

City of Olean
ZONING BOARD OF APPEALS

Minutes for Zoning Board
Meeting held on April 12, 2018

1. Roll Call

Shayne Certo called the meeting to order at 5:32p.m. Thomas Enright read the roll call. All members were present except Otto Tertinek.

Present:

- Darryl Bloom
- Shayne Certo
- Bob Moser
- Michael Padlo
- Thomas Enright
- Charlotte Hardy

Absent:

- Otto Tertinek

Staff:

- Kathleen Hewitt- Account Clerk Typist
- Edward Jennings- Code Enforcement Supervisor

1. Old Business

- **Reading and approval March 22, 2018 meeting minutes.**

A MOTION was made by Darryl Bloom, seconded by Michael Padlo to approve the meeting minutes as is: Voice vote, ayes all. Motion carried.

121 and 121 ½ North 10th Street – Review Reasonable Accommodation Request

Shayne stated the four items requested have been received: the tax id, lease, and charter were previously submitted; the final item was an inspection of the edifice and it has been conducted with a report written by Officer Ed Jennings. She questioned if the board had received and reviewed the letter from Officer Jennings.

Charlotte stated she is not pleased with the house being a duplex since everything she has read about the Oxford house it is suppose to be a single family house. She noted she would like to see it comply with the Oxford house standards therefore she cannot support it.

Thomas read the city attorney Nick DiCerbo email allowed.

Shayne stated according to Edward Jennings letter the inspection went well and the house was clean and maintained. She noted that the inspection focused on and referenced safety issues per New York State Codes, and the results were detailed in the letter.

Thomas noted he is in support of the Oxford house.

Charlotte reiterated the Oxford house is worthy of an approval however; only if it accommodates people in the manner in which the Oxford house would expect it to be and not in a duplex. She noted this is not what an Oxford house expects it to be and suggested possibly another house would be better without being a duplex with two kitchens. She is opposed.

A MOTION was made by Thomas Enright, seconded Darryl Bloom to approve the reasonable accommodations request with the following conditions. (1) Maximum Occupancy Load for the premises is limited to 7 occupants and that the attic Living Space is not to be used as a bedroom pursuant to the Code's inspection and report. (2) The accommodation does not run with the land and is granted for the subject premises only so long as the Oxford House charter is maintained and in good standing with the national organization. (3) The ZBA retains jurisdiction and shall have the ability to review, amend, and modify the accommodations for compliance. (4) If the charter is revoked by the National Oxford House, the reasonable accommodation requested granted by the city of Olean will be withdrawn as well. Notification is to be made to the city attorney and the Zoning Board of Appeals regarding the status of the charter. Voice vote, ayes Bob Moser, Thomas Enright, Darryl Bloom, Michael Padlo. Nays Charlotte Hardy. Motion carried.

2. Public Hearing

212 Laurens Street - Sign Variance

Thomas Enright read the Sign Variance application for 212 Laurens Street aloud. Cattaraugus County is requesting to construct a 2.5' x 3.5' non-illuminated sign in an R3 district: If granted it will vary from Chapter 28 Article 11 Section 11.1.1 of the Zoning law.

A MOTION was made by Thomas Enright, seconded Charlotte Hardy to approve the sign variance without conditions. Voice vote, ayes all.

105 S. 13th Street- Use Variance

Thomas Enright read the application for 105 S. 13th Street aloud. The City of Olean is requesting a Use Variance to demolish the existing house and garage and install a public parking lot with a buffer. If granted it will vary from Chapter 28 Article 4 Section 4.14 & Article 4 Section 4.2 of the Zoning law.

Edward Jennings stated the city had acquired the property from the county and the house is unable to be rehabbed and the city does not have the funds to demolish it in which that is the hardship. He continued the property has an interested party who would like to demolish the property and utilize it as a parking lot which will expand his current parking lot.

Public hearing closed at 5:51 pm.

Shayne reviewed "Findings and Decision".

A MOTION was made by Michael Padlo, seconded Darryl Bloom to approve the Use variance without conditions. Voice vote, ayes all.

3. New Business:

231 & 251 Homer Street - Homeridae LLC Photovoltaic Solar System. – Area variance extension request.

Shayne stated this variance has been going on for two years now ever since January 2016. Charlotte questioned when this project is going to get completed.

A MOTION was made by Michael Padlo, seconded Thomas Enright to extend the area variance for 6 months. Voice vote, ayes all.

660 Main Street- Use Variance

Thomas Enright read the application for 660 Main Street aloud. Dr. Adil Al Humadi is requesting a Use Variance to convert a single family home into a bed and breakfast. If granted it will vary from Chapter 28 Article 4 Section 4.1.2 (A) of the Zoning law.

A MOTION was made by Thomas Enright, seconded by Bob Moser to set the public hearing for April 26, 2018 at 5:35 p.m. Voice vote, ayes all. Motion carried.

Adjournment

A MOTION to adjourn was made by Bob Moser, seconded by Michael Padlo. Voice vote, ayes all, Motion carried.

Next Meeting Date

The next Zoning Board meeting has been scheduled for Thursday, April 26, 2018 at 5:30 p.m. located in room 119. Meeting adjourned at 6:03 pm.