

MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT

Tuesday, January 24, 2012 - 4:00 p.m.
Council Chamber
City Hall

Pursuant to notice, the Zoning Board of Adjustment of the City of St. Joseph met in the Council Chamber, City Hall, on Tuesday, January 24, 2012, at 4:00 p.m.

	<u>Name</u>	<u>Attendance</u> (mtgs attended-mtgs absent)	<u>Term of Office</u>
MEMBERS PRESENT:	Terri Lowdon	(1-0)	2/23/14
	Richard Meng	(1-0)	4/30/14
	Ken Beck	(1-0)	2/22/16
	Lasha M. Dalakishvili	(1-0)	2/22/16
	Terry Hall, alternate	(1-0)	8/09/15
MEMBERS ABSENT:	Chad Gaddie	(0-1)	3/22/14

Quorum Present. Four members constitute a quorum (Four votes required to approve a request).

OTHERS PRESENT: Dustin Smith, City Planner
Ted Elo, Assistant City Attorney
Roger Sparks, City Engineer

Lowdon: Ok, call this meeting to order. Can we have the roll call please?

Secretary: Ken Beck?

Beck: Here.

Secretary: Lasha Dalakishvili?

Dalakishvili: Here

Secretary: Terri Lowdon?

Lowdon: Present.

Secretary: Richard Meng?

Meng: Here.

Secretary: We have four members in attendance. That is enough for a quorum.

Lowdon: I'm going to start the meeting by reading the rules of conduct. Give your name and complete address when you come up to speak. No one may speak more than twice on the same

item. No one may speak more than ten minutes at a time without permission from the Chairman. No one may speak a second time on a question until every person who wants to speak has done so. All submissions of evidence, such as photos, drawings, will be retained by the Board of Adjustment and will become a part of the permanent file, so if it's something you want back, don't give it to me. I'm going to enter or admit Certified Copies of Chapters 11, 26 and 31 of the Code of Ordinances of the City of St. Joseph into the record.

[Terry Hall arrived]

Lowdon: Ok, anyone who thinks that they might wish to speak either for against anything that's going to be heard today needs to come up, raise your right hand and be sworn. Is there anybody here that's planning on speaking? Do you swear to tell the truth, the whole truth and nothing but the truth?

Catterson: Yes.

Lowdon: Thank you. What we're going to do, you can have a seat for right now if you would, please. What we do is, I will after I call the case, anybody who wishes to speak in favor will be heard first and then if there's anybody to speak in opposition we'll hear them second and then we'll hear the staff report and in the end, then, we'll do the vote. Ok? And we may ask you questions in the meantime. So, the first case on the agenda, hold on just a second, I shuffled my papers incorrectly, is a variance filed by Kathy Wessler at 3425 Lafayette Street. Is that right?

Secretary: No, that was the one we heard last time. Here's the one.

Lowdon: Case Number 2428 a request for variance to reduce the roof pitch on a manufactured home that will be placed on the property that includes 1518 Seymour and 3114 South 16th Street, which is zoned R-1B Single Family Residential District, as requested by Yvonne Catterson. So, is there anyone here to speak, ok, you may come up and if you would please state your name and address for the record to start with.

Catterson: Yvonne Catterson, 3001 South 14th Street.

Lowdon: And you're the applicant, is that correct?

Catterson: Yes.

Lowdon: And what is that you are requesting, Ms. Catterson?

Catterson: Well, I've got to move my manufactured home from its present location for a sewer separation that's going on. I don't know what they're actually calling it. And, my daughter and son have the two lots just two blocks down the street, and I've acquired it from them to move my manufactured home from its present location to there and the roof pitch is not 3:12 as they have on the rules. It's only 2¼:12 but it meets all the other requirements.

Lowdon: And are you aware of any detriment to the property or any adjoining property because of the roof pitch?

Catterson: No.

Lowdon: Anyone have any questions? I've read the report. I don't know if anyone has any questions. Ok, there's no questions. Is there anyone else who wishes to speak in favor of the variance? Is there any person here to speak in opposition to this variance? I see none. I'll ask for the staff report at this time.

Smith: Ok. Unless we didn't hear, did you submit the ordinances into . . .

Lowdon: I did.

Smith: Ok, good. I put a drawing in your packets kind of showing the proposed sewer line and then this one is some color drawings that Roger printed off showing kind of the surrounding existing characteristics of the area and then this is the proposed alignment of the sewer line. Is that correct?

Sparks: Yes.

Smith: Ok and then here's a color rendering of the proposed alignment of the sewer, the route of the sewer line that's causing the need for the relocation of the manufactured home that Ms. Catterson is talking about. In the, so the section just, for the record, to get the section on the record, is that we're asking for the variance from is Section 31-052(d)(6) which is the one that requires the 3:12 roof pitch and in my conversations with Ms. Catterson prior to this has been going on a couple of months now, but she had indicated that the roof pitch was not quite 3:12 so it's probably more, somewhere between 2 and 3:12 so probably more like 2½:12 so and when manufactured homes are proposed to be placed on property that's not within a mobile home park, they have to meet those requirements of Section 31-052 so that's why we're here today. The property that she's proposing to move the manufactured home to is just a couple of blocks from where she lives currently. It's on the corner of 16th & Seymour Street, on the southwest corner of 16th & Seymour which you can actually see in that drawing there. And that property is zoned R-1B so it is not a mobile home park and that's why it requires the variance for the roof pitch. All of the other characteristics of the house, such as the length, the width, the date of manufacture, all of the other characteristics appear to meet the requirements of Section 31-052 so there's no other additional issues that we should run onto. The character of the existing area is, many of the homes are already manufactured. There are some site built homes but they're aging homes. The property that she's moving to consists of two lots and the southernmost lot currently has, or it had a home. The other day when I was out there, it was in the process of being demolished. It may be completely gone by now, but, so they're removing that home and the proposed home, or the manufactured home that will be moved onto the property will straddle that property line between the two lots and then that's, that is why the recommendation includes the condition that they have the properties combined at the County, for tax purposes so that that line essentially goes away. It's a tax line. And then there's an existing platted lot line that it would still straddle but we do that all the time. A lot of times our, the old residential lots, the 25 ft. lots

or maybe 50 ft. lots and two of those are combined and somebody builds a house over the middle lot line, so it's no big deal but for tax purposes, it does need to be combined at the County. Aside from that and unless you have questions, I mean, staff's recommending approval of the variance with that one condition.

Dalakishvili: I have a question. It's only a couple of blocks, but there is a mobile home on that side of the street. Have the neighbors been informed?

Smith: Yes, we've sent the notices out to the surrounding residents. I believe we received four responses in favor of the variance and I believe there are some other manufactured homes on that side that have been there for several years, so they are probably considered legal non-conforming uses at this point.

Lowdon: I will tell you that I have, looks to me like four, there was a Misty Adams [Amos], Maude Shelton, Robert Brashears and Claude Brashears all who are for it. That's the responses that . . .

Meng: Nothing in response, . . .

Lowdon: Nothing in opposition.

Meng: Yes, yeah.

Lowdon: My understanding is this wouldn't be necessary but for the sewer project and that this double wide, I'm assuming it's a double wide home, meets all the other requirements other than just the pitch of the roof and that's not by much that it's off.

Smith: Right. The relocation is only the result of the sewer line project and we're in the process of acquiring properties associated with that.

Lowdon: So in fact, it would be, in effect, it betters the community for her to move it and this just allows her to stay in the same community she's always been in, within two blocks.

Smith: Right.

Lowdon: Are there any other questions? May I have a motion?

Hall: I'd like to call the question.

Beck: Second.

Lowdon: So done. We're going to vote on, it's going to be for all four [five] standards at one time, okay, so it's either approval for or just not approved. Do you want to do a voice call please?

Secretary: Lasha Dalakishvili?

Dalakishvili: Yes.

Secretary: Terry Hall?

Lowdon: Yes.

Secretary: Terri Lowdon?

Lowdon: Approve.

Secretary: Richard Meng?

Meng: Approve.

Secretary: Ken Beck?

Beck: Yes.

Secretary: The vote is five yeses. The motion passes.

Lowdon: That concludes all the new business that we have with the exception that we have to approve the prior minutes. The minutes for November 15, 2011 were included in your packet. Has everybody had a chance to review those minutes? Based upon the review, do I have any motion?

Meng: I move they be approved.

Lowdon: Do I have a second?

Hall: Second.

Lowdon: All in favor?

All: Aye.

Lowdon: Motion passes. Then we have the approval from Lewis Backhoe and Excavating.

Secretary: The corrected minutes are here, too, for September 27.

Lowdon: Oh, that's right. There are also corrected minutes from the prior meeting and when we voted to approve, that was to approve the corrected minutes, too. Is everybody agreed upon that?

Beck: That is correct.

Lowdon: Those were all contained in the same minutes, is how we'll do that. And then, we need to approve the vote on the variance, well the appeal on Lewis Backhoe. We did nothing because they withdrew their appeal; and then, I think that's all we have, isn't it? Kathy Wessler, the 3425, any questions with regard to the ruling on that? We're approving the ruling. Any questions? A move to approve?

Meng: Move to approve.

Beck: Second.

Lowdon: All in favor?

All: Aye.

Lowdon: Passed. And then today, we have to vote for a new chairman. Do we have any nominations with regard to a new chairman?

Meng: Are there any restrictions as to whether or not she can succeed herself?

Smith: I don't think so.

Meng: I nominate Terri as chairman.

Beck: Second.

Smith: I guess, the only thing I would say is, I assume you're, I don't know your term.

Secretary: We have no terms expiring in 2012.

Smith: Oh, ok. Well then we're good.

Lowdon: Ok. First and second. All in favor?

All except Lowdon: Aye.

Lowdon: I abstain from the vote. Looks like I'll remain chair. Is there a report from the city?

Secretary: We need to elect a vice chairman in case you're not available.

Lowdon: Very good. How about vice chairman? Any nominations for vice chairman?

Meng: Gaddie's not here, so I'll nominate him.

Hall: [cannot hear this speaker]

Lowdon: I'll second Gaddie. All in favor?

Meng: That's what he got for being late.

Lowdon: That's right! All in favor?

All: Aye.

Lowdon: So passed.

Elo: One other thing, the Underwood appeal to the Western District Court of Appeals was dismissed for lack of standing. She had not . . .

Lowdon: I had not heard that, but you and I had discussed that and that's what I thought was going to happen from the beginning.

Elo: That was the decision of the Court of Appeals reached at a three to nothing decision.

Lowdon: Very good.

Meng: What was that again? What are you talking about?

Elo: The Kelvin Underwood . . .

Meng: That one up on 22nd Street . . .

Elo: Yeah, North 22nd Street.

Lowdon: Yes, the garage; the big garage.

Meng: The big garage? Ok.

Elo: Yes. It was appealed to circuit court by a neighbor ,Sharon Kennedy, and the Court of Appeals dismissed for lack of standing.

Meng: So what happens now?

Lowdon: Nothing. It's gone. She can't do anything. She doesn't have, the person who files the appeal didn't have the right to appeal. She didn't have a dog in the fight.

Meng: So, they can go ahead and build it, then?

Lowdon: Yeah.

Elo: It's completed.

Dalakishvili: Yeah, it's completed, I mean, started it three years ago.

Meng: They stopped it, though, didn't they?

Lowdon: No. When we approved it and the court, the circuit court approved it, they finished it, but they still went up on appeal on it and lost, so, it's done now.

Meng: It's a moot issue. It's done, then.

Dalakishvili: So it stays.

Lowdon: Yeah, it stays.

Dalakishvili: Well, because I live on that same alley, just across and I mean he was building and now the neighbor is building a pretty good sized one also. The next door neighbor.

Lowdon: Well, it was just, they measured from the inside instead of the outside walls, is the only difference so it probably looks the same. If you're just looking at it, you wouldn't be able to tell from looking at different So the variance was just that, from the inside to the outside wall, pretty much. A little bit more than that, but they'd already approved.

Dalakishvili: Yeah.

Smith: The only other thing is just, because it came to you all, is as an associated item, is the item for the Lewis Backhoe where essentially that was withdrawn, or we actually, there was no vote on it because by the time we got here, there was no reason to vote on it. But that item went forward to the City Council but was eventually withdrawn altogether, so they're not moving forward with that project.

Dalakishvili: Yeah, because I also had a question about that. What we found out at that time, after we left this meeting, some question about addresses also? Correct?

Lowdon: Well, they were different lots and what lots he had a work order on and which ones he didn't or something to that effect. But it really didn't affect what we were going to do because what they were appealing, the work order stay had been lifted so there was nothing for us to decide.

Dalakishvili: Yeah, okay.

Lowdon: Any other business?

Smith: That's all I have.

Meng: I move we adjourn.

Hall: Second.

Lowdon: So done.

Meeting adjourned at 4:20 p.m.

The next regular meeting of the Zoning Board of Adjustment is schedule for February 28, 2012 at 4:00 p.m.

Transcript submitted by Debbie Cline.