

**BOARD OF ADJUSTMENT**

**CITY HALL**

**PUBLIC HEARING/REGULAR MEETING**

**SEPTEMBER 8, 2010/7:00 P.M.**

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**MINUTES**

Nick Dalba called the meeting to order at 7:02 p.m. The Pledge of Allegiance was recited by those in attendance. Mr. Dalba outlined the duties and responsibilities of the Board.

**ROLL CALL OF MEMBERS:** Sandra Kownacki, Dale Bast, Nick Dalba, Paul Rodenroth. 4 members present.

**Board Secretary:** Daniel B. Conley, Building Commissioner  
Mary Holden, Community Development Director

**Court Recorder:** Charmaine Spradling

**PUBLIC HEARING**

**BA2010-04: KELLY KIRKPATRICK, 2300 NORTHEASTER CT. REQUEST RELIEF FROM ZONING ORDINANCE SECTION R-3, 4, K) FOR REAR YARD SETBACK REQUIREMENTS:** Kelly Kirkpatrick presented his request. There is a lake in the subdivision, which has runoff behind his house creating a problem. The proposed deck is to be 16 x 20 with stairs to grade on the rear of the deck. The arrangement of the home on the lot to allow a walkout basement caused a positioning on the lot that precludes conformity of the deck with the rear setback. He is asking to reduce the setback to about 9 feet.

There being no further questions or comments, the public hearing adjourned at 7:10 p.m.

**REGULAR MEETING**

The regular meeting convened at 7:10 p.m.

**BA2010-04:** Sandra Kownacki commented that Mr. Kirkpatrick "wants" his deck to be 16 x 20, which would require a variance, but he could put in a smaller deck without one. She doesn't feel there is a hardship or uniqueness to grant this.

Robert Sterney, 2547 Black Forest, Oakville, MO, explained that because of the side easements and the size of the house, they had to push the house backwards, obviously making the backyard smaller. They had to turn the house at an angle. The drainage ditch is also a problem.

Mary Holden pointed out that they don't just abut common ground on the rear they also do on the side.

Nick Dalba does find uniqueness in that there is common ground on at least two sides and behind them is a sizable drainage channel.

Motion by Dale Bast to approve BA2010-04, request for relief from zoning ordinance section R-3, 4, k) for rear yard setback requirements at 2300 Northeaster Ct. based on the findings that the granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located; because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result; and the conditions upon which the request for a variance is based are unique to the property to which the variance is sought, and are not applicable generally to other property. Second by Paul Rodenroth. Roll call vote: Dale Bast, yes; Paul Rodenroth, yes; Nick Dalba, yes; Sandra Kownacki, no.

Mary Holden explained that if the applicant withdraws his application before the outcome of the vote is announced, he can resubmit right away.

At this time the applicant withdrew his application.

Paul Dalba stated they accept his withdrawal with no further action tonight.

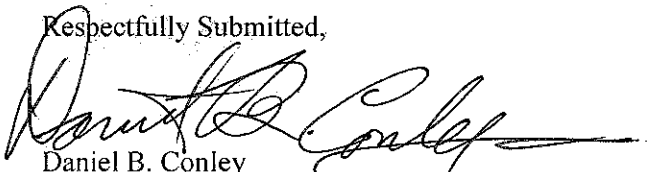
**APPROVAL OF MINUTES:** Motion by Dale Bast to approve the minutes from the August 4, 2010 meeting if there are no corrections. Second by Paul Rodenroth. Voice Vote – 4 yeas 0 nays - *Approved.*

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**ADJOURNMENT:** Motion by Dale Bast to adjourn the meeting, second by Paul Rodenroth. The meeting adjourned at 7:35 p.m.

Respectfully Submitted,



Daniel B. Conley  
Building Commissioner/Board Secretary