

ON DECEMBER 7TH, 2009 THE BOARD OF ADJUSTMENT HELD A MEETING IN THE 2ND FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE TO HEAR THE FOLLOWING APPEALS:

Sam Dozier opened the meeting at 6:00 p.m. with those being in attendance as follows:

MEMBERS PRESENT: Sam Dozier, Al Schooler, David Prewitt, Tim Turney, Frank Stark, Staff Paul Noel Jr. and Petra Dotson

MEMBERS ABSENT: None

MINUTES: Tim Turney moved, as seconded by Frank Stark, to accept the November 2nd, minutes as distributed. Motion carried 5-0.

Mr. Noel referred to the first month's report from the Castle which was distributed to all the Board members. It was sent via email from Charles Marina, the Castle's manager. It was read as follows:

“Paul, in November we had only 23 people stay the night and one charity event, Big Brothers Big Sisters and Methodist Home had a small group here is this what you need?”.

Mr. Noel explained he will be making a visit to the Castle possibly this week. Mr. Stark stated that information in the report was good and he wants to make sure it's in the record to show that the Castle is doing what it has been requested. Mr. Schooler mentioned that the Castle has a big event coming up with the Salvation Army. Mr. Noel explained that it took place this past weekend. He further explained that online, although not sure if the newspaper had it, it stated all the parking was at Kingsway Church and the people were bused to the Castle. Therefore there should not have been any parking issues. Mr. Schooler indicated that Kingsway is his church and the church will always supply parking to the Castle.

12-014-2009 DIMENSIONAL VARIANCE: Emilio Renteria – 800 Nancy Street – R-1C Zoning District – Section 707.6 - Applicant is seeking an eight foot side variance from the required eight foot minimum side yard required in order to allow a carport addition to remain.

Mr. Noel stated that Mr. Renteria did not know a permit was required or that there were any setback issues. The carport has a wood frame carport with 4x 4 posts. It is built within very few inches of the property line. The applicant is asking for the carport to remain as is and allow him to be issued a permit. Mr. Noel stressed again that Mr. Renteria did not know a permit was required. The carport is not a closed-in structure and the only solid wall is the house wall. The applicant has provided a letter from the involved adjoining property owner. The owner does not have a problem with the carport

and its location. Mr. Noel referred to the site plan, done by a survey, to show the exact position of the carport.

Mr. Stark asked that the letter from the adjoining property owner, Dema Baber, indicates the carport may hang over the easement and/or the property edge. Mr. Stark asked if that was a fact. Mr. Noel stated it may but there is no easement. He stated there is a property line. Mr. Stark stated the current adjoining property owner does not object to the carport but if down the road someone bought that property, and had it surveyed and the carport hung over the property what legal action could the new owner take? Mr. Noel stated if the Board approves the variance, it stays with the land. Mr. Stark asked if that also applies if it is on someone else's property. Mr. Noel stated it would if it is done with the Board's permission. Mr. Stark asked if that meant nothing could make the carport be torn down. Mr. Noel stated that is his understanding. Mr. Schooler stated if Renteria encroaches the property by a foot then in a sense it is his property. Mr. Noel stated he did not think that was the case. If there was a case of adversity then adverse possession would be an issue.

Mr. Dozier asked if the applicant would like to address the Board. Mr. Renteria's daughter translated for him as he only speaks Spanish. Mr. Renteria stated he was sorry as he was not aware of the regulations.

There were no other comments or questions from the Board or the audience. The hearing was closed.

Mr. Turney moved to approve the Dimensional Variance with the stipulation that it remains a carport and not enclosed other than the one house wall. Motion was seconded by Frank Startk. Motion carried 5-0 in favor.

Mr. Noel explained to the applicant that his request was granted and the stipulation is not to enclose the walls. He further advised he will be required to come in to the office for a Building Permit.

Frank Stark moved to adjourn the meeting as seconded by David Prewitt. Motion carried 5-0 in favor.

Sam Dozier III, Chairman