

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
February 24, 2016

Kench called the meeting to order at 7 p.m.

I. Roll Call: Staff called roll.

Members Present: Berkshire, Ferden, Fokens, Friedrich, Orlik, White.

Members Absent: Raisanen.

Staff: Kench

II. The Board welcomed Commissioner Friedrich to the Board as the newly appointed cross-over member from the Planning Commission.

III. Election of Officers:

Staff opened the floor for nominations for Chair.

Motion by Orlik, support by Berkshire, to nominate Commissioner Fokens as Chair. There were no other nominations. Motion approved unanimously.

Staff turned the meeting over to Chairman Fokens.

Chairman Fokens opened the floor for nominations for Vice-Chair.

Motion by Orlik, support by Ferden, to nominate Commissioner Berkshire as Vice-Chair. There were no other nominations. Motion approved unanimously.

IV. Approval of Agenda:

Motion by Berkshire, support by Orlik, to approve the agenda as written.

Motion approved unanimously.

V. Approval of Minutes: October 28, 2015

Orlik asked for a change on Page 6 under item VII - it should read "Old Business".

Motion by Friedrich, support by Ferden, to approve the minutes as amended from the October 28, 2015 meeting.

Motion approved unanimously.

VI. Communications:

Staff reported that there were no communications to share at this time.

VII. Public Comments:

Chairman Fokens opened the floor for public comments.

There being no one who wished to address the Board, the Public Comments session was closed.

VIII. Public Hearings:

Chairman Fokens explained board proceedings, noting that a quorum was present.

A. ZBA-01-2016 - 721 E. Lincoln Street.

Kench introduced Case ZBA-01-2016, filed by Asad & Taleb Dabas, who are looking to purchase a home at 721 East Lincoln Street. They are seeking a finding under section 154.007 to re-establish a non-conforming residential use on the property.

Kench noted that the site is located in the C-3 - General Business District, which does not permit a single family home. The property is going through a foreclosure and has remained vacant for more than a year. As a result, the zoning ordinance requires the Board to render a finding under section 154.007 to resume the residential use on the property.

Staff noted that the assessing records indicate the home on this property was constructed in 1909 and has remained a residential use since that time. Staff further noted that the Board will need to find that resuming the residential use will represent a marked decrease in the degree of nonconformity, will improve the character of the neighborhood, and will be a decided benefit to adjacent conforming uses in order to grant the request.

Orlik reaffirmed for the record that this property has never been used for commercial purposes.

Berkshire commented that if the home had been sold before the 1-year expiration, it could still be used as a residence without board approval. Staff concurred.

Fokens questioned what would happen if the new owner did not occupy the building for more than a year - if they would have to come back to the Board. Staff noted that yes, the ordinance would require them to reappear for another finding.

Michelle Dabas, who resides at 1701 Stockman, provided an update on the property, noting that she is assisting her brother with the purchase. They currently have an agreement in place to buy the home, contingent upon the Board's approval.

Berkshire asked how long her brother planned to live at this site.

Mrs. Dabas indicated that her brother currently lives overseas and will move here with his teenage sons who will be living at the site while they attend CMU over the next six to eight years.

Berkshire questioned the living arrangement with the owner, who indicated this will be a family home. Her brother currently lives here 3-4 months out of the year and will be living in this home with his sons. Both parents will live here through the summer. The home will only be used for the family.

Orlik noted that if approved, the applicant has indicated they would be moving here by July. Mrs. Dabas indicated that they are currently working to receive their visas, and are looking at moving here by July/August to get acclimated to Mt. Pleasant prior to the beginning of the school year. She noted that the family comes here every year, and the two sons have actually taken part in the City's PEAK program, so they already feel like they are part of the community. This is the first time that the father has found a place here that he wants to live.

Orlik noted for the record, that the zoning ordinance would allow one non-related person to live at this site with the two brothers and still meet the definition of a family. Staff concurred.

Kench shared correspondence from the DPS, DPW and the City Planner all having no objections to the request.

Berkshire moved to approve case number ZBA 01-2016 filed by Asad & Taleb Dabas, seeking approval to reinstate a non-conforming residential use on the property at 721 East Lincoln Street under section 154.007. The approval will allow the single family dwelling that was constructed in the early 1900's to remain on the site and be used as a single family home.

The Board recognizes that the unfortunate foreclosure on the property caused the ability to use the property in its current fashion to expire.

The Board finds that the property lacks actual frontage on the Mission Street commercial corridor, which differs from the two commercial businesses that operate on either side of Lincoln Street.

The Board finds that the residential use fits the character of the neighborhood as it has existed for more than 100 years.

Chairman Fokens opened the Public Hearing. There being no one who wished to speak, the public hearing was closed.

Motion on the floor is supported by Orlik. Motion approved unanimously.

IX. Old Business:

Kench provided an update on the case that was presented to the Board last October regarding Citgo, which was postponed at the applicant's request. Since that time, the applicant and Tim Bebee, their engineer, decided to remove the Rec-90 sign from the pylon, and therefore no longer need to seek a variance.

X. New Business

A. Kench provided an update on the M-2 procedures recently adopted by the Planning

Commission following a number of zoning amendments in the area. Following discussion, Berkshire moved to approve the new standards, supported by Ferden. Motion approved unanimously.

- B. 2016 Meeting Schedule - Berkshire moved to approve the meeting schedule as drafted, supported by Ferden. Motion approved unanimously.
- C. March ZBA Meeting - Kench provided an update on a couple of cases that may be presented to the Board in March/April.

XI. Adjournment

Motion by Friedrich, supported by Ferden, to adjourn.

Motion approved unanimously.

Meeting adjourned 7:35 p.m.