

Board of Zoning Adjustment  
MINUTES OF MEETING

January 21, 2010  
7:07 a.m.

**Item 1. Roll Call.**

PRESENT: Bill Griffey Sr., Rodney Rounkles , Richart Andrew and Kenneth Dickey (alternate to board)

STAFF PRESENT: Nick Pappas, Larry Murry and Kathy Twitchell

ABSENT: Dr. Nick Houk, Jerry Woods and Sonny Parker

Chairman Griffey called the meeting to order. A quorum was present.

**Item 2. Approval of Minutes December 13, 2009**

MINUTES APPROVED: A motion was made by Commissioner Rounkles to approve the January 21, 2010 minutes. Commissioner Dickey seconded. Motion approved.

**Item 3. Public Hearing.**

**3 A. Variance Hearing Case Number BZA-10-001. Application for variance from R-1 Zoning (Single Family Residential District), seeking exemption from parking requirements for purpose of turning a garage into a living area, Applicant: Cecelia Gonzalez, Owner: Bette Chavez, Located at 203 Lodwick Lane, Excelsior Springs, Missouri.**

Nick Pappas, Planning and Zoning Director gave the staff report. The property, owned by Bette Chavez, is located at 203 Lodwick

Lane and is located in a residential area with neighbors in close proximity. A permit for renovation requiring an enclosed garage was issued on October 15, 2009. However, renovation of the unit proceeded without construction of a garage.

All neighboring residential units within a three block radius conform to the parking regulations defined in the city code, with the exception of one older unit.

Cecelia Gonzalez, on behalf of Bette Chavez, was notified that an enclosed garage was required per city code as well as the issued permit for renovation. She was instructed that she had the option of applying for a variance.

Based on the standards set forth in the city code for the Board, staff has come to the following conclusions.

The surrounding residential units conform to the parking requirements as stated in the city code.

The plight of the owner is not due to unique circumstances. The residential unit conformed to city codes prior to the renovation of the garage.

The variance request, if granted, will alter the essential character of the locality. If allowed, the precedence would be to allow all homes on Lodwick Lane to be exempt from residential parking requirements.

Therefore, on the evidence of record, the proposal is not supportable. Absent new evidence to the contrary at hearing, or otherwise brought to light, staff recommends denial of the requested variance.

Cecelia Gonzalez was present to answer questions.

The Commissioners discussed with Cecelia Gonzalez the problems she had with her contractor. A stop work had been issued for not obtaining a permit and submitting building plans. Once plans were submitted changes were made several times and Mrs. Gonzalez ended up having to hire a new contractor.

The Commissioners explained to Mrs. Gonzalez that the board is not involved with decisions by herself and her contractor. The general opinion of the Commissioners was that Mrs. Gonzalez should try to recover some of her funds from the original contractor. Although they are sympathetic to Mrs. Gonzalez's situation the requirements for the zoning adjustment were not supported.

Commissioner Rounkles motioned to deny the variance request for exemption from parking requirements for the purpose of turning a garage into a living area. Commissioner Dickey seconded. The records show the vote was 4-0 to deny the request.

#### **Item 4. New Business.**

No new business was presented.

#### **Item 5. Comments of Commissioners**

No comments from the Commissioners.

#### **Item 6. Adjourn**

Commissioner Dickey motioned to adjourn the meeting, Commissioner Andrew seconded. Motion approved. Meeting adjourned at 7:40 a.m.

Kathy Twitchell, Secretary to the Commission