

Board of Adjustment

Minutes

February 2, 2016

The Board of Adjustment of the City of Park Hills, Missouri, held a public hearing in the Council Chambers at 10 Municipal Drive on February 2, 2016 at 6:00 p.m.

CALL TO ORDER: Chairman Flowers stated the rules and procedures from the conduct of business of the Park Hills Board of Adjustment, citing Section 400.220 (B) of the Municipal Code.

ROLL CALL: Members present: Chairman Reggie Flowers, Jennifer Lewis, Ron Burns, John Reeves, Bob Gerig and Kevin Boren. Absent were Kelly Valle and Linus Barnfield. Also present were city staff members Joshua Hankins, Community Development Director and Lori Bolius, Secretary.

Others present: Applicants Mr. and Mrs. Redecker, Councilman Larry Kelly, and resident Julie Hulsey.

General Pre-Business: Motion to approve the minutes from the November 17, 2015 meeting made by Reeves and Seconded by Reeves. Motion carried.

Flowers stated the following case:

Case Number – 2016001V: Review of a request from property owner, Walter Redecker, for a variance from the provisions of the Municipal Code Section 400.150.D.1 pertaining to Front Yard Setback at the property located at 60 Wood Street and possible action thereon. Applicant was present

Flowers asked the city to present the exhibits.

Josh presented the following exhibits within the packet explaining to members the applicant submitted application and plans for the project to the city. The plans were rejected due to the fact that it did not conform to the Building Code requirements for spans or inspections. It was then observed that the process of constructing of the carport had been taking place without permit resulting in a stop work order. It was also identified that the required building setbacks may have been encroached. The applicant submitted a site plan with dimensions resulting in the conclusion that, in fact an encroachment of twelve (12) feet had occurred. Mr. Redecker then applied for a variance. He further stated that the applicant continued with the project as shown in photos contained in the packet which resulted in the applicant receiving tickets.

At this time Chairman Flowers welcomed applicant and asked if the applicant had any additional exhibits to submit.

Mr. Redecker had a Google print out of the property he showed members. He further admitted to members he was aware of the permitting process and had been approached by Councilman Kelly as well, but had neglected to secure a permit before he proceeded with his project. He stated that the break in the weather motivated him to move quicker than he had expected as he had planned to begin the project in early spring. He then applied for the permit. Upon the review process, city officials told him of the problem of the set back issue and other concerns which he would have to address as to the construction plan. He also apologized to staff and board members for his actions and also told of his court experience when paying the tickets issued. He went on to say he hoped to be granted the variance.

Ron Burns stated to Mr. Redecker that he had been to the site twice and knew what the project looked like.

Flowers asked if anyone else present would like to speak.

Councilman Larry Kelly stated he was here to speak in the behalf of the applicant. He stated the applicant was residing in the ward he represented. He also had on his tablet the Google earth picture of the parcel for members to see. He wanted members to consider the aesthetics of the neighborhood and spoke of a few undesirable properties in the vicinity such a roof on a dwelling is tarped and has been for some time as well as a 1950's mobile home. He further stated the day he drove by and noticed Mr. Redecker working on the project, he asked him about a permit and Mr. Redecker told him he had not applied for one but had planned on it and Kelly advised he get the permit. Kelly stated that he understands the city regulations and hopes the board will grant the variance so the project can continue.

Julie Hulsey stated she resides just behind the Redeckers and spoke in favor of the project, also understanding the need for regulations stated no one accesses the street but them as it is the only property it serves.

Josh spoke for the city stance that the case did not present a unique circumstance or hardship.

Redecker stated he was not clear of what would present a hardship, but he favors this location for access into the existing structure as a concrete pad is located here which he utilized.

Josh explained examples of hardships, such as a land grade hardship, etc.

Flowers quoted a case from another municipality which dealt with the same issue concerning practical difficulty and undue hardship.

BOARD DISCUSSION:

Kevin Boren stated he understands the regulations of the code but he feels the applicant demonstrates a practical use and then made a motion to approve the request for the variance. Motion seconded by Gerig

Vote result-4 yes 2 no

Ron Burns-No

Kevin Boren --Yes

John Reeves-Yes

Jennifer Lewis- Yes

Reggie Flowers -No

Bob Gerig-Yes

Flowers stated the variance has been granted and the city would prepare a Fact of Finding for the applicant.

Adjourn: Motion to adjourn made by Reeves and Seconded by Lewis. Motion carried

Respectfully submitted by:

Lori Bolius, Staff Secretary