

City of Olean
ZONING BOARD OF APPEALS

Minutes for Zoning Board
Meeting held on March 10, 2016

1. Roll Call

Vice Chairperson Bob Moser called the meeting to order at 6:30 p.m. and requested the roll call from Secretary Thomas Enright to show all members present except for LaDorna Fox.

Present:

- Bob Moser – Vice Chairperson
- Mr. Thomas Enright- Secretary
- Mr. Michael Droney
- Mrs. Shayne Certo
- Mrs. Charlotte Hardy
- Mr. George Linnan

Absent:

- LaDorna Fox- Chairperson

Staff:

- Kathleen Hewitt- Account Clerk Typist

Other Attendees:

- Thomas Painter
- Elisa Painter

1. Old Business

Reading and approval of February 25, 2016 meeting minutes.

- Amendments of February 25, 2016 meeting minutes as followed:

Page 2 to remove: “Shayne Certo mentioned other cities that has this has had issues”.

A motion was made by Thomas Enright, seconded by Michael Droney to approve the February 25, 2016 meeting minutes as amended. Voice vote, ayes all. Motion carried.

2. Public Hearing

214 N. Clinton Street Tom Painter -handicap ramp- Area Variance.
6:35 p.m. Public Hearing started.

Thomas Enright read the application aloud requesting an Area Variance:
If granted it will vary from Article 6 Section 6.1 of the Zoning law.

Bob Moser requested Tom Painter to explain why he is requesting an Area Variance.

Tom Painter explained that his tenant is blind, heavy and needs a wheelchair to access his house. Tom noted that he called two (2) contractors to perform the work; the first contractor was not registered with the City of Olean and the second contractor he could not afford. Tom also noted he was not aware that he needed a permit to build the ramp. Tom explained that once he discovered he needed a building permit, Tom went to Code Enforcement office and was instructed that he needed an Area Variance for this ramp from the Zoning Board.

Elisa Painter advised the Zoning Board they purchased the house in October and the tenant was pre-existing. Elisa noticed the man being lifted into the house after they purchased the property by two (2) other men and realized he needed a ramp to accommodate his needs. Elisa noted that she is worried about his evacuation if there was ever a fire.

Shayne Certo questioned why they could not build the ramp in the grassy area. Shayne noted she was concerned how the snow would be addressed. She questioned if children would get hurt on it by tripping or falling onto it. Shayne also questioned how hard would it be to move the ramp.

Elisa noted that the transportation van would have access to the ramp easier where it is located now, and tenant safety is main priority.

Tom noted that it would not be impossible to move the ramp, they do own the grassy area; however it is a different property. Tom noted that they own 306 Tomkins St.

Charlotte Hardy questioned if the tenant has had the opportunity to use the ramp yet. Elisa stated that the tenant has been in the hospital and he has not had a chance to use it. Elisa noted they have only shoveled it so far.

Thomas Enright stated that he appreciated everything they have done for him; however they have put the Zoning Board in a very awkward situation. Thomas explained that the ramp was built without proper permit or approval from the Code Enforcement office. Thomas noted that they will be sensitive to the situation.

Elisa reiterated that they did not know they needed a permit to build a ramp.

Bob commented that not having a permit can happen; Bob advised the Zoning Board that he has spoken with the mayor recently about residents contacting the Code Enforcement office before they perform any projects. Bob commented that he feels any resident that performs a project without having a permit should have a heavy fine without any excuses. Bob noted that this is not pointed at the Painters right now. Bob indicated people have performed this before and it needs to stop. Bob stated if the Zoning Board approves this Area Variance then Code Enforcement will have to come and inspect and see if it passes. Tom agreed that if the ramp does not pass inspection he will remove the ramp.

Bob closed the Public Hearing at 7:00 p.m.

A MOTION was made by Charlotte Hardy, seconded by George Linnan to approve the Area Variance with conditions:

- (1) The Code Enforcement to inspect and approve present structure.
- (2) Ramp is to be removed when no longer needed or property is sold

Voice vote, ayes all. Motion carried

Bob read aloud Area Variance Findings and Decisions.

1. Next Meeting Date

The next Zoning Board meeting has been scheduled for Thursday, March 24, 2016 at 6:30 p.m., pending any business.

2. Adjournment

Motion to adjourn was made by Thomas Enright, seconded by Charlotte Hardy. Voice vote, ayes all. Motion carried. Meeting ended at approximately 7:14 p.m.

