

Zoning Board of Appeals
City of Cortland
September 13, 2010

A regular meeting of the Zoning Board of Appeals was held on Monday, September 13, 2010, at 5:00 p.m. in the Mayor's Conference Room at City Hall.

Present: Chair Dailey, Comm. Brown, Hickey and Wickman

Staff: Zoning Officer Bruce Weber and Cheryl Massmann, Deputy City Clerk

Item No. 1 – 9 Clinton Ave. – (1st Church)(GB) – Use Variance – Operating a Church in a General Business District

Teri Holbert was present. She indicated that her church had purchased the building and needed to clear the building out and to remove some asbestos. They plan to have a church on the first floor with a reading room in the very front of the first floor and a Sunday school on the second floor and the third floor will not be used. The building is handicapped accessible on the first floor and it will allow them to put their reading room in the forefront of the building. She noted that they had a building on Greenbush Street, which was sold. It was too big for their congregation.

Comm. Wickman asked if there was a business currently occupying the Clinton Avenue building which is the Buy and Sell. Ms. Holbert stated that they plan to gut the first floor and that it would be left open. They plan to rewire the building and to put in a first floor handicapped bathroom. Chair Dailey asked about parking. Ms. Holbert stated that they only had gatherings on Wednesday evenings and Sunday mornings and there were only about fifteen (15) persons attending. She did not feel that on-street or the nearby public parking lot parking would be an issue.

Comm. Wickman asked about the first floor auditorium. Ms. Holbert noted that they would have mostly an open room on the first floor which would be for church services in the rear and a reading room in the front. They would have to remodel. They do not plan to have a kitchen as they do not have kitchen activities and no regular church dinners.

Comm. Hickey asked if they planned to rent out their auditorium for use by other organizations. Ms. Holbert stated that there would be no renting or subletting to other organizations or groups. Chair Dailey asked her why the church had chosen this building over others. Ms. Holbert stated that they liked the fact that it was handicapped accessible and that their reading room could be in the forefront of the buildings. They wanted walk-in traffic to see the room from the street.

Comm. Wickman asked if the reading room would be open to the public. Ms. Holbert indicated that it was. Comm. Brown asked who had purchased their other building on Greenbush. Ms. Holbert stated that it was another church, the Mosaic Ministry. Comm. Brown asked if there were separate entrances for the first floor and the second and third floors. Ms. Holbert stated that there were two (2) entrances; one for the first floor and one for the second and third floors. There was also a rear entrance to the first floor.

Comm. Brown asked if the congregation grew; what they planned to do about providing more parking. Ms. Holbert stated that their church was not growing, but if they should grow out of this building, they would move. Comm. Hickey expressed concerns about a vacant third floor, stating that they tend to get used for banquets, gatherings, etc. She wanted to be assured that the space would only be used by their group. Ms. Holbert stated that there would be no electricity up there and there are no plans to use it. They are not interested in renovating it and renting it out. She also stated that it was not a heated space. They plan to just close the space off and not to use it.

Comm. Brown asked Zoning Officer Weber if this had been to County Planning. Zoning Officer Weber indicated that it had. That information had been given to the Planning Commission, but he noted that the County had recommended approval. He also noted that the City Planning Commission had also recommended approval and also noted that there are no parking requirements in the downtown.

There was no one further to speak; therefore the public hearing was closed.

On the motion of Comm. Wickman, seconded by Comm. Hickey, voted and carried.

Chair Dailey	Aye	Comm. Brown	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye

RESOLVED THAT THE USE VARIANCE FOR 9 CLINTON AVE. – (1ST CHURCH)(GB) – USE VARIANCE – OPERATING A CHURCH IN A GENERAL BUSINESS DISTRICT BE PLACED ON THE TABLE FOR DELIBERATION.

The criteria for a use variance were reviewed.

1. The applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial. Concern was expressed that usually the applicant could show hardship and that was not the case with this applicant. No hardship was shown by this applicant or the building seller.

2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood). Not having a reading room visible and not having a building that was handicapped accessible. The church must also stay in the City of Cortland, because they are only incorporated in the City of Cortland.

3. The requested use variance, if granted, will not alter the essential character of the neighborhood. No, it might improve it.

4. The alleged hardship has not been self-created. The hardship is self-created, but it depends.

On the motion of Comm. Hickey, seconded by Comm. Wickman, voted and carried to approve the use variance with the understanding that the entire building will be used solely for the church and its membership.

Chair Dailey	Aye	Comm. Brown	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye

RESOLVED THAT THE USE VARIANCE FOR 9 CLINTON AVE. – (1ST CHURCH)(GB) – USE VARIANCE – OPERATING A CHURCH IN A GENERAL BUSINESS DISTRICT BE PLACED ON THE TABLE BE APPROVED WITH THE UNDERSTANDING THAT THE ENTIRE BUILDING WILL BE USED SOLELY FOR THE CHURCH AND ITS MEMBERSHIP.

New Business

By general consensus of those present, it was agreed that the October meeting would be held on Monday, October 18, 2010.

Adjournment

On the motion of Comm. Hickey, seconded by Comm. Wickman, voted and carried.

Chair Dailey	Aye	Comm. Brown	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye

I, BRIAN DAILEY, CHAIRPERSON OF THE ZONING BOARD OF APPEALS FOR THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A MEETING OF THE ZONING BOARD OF APPEALS OF THE CITY OF CORTLAND, HELD ON THE 13TH DAY OF SEPTEMBER 2010.

BRIAN DAILEY, CHAIRPERSON