

**City of Woodcreek Board of Adjustment
Woodcreek City Hall; 41 Champions Circle
March 11, 2015; 7:30 p.m.**

**Proceedings of the Reconsideration of the Application for Variance to the
Woodcreek Code of Ordinances by Jack and Mary Kinkel**

1.) Call to Order. Board of Adjustment Chair Michael Steinert called the meeting to order at 7:30 p.m.

2) Present: Board Chair Michael Steinert, Board Member Nancy Britner, Board Member Gordon Marsh, Board Member Kathy Maldonado, Board Member Jerry Moore, Board Member Bill Scheel, City Manager John Sone, Applicant Jack Kinkel. Applicant's Attorney Daniel Durell

3.) Land Use: Reconsideration of Variance to the City of Woodcreek Code of Ordinances § 156.058 (B), by Jack and Mary Kinkel, residing at 75 Woodcreek Drive, to construct a fence on the back property line which is within 25 feet of the Quicksand Golf Course easement.

A.) Attorney Daniel Durell, counsel for Jack and Mary Kinkel, presented arguments and documents in support of a favorable reconsideration of the case by the Board. He stated that granting of the variance would not be contrary to the public interest, and that no property owners within the 200 foot notification radius had objected. He stated the irregular shape of the lot caused an unnecessary hardship, such that literal compliance with the ordinance would require the fence to be erected across the patio. He asserted that substantial justice would be rendered if the variance was granted upon reconsideration, given the five previous instances of successful permitting. The Board questioned applicant's counsel. The applicant stated that a side or front fence would not be acceptable. Applicant's counsel reiterated that the variance would not be contrary to the public interest.


B.) Board Member Britner moved to approve the variance request for 75 Woodcreek Drive. Board Member Marsh seconded the motion. The motion failed to carry, with a vote of 3-2-1. Opposed: Chairperson Steinert and Board Member Moore. Abstained: Board Member Maldonado.

Chair Mike Steinert moved to refund \$1000.00 in fees to Jack and Mary Kinkel for the initial \$500.00 variance application fee and \$500.00 for the variance reconsideration fee. The motion was seconded by Board Member Scheel, which passed with a vote of 6-0-0.

6.) Adjourn. There being no further business, the Chair adjourned the meeting at 7:45 p.m.



Michael T. Steinert, Board of Adjustment Chair

ATTEST: 

John W. Sone, City Secretary