

ZONING BOARD OF APPEALS MINUTES
December 12, 2016, 6:00 p.m.

PRESENT: Bill Schneider, Chairman, Ron Burrows, Dave Sukow, Jim Koebe, Dean Haas, Adam Rekau, Zoning Administrator Darin Pagel.
Absent: Alderman John Burgener

Motion to approve October 4, 2016 minutes Mr. Koebe, second Mr. Haas, carried.

Chairman Schneider read the meeting notice and explained procedure.

Motion to open hearing Mr. Sukow, second Mr. Koebe, carried.

John Kaufman, Owner, spoke in favor of the variance said that they have made many improvements to the property and the deck added value to the house. He said he knew they needed permits but were very busy with the purchase and transition and forgot to get them. Kim Kaufman, Owner, also spoke in favor stating it beautified the neighborhood and added value and has had many people comment how nice it is. Mike Caylor, 409 Scott, spoke in favor on how the property has improved since it had previously been a rental. Ryan Schwartzman, 401 E 3rd, spoke in favor of how the deck has improved the property. Jeremy Ratliff, 106 E 4th, spoke in favor stating if the City would force the deck to be removed it would be opposite of what the City is promoting with improving properties. Dave Johnson, City Administrator, asked the ZA about the construction code compliance and whether the ZBA had denied variances in the past of this type. The ZA said he could not comment on construction code compliance but stated, yes, this type of variance has been denied in the past.

Motion to close hearing Mr. Sukow, second Mr. Burrow, carried.

The ZA explained the criteria for granting variances. Mr. Sukow stated per the ordinance that increased value is not a basis for variance. The Board also discussed the issue of self-imposed hardship due to the lack of a permit prior to construction and the need to comply with ordinances.

Motion to deny the variance Mr. Sukow, second Mr. Koebe, during discussion the ZA requested a date be included in the motion for removal if denied. Mr. Sukow amended the motion to include removal of the deck no later than April 30, 2017., second Mr. Koebe, carried with 4 in favor, 1 opposed.

With no other business or public comment, Motion to adjourn Mr. Sukow, second Mr. Burrow, carried.

Meeting adjourned 6:25pm

Darin Pagel, Recording Secretary.