MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT

Tuesday, September 24, 2019 - 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, September 24, 2019 at 4:00 p.m.

<table>
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<th>Name</th>
<th>Members’ Term Attendance</th>
<th>End of Current Term of Office</th>
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<tr>
<td>G. Brent Powers</td>
<td>(26-03)</td>
<td>02/22/21</td>
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<td>Byron Myers Sr.</td>
<td>(14-09)</td>
<td>02/23/24</td>
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<td>Terri Lowdon</td>
<td>(17-02)</td>
<td>03/14/21</td>
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<td>Allison Tschannen, Alternate</td>
<td>(01-02)</td>
<td>05/06/24</td>
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| MEMBERS ABSENT:               |                          |                              |
| Terry Hall                   | (27-03)                  | 06/22/20                     |

| STAFF PRESENT:               |                          |                              |
| Bryan Carter, City Attorney  |                          |                              |
| Ted Elo, Asst City Attorney  |                          |                              |
| Nic Hutchison, City Planner  |                          |                              |
| Rebecca Shipp, Executive Administrative Assistant | | |

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

Powers called the meeting to order at 4:01 pm.

(Verbatim transcript starts)

Powers: I’ll call this meeting of the Zoning Board of Adjustment to order. My name is G. Brent Powers. I’m the Chair of the Board. We consist of citizen volunteers and are not employees of the City. At this time, I’ll admit certified copies of chapters 11, 21(sic) and 31 into evidence. Can we have a roll call please?


Shipp: We have a quorum.

Powers: Okay, I’ll also entertain a motion at the time, uh, to move the approval of minutes.

Lowdon: So moved.

Myers: Second

Powers: All in favor say Aye.

**all present responded aye verbally**

Powers: Opposed same sign

**silence**
Powers: We have adopted the following rules of conduct for those who appear before this Board. If you come up to speak please give your name and complete address. No one may speak more than twice on the same item. No one may speak more than 10 minutes at a time without permission from the Chairperson. No one may speak a second time on a question until everyone who wants to speak has done so. All submissions of evidence, in other words, photos, drawings will be retained by the Board of Adjustment and become part of the permanent file. Meaning if you hand it to us, we will not be able to hand it back.

Powers: Welcome Miss Tschannen. Our newest member

Tschannen: Thank you

Powers: So, the first case is #2475 which is a request for a variance from Section 31-021 (c)(8)(a) and any and all other sections of Chapter 31 of the Code of Ordinances necessary to allow installation of a 14’ x 24’ inground swimming pool abutting rear property line and fence. Location is 2808 Meadow Ridge Drive. Petitioner is Gregory and Jena Wilson. Williamson. And, we do have a report from the City. IS there anything the City would like to add other than what’s in the report?

Hutchison: Everything remains as presented.

Powers: Is there anyone here that wishes to, is there, uh, any Board member have a question for the City?

Lowdon: No

Powers: Alright. Some one here like to speak in favor of the request? Oh, excuse me, I meant, I screwed up. Would you raise your hand and be sworn in.

Powers: Do you solemnly swear to tell the truth the whole truth?

Williamson: Yes

Powers: We didn’t hear any testimony from the City, so we didn’t have to swear him in. Please state your name and address please.

Williamson: Jena Williamson 2808 Meadow Ridge Drive

Powers: Okay. And what would you like to tell us?

Williamson: Uh, that I really want my pool. Being installed.

**laughter**

Powers: Alright. You haven’t had any disagreements with your neighbors over this?

Williamson: No. Um, actually, I’ve had texts or messages that they’re in agreeance if they can come over.

Powers: Yeah that’s, they, they want to borrow it

**laughter**

Powers: Anyone have questions for Miss Williamson?
Lowdon: It’s my understanding that that backs up next to common ground. Is that correct?

Williamson: Uh-huh

Lowdon: So, it’s not like it’s going to be next to somebody’s property for them to complain about?

Williamson: No, never. It’s the HOA. We pay to have it mowed. And we mow out so far too. To keep the animals and critters away.

Lowdon: And you have a pie shaped lot. Is that correct?

Williamson: Uh-huh

Lowdon: Okay

Hutchison: And that’s what I was discussing with her prior to the meeting is that she could actually do a lot line adjustment to add that additional five foot if she could work a deal out with the neighborhood association. Um, that would bring her property into conformance. And she is maintaining that property currently so

Lowdon: Yeah

Williamson: We had thought about that, we just didn’t know what we needed to do.

Powers: You’d need to talk with this guy right here.

Williamson: I know

Powers: Okay. Have we sent the required notices to the uh, uh neighbors?

Shipp: Yes.

Powers: Did we receive any responses?

Shipp: No

Powers: Alright. I’ll remind the Board if you vote in favor of this request you are finding the affirmative all five issues, need to find in the affirmative, in order to grant the request of the variance. Any further discussion? Anyone want to call the question?

Lowdon: I’ll call the question.

Powers: Okay. Second? Second?

Tschannen: second.

Powers: Alright. Roll call vote please

**VOTE: Lowdon-approve, Tschannen – approve, Myers-approve, Powers – approve. Yes-4, No-0 Motion passes**
Powers: You’ve been approved. Thank you very much.

Williamson: Thank you very much.

Powers: Okay, enjoy your pool.

Williamson: Thank you

Powers: Aright. The other thing, we have very thick minutes. I didn’t read all of them I just glanced through them, but they look good to me. I’ll entertain a motion to approve the minutes.

Myers: I move that we approve the minutes.

Lowdon: You did that at the beginning

Powers: What?

Lowdon: We, we already did that.

Powers: Oh, I thought, I thought we voted to move them. To move the minutes

Lowdon: Oh, I thought it was a move to uh, approve

Powers: I was talking too fast. I’m sorry.

Lowdon: Okay

Powers: you know my style that we normally move these to the end.

Lowdon: oh

Powers: Let’s just do it to make sure it’s done

Lowdon: Okay

Myers: I still move that we approve the minutes.

Powers: You mean approve a second time. Do I hear a second?

Lowdon: Second

Powers: All in favor say Aye.

**all present responded aye verbally**

Powers: Opposed same sign

**silence**

Powers: They’ve been approved. Did you get any push back on that denial?
Hutchison: No, not so far.

Powers: Okay, great. And then we do have to approve the Finding of Fact on two prior cases. Uh, the first is case #27...2474, excuse me, it was a request for a variance from Section 31-022 (e)(3) and any and all other sections of Chapter 31 of the Code of Ordinances necessary to allow a 10’ x 20’ deck on the property located at 102 E Valley Street. And we approved this application. We need a motion to approve these Findings of Facts.

Lowdon: So moved.

Myers: Second

Powers: I think we need a roll call on these. Do we not?

Shipp: yes.

**VOTE: Lowdon-yes, Tschannen – yes, Myers-yes, Powers – yes.**

Yes-4, No-0 Motion passes

Powers: They have been approved. The second Finding of Fact we need to approve is for case # 2473 which is a request for a variance from Section 31-025 (e)(3) and any and all other sections of Chapter 31 of the Code of Ordinances necessary to allow a 50’ x 11’ covered side porch on the property located at 820 Vine Street. We denied that request. I need a motion to approve the Findings of Fact please.

Lowdon: So moved.

Tschannen: Second

Powers: Roll call please

**VOTE: Lowdon-approve, Tschannen – approve, Myers-approve, Powers – approve.**

Yes-4, No-0 Motion passes

Powers: Any other business to come before the Board? I’ll entertain a motion to adjourn.

Lowdon: So moved.

Meeting adjourned 4:08 pm

Minutes respectfully submitted

Rebecca Shipp