

April 30, 2009

7:30 a.m.

**Item 1. Roll Call.**

PRESENT: Bill Griffey Sr., Rodney Rounkles, Dr. Nick Houk, Richart Andrew, Kenneth Dickey

STAFF PRESENT: Frank Davis, Kathy Twitchell

ABSENT: Jerry Woods, Sonny Parker

Chairman Griffey called the meeting to order and wanted the record to show that Kenneth Dickey, an alternate on the board, was present in Jerry Woods absence. A quorum was present.

**Item 2. Approval of Minutes August 21, 2008**

MINUTES APPROVED: A motion was made by Commissioner Rounkles to approve the August 21, 2008 minutes; Commissioner Andrew seconded. Motion approved.

**Item 3. Public Hearing.**

**3 A. Variance Hearing Case Number BZA-09-00. Application for variance to display signs for a business with no public street frontage, Zoned C-3, Service Business District. Applicant and Owner: Jerry Bishop, B&B Enterprises.**

Frank Davis, Director of Planning and Zoning gave the staff report. The property, owned by Jerry Bishop, is located at 1454 Kearney Road, Excelsior Springs, MO. The request is for a variance from City Code Chapter 403, Section 403.100 (2) for the purpose of displaying signs for a new business without street frontage on which to calculate allowable signage in the existing zoning.

The building and adjacent parking areas are recently completed new construction and are not yet open for business. However, after discussion with the owner, they plan to have the Quick Lube operation open by the first week of May. The remainder of the building that will house the other two businesses are not ready for occupancy.

Based on standards set forth in the city code for the Board, staff has come to the following conclusions.

The physical surroundings and location of the property do create a hardship on the applicant for the displaying of signs as required by city code.

The plight of the owner is due to unique circumstances. It is unusual for a commercial property located in a centralized commercial subdivision to be land locked and not have adjacent street frontage upon which signage can be calculated as outlined by city code.

The variance request, if granted, will not alter the essential character of the locality.

Staff can find no standard based on the facts of the case, environmental considerations, property inspection, or evidence supplied from the applicant that would require a negative recommendation to the Board for this request for variance to display appropriate signage in C-3 zoning.

Therefore, on the evidence of record, the proposal is supportable. Absent new evidence to the contrary at hearing, or otherwise brought to light, staff recommends approval of the requested variance for the enclosed signage as proposed by the owner, based on the Kearney Road frontage that runs parallel to the existing platted lot.

Pictures of the proposed signs were provided in the commissioners packets.

The applicant, Jerry Bishop, stated he owns the three businesses and has one tenant space ready. Mr. Bishop does not plan on expanding this building but may put something further back in the future.

Mr. Davis stated that 600 (six hundred) square foot of signage is allowed in C-3 zoning.

Commissioner Houk wanted verification if this meant the 3 (three) signs could total 600 (six hundred) square feet.

Mr. Davis stated the combined amount of all signs could be up to 600 (six hundred) square feet.

Commissioner Griffey explained that no less then a 4-1 vote is required for approval.

Commissioner Houk asked if any response was received from neighbor letters. Mr. Davis said no comments were received.

Commissioner Rounkles motioned to approve the variance request and Commissioner Andrew seconded. Motion was unanimously approved. Record shows a vote of 5-0 for approval.

**Item 4. New Business.**

4 A. No new business was presented.

**Item 5. Adjourn.**

No comments from the commissioners.

Commissioner Houk motioned to adjourn the meeting, Commissioner Andrew seconded. Motion approved. Meeting adjourned at 7:39 a.m.

Kathy Twitchell, Secretary to the Commission

Board of Zoning Adjustment  
MINUTES OF MEETING

November 13, 2009  
7:01 a.m.

**Item 1. Roll Call.**

PRESENT: Bill Griffey Sr., Rodney Rounkles , Dr. Nick Houk (arrived at 7:05), Richart Andrew, Jerry Woods, Kenneth Dickey (alternate to board), Sonny Parker

STAFF PRESENT: Larry Murry, Kathy Twitchell

ABSENT: No one was absent.

Chairman Griffey called the meeting to order. A quorum was present.

**Item 2. Approval of Minutes October 8, 2009**

MINUTES APPROVED: A motion was made by Commissioner Rounkles to approve the October 8, 2009 minutes; Commissioner Andrew seconded. Motion approved.

**Item 3. Public Hearing.**

**3 A. Variance Hearing Case Number BZA-09-003. Application for variance from R-2 Zoning (Two Family Residential District), restricting use of land in this district for the purpose of constructing a driveway on public right-of-way on the property, Applicant & Owner: Charles & Judith Schrieber, 419 Old Orchard, Excelsior Springs, Missouri.**

Larry Murry, Building Official gave the staff report. The property, owned by Charles & Judith Schrieber, is located at 419 Old

~~Chairman, Excelsior Springs, MO. The decision for a variance was originally~~  
City Code Chapter 400, Section 400.280 (D) for the purpose of constructing a driveway on public right-of-way on the property. A copy of a memo from Chad Birdsong, Director of Public Works was distributed to the owner and commissioners. The memo stated: public works never approved any plans on this driveway, it does not meet the City of Excelsior Springs construction specifications as far as expansion joints, an inspection was never scheduled for this driveway. The memo further stated that Chad Birdsong met with the Brian Schrieber (Charles & Judith Schrieber's son) who lives at 419 Old Orchard. At that time, Brian Schrieber stated he had not received approval from the Planning Director. Chad Birdsong told Brian Schrieber to get approval first and then contact him to set up an inspection before any concrete is poured.

Larry Murry stated fourteen neighbor letters were sent to all property owners within 185 feet of the applicant's property. One reply was received which was in favor of allowing the driveway.

Larry Murry stated staff could not recommend this variance based on the facts of the case, environmental considerations, property inspection, or evidence supplied from the applicant that would require recommendation to the Board for this request for variance to allow a driveway without sufficient set backs and allow no public right-of-way.

Commissioner Griffey explained that the Board of Zoning Adjustments is made up of five (5) members with an alternate. In order to override an existing ordinance it takes a vote in favor of four (4) out of five (5) to approve a variance.

Charles Schrieber owner of 419 Old Orchard addressed the board. Mr. Schrieber stated he was told by Frank Davis, Director of Planning & Zoning that he could upgrade the existing driveway (a picture was provided). When he returned to ask permission to move the driveway he was told that was not an option and he was not

~~Every morning, a building official requested Mrs. Clever was originally~~  
told her could upgrade the existing driveway he poured the driveway. When Mr. Davis came to visit him and told him he was in violation he asked for the notice to be in writing. A copy of Mr. Davis letter was available. Mr. Schrieber stated he felt he had made an improvement to his property and the appearance from the street by adding the driveway.

Commissioner Griffey asked Brian Schrieber if the conversation with Mr. Davis took place as stated in Chad Birdsong's letter. He stated the conversation did take place as stated.

Commissioner Andrew motioned to deny the variance request for construction of a driveway on public right-of-way. Commissioner Runkles seconded. Commissioner Dickey (alternate to board) abstained and Commissioner Woods voted in favor. Motion approved.

3b. Variance Hearing BZA 09-004, Application for variance from R-1 Zoning (Single Family Residential District), restricting an accessory building without a principal use building. Applicant & Owner: Robert Clevenger.

Mr. Clevenger was present to answer questions. Mr. Clevenger explained that his plans are to build a home on his lot at Orchard Place, as soon as his current home on Elms Boulevard sells. The home on Elms Blvd. is listed with a real estate agent currently but due to the market not many leads. He put the 10x16 movable storage shed on the Orchard Place property to store his lawn mower and tools for easy access to take care of the yard. He does not have another place to move the storage shed.

Mr. Clevenger was given the option of presenting building plans and obtaining a building permit. The building permit is good for 6 months and an additional 6 months could be requested. Mr. Clevenger said this was not an option.

~~Larry Murry, Building Official, met with Mr. Clevenger (10/00) and requested that the applicant be given thirty (30) days to remove the storage shed. Mr. Clevenger agreed to this request.~~

Commissioner Rounkles motioned to deny request for variance until such time that a building permit is issued. Commissioner Houk seconded with Commissioner Dickey (alternate to board) abstaining. Motion approved.

3c. Variance Hearing BZA 09-005, Application for variance to reduce the number of parking spaces required and/or all off site parking. Applicant & Owner: Tom Whitacre, 940 Isley Exccelsior Springs, Missouri.

Laura Kingery, Bob Whitacre and Tom Whitacre were present to answer questions.

Tom Whitacre presented a request to reduce the required parking from forty (40) parking spots and allow off site parking. The off site parking would be across ten (10) highway. Non-notarized documents were presented from Tom Carrell (owner of the Dari-B) and Franklin Bollinger (owner of lot next to carwash) giving permission for parking.

Parking is not available on either side of the property at 940 Isley. Rudy Knipker (co-owner of John's Super) stated parking in his parking lot was not an option. He has provided three (3) parking spots in the past but had notified the Whitacre's he would not be providing any parking.

Laura Kingery explained that during the summer months the skating rink's business is very slow, so it would not interfere with the Dari-B's business. Laura also explained that an option to add a crosswalk had been explored.

Larry Murry, Building Official, provided written documentation that

~~Commissioner Griffey~~ applied for a variance to allow off site parking (10,000) and the off site parking lots would need improvements. Improvements needed would be lighting and paving of the lots.

All the commissioners agreed a need for activities for youth is needed, especially a skating rink, but safety of the youth outweigh the need.

John Knipker (co-owner of John's Super) stated that when the Whitacre's and Laura Kingery were in the process of purchasing the building both he and the previous owner told them no parking was nor would be available.

Commissioner Houk motioned to approve the variance to allow off site parking. Commissioner Woods seconded. Both noted that they were approving to allow off site parking and safety was an issue for the city. Building Official Larry Murry provided the commissioners with Section 404.090 Standards for Board of Zoning Adjustment. Section 2d) "That the granting of the variance will not be detrimental to the public welfare in the neighborhood in which the property is located".

Commissioner Houk and Woods both withdrew their motions.

Commissioner Griffey asked for a new motion. Commissioner Houk motioned to deny the request. Commissioner Rounkles seconded. Commissioner Dickey (alternate to the board) abstained. Motion passed.

#### **Item 4. New Business.**

No new business was presented.

#### **Item 5. Comments of Commissioners**

Commissioner Griffey would like the minutes to reflect City Officials did a nice job of presenting and preparing the packets.

**Item 6. Adjourn**

Commissioner Houk motioned to adjourn the meeting, Commissioner Andrew seconded. Motion approved. Meeting adjourned at 9:30 a.m.

Kathy Twitchell, Secretary to the Commission

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Board of Zoning Adjustment  
MINUTES OF MEETING

January 21, 2010  
7:07 a.m.

**Item 1. Roll Call.**

PRESENT: Bill Griffey Sr., Rodney Rounkles , Richart Andrew and Kenneth Dickey (alternate to board)

STAFF PRESENT: Nick Pappas, Larry Murry and Kathy Twitchell

ABSENT: Dr. Nick Houk, Jerry Woods and Sonny Parker

Chairman Griffey called the meeting to order. A quorum was present.

**Item 2. Approval of Minutes December 13, 2009**

MINUTES APPROVED: A motion was made by Commissioner Rounkles to approve the January 21, 2010 minutes. Commissioner Dickey seconded. Motion approved.

**Item 3. Public Hearing.**

**3 A. Variance Hearing Case Number BZA-10-001. Application for variance from R-1 Zoning (Single Family Residential District), seeking exemption from parking requirements for purpose of turning a garage into a living area, Applicant: Cecelia Gonzalex, Owner: Bette Chavez, Located at 203 Lodwick Lane, Excelsior Springs, Missouri.**

Nick Pappas, Planning and Zoning Director gave the staff report. The property, owned by Bette Chavez, is located at 203 Lodwick

Lane and is located in a residential area with neighbors in close proximity. A permit for renovation requiring an enclosed garage was issued on October 15, 2009. However, renovation of the unit proceeded without construction of a garage.

All neighboring residential units within a three block radius conform to the parking regulations defined in the city code, with the exception of one older unit.

Cecelia Gonzalez, on behalf of Bette Chavez, was notified that an enclosed garage was required per city code as well as the issued permit for renovation. She was instructed that she had the option of applying for a variance.

Based on the standards set forth in the city code for the Board, staff has come to the following conclusions.

The surrounding residential units conform to the parking requirements as stated in the city code.

The plight of the owner is not due to unique circumstances. The residential unit conformed to city codes prior to the renovation of the garage.

The variance request, if granted, will alter the essential character of the locality. If allowed, the precedence would be to allow all homes on Lodwick Lane to be exempt from residential parking requirements.

Therefore, on the evidence of record, the proposal is not supportable. Absent new evidence to the contrary at hearing, or otherwise brought to light, staff recommends denial of the requested variance.

Cecelia Gonzalez was present to answer questions.

The Commissioners discussed with Cecelia Gonzalez the problems she had with her contractor. A stop work had been issued for not obtaining a permit and submitting building plans. Once plans were submitted changes were made several times and Mrs. Gonzalez ended up having to hire a new contractor.

The Commissioners explained to Mrs. Gonzalez that the board is not involved with decisions by herself and her contractor. The general opinion of the Commissioners was that Mrs. Gonzalez should try to recover some of her funds from the original contractor. Although they are sympathetic to Mrs. Gonzalez's situation the requirements for the zoning adjustment were not supported.

Commissioner Rounkles motioned to deny the variance request for exemption from parking requirements for the purpose of turning a garage into a living area. Commissioner Dickey seconded. The records show the vote was 4-0 to deny the request.

#### **Item 4. New Business.**

No new business was presented.

#### **Item 5. Comments of Commissioners**

No comments from the Commissioners.

#### **Item 6. Adjourn**

Commissioner Dickey motioned to adjourn the meeting, Commissioner Andrew seconded. Motion approved. Meeting adjourned at 7:40 a.m.

Kathy Twitchell, Secretary to the Commission

Board of Zoning Adjustment  
MINUTES OF MEETING

January 27, 2011  
7:35 a.m.

**Item 1. Roll Call.**

PRESENT: Bill Griffey Sr., Rodney Rounkles and Kenneth Dickey  
(alternate to board)

STAFF PRESENT: Nick Pappas, Larry Murry and Kathy  
Twitchell

ABSENT: Dr. Nick Houk, Richart Andrew and Sonny Parker

Chairman Griffey called the meeting to order. A quorum was not present.

**Item 2. Approval of Minutes December 15, 2010**

A quorum was not present to vote on the approval of the minutes.

**Item 3. Public Hearing.**

**3 i. Variance Hearing Case Number BZA-11-001. Application for variance regarding required front setback requirement.**

A quorum was not present to vote on BZA-11-001. The builder was present and given the opportunity to ask questions. Commissioner Griffey advised the builder to discuss with the owner and decide if they want to pursue the request.

**Item 4. Comments of Commissioners/Chairperson**

No comments from the Commissioners.

**Item 5. Adjourn**

Commissioner Rounkles motioned to adjourn the meeting, Commissioner Dickey seconded. Motion approved. Meeting adjourned at 8:08 a.m.

Kathy Twitchell, Secretary to the Commission

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Board of Zoning Adjustment  
MINUTES OF MEETING

March 8, 2011  
7:33 a.m.

**Item 1. Roll Call.**

PRESENT: Bill Griffey Sr., Rodney Rounkles, Dr. Nick Houk,  
Tray Harkins, Richart Andrew and Kenneth Dickey

STAFF PRESENT: Nick Pappas, Larry Murry and Kathy  
Twitchell

ABSENT: Sonny Parker

Chairman Griffey called the meeting to order. A quorum was present.

**Item 2. i. Approval of Minutes December 15, 2010**

Commissioner Rounkles motioned to approve the December 15, 2010 minutes. Commissioner Dickey seconded. The motion carried.

**Item 2. ii. Approval of Minutes January 27, 2011**

Commissioner Rounkles motioned to approve the January 27, 2011 minutes. Commissioner Dickey seconded. The motion carried.

**Item 3. Public Hearing.**

**3 i. Variance Hearing Case Number BZA-11-001. Application for variance regarding required front setback requirement-403 Holtz.**

The builder was present to answer questions.

Nick Pappas gave the staff report. This request is for a variance of

~~City Code Chapter 400, Section 400.080, proposed MB (2)~~ for the purpose of constructing an enclosed front porch on the required front yard, thereby violating front setback requirements. All property owners within 185 feet of the applicant's property were notified. Three residents called to inquire about this request and didn't see any issues.

The property is located at 403 Holtz Avenue in a vast R-1: Single-Family Residential zoning district. The uses of abutting properties are that of a single-family nature, with all properties apparently conforming to zoning regulations upon general inspection. All city-owned utilities are located away from the area in question.

Based on the standards set forth in the City Code for the Board, staff has come to the conclusion that if this request is granted, it will set a precedent on setback regulations within an R-1: Single –family zoning district.

The Commissioners discussed with the builder other options and different locations on the property to build the enclosed porch. The setbacks of the neighboring properties were also discussed.

Commissioner Rounkles motioned to approve the variance at 403 Holtz. A second was not presented.

Commissioner Houk motioned to deny the request for a variance at 403 Holtz. Commissioner Dickey seconded. Record shows the vote was 4-1 to deny the request. Commissioner Rounkles was the nay vote.

#### **Item 4. Comments of Commissioners/Chairperson**

Commissioner Griffey welcomed Tray Harkins as a new board member.

#### **Item 5. Adjourn**

Commissioner Dickey motioned to adjourn the meeting.

Commissioner Andrew seconded. Motion approved. Meeting adjourned at 8:15 a.m.

Kathy Twitchell, Secretary to the Commission

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Board of Zoning Adjustment  
MINUTES OF MEETING

April 19, 2011  
7:33 a.m.

**Item 1. Roll Call.**

PRESENT: Bill Griffey Sr., Rodney Rounkles, Dr. Nick Houk, Richart Andrew, Kenneth Dickey and Chad Taylor

STAFF PRESENT: Nick Pappas, Larry Murry and Kathy Twitchell

ABSENT: Tray Harkins

Chairman Griffey called the meeting to order. A quorum was present.

**Item 2. i. Approval of Minutes March 8, 2011**

Commissioner Rounkles motioned to approve the March 8, 2011 minutes. Commissioner Dickey seconded. The motion carried.

**Item 3. Public Hearing.**

3. i. Variance Hearing Case Number BZA-11-002: 733 Magnolia-Application for variance regarding side setback requirements for a deck

Nick Pappas gave the staff report. This request is for a variance of City Code Chapter 400, Section 400.110, Subsecton B (3) for the purpose of constructing a pool deck closer than seven feet from a side property line as required by City Code. All property owners within 185 feet of the applicant's property were notified. Four residents called to inquire about this request and didn't see any

issues.

The property is located at 733 Magnolia in a vast R-2: Two-Family Residential zoning district. The uses of this and abutting properties are that of a single-family nature, with numerous properties violating side setback regulations. Due to the platting of this neighborhood in the early 1900s, the lots contained therein are extremely narrow, with an average width of only fifty feet. (Current standards for a new development in a similar zoning district would require a minimum lot width of ninety feet.) In addition, the topography of the neighborhood is steep with a relief of ten percent on average. This layout facilitates erosion and building instability. All city-owned utilities are located away from the proposed project area.

Based on the standards set forth in the City Code for the Board, staff has come to the conclusion that if this request is granted, it will not set a precedent on setback regulations within an R-2: Two-Family Residential Zoning district for the following reasons:

The plight of the owner is due to unique circumstances, namely topography and antiquated platting. The size of the houses in this neighborhood, combined with the fact that numerous properties violate current setback regulations, attest to an earlier ideal in planning theory: build tighter, more compact, walkable neighborhoods. The houses in this neighborhood were meant to violate current setback regulations.

The variance, if granted, will not alter the essential character of the locality. As previously noted, many properties in this neighborhood violate current zoning regulations, to no fault of their own.

The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood. To the contrary, the granting of this variance would likely enhance property values in the neighborhood due to the property no longer eroding. Further, since this is merely a deck, light and air concerns are insubstantial.

The particular physical surroundings, shape, or topographical

conditions of the specific property involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out. Currently, due to severe erosion along the rear yard of the property, maintenance of the land is very difficult and walking across the property is impossible due to mud. The construction of a deck to the west side lot line would alleviate these conditions.

Commissioner Andrew motioned to approve the variance at 733 Magnolia. Commissioner Dickey seconded. Commissioner Rounkles abstained. The motion carried with four positive votes.

**Item 4. Comments of Commissioners/Chairperson**

No comments.

**Item 5. Adjourn**

Commissioner Houk motioned to adjourn the meeting. Commissioner Rounkles seconded. Motion approved. Meeting adjourned at 7:45 a.m.

Kathy Twitchell, Secretary to the Commission

Board of Zoning Adjustment  
MINUTES OF MEETING

December 6, 2012

7:39 a.m.

**Item 1. Roll Call.**

PRESENT: Bill Griffey Sr., Rodney Rounkles, Nick Houk, Tray Harkins, Rich Andrew.

STAFF PRESENT: Bill Ahrens, Planning & Zoning Director, Larry Murry, Building Official; and Jaime Blackburn, Board of Zoning Adjustment Secretary and Chad Taylor, Pro Tem.

ABSENT: Kenneth Dickey

VISITORS: Richard Cox and Darlene Berg.

Chairman Griffey called the meeting to order. A quorum was present.

**Item 2. Approval of Minutes November 15, 2012**

Commissioner Rounkles motioned to approve the November 15, 2012 minutes. Commissioner Harkins seconded. The motion carried. Bill Griffey said Jaime did a nice job on last meetings minutes.

**Item 3. Public Hearing.**

Variance-BZA-12-003, 2212 West Street application for variance regarding building permit and driveway regulations in an R-1: Single Family Residential District.

Bill Ahrens, Planning & Zoning Director, presented to Board of Zoning Adjustments the request for a variance from City Code Chapter 404, Section 404.020 and City Code Chapter 400, Section 400.280 Subsection D for the purpose for constructing a residential garage. All property owners within 200 feet of the applicant's property were sent a letter concerning this application, and a legal notice of this public hearing was published in the Excelsior Springs Standard. Three comments were received as of Wednesday, November 28, 2012 and one additional comment after that date so a total of four comments were received from neighbors. All say that the garage would be a positive improvement to the property, however should follow building codes and three comments stated that the driveway should be paved and that the gravel drive is kind of a nuisance at a dead-end street with cars turning around throwing loose gravel into the streets which sometimes washes gravel to adjacent properties. One comment said they had no issue pro or con with the driveway.

A little background on City Code requirements that we are asking variance from, Section 404.020 covers building permits, basically states that it shall be submitted with a layout or site plan, drawn to scale, showing actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and any accessory buildings, etc. Section 400.280 which is parking and loading requirements basically states that all parking areas and drives to be used for occupying a building surface to be either asphalt or concrete. Further it states that existing gravel drives may be maintained, however if any existing gravel drive is extended or replaced shall be replaced with concrete or asphalt. Basically if a home improvement is going to include a garage or a garage addition then the existing gravel drive shall be paved. Additionally when an existing residential structure with an unpaved driveway abuts a subdivision where a majority of the driveways are paved, the owner shall be required to pave the driveway as part of a home improvement project that includes a new garage or a garage addition.

This property at 2212 West Street is located in an R-1: Single family residential zoning district. A location map is attached. Adjacent properties on all sides are also zoned R-1.

Applicant met with City Community Development Department staff to ascertain the City's requirements for construction of a garage on the property. Applicant was informed that prior to a building permit being issued, city code requires that any accessory building greater than 120 sq. ft. requires submittal of a staked plot plan and structural plans stamped by a licensed engineer. Since the property has an existing gravel driveway, city code would require that the driveway be paved. Applicant did not wish to provide a plot plan or pave the driveway. I might add that since the filing of this application, the city plot plan has been received and the driveway is still unpaved.

Staff is recommending denial of the requested variances from Section 400.280.D, driveway requirements of the zoning code. Since the property has an existing gravel driveway, city code would require that the driveway be paved. We feel that the city requirements are reasonable and consistently applied. Staff's opinion is that the variance request does not meet any of the standards of BZA in terms of hardship on the applicant, size, or shape of the lot.

**Item 4. Comments of Visitors:** Mr. Richard Cox presented his case to the BZA committee giving some history of West Street and the property he owns. He wanted to address a few issues. He felt the progressive nature of these requests, building permits, just leads to one big expense to another and all he wanted to do was provide a renter to place to put a car in a carport or a garage. The building passes all the city codes and it was a \$3000 investment. He thought that was a lot to spend since he went ahead and put new siding, windows on the house to up the neighborhood and for a personal reason too. He showed pictures of the before and after shots of the

property's improvements. He found it quite a hardship to go through this process. He thinks there could be a better way to handling our City codes and why would you have rules when you are making an improvement to a property, adding more costs to the person trying to make the improvements and believes the city needs to use common sense. There are better and more efficient ways to handle this and he did not need a survey because he personally knew where the utilities were buried on his property. Sometimes it does not require a fine tooth approach in his opinion. He ended up doing everything the city wanted me. He drew up his own plot showing everything they wanted to see. Feels it is a dictated list when it comes to doing something in the City.

Chairman Griffey explained the job of the committee to Mr. Cox whether they agree or do not agree. They are given a set of guidelines in order for a variance to be considered it is not a matter of whether the committee likes an idea or favor an idea or an improvement to the community those are not the guidelines. It must fit within these guidelines if I understand what you are saying by our definitions you are not a victim of the ordinance as far as a unique situation except that to do what you want to do and if you comply with the ordinance of the city then a person is going to spend a lot of money. That is not taken into consideration of the guidelines and they are laid down by the board of adjustments. You need to understand we have no control if there are problems with the ordinances.

Visitor Darlene Berg, homeowner at 2214 West Street commented that she put in a driveway and made improvements. She stated her neighborhood looks just as good as King Estates. She states if you do an improvement then you need to follow the City codes.

Commissioner Houk motioned to deny variance at 2212 West Street. Commissioner Harkins seconded. The motion carried. Five ayes on denying variance at 2212 West Street.

Minutes prepared by Jaime Blackburn, Secretary.