

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
August 23, 2021**

Present: J. Wright, C. Burch, Jr. K. Kucinski, B. Natoli, A. Coates

Absent: R. Genung
Staff: Amy Donnison

I. Call to Order

Chairman C. Burch, Jr. Called the meeting to order at 7:01pm. Chairman C. Burch welcomed Andrew Coates to the board as the newest member. Ayes all. C. Burch stated that the Zoning Board of Appeals is made up of volunteer members. In order to approve a request, 4 yes votes are required. The ZBA has up to 62 days to make a decision. All evidence must be presented during the hearing, don't assume the board knows anything. The ZBA does not write nor can it change the Zoning or Sign Ordinance requirements. The Common Council has the authority to change the Zoning and Sign Ordinance requirements. In the granting or denying of variances and special permits, the ZBA must substantiate the reasons for such granting or denial. A decision by the ZBA may be appealed to the court by filing an Article 78 appeal. There are 2 cases before the Zoning Board this evening: 1 Use Variance request and 1 Special Permit request.

II. Public Hearing: Chris Hayes – 24 East Main Street

The public hearing was opened at 7:03 PM. The following exhibits were entered into evidence:

1. Application from Chris Hayes Dated 6/21/2021
2. Community Development report dated 8/20/2021
3. Photographs of property
4. Copy of tax map of property – current
5. No phone calls received in opposition or support.
6. No letters received in opposition or support
7. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there had been no phone calls or letters received in opposition,

Chris Hayes stated that he had a long term commercial tenant who has moved out and then listed the building on MLS to try to rent as commercial space with no interest. The second floor are apartments used primarily by traveling professionals. The transition to having the first floor converted into 2 apartments has not been started and was just looking for this approval as an option if he could not find a commercial tenant in the near future.

B. Natoli asked if this was approved would the new use move with the sale of the property in the future. A. Donnison stated that it would if the use was exercised within a year of approval.

K. Kucinski asked if he had found long term rental tenants already. C. Hayes stated no as he has not started a search. Would prefer long term commercial tenants as there is less wear and tear on the property.

M. Hayes stated that the provide amenities a hotel does not and being close to a downtown setting is a draw to clients. There upstairs units have been full all through COVID. J. Wright noted that there is a need for traveling professionals.

A. Coates asked if this was approved could the use be converted back to commercial use without having to come before the ZBA again. A. Donnison stated yes as a commercial use is a by right use in this B-1 zone. A. Coates asked if the size of these units would allow occupancy of say a family of 5. C. Hayes stated no.

Chairman C. Burch asked if anyone present had any further questions or comments. There were none. The public hearing was closed at 7:22 pm.

III.. Findings & Determinations for Chris Hayes – 24 East Main Street

- The building is handicap accessible
- No opposition to the proposal received
- No support for the proposal was received
- Property is in a B-1 zone
- New commercial tenants sought for 1.5 years with no success
- Structure looks like a residential house
- There is adequate nearby public parking
- Surrounding neighborhood is a mixed use.
- There is no other way to obtain a reasonable return on the building without a Use Variance
- Tax returns showing financial loss was provided
- The hardship is unique as it leans toward looking like a residential structure

- The character of the neighborhood will not be changed
- Hardship due to the use imposed based on the district the building is located in
- The request is for 2 additional units on the first floor
- Building is easily accessible for emergency vehicles

Motion made by K. Kucinski to accept the proposal as requested. Seconded by J. Wright.

Motion Approved: 5 ayes; 0 nay.

Ayes – C. Burch, Jr., J. Wright, K. Kucinski, B. Natoli, A. Coates

Applicants for the Special Permit at 67-69 South Broad Street were unexpectedly detained from attending the hearing – this hearing may be rescheduled in September if the date is acceptable to the applicant.

III. Adjournment:

There being no further discussion, the meeting was adjourned at 7:50 pm on a motion made by A. Coates. Seconded by B. Natoli. Ayes All. Carried.