



**CITY OF DERBY
MEETING OF THE BOARD OF ZONING APPEALS
SPECIAL MEETING
FEBRUARY 4, 2016
6:00 PM**

MEETING MINUTES

1. MEETING CALLED TO ORDER AT 6:00 P.M.

2. ROLL CALL

Pat Baer	Present
Jessica Rhein	Present
Justin Smith	Present
Joe Waugh	Present
Van Willis	Present

3. CONSIDERATION OF MINUTES:

3. A. Regular Meeting Minutes of January 14, 2016.

MOVED by Pat Baer, seconded by Joe Waugh, to approve the meeting minutes of January 14, 2016 with one correction to the spelling of Pastor Joplin Emberson's name on page 8.

VOTE: 5-0

4. PUBLIC FORUM

5. NEW BUSINESS

5.A. DESCRIPTION: Consideration of a resolution reversing a decision of the Zoning Administrator and issuing building permits for construction of an attached covered deck and an attached covered carport at 1003 E Madison Ave.

BACKGROUND:

- On January 14, 2016, the Board of Zoning Appeals (the "Board") conducted a public hearing on an appeal of a decision of the Zoning Administrator.
 - The decision appealed was to deny building permits for an attached covered deck and an attached covered carport pursuant to 401.F.1 of the city's zoning regulations.

- Following the close of the public hearing, the Board made findings that:
 - The Board recognizes the unique nature and history of the existing structure involved in the appeal;
 - The Board's interpretation of the city's zoning regulations differed from the interpretation used by the Zoning Administrator regarding the structure; and,
 - Due to the unique nature and history of the structure, the definition of "building" as defined in the city's zoning regulations should not apply to the attached covered deck and attached covered carport proposed by the Appellants.
- The Board voted 5-0 to reverse the decision of the Zoning Administrator and to issue building permits for the attached covered deck and the attached covered carport.
- City staff was instructed to prepare a draft resolution and present it to the Board for consideration. The draft resolution is attached.

LEGAL CONSIDERATIONS:

- Any order or determination of the Board on an appeal of a decision is final. However, in accordance with K.S.A. 12-764, within 30 days of the final decision of the Board, any person aggrieved thereby may maintain an action in the Sedgwick County District Court to determine the reasonableness of such final decision.

RECOMMENDED MOTION:

- Adopt a resolution reversing a decision of the Zoning Administrator based on the Board's findings and application of city zoning regulations and issuing building permits for the construction of an attached covered deck and an attached covered carport at 1003 E Madison Ave.

MOVED by Van Willis, seconded by Jessica Rhein, to adopt a resolution reversing a decision of the Zoning Administrator based on the Board's findings and application of city zoning regulations and issuing building permits for the construction of an attached covered deck and an attached covered carport at 1003 E Madison Ave.

VOTE: 5-0

6. ADJOURNMENT

Moved by Pat Baer, seconded by Joe Waugh to adjourn at 6:05 p.m.

VOTE: 5-0

Stephanie Cox
 Recoding Secretary

Justin Smith
 Chairperson