

# Zoning Hearing Board

## City of Erie, Pennsylvania

### July 11, 2023

### -Agenda-

The regular meeting of the Zoning Hearing Board will be held Tuesday, July 11, 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 June 13, 2023 MEETING MINUTES

#### 4. EXECUTIVE SESSION (APPROXIMATELY 30 MINUTES)

#### 5. APPEALS TO BE HEARD

Appeal No. 12,290 by Jessica and Andrew Brown, on behalf of Joseph and Darlene Fosco, concerning a property located at 1405 W. 21<sup>st</sup> St. [19-6248-100] in an M-1 Light Manufacturing District. The appellant is requesting a Use Variance for a 'DAY CARE FACILITY'. Per section 204.19, 'Day Care Center' is not a permitted use.

Appeal No. 12,291 by Jeff Kidder, concerning property located at 420 W 6<sup>th</sup> St. [Index # 17-4014-124] in an RLB Residential Limited Business District. The appellant is requesting a Dimensional Variance for an 'EATING AND DRINKING ESTABLISHMENT'. Per section 305.25 ' In RLB Districts, total commercial use size shall not exceed five thousand (5,000) square feet in floor area and shall not have alcoholic beverages in the Establishment.' The appellant is requesting a proposed 7,250 square foot area and a full-service restaurant with a liquor license.

Appeal No. 12,292 by John W. Dewalt, concerning a property at 546 Lincoln St. [Index 17-4119-100] in an R-1 Low Density Residential District. The appellant is requesting a Use Variance for a 'TWO-FAMILY DWELLING'. Per section 204.10, 'Two-Family Dwelling' is not a permitted use.

Appeal No. 12,293 by Elizabeth Travis, on behalf of Thomas Hammer, concerning property located at 2803 W 28<sup>th</sup> St [Index # 18-5017-111] in an R-1A Traditional Single Family Residential District. The appellant is requesting Special Exception Approval for a 'SHORT-TERM RENTAL'. Per section 204.11, Special Exception Approval is required.

## 6. ADJOURNMENT

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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 –

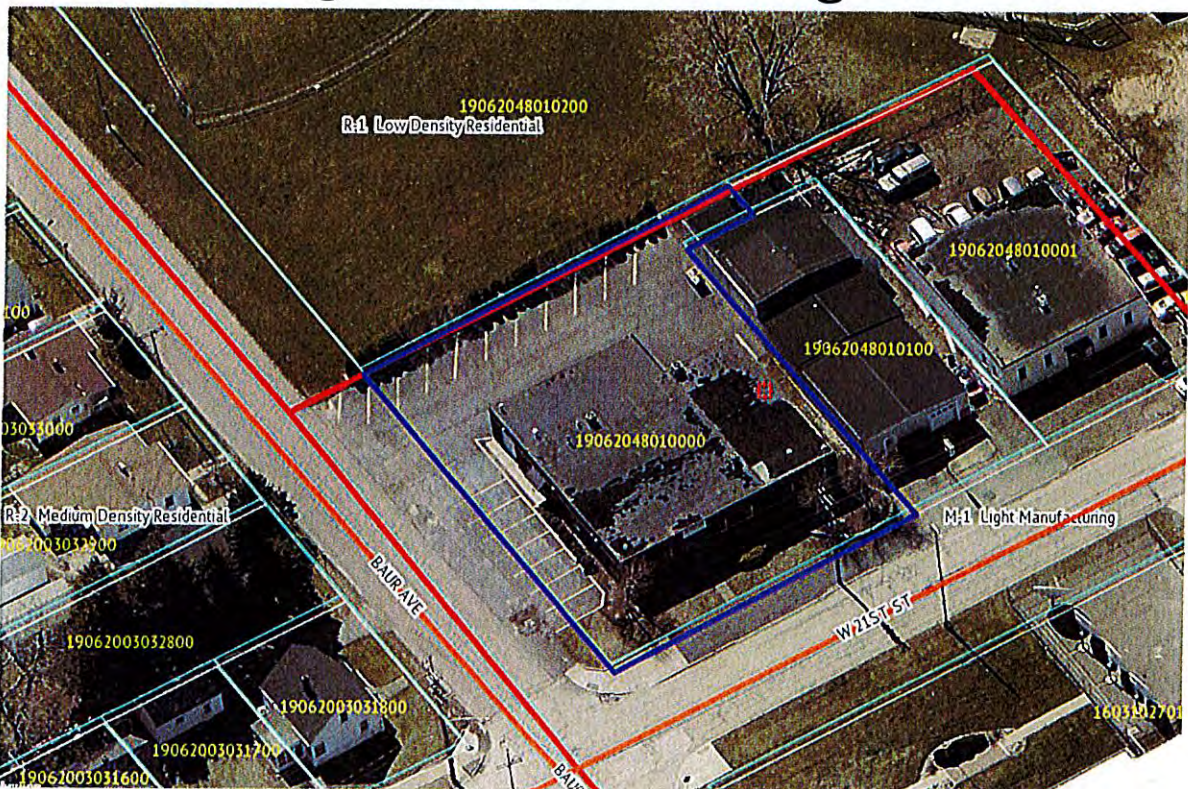
<https://events.zoom.us/ev/Aj35bfqYLdFuck54Lwugpc7S2r3ngKoC9yXelloLELbBkFQe6hP9~AggLXsr32QYFjq8BIYLZ5I06Dg>

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.

# Appeal 12290

## 1405 W 21<sup>st</sup> St.

M-1 Light Manufacturing District





DATE: 6/20/2023

RE: Zoning Variance for 1405 West 21 St, Erie, PA 16502

To Whom it May Concern,

My name is Joe Fosco and I am the current owner of 1405 West 21 St. I approve and agree that the current buyer of my property has my permission to pursue a zoning variance for their intended use of the property. Below is my cell number if you have any questions. Thank you.

Sincerely,

<i>Joseph P. Fosco</i>	dotloop verified 06/20/23 4:24 PM EDT R3MV-H5YW-YFFN-7LOL
------------------------	---

Joe Fosco

814-403-0500

**CITY OF ERIE  
ZONING HEARING BOARD APPLICATION**

Appeal #: 12      Index #: 19.6248/100      Hearing Date/Time: 7/11/23

**Property Information**

Property Address: 1405 W. 21st Street Erie Pa 16502

Zoning District: \_\_\_\_\_ Current Land Use: \_\_\_\_\_

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

**Owner / Applicant Information**

Name of Owner: Jessica & Andrew Brown

Owner Address: 104 Main Street

City: Lewis Run      State: Pa      Zip Code: 16738

Telephone: 814-598-0124      Email: ejabrown07@yahoo.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: Childcare Center & Preschool

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.

Jessica Brown  
Owner or Applicant Name [please print]

[Signature]  
Owner or Applicant Signature

7-11-23  
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](mailto: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 7-11-23

The application deadline for the next meeting is 6-20-23

## 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/>

City of Erie | Bureau of Code Enforcement  
626 State Street | Room 407  
Erie, PA 16501-1128

We believe that the board should approve this request *USE VARIANCE* approval from M-1 Light Industrial to Childcare for the location of 1405 W 21<sup>st</sup> Street in Erie, Pa because we have learned that there is a dire need for childcare and preschools in the Erie area. This location offers a safe and secure building within a neighborhood suited for our program.

Being located next to an industrial area and a light and medium residential area, we hope to provide this much needed resource close to the homes and workplaces of the area families. We can provide not only a safe and secure location for these young students but also high quality, family-oriented childcare in a safe, loving and nurturing environment, promoting social, emotional, physical, cognitive, and educational development.

We are going to expand on our current Childcare and Preschool to a second location here in Erie. ABC Grow with Me Childcare and Preschool in Bradford Pa, is a 4-star keystone stars accredited program that teaches from a state approved curriculum for infants, toddlers, early learners, preschool and school age children. We also use a platform that allows for constant updates to parents about their child all day. With pictures, mealtimes, activities, behaviors, ext. we are also recognized in our community for the readiness of our students when they are introduced into primary education in the public school system in Bradford. We are excited to implement a sister center just like this here in Erie.

ABC believes in the importance of community, which means partnering with community resource agencies such as Small Business Development Center of Erie, Gannon, Career link, local high schools, and Chamber of Commerce just to name a few. We work with the Workforce and Economic Development Network to strengthen the business environment to the community by helping companies improve the skills and productivity of the local workers. This is vital to assist with obtaining and training teachers, aides, and staff to develop future teachers right here in Erie.

We know the importance of early education and the value it holds developing social and emotional skills, becoming equipped for the adaption and the transition into a school setting, kindergarten readiness, building on the skills of the child development domains, and everything that comes with early education and child development as a whole.

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

Fee \$ 300.00

Paid

Property Index No. 19-6248-100

Appeal No. 12290

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 1405 W 21st St  
for Day Care Facility

ZONING DISTRICT: M-1 No. of Buildings intended: 1 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: 17 Required: 11

Size of Detached Access Structure: \_\_\_\_\_ Maximum: \_\_\_\_\_

Conforming  Non-Conforming

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  Amy Francis Address: \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Date \_\_\_\_\_ 20\_\_

Applicant Signature: \_\_\_\_\_ Relation to Owner: \_\_\_\_\_

Reasons for refusal: Per section 204.19, 'Day Care Center' 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 July 11 2023

Signed \_\_\_\_\_

Approved \_\_\_\_\_ 20\_\_

Denied \_\_\_\_\_ 20\_\_

-SEE ATTACHED DECISION-

PLOT PLAN

6248-100

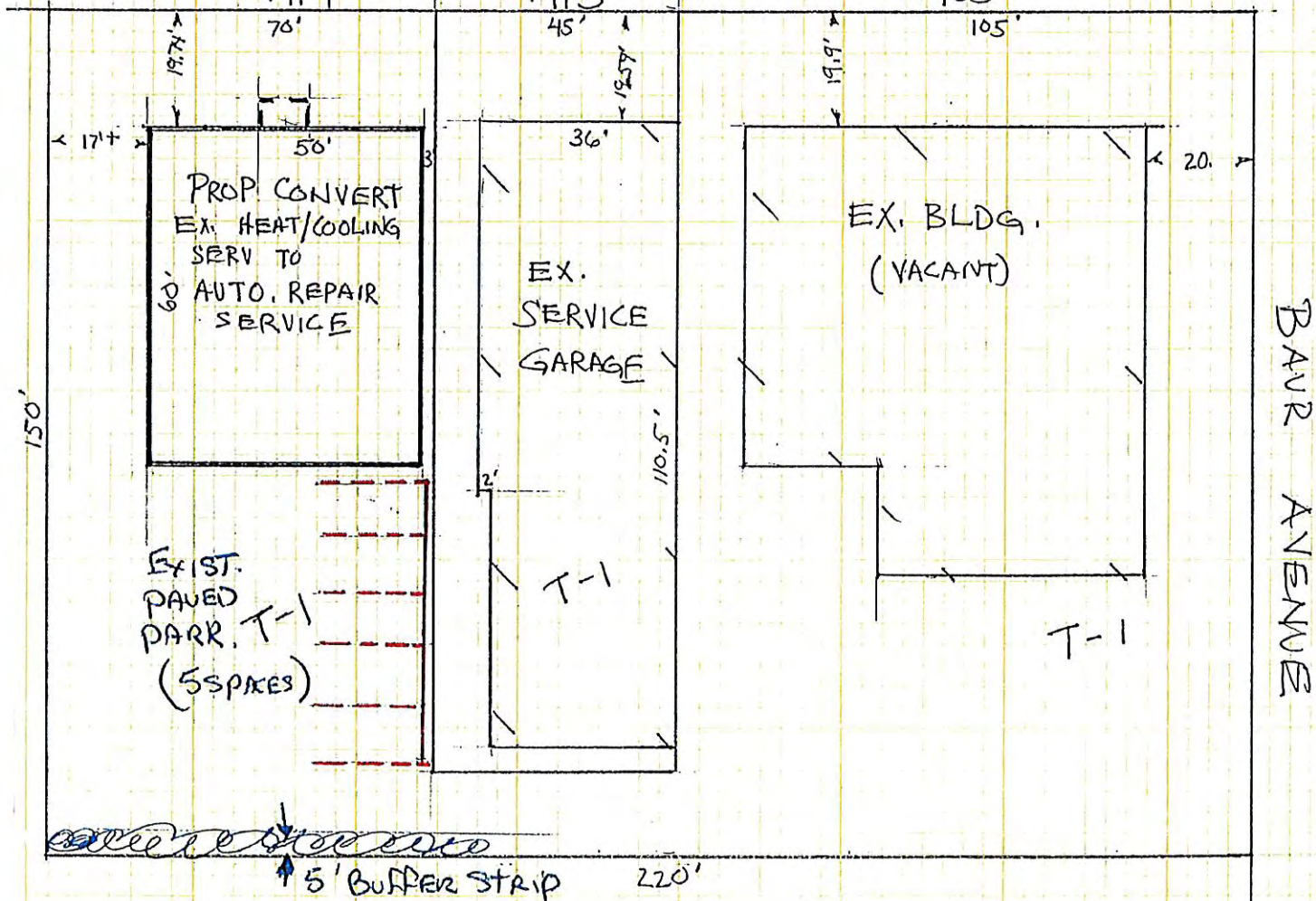
N

WEST 21 STREET

# 1419

# 1413

# 1405



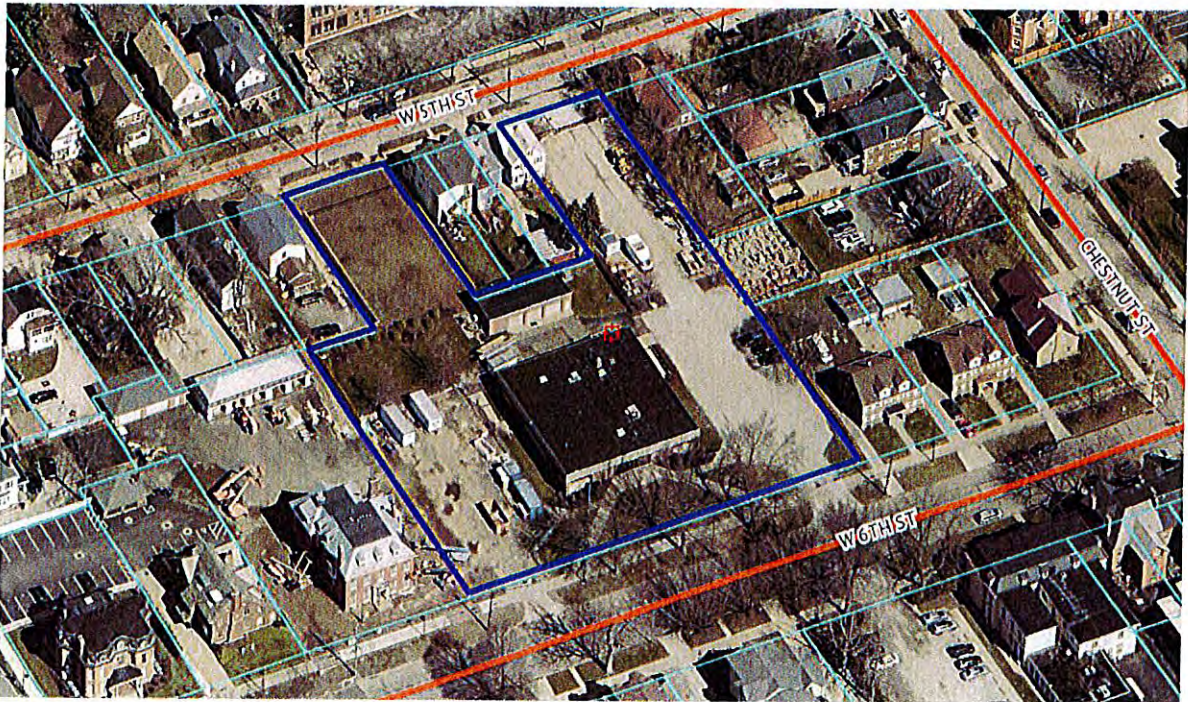
R-1

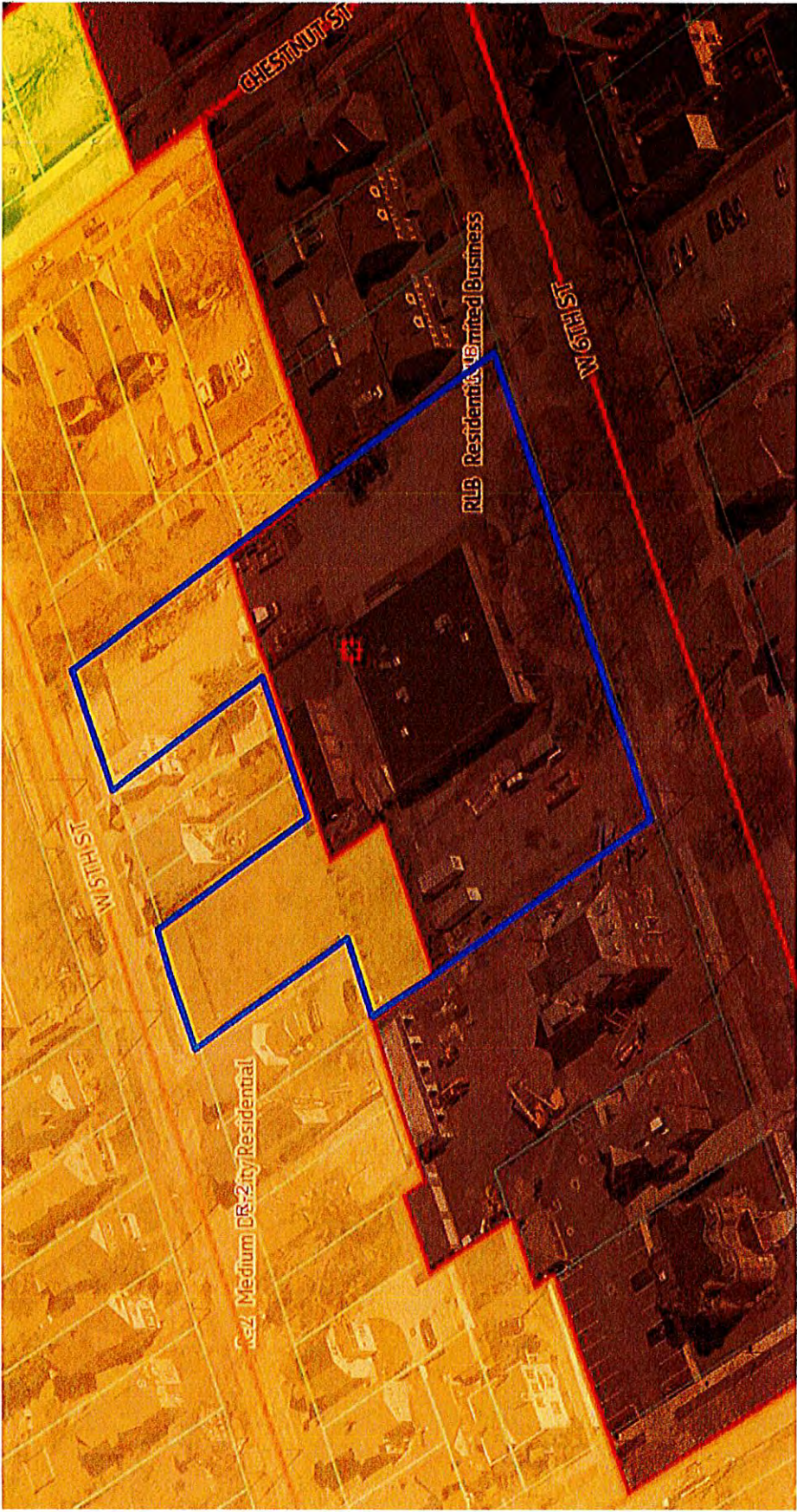
SCALE 1" = 30' Ft.

# Appeal 12291

## 420 W 6<sup>th</sup> St.

RLB Residential Limited Business District





**CITY OF ERIE  
ZONING HEARING BOARD APPLICATION**

Appeal #: 2291 Index #: 17-4014 Hearing Date/Time: 7/11/23 1:00

124

**Property Information**

Property Address: 420 West 6th Street (17-040-014.0-124.00)

Zoning District: RLB Current Land Use: Office Building

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

**Owner / Applicant Information**

Name of Owner: Reed 420 LLC

Owner Address: 230 West Sixth Street

City: Erie State: PA Zip Code: 16507

Telephone: (814) 455-0370 Email: bill.n@richardspc.com

Name of Applicant (if different from owner): Jeff Kidder

Telephone: (814) 452-2414 Email: jkidder@kidderarch.com

Owner: \_\_\_\_\_ Tenant: \_\_\_\_\_ Contractor [Name]: Kidder Architects LLC

**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: Existing office building to be renovated into an eating and drinking establishment.

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 narrative.

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.

Jeff Kidder  
Owner or Agent Signature

06/20/2023  
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")

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The application deadline for the next meeting is \_\_\_\_\_

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City of Erie | Bureau of Code Enforcement  
626 State Street | Room 407  
Erie, PA 16501-1128

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

Fee \$ 300.00

Paid

Property Index No. 17-4014-124

Appeal No. 12291

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 420 W 6th St  
for Eating and Drinking Establishment (7250 sqft with alcohol sales)

ZONING DISTRICT: RLB No. of Buildings intended: 1 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: 1 per every 4 seats provided

Size of Detached Access Structure: \_\_\_\_\_ Maximum: \_\_\_\_\_

Conforming  Non-Conforming

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  Amy Francis Address: \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Date \_\_\_\_\_ 20\_\_\_\_

Applicant Signature: \_\_\_\_\_ Relation to Owner: \_\_\_\_\_

Reasons for refusal: Per section 305.25 ' In RLB Districts, total commercial use size shall not exceed  
5,000 square feet in floor area and shall not have alcoholic beverages in the Establishment.'

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 July 11 2023 Signed \_\_\_\_\_

Approved \_\_\_\_\_ 20\_\_\_\_

Denied \_\_\_\_\_ 20\_\_\_\_

-SEE ATTACHED DECISION-

# Kidder Architects LLC

Donald J Kidder AIA

June 20, 2023

Subject Property: 420 West 6<sup>th</sup> Street (Former AAA/United Way Office Building)

Dear Erie Zoning Hearing Board,

From 1850 until 1952, the historic Reed Mansion at 420 West 6<sup>th</sup> Street was home to several generations of the prominent Reed family. In 1952 the mansion was purchased by the Erie County Motor Club who converted the single-family home into their headquarters. The Erie County Motor Club, an affiliate of the Automobile Association of America (AAA), occupied the mansion until 1970 when they decided to tear it down and construct a modern one-story office building with cellar in its place. At about the same time, they also purchased a single-family home to the west and tore it down for additional parking. The 1970 office building was well built with a steel frame structure, concrete floor and brick, stone, and glass exterior. The AAA occupied the building for 35 years at which time they decided to move to a new location closer to Interstate 90. In 2005 the building was purchased by United Way as their new headquarters. In 2020 the United Way moved to a new location and the building was purchased by Reed 420 LLC owned by Tom Hagen. The building continues to be used as temporary office space for Kidder Architects, Kidder Jefferys Construction and Jefferys Engineering. These companies will be relocating to the historic Connell-Payne-Wilson House one half block west at 502 West 6<sup>th</sup> Street later this year.



*Circa 1850 Reed Mansion*



*420 West 6<sup>th</sup> Street Office Building*

Over the past several years Reed 420 LLC and Kidder Architects has studied many options for the existing building and property including keeping it an office building, converting it to some other use, adding a second floor, removing the building and redeveloping the property into new commercial, museum and/or residential uses. This process has concluded that removing the building and redeveloping the property with new construction is not economically viable. Since the building is well built and in good condition the decision has been to focus on renovating and reusing the building. Currently there is no demand for office space, so another permitted use of the property is being proposed.

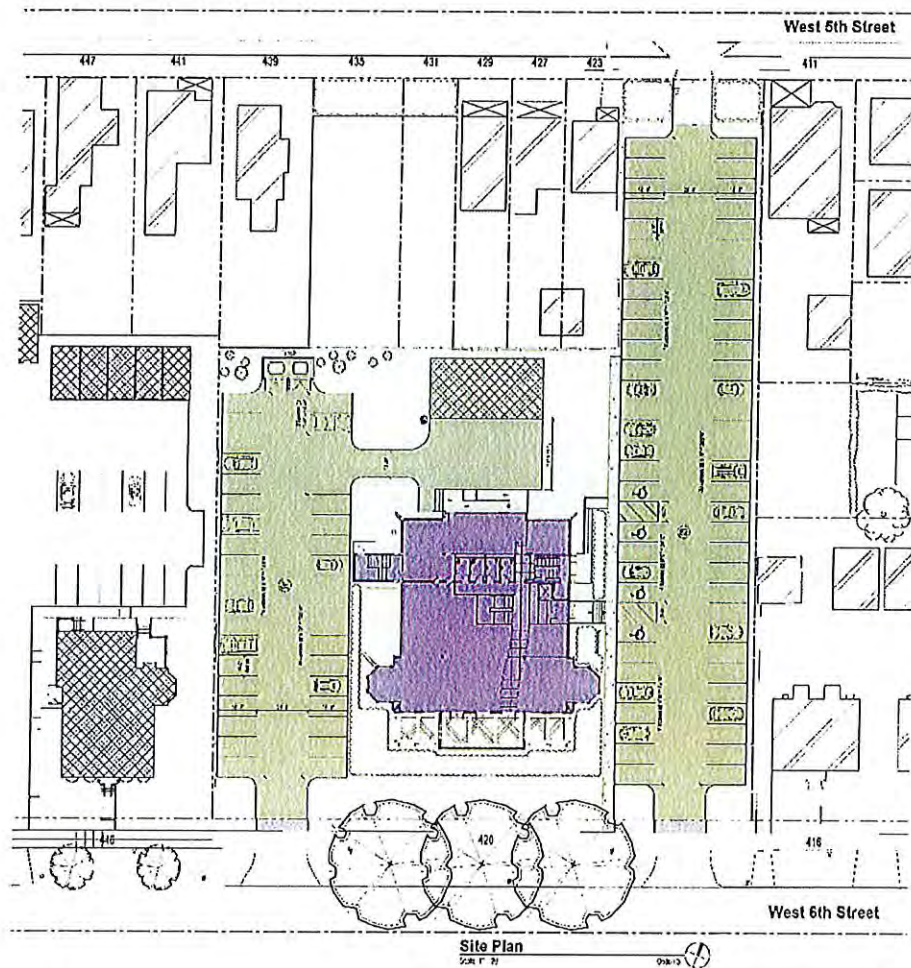
420 West 6<sup>th</sup> Street is in the West Sixth Street Historic District and is zoned RLB Residential Limited Business District. Reed 420 LLC is working with an established local restaurateur to operate a new restaurant at this

location. RLB District allows Eating and Drinking Establishments as a Permitted Use. The proposed project is to renovate the existing building into a full-service restaurant with 90+ off-street parking spaces.

Section 305.25 - Eating and Drinking Establishment in RLB District states *total commercial use size shall not exceed 5,000 square feet in floor area and shall not have alcoholic beverages in the establishment*. The existing building with two proposed small additions to reimagine the front façade and a new egress stair would have a floor area of 7,250 square feet. The proposed full-service restaurant would have a liquor license and serve alcohol as a secondary function to its primary function of providing lunch and dinner to its patrons. All other zoning requirements would comply including lot coverage, setbacks, building height and parking requirements. The lower level is classified as a cellar per the zoning ordinance.

Variance Request and Explanation:

1. **Requesting a dimensional variance to allow the proposed 7,250 square foot floor area to be in RLB District. Maximum floor area is 5,000 square feet:** The existing building floor area is 6,500 square feet. An additional 750 square feet is proposed to construct two dining bays, one at each side of the front façade, and a new egress stair addition. The existing 73-year-old building exceeds the minimum floor area requirement by 1,500. The proposed additions are needed to reimagine the front facade.



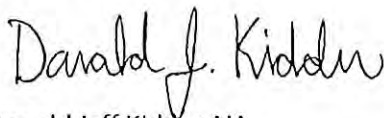
Site Plan (not to scale)

**Requesting a variance allow alcoholic beverages in the Establishment. Zoning ordinance does not allow alcoholic beverages in RLB District:** Eating and Drinking Establishments are allowed in RLB Districts. The Zoning Ordinance defines EATING AND DRINKING ESTABLISHMENTS as *an establishment designed and operated for the express purpose of providing food and beverage service within the confines of a structure, and/or involves off-site delivery of ready-to-eat food.* The proposed full-service restaurant meets this definition as its primary function. Alcoholic beverages are to be offered in support of this function. Serving alcohol is not the proposed establishment's primary function. The restaurant would serve lunch and dinner 7 days a week. Closing time would be 9:00 PM Sunday through Thursday and 10:00 PM Friday and Saturday.

Variances:

- 508(9)a: The physical conditions of the existing building and lot size limit its reuse options. The proposed use is allowed in RLB District. The hardship is due to the conditions of the existing building size and that full-service restaurants typically serve alcohol.
- 508(9)b: Strict conformity of the ordinance would not allow full use of the existing building and the viability of operating a restaurant at this location. The authorization of the variances is needed to enable the reasonable proposed permitted use of the property.
- 508(9)c: This unnecessary hardship was not created by the appellant. The size of the existing office building and the size of the parcel was established prior to Reed 420 LLC's acquisition.
- 508(9)d: The authorized variances will not alter the essential character of the neighborhood. 420 West 6<sup>th</sup> Street has been operating as a commercial property since 1952. The large paved off-street parking lot will remain and continue to minimize on street parking as it always has.
- 508(9)e: The requested variances represent the minimum variances that will afford relief and represent the least modifications possible of the regulations in issue.
- 508(9)f: The proposed renovations and minor additions include the necessary "reasonable accommodations" required by the American with Disabilities Act and the PA Uniform Construction Code.

Sincerely,

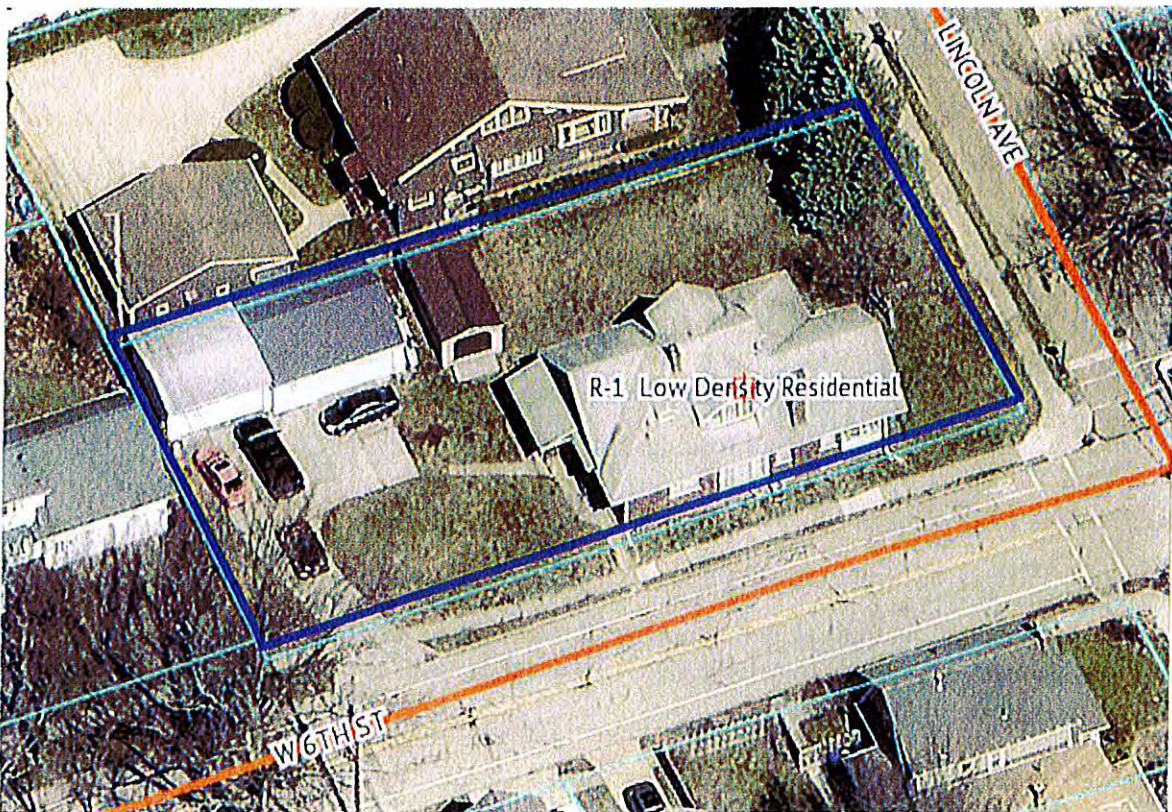


Donald Jeff Kidder AIA  
President – Kidder Architects LLC

# Appeal 12292

## 546 Lincoln St.

R-1 Low Density Residential District



**CITY OF ERIE  
ZONING HEARING BOARD APPLICATION**

Appeal #:	Index #:	Hearing Date/Time:
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**Property Information**

Property Address: 546 Lincoln Ave Erie PA 16505

Zoning District: R-1 Current Land Use: Low destiny residential

Has a previous application of appeal been filed?  ~~Yes~~  ~~No~~ Appeal No(s) 12,051

**Owner / Applicant Information**

Name of Owner: John W. Dewalt

Owner Address: 1560 Taylor Ridge Ct.

City: Erie State: PA Zip Code: 16505

Telephone: 814 490 0338 Email: \_\_\_\_\_

Name of Applicant (if different from owner): N/A

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

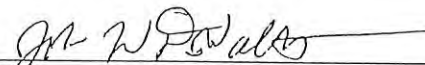
Proposed Use or Improvement: Return to a two-unit building

**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 exhibit A attached hereto

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.

John W. DEWALT  
Owner or Applicant Name [please print]

  
Owner or Applicant Signature

6/16/2023  
Date

EXHIBIT A- ZONING BOARD HEARING APPLICATION

JOHN W. DEWALT  
546 LINCOLN AVE  
ERIE PA 16505

1. Applicant seeks a special exception to return the home to a two-family unit. A special exception is a use that is permitted unless the use would adversely affect the district. Heck v. Zoning Hearing Bd. for Harvey's Lake Borough, 397 A.2d 15 (Pa. Commw. Ct. 1979). The Erie Ordinance 80-2005 specifically provides for the following special uses in a R-1 zone: Group Homes (305.01) Neighborhood Center (305.34) Planned Residential Development (308) Schools (305.20) Small Wind Energy Systems (305.53) Wireless Communication Facilities (305.45). In the immediate area there are numerous two-unit homes and thus despite the zoning designation the area is essentially mixed with one- and two-family homes. Accordingly, granting a special exception to return the home to a two-unit would not adversely affect the district. Returning the home to a two-unit is tantamount to a group home use and therefore consistent with the zoning designation.
2. In the alternative the Applicant seeks a variance to return the home to a two-unit for the following reasons:
  - a. Hardship- Applicant's son is disabled and has a limited earning capacity. To secure a residence for his son Applicant must be able to extract income from the property to pay for maintenance, taxes, insurance etc. Without extracting this income Applicant will not be able to ensure his son has adequate living quarters.
  - b. The property has always been a two-unit, specifically it has separate gas, electric and water lines. The original brick reveals four exterior doors. The property was never decommissioned by the city as it still has separate kitchens, entrances and the two units are segregated from one another with a common basement area.
  - c. Finally, using the home as a two-family is consistent with the area in that there are numerous two-units in the immediate area.

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

Fee \$ 300.00

Paid

Property Index No. 17-4119-100

Appeal No. 12292

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 546 Lincoln St for Two Family Dwelling

ZONING DISTRICT: R-1 No. of Buildings intended: 1 No. of Stories: 1.5

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: 11,700 sqft Required: 6,000 sqft/family

Lot Coverage: NA Maximum: \_\_\_\_\_

Off Street Parking Spaces Available: NA Required: \_\_\_\_\_

Size of Detached Access. Structure: \_\_\_\_\_ Maximum: \_\_\_\_\_

Conforming  Non-Conforming

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  Amy Francis Address: \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Date \_\_\_\_\_ 20\_\_\_\_

Applicant Signature: \_\_\_\_\_ Relation to Owner: \_\_\_\_\_

Reasons for refusal: Per section 204.10, 'Two-Family Dwelling' 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 July 11 2023 Signed \_\_\_\_\_

Approved \_\_\_\_\_ 20\_\_\_\_

Denied \_\_\_\_\_ 20\_\_\_\_

-SEE ATTACHED DECISION-



# CITY OF ERIE ZONING CERTIFICATE



Location 546 Zurenda Ave

Zoning District R-1 Index No 4119-100

Permitted Occupancy Single Family Dwg.

Owner R.P. DeWaal

Address 546 Zurenda

Lessee \_\_\_\_\_

Address \_\_\_\_\_

08.14.1998

Date

APPROVED: \_\_\_\_\_

[Signature]

Zoning Officer

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

200.00

Paid

Property Index No. 4119-100

Appeal No. 12,051

Building Change I, the undersigned, hereby make application to construct a \_\_\_\_\_ on my property located at \_\_\_\_\_

Use Change I, the undersigned, hereby make application to use my property located at 546 Lincoln Ave for a two family dwelling

ZONING DISTRICT: R-1 No. of Buildings intended: \_\_\_\_\_ No. of Stories: \_\_\_\_\_

Extreme Height as planned above curb: \_\_\_\_\_ Permitted: \_\_\_\_\_

Front Yard Available: \_\_\_\_\_ Required: \_\_\_\_\_

Front Yard Available (Corner lot): \_\_\_\_\_ Required: \_\_\_\_\_

Side Yard Available (Combined): \_\_\_\_\_ Required: \_\_\_\_\_

Side Yard Available (Least): \_\_\_\_\_ Required: \_\_\_\_\_

Rear Yard Available: \_\_\_\_\_ Required: \_\_\_\_\_

Lot Area per Family Available: \_\_\_\_\_ Required: \_\_\_\_\_

Lot Coverage: \_\_\_\_\_ Maximum: \_\_\_\_\_

Off Street Parking Spaces Available: \_\_\_\_\_ Required: \_\_\_\_\_

Size of Detached Access. Structure: \_\_\_\_\_ Maximum: \_\_\_\_\_

Conforming  Non-Conforming

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 \_\_\_\_\_

Denied \_\_\_\_\_

Owner: Ronald P. DEWALT

Address: 546 Lincoln Zip 16505

Telephone 455 6622 Date 09/27 20 13

Applicant Signature: Ronald P. Dewalt

Relation to Owner: SON

Reasons for refusal: Section 204.10, two family dwellings are not permitted in R-1.

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 12 20 13

Signed \_\_\_\_\_

Approved \_\_\_\_\_ 20 \_\_\_\_\_

Denied November 12 20 13

-SEE ATTACHED DECISION-

CITY OF ERIE  
ZONING HEARING BOARD APPLICATION

Appeal No. 12,051

Index No. 4119-100

Hearing Date/Time 11/12/2013 / 1:00 PM

\*Property Owner(s) Ronald P. DEWALT

\*Mailing Address 417 VERMONT AV.  
ERIE PA 16505

Type of Appeal (Check One)

Interpretation

Special Exception

Variance:  Use

Area

Yard

Height

Issuance / Denial of a Permit

Other \_\_\_\_\_

The above property owners request that a determination be made by the Board for the following address: \_\_\_\_\_

546 Lincoln Ave

Property Information

Zoning District R-1

Current Use SFD

Lot Size / Area 12,000 ft<sup>2</sup>

Proposed Use or Improvement ZFD

\*I / We believe that the Board should approve this request because ...  
(Include reasons both with respect to zoning law; and/ or what specific hardships are claimed.)  
SEE ATTACHED

Has a previous application of appeal been filed?  Yes  No

Appeal No(s) 9033

Zoning Ordinance Section(s) applicable to the appeal  
Section 204.10

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

R.P. Dewalt

Owner(s) signature

R.P. Dewalt

Date

John W. Dewalt

John W. DEWALT

Agent signature

09/27/2013

Date

Ronald P. DeWalt  
546 Lincoln Ave.  
Erie Pa. 16505.  
16 October 2013

TO: The city of Erie Zoning Hearing Board and  
Adjacent neighbors of the two-family subject home.

SUBJ: 546 Lincoln Avenue / 1704 West sixth St. Erie Pa. 16505.

I am requesting a home **use** variance to revert subject home back to **two-family** use.

Subject home was purchased by current owner in 1961 as an existing two-family home with an active tenant.

My wife has passed away and I desires to live in subject home as long as possible.

The said **use** variance is needed to accommodate on-site living quarters for the care givers of the owner of subject home.

Noteworthy attributes of property:

- \* Existing off-street parking for both addresses.
- \* Complete Existing two-family home with NO exterior or interior structural modifications needed.
- \* The existing upstairs apartment has a separate address / entrance known as 1704 West Sixth St. Erie Pa 16505
- \* City Engineer verified past 1704 West sixth St. address in old phone books.
- \* The US 210 Census lists: 1704 West 6th St. Erie Pa 16505. in addition to 546 Lincoln avenue Erie Pa. 16505

Addressing the *Erie City Variance Ordinance* paragraphs 508(9)a through 508(9)e ;

508(9)a and 508(9)b are **not applicable** as subject property is and has been complete and existing.

508(9)c **No unnecessary hardship** has been created by the appellant.

508(9)d as indicated above, the lot and home are complete and existing with **NO alterations** needed that would affect the concerns of :

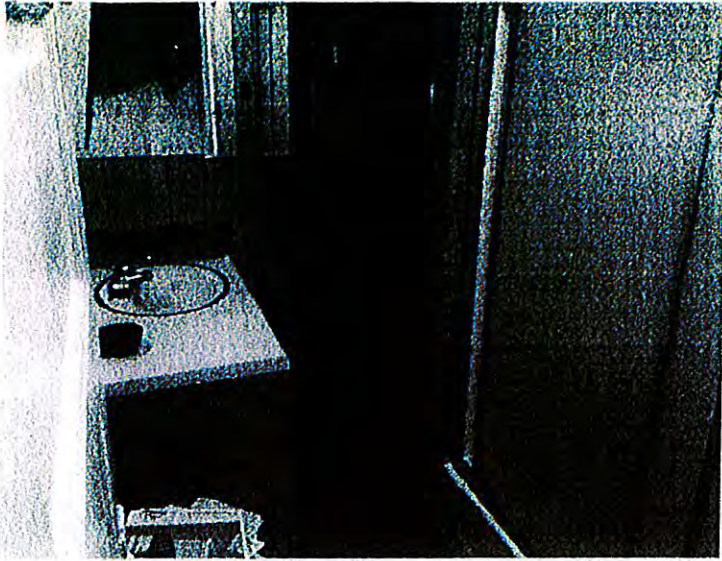
- \* Character of neighborhood.
- \* Development / use of adjacent properties.
- \* Public welfare.

508(9)e This Variance if issued would be the **absolute minimum** variance possible.

Sincerely,



Ronald P. DeWalt. Current Owner



IMG\_5998 Up stairs Bathroom



IMG\_5999 Upstairs furnace



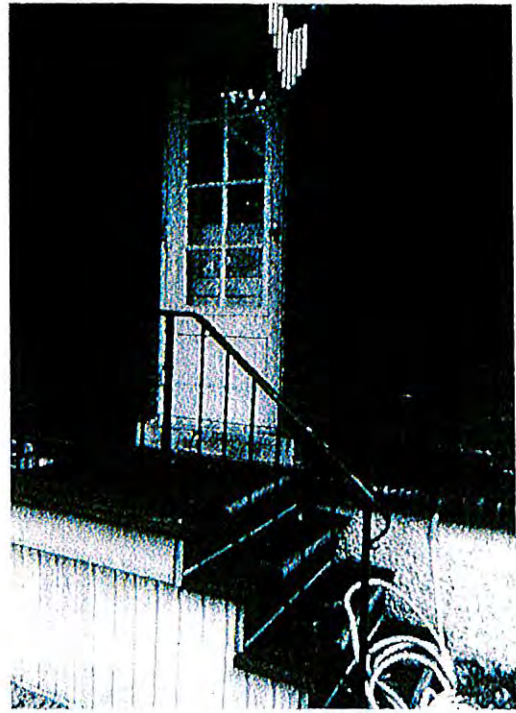
West 6th St. view



Double Lot - ( parking not seen under large tree area.)



IMG\_5971 DWN. door



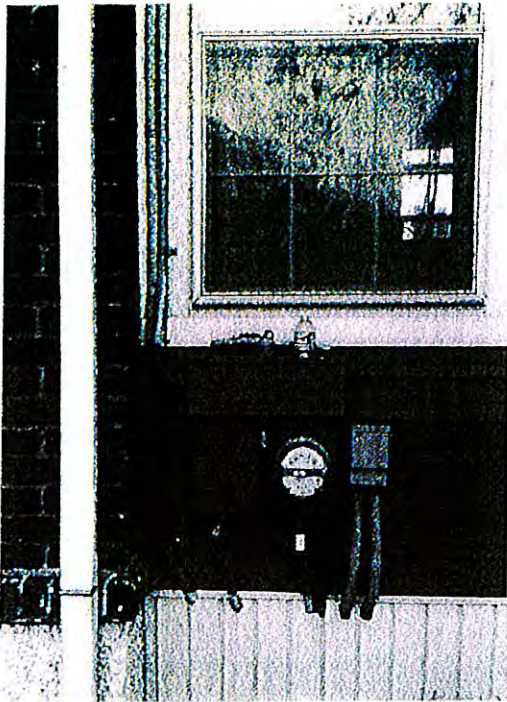
IMG\_5973 Upstairs door (1704 W. 6th St.)



Partial view of off St. parking and 4 + car garage



IMG\_5996 Upstairs kitchen



IMG\_5965

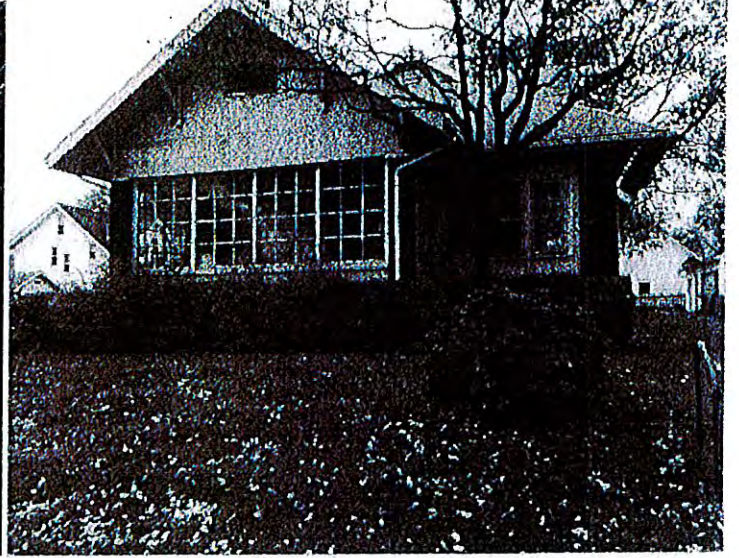
DUEL ELECTRIC



Front porch - upstairs exit inside porch area and second downstairs door inside.



IMG\_5968 view from Lincoln ave.



IMG\_5969 view from Lincoln ave. (2)



# The City of Erie, Pennsylvania

Joseph E. Sinnott, Mayor

October 31, 2013

Ronald DeWalt  
546 Lincoln Ave  
Erie, PA 16505

Mr. DeWalt:

Your Appeal No. 12,051 filed with the Zoning Hearing Board regarding property located at 546 Lincoln Avenue will be heard on Tuesday, November 12, 2013 at 1:00 P.M. in City Council Chambers, Municipal Building, 626 State Street; Erie, PA 16501.

You are hereby requested to be present either in person or represented by agent or attorney to present your case. If you or your representative fails to appear, your appeal request will be denied.

If you have any questions regarding the above, contact me at (814) 870-1265.

Sincerely,

Matthew Puz, Jr., Secretary  
ZONING HEARING BOARD

Note: The regular location of the Zoning Hearing Board meetings are held in City Council Chambers, Municipal Building, 626 State Street. Persons with a disability who wish to attend and require an auxiliary aid service or other accommodation to testify at the hearing should contact the City of Erie ADA Coordinator at (814) 870-1469 at least 48 hours in advance so that arrangements can be made.

## Bureau of Code Enforcement

Andy Zimmerman, Manager - Code Enforcement  
626 State Street, Room 407, Erie, PA 16501-1128  
Ph: (814) 870-1475 • Fax: (814) 870-1584





# The City of Erie, Pennsylvania

Joseph E. Sinnott, Mayor

November 22, 2013

Ronald DeWalt  
546 Lincoln Ave  
Erie, PA 16508

Dear Mr. DeWalt:

This is to advise you that the following decision has been adopted on November 12, 2013 regarding property located at 546 Lincoln Avenue:

### Findings of Fact

1. The appellant, Ronald DeWalt, appeared before the Board to testify on his own behalf and indicated that he purchased the subject property in 1961. Mr. DeWalt told the Board that the house has been a two family dwelling for that entire time; if his variance request was granted, no changes to the property would be required.
2. The appellant had renters in the property for more than twenty years. The second floor apartment has not been rented out since 1999. In recent years his wife had used the upstairs unit as an art studio. Mr. DeWalt said that his wife died recently; he now hopes to have his grandson move in to the upstairs unit and serve as his caregiver.
3. Mr. DeWalt told the Board that when his former tenant moved out in the late 1990's, he tried to receive funding from the Homestead Act. He was advised that in order to qualify for said funding, he would have to re-classify the house as a single-unit dwelling, which he did. He showed photographs to the Board showing that the house has two separate entrances and reiterated that no substantive changes would be required in order to make the house a two-unit dwelling again. He also said that he has spoken to neighbors, who did not oppose the change, and that he has off-street parking so that the change would create no parking problems.
4. Despite the appellant's claim that his neighbors have no objections, the Board heard otherwise. Ms. Cynthia Welch, who lives across the street from the appellant, appeared and presented a petition signed by several neighbors who oppose the variance request. Ms. Welch said that Mr. DeWalt actually only spoke to one neighbor. She told the Board that the majority of the neighbors in the vicinity are concerned about the future detrimental effect to the neighborhood if the variance is granted.
5. Ms. Welch told the Board that Mr. DeWalt does not need to obtain a variance in order to have one additional family member (his grandson) move in to the house; the Ordinance already allows for it. Ms. Welch went on to say that the appellant demonstrated no hardship that would qualify him for the variance and that there is no legitimate reason for the change.
6. Another neighbor who testified in opposition to the variance request was Mr. Dana Wycoff, who owns the corner lot across the street from the appellant's house. Mr. Wycoff told the Board that, in his opinion, the appellant's house is really a single unit, or at most a one and a half story building; it does not lend itself to a two-unit structure. He expressed the concern that if the variance were granted making the property a two-unit dwelling, it could create problems with renters in the future. Mr. Wycoff reiterated much of what Ms. Welch had

### Bureau of Code Enforcement

Andy Zimmerman, Manager - Code Enforcement  
626 State Street, Room 407, Erie, PA 16501-1128  
Ph: (814) 870-1475 • Fax: (814) 870-1584



already told the Board, adding that there are other compliant, multi-generational households in the neighborhood, like the one the appellant described with his grandson that did not require a variance.

7. In response to the testimony, Board members, noting that there are other rental homes in the area with two-units, had several questions for both Mr. DeWalt and the Erie Zoning Office. Zoning official Mathew Puz confirmed that under the Erie City Zoning Ordinance, the appellant's grandson would be permitted to move in and live with the appellant without requiring a variance. Mr. Puz added that Zoning Office records indicate that the subject property is listed as a single-unit, and therefore should have only one set of utilities. Mr. DeWalt then added that one of the reasons he is requesting the variance is to have separate addresses, utilities, etc... after his grandson moves in with him.

#### Conclusions

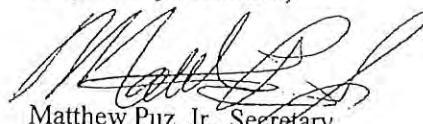
1. The appellant purchased the property in 1961 and claims that it has always in fact been a two-unit dwelling. He had rented the upstairs unit for many years until the late 1990's, while he has lived in the downstairs unit the entire time.
2. After the last tenant moved out the appellant's wife, who died recently, used the upstairs unit as an art studio. The appellant voluntarily changed the status of the house to a single-unit to make him eligible for government subsidies. He is now proposing to change the status of his house back to a two-unit so his grandson can move in to the upstairs unit and serve as a caregiver.
3. Several neighbors oppose the variance request, maintaining that under the City Ordinance the appellant's grandson can move in without obtaining the variance. The change to a two-unit could create several long-term problems that could negatively affect the whole neighborhood.

#### Decision

By a unanimous decision, the Board voted to deny the variance request. Board Chairman Richard Wagner said that if what the appellant stated is accurate, then his grandson could move in without requiring the variance, and without changing the status of the property. Board members Patty Szcowski and Angela McNair both agreed, and also voted to deny the variance.

You are further advised that you have the legal right to appeal this decision to the Court of Common Pleas of Erie County, Pennsylvania, said appeal to be filed no later than thirty (30) days after notice of this decision.

Respectfully submitted,

  
Matthew Puz, Jr., Secretary  
ZONING HEARING BOARD

# Appeal 12293

## 2803 Melrose Ave

R-1A Traditional Single-Family Residential District



**City of Erie**  
**Short Term Rental Zoning Application**

Property Address: 2803 Melrose Ave Erie Pa 16508

**Type of Structure:**

X      Single Family Dwelling           Flat/Duplex           Apartment Building

**Owner Information: NO P.O. BOXES SHALL BE ACCEPTED**

Name of Owner: Thomas Hammer

Owner Address: 169 Doan Lane

City: Reynoldsville State: PA Zip Code: 15851

Telephone: +18149520885 Email: Gemtravis@yahoo.com

**Responsible Agent Information:**

A Responsible Agent is defined as a person authorized by the owner to act in his/her behalf. All Responsible Agents must reside within Erie County, Pennsylvania.

Owners of STR dwellings residing in Erie County may designate a Responsible Agent to be named on the Registration/License.

Owners of STR dwellings residing out of Erie County must designate a Responsible Agent to be named on the Registration/License. NO P.O. BOXES SHALL BE ACCEPTED

Responsible Agent Name: Sergiy Krevskyy

Owner Address: 3611 Roma Dr

City: Erie State: Pa Zip Code: 16510

Telephone: 1-814-860-9505 Email: Krevskyy1992@gmail.com

ZONING DISTRICT: R1A 204.11

MAXIMUM OCCUPANCY: 18

NUMBER OF OFF-STREET PARKING SPACES PROVIDED: 6

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.

Thomas Hammer/Elizabeth Travis

Owner or Agent Name

EM-T-GUARDIAN

Owner or Agent Signature

6/19/2023

Date

## CITY OF ERIE SHORT TERM RENTAL ZONING APPLICATION

All Short-Term Rentals must meet the following minimum regulations:

1. A short-term rental license shall be required prior to renting out a dwelling as short-term rental. Operating a short-term rental without a short-term rental license is a violation of the City of Erie Zoning Ordinance and shall subject the owner to the enforcement proceedings and penalties set forth herein.
2. The Short-Term rental license is not transferrable and does not run with the property. If the ownership of the property changes, either directly by sale or deed transfer, or indirectly by death, sheriff sale or court order, the new owner must apply for a license under the provisions of this Ordinance prior to continuing to use the property as a short-term rental.
3. STR accommodations shall not exceed the number of occupants allowed within the applicable zoning district.
4. Overnight occupancy of recreational vehicles, camper trailers and tents is prohibited.
5. Neither occupants nor guests are to engage in disorderly conduct or disturb the peace and quiet. Upon notification of such disturbances, the property owner is responsible for preventing a reoccurrence of such conduct.
6. A business contact person must be appointed, who can be the owner, property manager or agent of the owner who is available to respond to tenant and neighborhood questions, complaints, or concerns. The contact person shall have the actual authority to represent the owner of the property for emergency and non-emergency contact purposes. This person must provide a 24-hour contact number and must be able to respond to any contact from a tenant with one (1) hour following the notification. The City must be notified in writing within fourteen days (14) if there is a change in the identity of the contact person.
7. No unreasonable noise or sound that is plainly audible to an unaided human ear shall be permitted outside of the hours listed below: Sunday through Thursday 10:00 PM to 8:00 AM and Friday through Saturday 11:59 PM to 8:00 AM.
8. All operators must maintain a guest log book to include names of guests and dates of stay. The log must be available for inspection by city staff upon request.
9. All advertisements for an approved STR must clearly display the license number issued for that unit. Failure to do so is grounds for cancellation of license.
10. The owner of the Short Term Rental shall post a copy of their STR license, and a copy of the conditions set forth in a conspicuous space within the property.
11. Each short-term rental must have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
  - a) Name of contact person and telephone number at which they may be reached on a 24-hour basis.
  - b) The maximum number of occupants permitted to stay in the short-term rental at one time.
  - c) The maximum number of vehicles allowed to be parked on the property and the requirement that all renter/guest parking must be on the property and not on a private, community, or public right-of-way.
  - d) Proper directions for the disposal of waste.
  - e) Notice that the occupant(s) may be cited and fined for creating a disturbance or violating any other provisions within this Ordinance.
  - f) Notice that the failure to follow the occupancy and parking requirements will result in citations of fines.

Short term rentals shall be allowed in the R-1 and R-1A Districts as Special Exceptions in accordance with these additional regulations:

1. Adequate off-street parking and access must be provided.
2. A screen planting strip shall be provided adjacent to properties in "R" Districts.
3. Any outdoor lighting shall be designed to prevent glare to surrounding properties.
4. No outdoor loudspeakers or sound systems shall be allowed.
5. The Board may attach any reasonable conditions necessary to address public health, safety, and welfare concerns.

# STR ZONING COMPLIANCE CHECKLIST

## All Short-Term Rentals must meet the following minimum regulations:

A short-term rental license shall be required prior to renting out a dwelling as short-term rental. Operating a short-term rental without a short-term rental license is a violation of the Zoning Ordinance and shall subject the owner to the enforcement proceedings and penalties set forth herein.

Overnight occupancy of recreational vehicles, camper trailers and tents is prohibited.

Neither occupants nor guests are to engage in disorderly conduct or disturb the peace and quiet. Upon notification of such disturbances, the property owner is responsible for preventing a reoccurrence of such conduct.

No unreasonable noise or sound that is plainly audible to an unaided human ear shall be permitted outside of the hours listed below: Sunday through Thursday 10:00 PM to 8:00 AM and Friday through Saturday 11:59 PM to 8:00 AM.

- STR accommodations shall not exceed the number of occupants allowed within the applicable zoning district. [A FAMILY UNIT OR NO MORE THAN THREE UNRELATED OCCUPANTS]
- Adequate off-street parking [ONE PER DWELLING UNIT] and access must be provided.
- Each short-term rental must have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
  - Name of contact person and telephone number at which they may be reached on a 24-hour basis.
  - The maximum number of occupants permitted to stay in the short-term rental at one time.
  - The maximum number of vehicles allowed to be parked on the property [9'x18' PER PARKING SPACE] and the requirement that all renter/guest parking must be on the property and not on a private, community, or public right-of-way.
  - Proper directions for the disposal of waste.
  - Notice that the occupant(s) may be cited and fined for creating a disturbance or violating any other provisions within this Ordinance.
  - Notice that the failure to follow the occupancy and parking requirements will result in citations of fines.
- The owner of the Short Term Rental shall post a copy of their STR license, and a copy of the conditions set forth in a conspicuous space within the property.
- All operators must maintain a guest log book to include names of guests and dates of stay. The log must be available for inspection by city staff upon request.
- A business contact person must be appointed, who can be the owner, property manager or agent of the owner who is available to respond to tenant and neighborhood questions, complaints, or concerns. The contact person shall have the actual authority to represent the owner of the property for emergency and non-emergency contact purposes. This person must provide a 24-hour contact number and must be able to respond to any contact from a tenant with one (1) hour following the notification.

Short term rentals shall be allowed in the R-1 and R-1A Districts as Special Exceptions in accordance with these additional regulations.

- A screen planting strip shall be provided adjacent to properties in "R" Districts.
- Any outdoor lighting shall be designed to prevent glare to surrounding properties.
- No outdoor loudspeakers or sound systems shall be allowed.

The Zoning Hearing Board may attach any reasonable conditions necessary to address public health, safety, and welfare concerns.