

# Zoning Hearing Board

## City of Erie, Pennsylvania

### August 8, 2023

### -Agenda-

The regular meeting of the Zoning Hearing Board will be held Tuesday, August 8, 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 July 11, 2023 MEETING MINUTES

#### 4. APPEALS TO BE HEARD

Appeal No. 12,294 by Daniel Reilly concerning property located at 2620 Charlotte St [Index # 19-62-30-223] in an R-1 Low Density Residential District. The appellant is requesting Special Exception Approval for a 'SHORT-TERM RENTAL'. Per section 204.11, Special Exception Approval is required.

#### 5. 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>

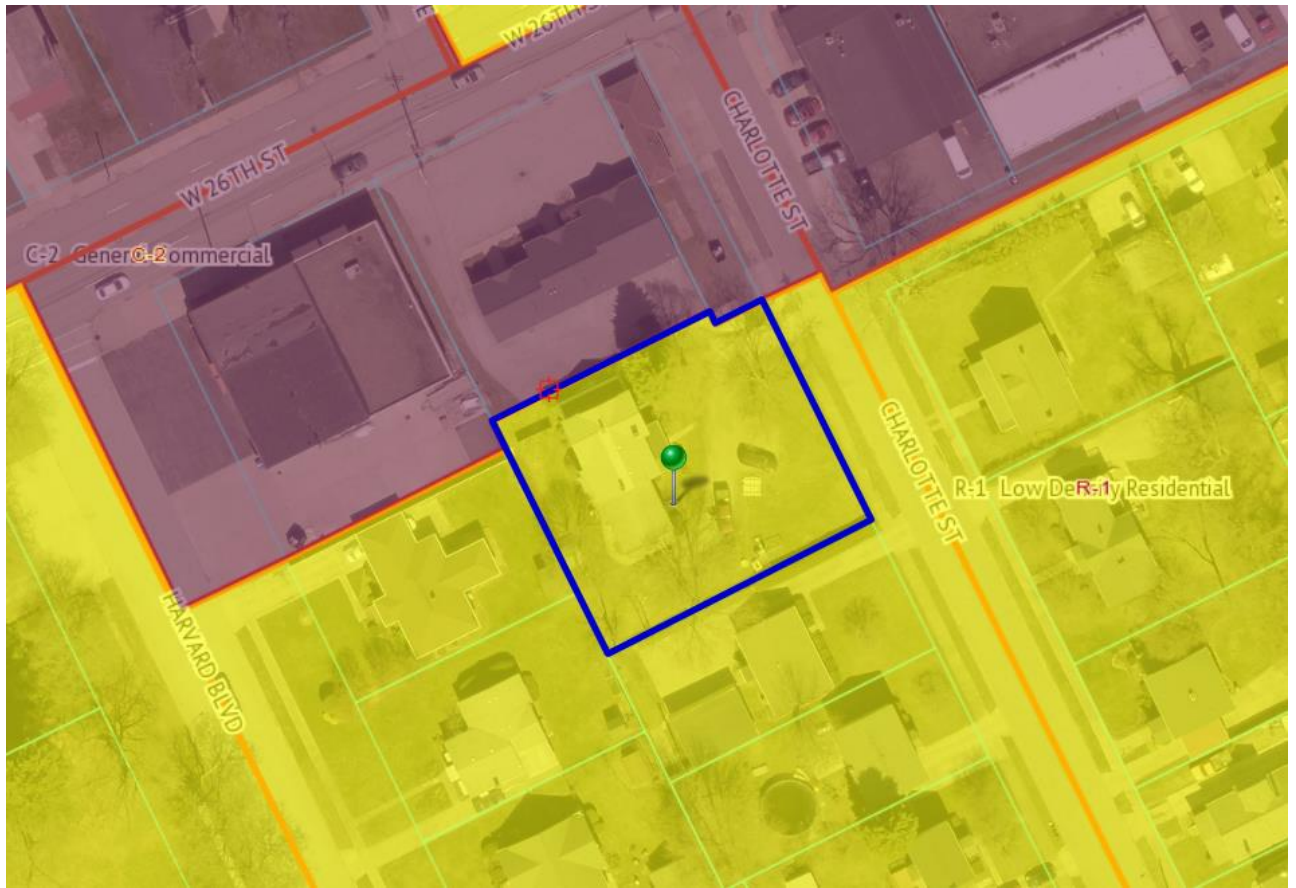
NOTE: Persons with a disability who wish to be heard and require accommodation please contact (814) 870-1111 at least 48 hours in advance so that arrangements can be made.

# Appeal 12294

## 2620 Charlotte St.

R-1 Low Density Residential District





**CITY OF ERIE**  
**ZONING HEARING BOARD APPLICATION**

Appeal #: \_\_\_\_\_ Index #: \_\_\_\_\_ Hearing Date/Time: 8/8/23 @ 1:00

*Special Exception*

**Property Information**

Property Address: 2620 Charlotte St, Erie, PA 16508

Zoning District: R-1 Current Land Use: Residential

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

**Owner / Applicant Information**

Name of Owner: Daniel

Owner Address: 231 W. 21st St

City: Erie State: PA Zip Code: 16502

Telephone: 215-350-5338 Email: dddreilly@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:** To use 2620 Charlotte St as a short-term vacation rental.  
The house was recently restored to accommodate guests and parking for up to 5 vehicles.

**I/We believe that the Board should approve this request because...** (Attach a Justification Narrative and/or Variance Criteria Worksheet (Exhibit A) – please refer to the quick tip guidance on the following page)

The adjacent properties are commercial businesses, not residents. 2626 Charlotte St. (adjacent south) is currently being used as a vacation rental (the owners do not live there).

The north adjacent property is the rear of a plaza, so no residents will be disturbed.  
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 Reilly**

\_\_\_\_\_  
Owner or Applicant Name



\_\_\_\_\_  
Owner or Applicant Signature

7/10/2023

\_\_\_\_\_  
Date

## APPLICATION CHECKLIST

- Completed Owner / Applicant Information
- Completed Proposal / Improvement Description
- Completed Justification Narrative / Variance Criteria Worksheet (Exhibit A)
- 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 the State Street entrance. Please label the submission "ATTN: Zoning – Room 407".

The next Zoning Hearing Board Meeting will be Tuesday,

The application deadline for the next meeting is COB Tuesday,

## 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 Exhibit, *Variance Criteria Worksheet*, is to be completed and used as a guide to complete the Justification Narrative. Please provide answers to **each** of the criteria areas.

Additional information on the Zoning Hearing Board can be found on the City's website at: [Zoning Hearing Board](#)

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



# THE CITY OF ERIE

JOSEPH V. SCHEMBER, MAYOR

## SHORT TERM RENTAL

### REVIEW CHECKLIST

ADDRESS - 2620 Charlotte St.  
PARCEL ID - 19062030022300  
ZONING - R-1

PROCESS:

PERMITTED USE \_\_\_\_\_ SPECIAL EXCEPTION  CONDITIONAL \_\_\_\_\_ NOT PERMITTED \_\_\_\_\_

#### PERMITTED USE R2, R3, RLB, C1, C2, C3, C4-

BEDROOM SQUARE FOOTAGE = 977      ↓ stairs - 114.200      ↑ stairs - 204.224.235

CALCULATED OCCUPANCY (120sqft/2 PEOPLE IN A ROOM) = 8 people

NUMBER OF PARKING SPOTS AVAILABLE (10X20 IN SIZE REQUIRED) = 8.75 (1750 ⓧ)

ADEQUATE PARKING = YES  NO \_\_\_\_\_

#### **\*\*THIS INFORMATION REQUIRED- MUST BE CLEARLY VISIBLE AND POSTED WITHIN THE UNIT OR ADJACENT TO THE FRONT DOOR AND CONTAINS THE FOLLOWING INFORMATION.**

ZHB ✓ Name of contact person and telephone number at which they may be reached on a 24-hour basis.

ZHB ✓ The maximum number of occupants permitted to stay in the short-term rental at one time.

ZHB ✓ The maximum number of vehicles allowed to be parked on the property [10'x20' 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.

ZHB ✓ Proper directions for the disposal of waste.

Sent 7/31 Notice that the occupant(s) may be cited and fined for creating a disturbance or violating any other provisions within this Ordinance.

Sent 7/31 Notice that the failure to follow the occupancy and parking requirements will result in citations of fines.



(S) 19 6230-223  
R-1

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

**Property Address:** 2620 Charlotte St. 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:** Daniel Reilly

**Owner Address:** 231 W 21st St

**City:** Erie      **State:** PA      **Zip Code:** 16502

**Telephone:** 215-350-5338      **Email:** dddreilly@gmail.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:** Daniel Reilly

**Owner Address:** 231 W 21st St

**City:** Erie      **State:** PA      **Zip Code:** 16502

**Telephone:** 215-350-5338      **Email:** dddreilly@gmail.com

**ZONING DISTRICT:** R-1

**MAXIMUM OCCUPANCY:** 12

**NUMBER OF OFF-STREET PARKING SPACES PROVIDED:** 5

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 Reilly

Owner or Agent Name



Owner or Agent Signature

6-20-2023

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.

## EXHIBIT A

### VARIANCES:

The board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance. The board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- (1) 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 the zoning ordinance in the neighborhood or district in which the property is located.
- (2) 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 the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3) That such unnecessary hardship has not been created by the appellant.
- (4) 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.
- (5) 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.

### Use Variance

A use variance requests permission to use property in a manner prohibited by the zoning ordinance (e.g., a commercial garage in a single family residential zone).

An applicant for grant of a use variance must satisfy the criteria for the grant of a variance stated above. In addition, the courts have determined that an applicant for use variance must establish that an unnecessary hardship attends the property that is the subject of the variance by providing evidence that:

1. The physical conditions of the property are such that it cannot be used for a permitted purpose; or
2. The property can be conformed for a permitted use only at a prohibitive expense;  
or
3. The property is valueless for any purpose permitted by the zoning ordinance.

Dear Board:

I/We believe that the Board should approve this request because the properties adjacent to the north and south of 2620 Charlotte St are not residents and so my guests won't be bothering any surrounding residents. The owners of 2626 Charlotte (adjacent south) currently rent the property as a vacation rental and do not reside there, and the adjacent property to the north is the rear of a commercial plaza. The rear of 2620 Charlotte (west) has bushes planted between the neighbors and there is plenty of room between our backyards, and all exit/entry traffic to the property will be directed toward the front of the house facing east (street side). Also, ample on-property parking accommodations have been made available for guests so as to eliminate any on street parking congestion issues. I've been a vacation rental host for over 2 years across 2 properties and I've never had a complaint from a neighbor, as I have a filtering process to weed out potentially problematic guests. I'm a good neighbor who's profession and MO is saving historic houses in Erie (2620 Charlotte is an historic property built in 1843) and allowing visitors to the area to share and enjoy their history by offering them as vacation rentals.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Reilly', with a long horizontal flourish extending to the right.

Daniel Reilly