



Council Members

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Steve Powell
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Mayor
Don Murphy

Finance Director
City Clerk
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ZONING BOARD OF ADJUSTMENT MEETING

July 22, 2011

Meeting called to order by Paul Perry at 8:00 A.M.

Members present were Mike Morgan, Paul Perry, Russell Biciste, Joe O'Brien, Mike Phillips, Michael Kelley and Fire Chief Danny Ray. City Engineer Jesse Jowers and City Building Official Bob Miller were also present.

Purpose of the meeting was to consider the following request:

Variance request: Variance of required minimum 40 foot rear setback line to a 20 foot rear setback line for home addition.

Property located at Lot 2, 104 Indian Lake Cove.

Applicant: Brian Kornowicz.

Brian Kornowicz homeowner and James Cassidy with Insite Engineering presented the variance request for an addition to the rear of the existing residence. Mr. Cassidy spoke in reference to the previous variance that was granted in February of 2011, the previous variance was never acted on due to a dispute with the contractor. Mr. Cassidy presented letters from three neighbors stating that neither one of them has a problem with the addition. Mr. Cassidy presented the preliminary drawings of the addition to the home showing the home in the existing setback. Mr. Miller stated that due to the magnitude of the variance he would not recommend the variance be granted. He stated that the Zoning Ordinance states that the setback is 40 feet and that if we granted one of this size to this resident we would be defeating our purpose for the Zoning Ordinance. Mr. Jowers also agreed with the building official stating that the Zoning Board has never had a variance of this magnitude to be presented.

Mike Morgan presented the definition of a variance from the Legal Consultant for the League of Municipalities Mr. Ken Smith, stating that a variance cannot be granted on a whim. Variances should be used sparingly and only where unnecessary hardship exists. "The spirit of the zoning ordinance in harmony with the spirit of the law should be carefully preserved, to the end that the structure of a zoning ordinance would not disintegrate and fall apart by constant erosion at the hands of a board of zoning adjustment or the courts." Mr. Morgan stated he did not feel that the City could recommend approving this variance due to the magnitude of the request and the fact that it was not a hardship on the residence.

Mr. Cassidy and Mr. Kornowicz made comments in reference to the previous variance and the fact that they would try to work out the addition using the variance already granted.

Mike Phillips made the motion to deny the variance and Michael Kelley seconded the motion.

The vote was as follows:

Paul Perry – Opposed

Mike Phillips – Opposed

Russell Biciste – Opposed

Joe O'Brien – Opposed

Michael Kelley - Opposed

Danny Ray – Opposed

Mike Morgan – Opposed

Variance denied with all members present.

Meeting adjourned at 8:20.



READ AND APPROVED / MIKE MORGAN