

Board of Adjustment
Minutes
November 5, 2015

Meeting was called to order at 6:00 p.m. by Chairperson Moe Richardson. Those in attendance: Moe Richardson, Roch Player, Gary Ulch and Liz Sparks. Absent: Lori Boren. Also in attendance: Zoning Administrator, Matt Siders and Chris Watkins with Coldwell Banker, representing the applicant.

1. Approval of Agenda. Motion made by Player, seconded by Ulch to approve the agenda. Carried all.
2. Approval of minutes from May 26, 2015. Motion made by Ulch, seconded by Player to approve the minutes. Carried all.
3. Public Hearing and discussion and possible action on a request for a Conditional Use Permit for change of use from Commercial to Single Family Detached at 223 First Street NW. Richardson declared the public hearing open. Sparks went on the record saying that the applicant is her uncle. She will participate in the discussion to the point where she can add information and ask relevant questions but will recuse herself from voting.

Siders explained that there was an application for a Conditional Use Permit at 223 1st Street NW. The last known use of this property was commercial as recognized by the City. There was a business operating at that address and the City billed them as a commercial business. The applicant is seeking this Conditional Use permit to help make it easier to sell this property by allowing Single Family Detached as a use. In the Town Center district this is allowed with a Conditional Use permit. They do not currently have any offers but they feel it would be extremely difficult to sell the property if they had to go through this process before the purchase. Last night at Planning and Zoning, the commission did give a recommendation that BOA accept the Conditional Use Permit for Single Family Detached use only. There are other uses in the Town Center that this could be used for but only Single Family Detached was being sought. Chris Watkins with Coldwell Banker said that they didn't want to be restricted when they sold the home and have to wait for a hearing.

Sparks asked Siders whether all other residences in the Town Center district had been given Conditional Use permits or if they had been "grandfathered in". Siders said that he is assuming that all of those homes were existing when the Zoning Ordinance was passed and were therefore grandfathered in. If they did change use for any reason, he would need to go through the ordinance and determine if the use is permitted. Player asked if the change would be based on

ownership or use. Siders said it would be based on use and it would need to conform to the Zoning Ordinance. Sparks said she has been inside the property and it is basically a large Victorian home.

Board members confirmed that the use that is being requested is permitted with a Conditional Use Permit in Town Center. Board members then went over the criteria in Table 13-1 of the Zoning Ordinance and determined the following fact finding: Land Use Compatibility was not relevant, Height and Scale was not relevant, Site Development was not relevant, Operating Characteristics was relevant and proposed use complies, Public Facilities was not relevant. Board members found that the proposed conditional use of the property satisfies all relevant criteria in Table 13-1. This is a conditional use permit being given to the property and not the owner. There was discussion about imposing conditions to require the owner to come back and seek additional permits if the current structure is torn down. Siders said that if the existing structure was torn down and the owner wanted to re-build as Single Family Detached, they would need to get a new building permit, seek another Conditional Use Permit if required and comply with all zoning requirements. There were no additional conditions imposed to meet Table 13-1 criterion.

Player moved that for the property at 223 1st Street NW in Mount Vernon, the Board of Adjustment grant a Conditional Use Permit for use of Single Family Detached in Town Center zoning area. Motion seconded by Ulch. Voting yes: Player, Ulch, Richardson. Abstain: Sparks. Motion passes.

Meeting adjourned at 6:32 p.m., November 5, 2015.

Respectfully submitted,
Marsha Dewell
Deputy Clerk