	TOTAL	\$10,852,050.00

Utilizing the original building without the addition would produce space for (8) 2bedroom units and support space available of 3,260 square feet. Project would need a major addition of (40) 1- bedroom units and (12) 2- bedroom units plus addition of 7,586 square feet of hallways and support spaces , for a total of 73,167 square feet. The cost of this option would be as follows.

Existing building	25,812 SF x \$135.00 per SF =	\$3,484,620.00
Addition	47,335 SF x \$110.00 per SF =	\$ 5,206,850.00
	TOTAL	\$ 8,691,470.00

New building 54,425 SF x \$110.00 per SF= \$5,986,750.00

Problems Found

- 1.The existing grade is approximately 5 feet 6 inches below first floor line, extensive steps and ramps would have to be constructed on the exterior to get to a new first floor level to reduce the required ramp lengths inside the building . Would have to construct a new floor in the gym area to raise it to the first-floor level.
2. The floor to floor heights in the existing building are significantly higher than normal residential construction, so connecting new floor systems to the old becomes an issue, there still would be a shorter ramp between first floors , the new second floor could not connect , any connections would be from the third floor via a ramp.
- 3.Elevators would require 6 stops instead a normal 3 stops as well as having both front and rear door openings
- 4 All of the above creates additional cost to a project.



WODA COOPER COMPANIES

Narrative Regarding Hardships of Current Zoning Impeding Redevelopment of the Former Irving School

The former Irving School located at 2310 Plum Street is currently zoned R2. Under the current code R-2 medium density residential district has the following permitted uses for housing: one family dwelling; two, three, and four family dwellings; and townhouses. Woda Cooper Development, Inc. cannot conform to the above permitted uses for the property and is requesting a variance to allow for the creation of a sixty unit development of affordable senior housing.

According to the Zoning Ordinance for the City of Erie Ordinance Number 80-2005 March 2021 Edition number 9 pages 113 and 114, the Board may grant a variance provided that following hardships findings are made where relevant in a given case. There are 8 findings which Woda Cooper has listed each below and has addressed to demonstrate the need for a variance:

1. *Section 9(a) states " That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located"*

Section 9(a) relates to Woda Cooper's request for variance because the Irving School has unique physical conditions which are particular to this property. The school is currently vacant and has been unoccupied for more than 8 years. Woda Cooper believes without a use variance the Property cannot be revitalized to its fullest potential.

The hardship created by the physical conditions of the lot is the 53,130-foot school building which creates the hardship for redevelopment. Again, the site is a flat, nice size 4.098 acres, with all city utilities in an established walkable neighborhood. The physical hardship is the school, removal of the school building approving the use variance will allow the development of an appealing new construction building 1,000 square feet larger than the school on a smaller foot print while maintaining the greenspace, have lower traffic count and eliminate on street parking from our potential residents

2. *Section 9(b) states "That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property"*

Woda Cooper cannot develop this Property without a use variance. Approval of a variance would allow for the efficient redevelopment of this parcel into new construction with a smaller building footprint. This footprint would allow the preservation of existing greenspace

and provide onsite parking opportunities for residents. This change is necessary to enable Woda Cooper's reasonable use of the property.

3. *Section 9(c) states "That such unnecessary hardship has not been created by the applicant"*

A hardship has not been created by the existing property owner. The school district has marketed the property for over eight years with no results. In addition, the district currently has extremely high costs of maintaining the Erie School in its current condition without redevelopment. Currently they pay \$33,425.00 a year plus insurance to maintain an empty building. The district has maintained the building and landscaped it to the benefit of the neighborhood.

In addition to the school district, Woda Cooper as the applicant for this variance request has not created an unnecessary hardship which would impede the Board from granting this variance. Approval of a variance would allow for the efficient redevelopment of this parcel into senior housing.

4. *Section 9(d) states "That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and"*

The variance, if authorized will not alter the essential character of the neighborhood nor substantially or permanently impair the appropriate use or the development of adjacent property. Allowing the use variance will create a building similar in size to the school with adequate onsite parking which would maintain street parking for the neighborhood residents. As a senior development, the traffic impact will be less than general occupancy multifamily or the previous school use.

5. *Section 9 (e) states "That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue"*

The existing school building is 53,130 SF on a larger footprint while the proposed new three-story senior building is 54,425 SF. The proposed building will maintain setbacks, stay well below the maximum building height, create onsite parking at the rear of the building, and will allow an increase in the Plum Street set back with more greenspace along 23rd Street and Plum Street. Granting this variance will be least modification of the zoning in effect and will provide Woda Cooper the necessary relief to proceed.

6. *Section 9(f) states "Such modifications are necessary to provide "reasonable accommodation" required by the American with Disabilities Act and/or the Federal Fair Housing Act and/or applicable State law, as amended."*



As a developer of affordable housing, Woda Cooper must adhere to the American with Disabilities Act, Federal Fair Housing Act, and applicable State and Federal law. This proposed development will meet and exceed these requirements.

7. *Section 9(g) states "Only persons who the applicant proves have "disabilities" as defined in and protected by such laws are served"*

If Woda Cooper receives a use variance to allow for sixty units of senior affordable housing on the proposed site, then individuals with disabilities will be welcomed to live at the proposed development and the development will be built to accommodate individuals with disabilities.

8. *Section 9(h) states "The standards for such accommodation as listed above are met"*

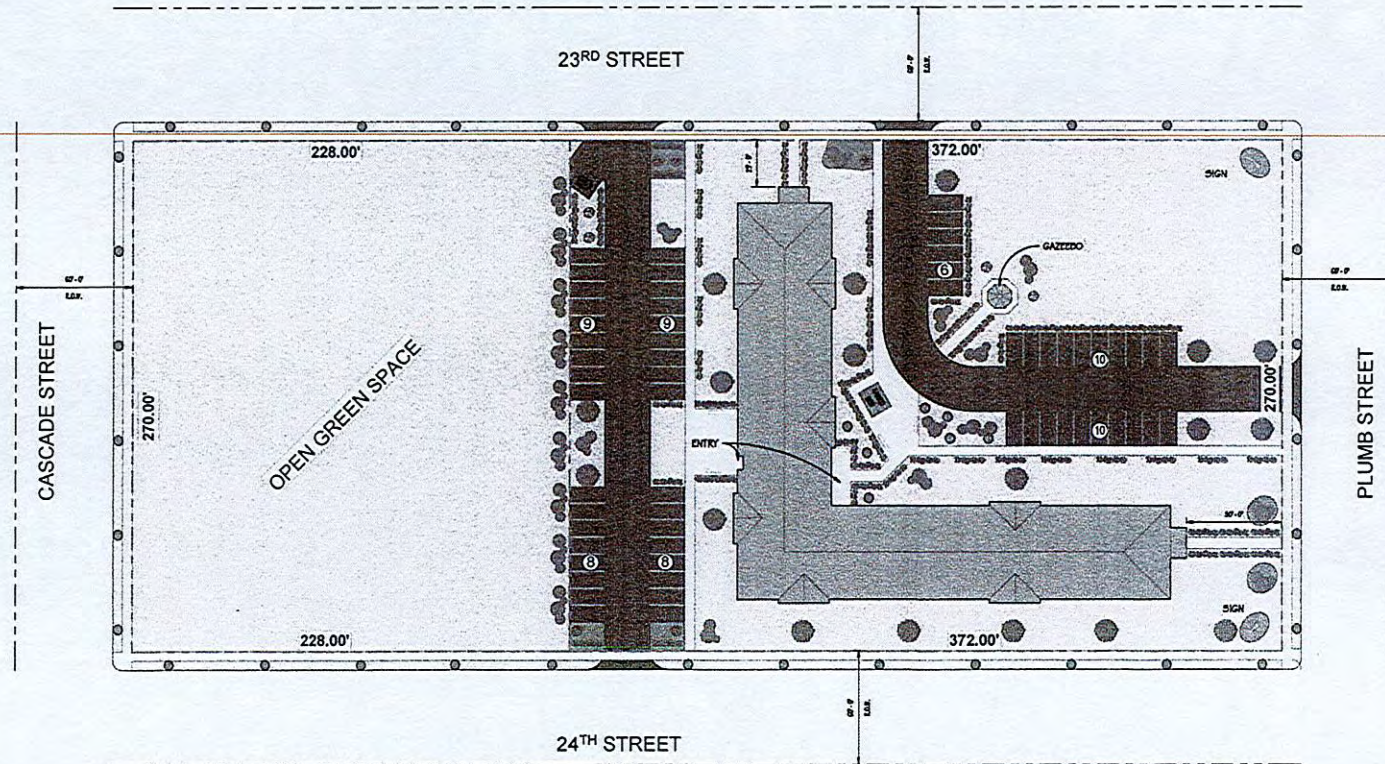
Woda Cooper believes this proposed use of the Irving School as affordable housing will promote the cities goal for more affordable housing for seniors and will benefit the community by promoting revitalization and offering more opportunities for infill housing.

In conclusion, a use variance will allow Woda Cooper to redevelopment of the site into 60 units of senior affordable housing. The benefit of the variance is new construction, increased tax base and the ability to allow seniors to stay in their neighborhood. We look forward to a favorable approval of our variance request.



IRVING SCHOOL SITE

2310 PLUMB STREET ERIE, PA 16502



1 SITE PLAN
1" = 30'-0"

(60) UNIT
3 - STORY APARTMENT BUILDING

SITE INFORMATION
 LOT 1 - 1.773 ACRE
 LOT 2 - 2.325 ACRE
 TOTAL - 4.098 ACRE

11% LOT COVERAGE
 PARKING (60) TOTAL



IRVING SCHOOL SITE
 2310 PLUMB STREET ERIE, PA 16502

Sheet Name

SITE PLAN

Revisions:

No.	Date

Date: 2021.06.01

Sheet No.

01

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12288

**CITY OF ERIE
ZONING HEARING BOARD APPLICATION**

Appeal #: 12288 Index #: 3117-314 Hearing Date/Time: May/9/2023

Property Information

Property Address: 2105-2133 West 8th Street Erie, PA 16505
Zoning District: C-1 Current Land Use: commercial office plaza
Has a previous application of appeal been filed? Yes No Appeal No(s) _____

Owner / Applicant Information

Name of Owner: Manor Plaza llc - Jack Thompson, member
Owner Address: 2105 West 8th Street
City: Erie State: PA Zip Code: 16505
Telephone: 814-434-5391 Email: jam@manorplazallc.com
Name of Applicant (if different from owner): _____
Telephone: _____ Email: _____
Owner: _____ Tenant: _____ Contractor [Name]: _____

Type of Application / Appeal

Variance – Type: _____ Use Dimensional
____ Special Exception Use
____ Change of Non-Conforming Use
____ Appeal of Determination of Zoning Officer

Proposed Use or Improvement: To replace a existing roll out awning, with a permanent one over the patio that is attached to side of the garage that is also part of our office 10x20 possibly 12 ft. high

I/We believe that the Board should approve this request because... (Attach a separate narrative as needed – please refer to the quick tip guidance on the following page)
attached

I/We hereby certify that all the above statements and the statements contained in any attached plans submitted here within are true to the best of my/our knowledge and belief.

Jack Thompson
Owner or Agent Signature

4/3/2023
Date

Del. # 3876

APPLICATION MATERIALS CHECKLIST

- Completed Owner / Applicant Information
- Completed Proposal / Improvement Description
- Completed Reasons / Justification Narrative
- Project Site Plan and/or Renderings (as applicable)
- Owner / Applicant signature on the application form
- \$300.00 application fee (check/money order made payable to "City of Erie")

The application and supplemental information listed above may be emailed to zoning@erie.pa.us (preferred). Applications may also be mailed to the address below, or dropped off at City Hall via a mail slot located at the State Street entrance labeled "Permits". Please label the submission "ATTN: Zoning – Room 407".

The next Zoning Hearing Board Meeting will be May 9, 2023

The application deadline for the next meeting is April 13, 2023

ZONING HEARING BOARD QUICK TIPS

1. The Zoning Hearing Board meets on the second Tuesday of each month at 1:00PM. All application materials must be submitted to the Zoning Office at least three [3] weeks prior to the hearing.
2. The applicant must be in attendance at the hearing, and be prepared to present the appeal and answer questions from the board.
3. The most important section of the application required to be completed is the response to the statement that reads: "I/We believe that the Board should approve this request because..." This is typically attached separately with the application as a narrative stating the proposed appeal / request which describes the reasons and justification for the Board to consider its approval. The narrative must demonstrate the presence of a hardship that prohibits the property from being used in accordance with the City Zoning Ordinance regulations. Include reasons and justification that refer to the zoning law and the specific hardships the law has imposed on developing the property.
4. The attached brochure, *Zoning Hearing Board Procedures*, is to be used as a guide to complete the narrative. Most importantly, it lists the variance / hardship criteria which the Board uses as guidance when deciding whether to grant a variance. Please provide answers to **each** of the criteria areas in the narrative.

Additional information on the Zoning Hearing Board can be found on the City's website at: <https://cityof.erie.pa.us/zoning-hearing-board/>

2105-2133 W 8th St (Manor Plaza)



APPLICATION FOR BUILDING PERMIT and/or ZONING CERTIFICATE
City of Erie, Pennsylvania

Fee \$ 300.00

Paid

Property Index No. 16-3117-341

Appeal No. 12288

Building Change I, the undersigned, hereby make application to construct an Porch Roof on
my property located at 2105-2133 W 8th St

Use Change I, the undersigned, hereby make application to use my property located at _____
for _____

ZONING DISTRICT: C-1 No. of Buildings intended: _____ No. of Stories: 1

Extreme Height as planned above curb:	<u>NA</u>	Permitted:	_____
Front Yard Available:	<u>NA</u>	Required:	_____
Front Yard Available (Corner lot):	<u>NA</u>	Required:	_____
Side Yard Available (Combined):	<u>NA</u>	Required:	_____
Side Yard Available (Least):	<u>NA</u>	Required:	_____
Rear Yard Available:	<u>2'</u>	Required:	<u>12'</u>
Lot Area per Family Available:	<u>NA</u>	Required:	_____
Lot Coverage:	<u>ok</u>	Maximum:	_____
Off Street Parking Spaces Available:	_____	Required:	_____
Size of Detached Access Structure:	_____	Maximum:	_____

Conforming Non-Conforming

Special Conditions: Driveways, Curb Cuts, Storm-Water MGMT to be discussed with Engineering

The general shape of my lot and location of all existing and proposed buildings are accurately set forth in the plan on the back of this sheet.

Approved _____ Owner: _____
 Denied Amy Francis Address: _____ Zip _____
 Telephone _____ Date _____ 20____

Applicant Signature: _____ Relation to Owner: _____

Reasons for refusal: 205.14 shall be at least one (1) foot for each one (1) foot of building height and shall have a screen planting strip adjoining the "R" District. Porch Roof is planned for 10'-12' high

APPEAL FOR HEARING TO THE ZONING HEARING BOARD:

I, the undersigned owner, hereby make application for a hearing in regard to the building as per the plan and data herein shown, which does not comply with Zoning Ordinance No. 80-2005 and amendments hereto.

Owner's Signature _____
 Appeal heard May 9, 2023 Signed _____
 Approved _____ 20____
 Denied _____ 20____

-SEE ATTACHED DECISION-

4/3/23

Manor plaza 2105 west 8th Street Erie, PA

Request for replacing the awning over the back patio.

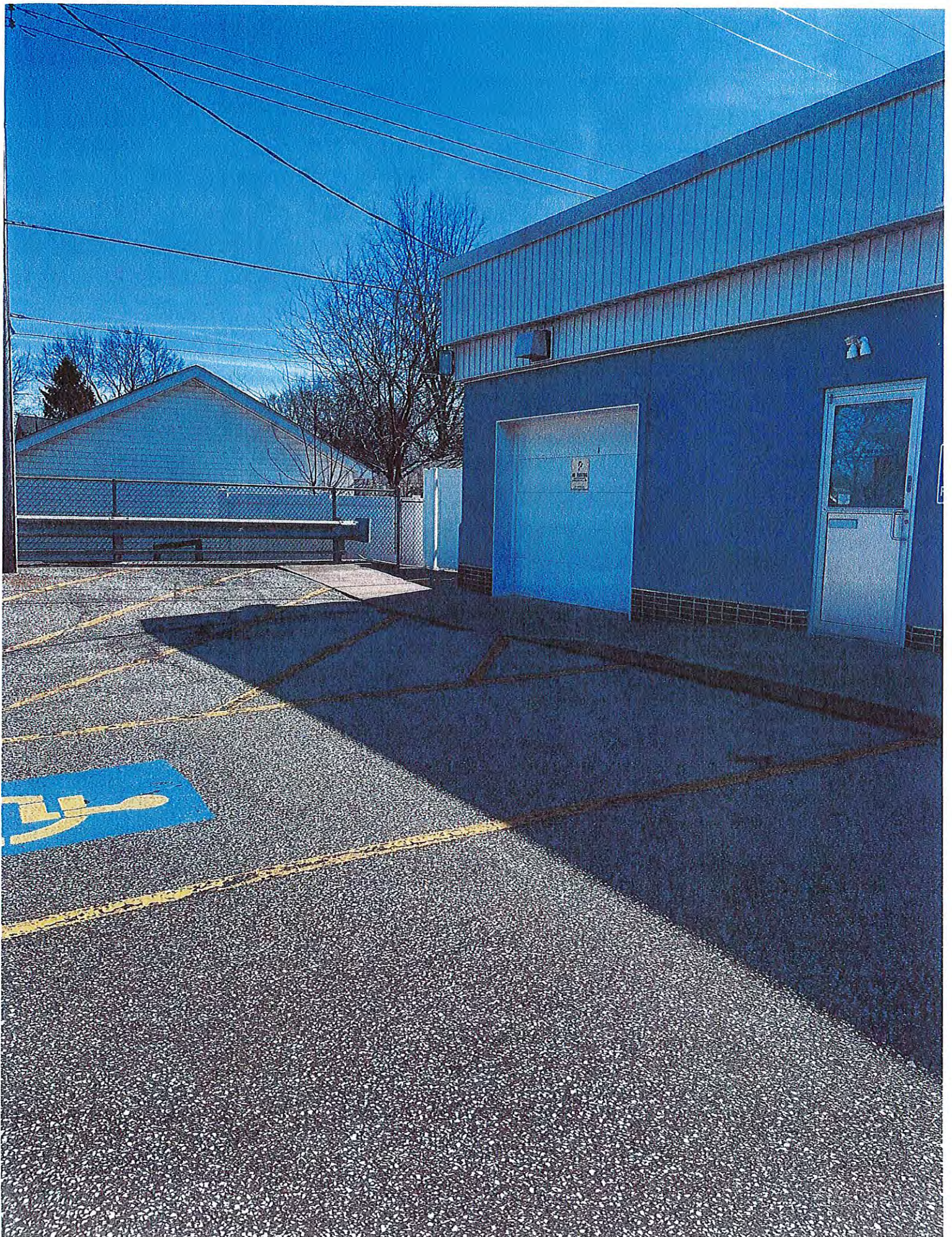
We believe that the Board should approve this request because...

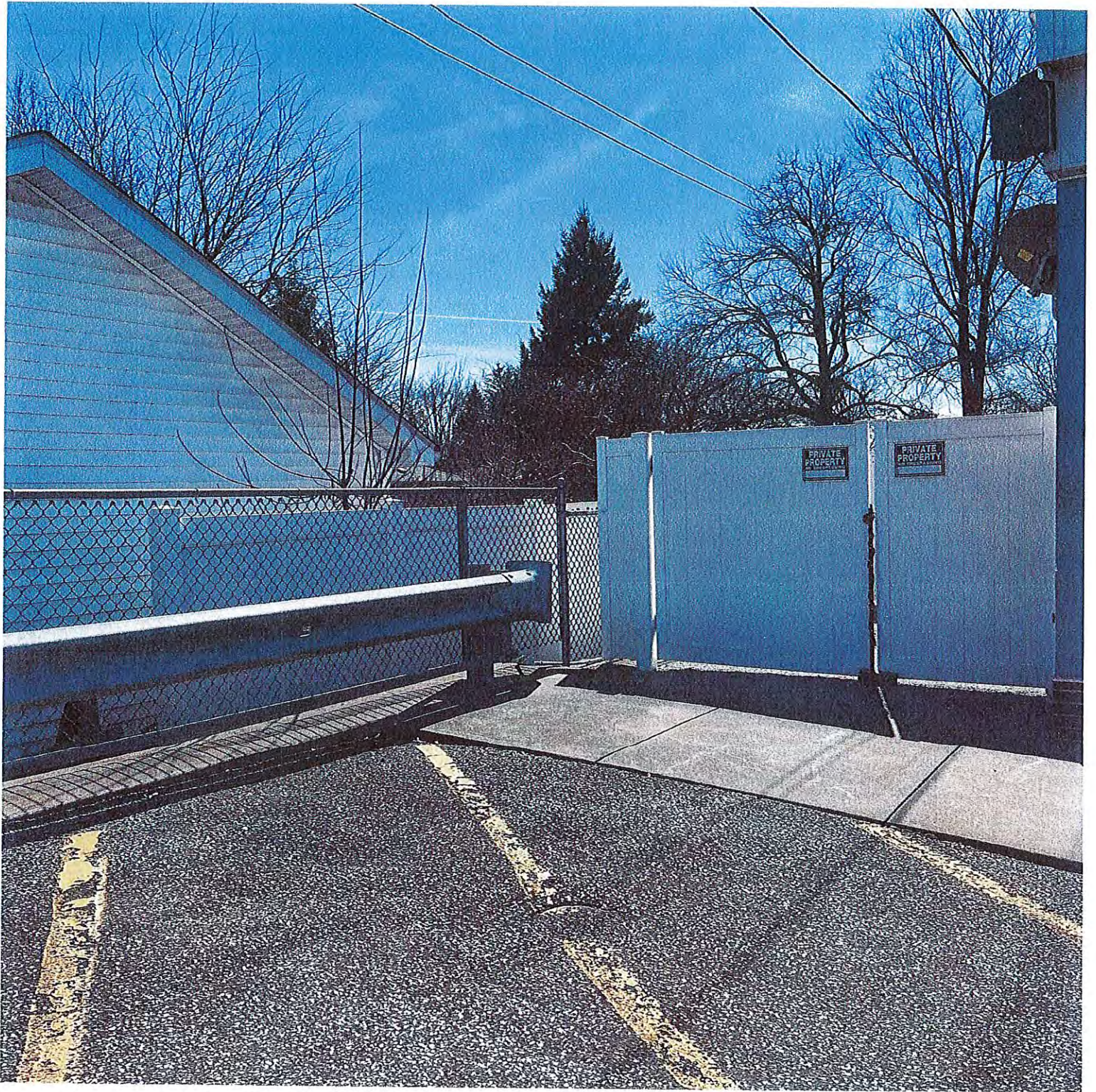
it is a replacement of an existing awning, with a different type awning.

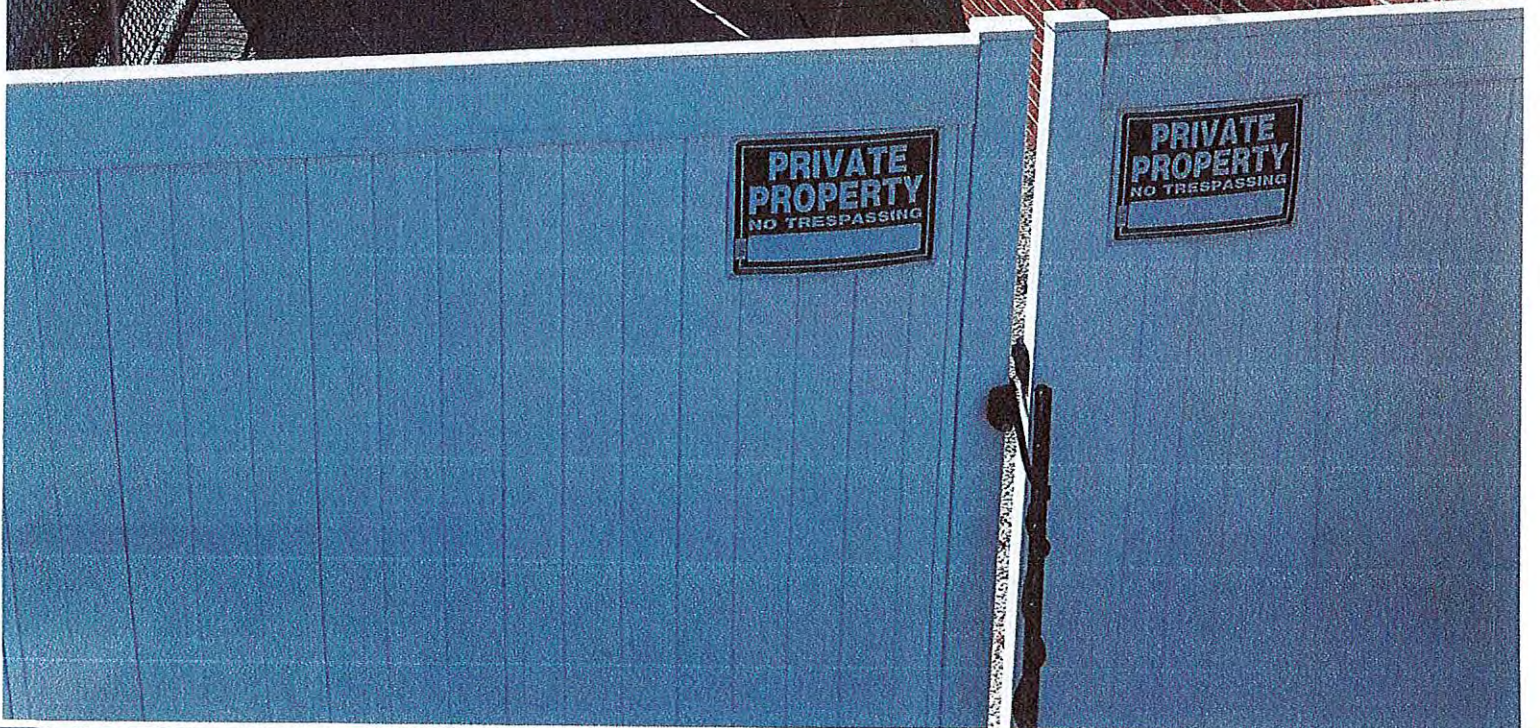
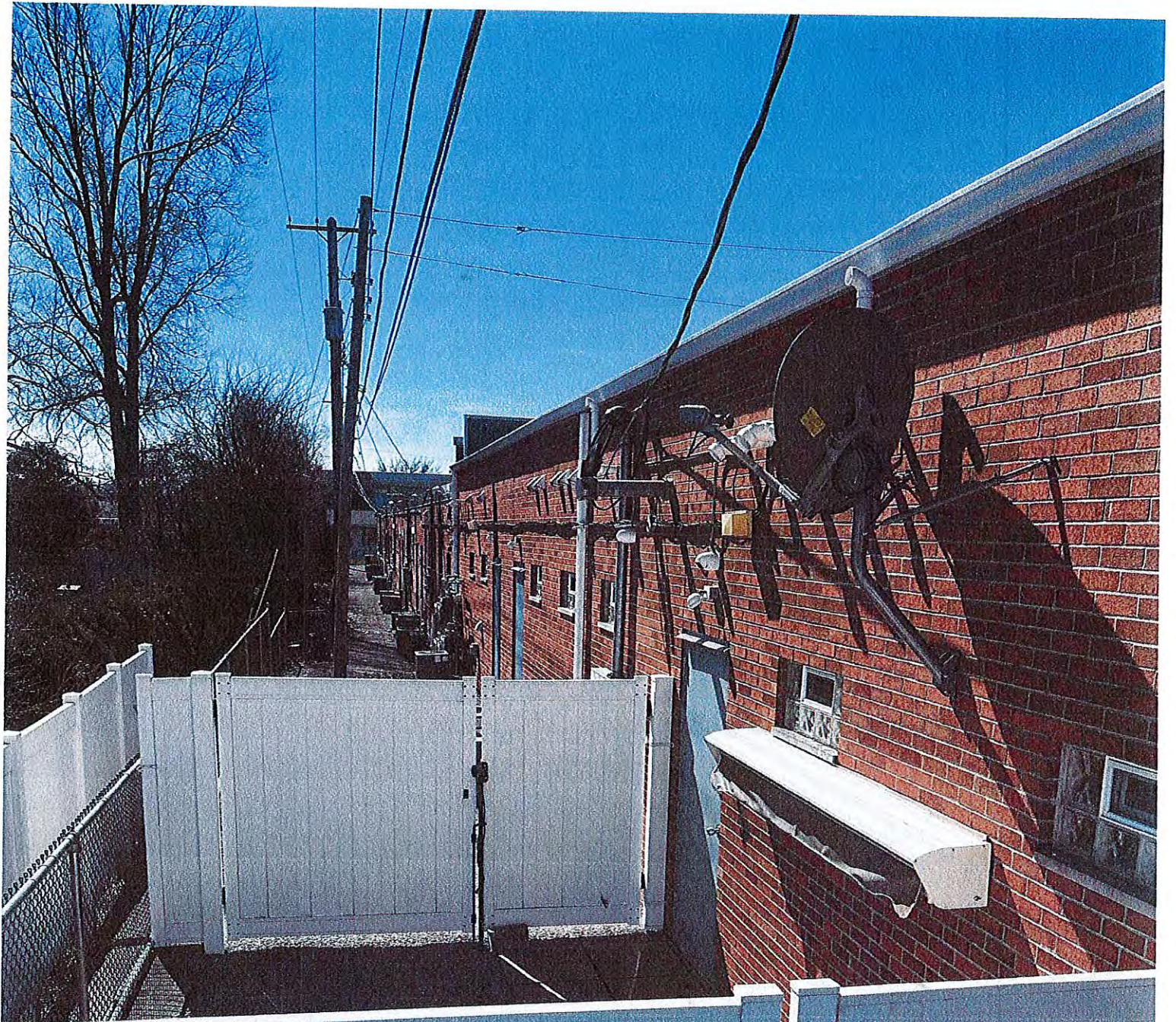
The change is needed because, the bricks get so hot on the back of the building it is like an oven on the patio, so I put up a retractable awning thinking it would solve the problem, but it does not cover enough of the bricks that become extremely hot, it is like an oven back there, so it did not solve the issue.

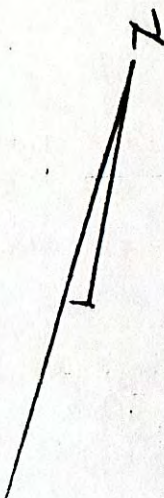
My daughter and I own, and manage, the Plaza and we like to eat lunch and take breaks with our dog out on the back patio. This awning will make that possible because it will block the sun from the bricks over the fenced in area and make it possible to use the area. Attached are pictures showing and the area, including the existing awning that we need to replace. The new awning will cover the fenced in area that is shown in the pictures. Thank you, Jack Thompson





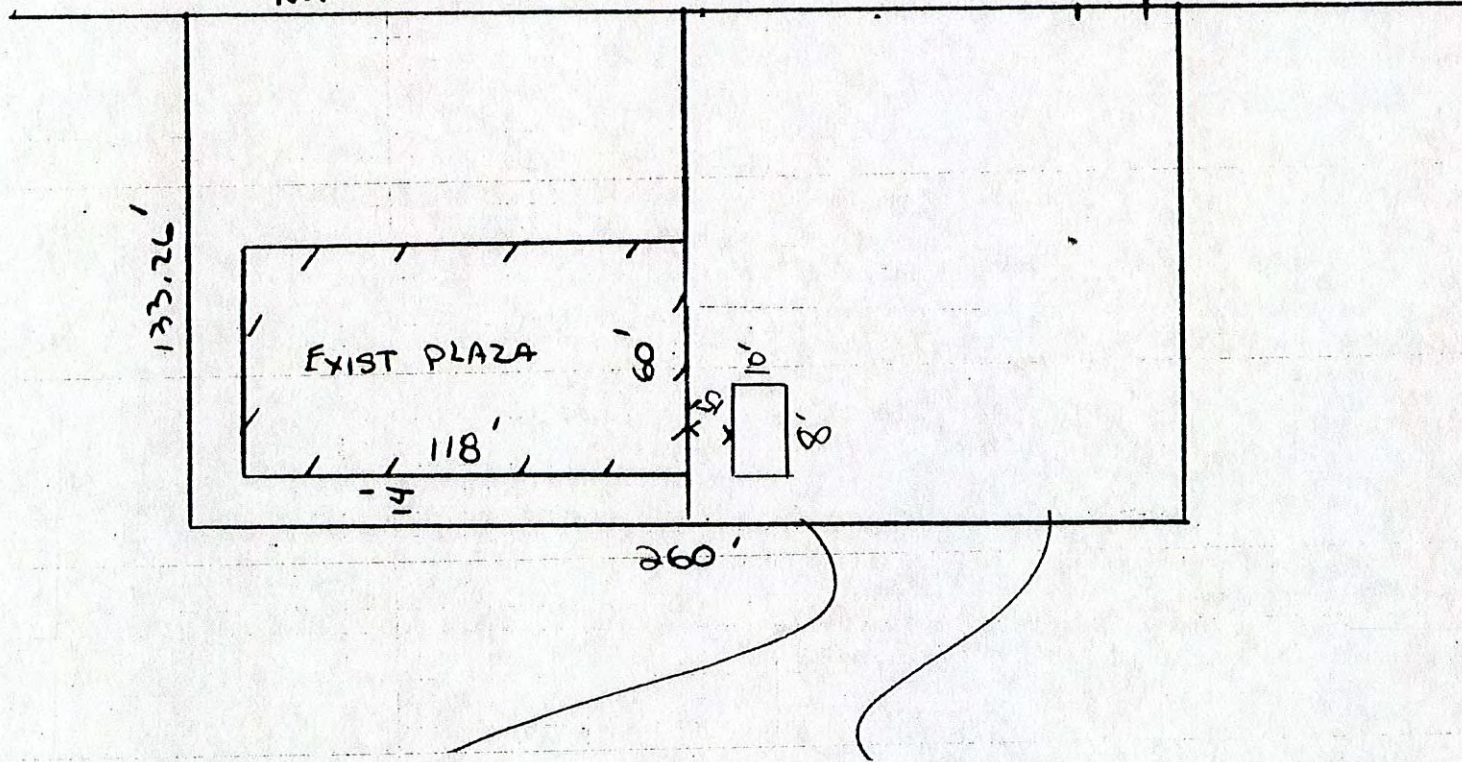






WEST 8th STREET

NO. 2133 31 29 27 23 15 19



WEST 8th ST.

NO. 2133-2131

2129-2127

2123-2119

2115

D

EXISTING PARRING

CONVERT
FORMER PONY
EXPRESS
TO
RETAIL TRADING
CARDS.

11'

14'

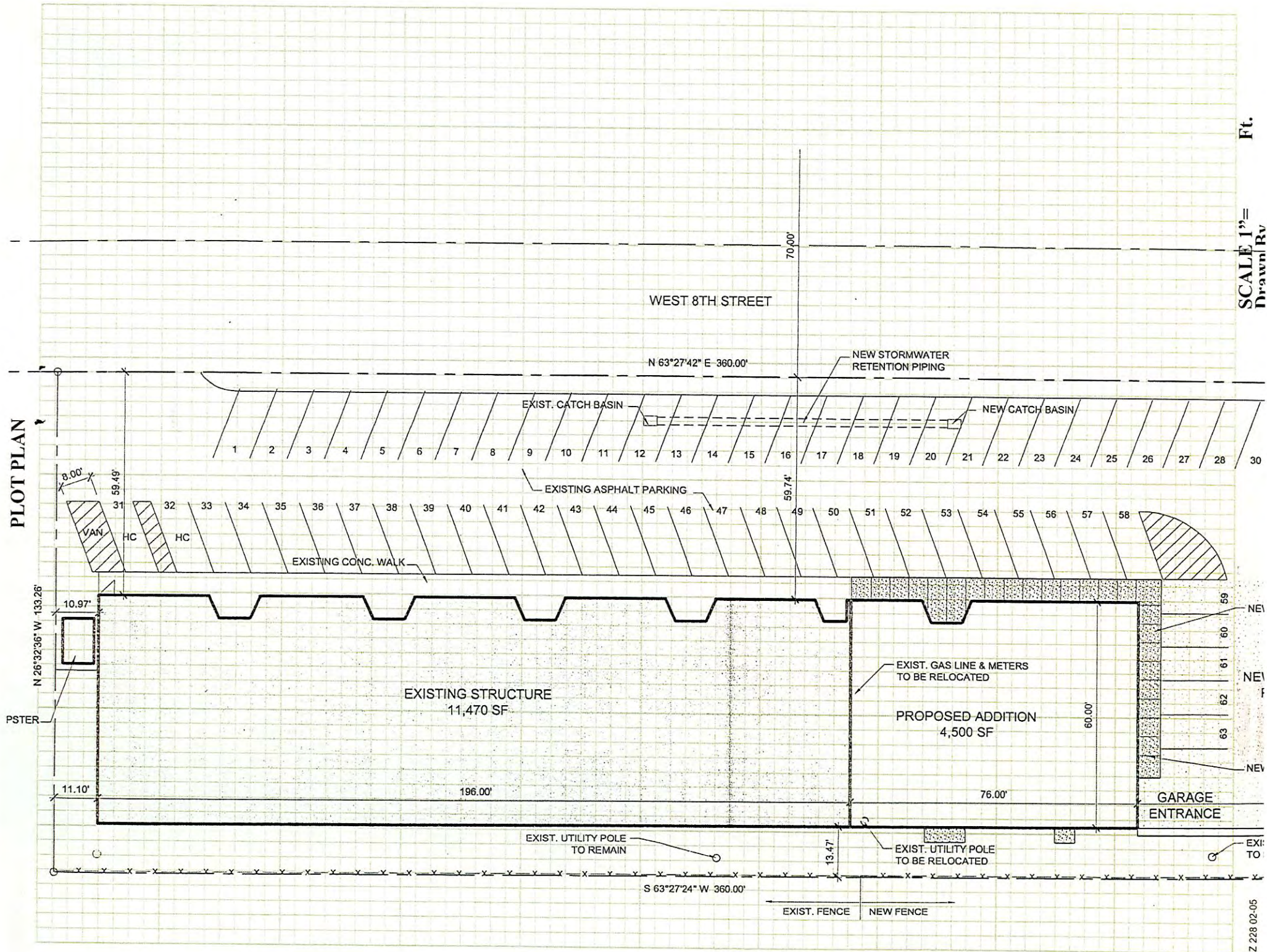
260'

133.23'

30'
A

3117-3114
T-1

PLOT PLAN



Ft.
SCALE 1" =
Drawn Rv

Z 228 02-05

5211-108 III
112
112

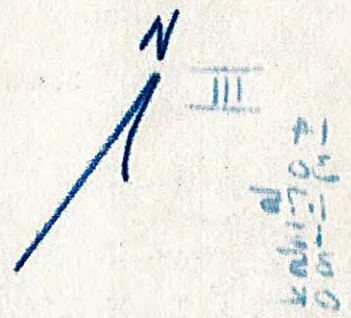
5211-108 III

RETAIL STORES

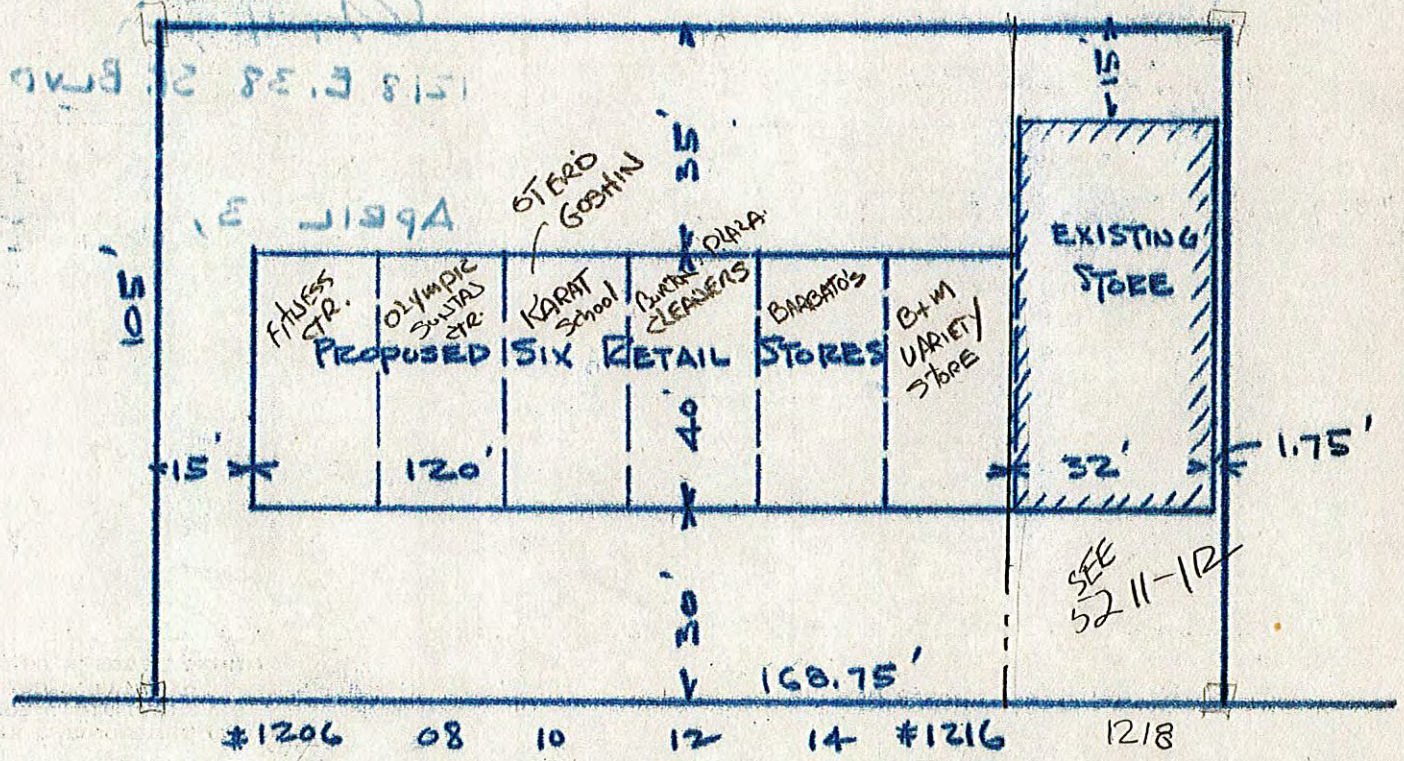
"BUSINESS"

E. 38 ST. BLVD.
1500, 1508, 1510, 1512, 1514, 1516
ONE

1510041



HARRIS REALTY CORP.



E. 38TH ST. BLVD.

