

Conditional Use Public Hearing
Wednesday, March 10, 2010
Addition of 2 Rental Units to 226 West Oley Street
Council Chambers

Vaughn D. Spencer, President of Council, called the hearing to order at approximately 6:25 p.m.

Purpose

Council President Spencer announced the purpose of the hearing. He explained that the owner of 226 West Oley Street is applying to add two (2) additional rental units to this single family property.

Attendance

Council President Spencer
Councilor Marmarou
Councilor Goodman-Hinnershitz
Councilor Acosta
Councilor Reed
City Clerk Linda Kelleher
Legal Specialist Michelle Mayfield
Zoning Enforcement Officer William Frymoyer
Miguel Estrada, owner of 226 West Oley Street
Kevin Devera, owner of a neighboring property
Mark Burford, owner of a neighboring property

Council President Spencer explained the format of the hearing and asked the Legal Specialist to conduct the hearing.

Legal Specialist Mayfield asked the stenographer to administer the oath to those planning to testify at the hearing. After the oath was administered, Legal Specialist advised those planning to testify about the testimony procedure.

Legal Specialist Mayfield asked that the agenda with all attachments be entered into the record as Exhibit 1. She explained the agenda attachments.

Testimony from Applicant

Mr. Estrada and his daughter stepped to the podium and it became clear to all present that Mr. Estrada was unable to speak English but did not request a translator. Councilor

Acosta offered to assist.

Through Councilor Acosta, Mr. Estrada told Council that he purchased the property for himself, his daughter and two (2) additional people. He stated that he resided at 639 Pear Street when he purchased 226 West Oley Street. He purchased the property in December 2008.

Councilor Acosta inquired when Mr. Estrada checked on the zoning designation of the property. Mr. Estrada stated that he learned that the property was zoned for a single family use.

Councilor Acosta inquired when the property turned into a three (3) unit property. Mr. Estrada stated that he did not know. He stated that after he purchased the property he only replaced carpeting and painted. He stated that the property was a three (3) unit property, with three (3) kitchens and three (3) entry doors when he purchased it. He stated that he learned about the improper zoning when he applied for a housing permit.

Zoning Enforcement Officer Frymoyer stated that a single family zoning permit was issued to Mr. Estrada in July 2009. When he applied for a three (3) unit housing permit, he was told about the need to apply for a Conditional Use permit.

Legal Specialist Mayfield inquired about the single family zoning permit.

Councilor Marmarou expressed the belief that Councilor Acosta acting as translator and part of the panel may be creating a procedural problem. Legal Specialist Mayfield agreed and suggested continuing the hearing until a court appointed translator could be present. She suggested recessing until March 31st.

Mr. Devera requested permission to testify as he took off from work to attend the hearing. He stated that he and Mr. Burford may not be able to adjust their schedules to attend on the 31st of March.

Legal Specialist Mayfield asked Mr. Estrada if he objected to allowing testimony for neighbors out of order. Mr. Estrada said that he does not object.

Public Comment

Mark Burford, of West Oley Street, stated that he has resided in his owner occupied rental property since 1988 and has watched the neighborhood plummet due to the increase in rental properties and rooming houses. He described the variety of quality

of life problems the over use of rental properties brings to neighborhoods. He stated that not all investors comply with the city's regulations. He suggested examining the integrity of the property owner before issuing the rental permit.

Councilor Acosta objected to Mr. Burford's remark. Mr. Burford clarified that he was not inferring that Mr. Estrada did not have good integrity or good intentions. He stated that he believes that property owners should act responsibly and he described the quality of life problems with the adjoining rental property.

Councilor Marmarou made a procedural objection as the applicant cannot offer rebuttal as he cannot understand English. He asked that the hearing be recessed. Councilor Acosta agreed that a translator should be present.

Council President Spencer acquiesced to the decision of the Legal Specialist.

Councilor Reed stated that as the first person registered was permitted to speak, Mr. Devera should also be given the opportunity to speak.

Councilor Marmarou stated that Mr. Devera can submit written testimony if he cannot attend the rescheduled hearing.

Councilor President Spencer stated that two (2) issues are present:

1. Allowing the testimony of those unable to attend the March 31st continued hearing
2. Allowing those present to testify without a translator present.

Legal Specialist Mayfield inquired if Mr. Estrada objected to allowing comment from Mr. Devera. Mr. Estrada stated that he did not object.

Kevin Devera, of West Oley Street, stated that he purchased his single family property 17 years ago. He described the decimation of this neighborhood and decaying quality of life the increase of rental properties has caused. He stated that although programs like Weed and Seed and graffiti removal have helped they have not cured the daily problems overcrowding and parking issues that accompany increased rental housing in neighborhoods. However, he noted that Mr. Estrada made very nice exterior improvements to this property.

Council President Spencer closed testimony for this hearing and announced that the hearing is recessed until March 31st at 5 p.m., following the Conditional Use Hearing already scheduled for 555 North 10th Street.

The hearing adjourned at approximately 7:10 p.m.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk