

BOARD OF ZONING APPEALS MINUTES
September 30, 2013
10:00 a.m.

Members Present:

Eddie Dean, Jr.
Larry Gaston
Albert Hogoboom
Jim Philips

Members Absent:

None

Staff Present:

Matt Perez
Scott Rickard

Others Present:

Harold Heise
Theresa Heise
Rick Heise
Marc Bachman
Teresa Bachman

ITEM NO. 1 – APPROVAL OF MINUTES

Jim Phillips moved that the minutes of the May 25, 2011 meeting be approved as presented. Eddie Dean, Jr. second. Motion carried 4-0.

ITEM NO. 2–CASE NO. 13-002-BZA PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ISSUING A VARIANCE FOR THE EAST SIDE SETBACK IN AN R-1 RESIDENTIAL-LOW DENSITY DISTRICT AT 545 PRAIRIE

Marc Bachman, 545 Prairie, presented the site plan and aerials which showed the location of the shed in question. Mr. Bachman stated that he placed the frame work of the shed approximately 8 feet from the property line and not the side face of the building. Mr. Phillips asked why he did not sit the building 8 feet off the property line and Mr. Bachman stated that he miscalculated the distance.

PUBLIC HEARING

Mr. Phillips opened the public hearing.

Rick Heise, 3 Talyor Ct. , Augusta, KS, representing his Parents, Harold and Theresa Heise, stated the property in question had covenants that restricted any outbuildings within that subdivision. Mr. Bachman stated that they were not aware of any covenants and were not presented covenants when they bought the property approximately 3 years ago. Mr. Dean asked how difficult would it be to move the building and Mr. Bachman stated it would be difficult and would require removing the tie downs and winching the building. Mr. Phillips stated that this type of building does not fit with the neighborhood. Mr. Gaston asked if the covenants can be enforced and staff stated that would be a civil matter and the City of El Dorado would only enforce the subdivision regulations.

Seeing no one further, the public hearing was closed.

BOARD OF ZONING APPEALS DISCUSSION

There was no further discussion from the Board of Zoning Appeals.

MOTION

Mr. Dean moved to deny the variance request at 545 Prairie, and move the building to the original building permit location and reasons stated in the staff report and heard at this public hearing. Mr. Phillips second; motion carried 4-0.

STAFF ITEMS

Vote for Board of Zoning Appeals Chair. Eddie Dean Jr. Vote 4-0.
Vote for Board of Zoning Appeals Secretary. Matt Perez, Vote 4-0.

ADJOURNMENT

Mr. Dean moved to adjourn. Mr. Phillips second. Motion carried 4-0.

Meeting adjourned at 10:30 A.M.