

City of Olean
ZONING BOARD OF APPEALS

Minutes for Zoning Board
Meeting held on May 23, 2019

1. Roll Call

Otto Tertinek called the meeting to order at 5:30p.m. Thomas Enright read the roll call. All members were present except Shayne Certo and Jerry Lefeber.

Present:

- Thomas Enright
- Otto Tertinek
- Darryl Bloom
- Charlotte Hardy

Present:

- Jerry Lefeber
- Shayne Certo

Staff:

- Kathleen Hewitt- Account Clerk Typist

1. Old Business:

Reading and approval May 9, 2019 meeting minutes.

A Motion was made by Thomas Enright, seconded by Darryl Bloom to approve the May 9, 2019 meeting minutes as is. Voice vote, ayes all. Motion carried.

2. Public Hearing:

749 Delaware Ave- Area Variance

Thomas Enright read the application for 749 Delaware Avenue. The applicant is requesting to construct a 24 x 24 ft attached garage and need the variance for the 25' total side yard setback requirements. If granted it will vary from the requirements of: Chapter 28, Article 28, Section 6.1 of the Zoning Law.

Otto opened the public hearing at 5:34 p.m.

Michael Redding stated he is looking to obtain a variance on the Alder Street side of his property so he can add an attached garage to his house.

Otto questioned if he currently owned the garage to the left of his house and how close will his garage be to the street. Mr. Redden responded he is not the owner of that garage and the garage was measured 18' from the pavement.

Otto closed the public hearing at 5:36 p.m.

Otto reviewed findings and decision.

A MOTION was made by Thomas Enright, seconded by Charlotte Hardy to grant the Area Variance with condition as followed: siding will need to match the house and install gutters for rain displacement. Voice vote, ayes all. Motion carried.

316 Laurens Street- Use Variance

Thomas Enright read the application for 316 Laurens Street aloud. The applicant is requesting a use variance to operate a personal service establishment. If granted it will vary from Article 4 Section 4.2.2 and 4.14 of the City of Olean Zoning Law.

Otto opened the public hearing at 5:36 pm.

Alfred Eade (*230 N. Second Street*) he is opposed to the variance. He feels it would be wise to inquire if the sale is contingent to the variance and if the property is more than what the owner originally paid. He noted if the house is being sold for more than it was purchased then it would not meet the financial hardship. He further explained that he does not see that the building is unique since it is in a historical area with many apartments like most other properties in that neighborhood and it would change the character of the neighborhood since this is a residential area and not business district. He reiterated that he does not see the hardships and requested the board takes all that into consideration.

Clint Meyer (potential buyer) He explained that his wife is a massage therapist and his wife and daughter would be running the massage business. He explained they are looking for a quiet, low key and by appointment massage business and they are looking to do large amount of upgrades to the property. He noted they would be living in the house and are looking to take possession of the house in October when it closes. Clint explained the mortgage is contingent on the house being utilized this way and there are strict clauses to the loan that they have fix up the house. Some of the repairs would be shrubbery, painting the house and fixing the front porch due to its disrepair.

Jack Arnold (205 N. 24th Street) owner of 311 Laurens Street. He stated the neighborhood has gone straight down and he is there every day and he is against the variance.

Michael Shaine (applicant Kelly Steele attorney) will substitute for Kelly tonight and represent the variance. He stated that Kelly has had trouble for many years selling this property. Some of the issues has been people not being able to get financed or backing out of the deal. He explained the concern is the house is sitting empty and getting people to maintain it will be an issue. Michael disagreed with the statement that it would change the character of the neighborhood but it would improve it by all the work that Clint will be putting into the house.

Clint Meyers (potential buyer) Clint explained the house has \$70,000.00 for improvements and that is pending on the outcome of the meeting per the contract. He explained the \$70,000.00 is for a paint job, restoring the foyer, repairing the porch and significant amount of landscaping. He noted he sold his house in Rochester in preparation for moving back to Olean.

Alfred Eade (230 N. Second Street) stated that the improvements are nice but it is not the point and the board should not be focused on that. He reiterated the board should focus on the four criteria and he does not feel that they meet the requirements.

Otto questioned what his intentions are with the current four unit apartment building. Clint responded that currently three of the units are rented and one unit is not rented. He explained that the business will run out of the old dentist office and they would live in the upper apartment and the two rear apartments will remain rental apartments.

Thomas Enright questioned if he has financial information to prove the hardship and also questioned if he would be having any signage. Clint responded no signage would be necessary since he would like to keep the integrity of the house.

Otto state they would not be voting on the variance this evening due to a Short SEQRA is needed and they will need to produce some requests.

Thomas requested that they produce previous offers on the property.

Otto closed the public hearing at 6:07 p.m.

Adjournment

A MOTION to adjourn was made by Darryl Bloom, seconded by Charlotte Hardy. Voice vote, ayes all, Motion carried.

Next Meeting Date

The next Zoning Board meeting has been scheduled for Thursday, June 13, 2019 at 5:30 p.m. located in the Council Chambers. Meeting adjourned at 6:12 pm.