



Tuesday, April 4, 2023
Civic Center, Memorial Hall 5:30 PM

Independence Planning Commission/Board of Zoning Appeals

To join by Conference Call dial:1-785-289-4727 Conference ID: 652-632-373#

- I. CALL TO ORDER
- II. MINUTES
 - a. Consider approving minutes of the February 7, 2023 Planning Commission/Board of Zoning Appeals meeting.
- III. BOARD OF ZONING APPEALS (DOES NOT INCLUDE OUTSIDE CITY APPOINTMENTS)
 - a. Public Hearing to receive comments on a variance request to reduce the setback(s) in an R-3, low density multifamily dwelling district at 217 North 12th Street.
- IV. PLANNING COMMISSION
 - a. Consider initiating a public hearing to consider a text amendment to the zoning code regarding cargo shipping containers, also known as "Conex containers" or "portable steel storage containers."
- V. DISCUSSION
- VI. ADJOURNMENT



**REQUEST FOR BOARD OF ZONING APPEALS ACTION
MINUTES
CITY OF INDEPENDENCE
APRIL 4, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Consider approving minutes of the February 7, 2023 Planning Commission/Board of Zoning Appeals meeting.

SUMMARY RECOMMENDATION Approve the minutes of the February 7, 2023 Planning Commission/Board of Zoning Appeals meeting..

BACKGROUND

SUGGESTED MOTION I move to approve the minutes of the February 7, 2023 Planning Commission/Board of Zoning Appeals meeting.

SUPPORTING DOCUMENTS

1. February 7, 2023 Planning and Zoning - Draft Minutes

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's February 7, 2023 Meeting

I. Call to Order

Present: Tim Haynes, Anthony (Tony) Royse, Lisa Richard, Brent Littleton, Andy McLenon, Michelle Anderson, Rachel Lyon

Absent: Mary Jo Meier

Guests: Kyle Owens, Anna Krstulic

Tim Haynes, Chairperson, called the meeting to order.

II. Minutes

- a. Consider approving minutes of the January 3, 2023 Planning Commission/Board of Zoning Appeals meeting.

Motion:

On the motion of Andy McLenon, seconded by Brent Littleton the Commission approved the January 3, 2023 minutes.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Lisa Richard, Anthony (Tony) Royse

Nay: None

III. Board of Zoning Appeals (Does not include outside City appointments)

- a. Public Hearing to receive comments on a variance request to reduce the number of parking spaces in a C-4, highway commercial district at 510 North Peter Pan Road.

Tim Haynes, Chairperson opened the public hearing.

There was no discussion.

Tim Haynes, Chairperson, closed the public hearing.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Rachel Lyon the Commission approved a variance to allow Labette Health Independence Healthcare Center to use the occupied square footage for calculating the number of spaces and then to reduce that number from the required 87 parking spaces by 27 to 60 parking spaces in a C-4, highway commercial district at 510 North Peter Pan Road.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Lisa Richard, Anthony (Tony) Royse

Nay: None

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's February 7, 2023 Meeting

- b. Public Hearing to receive comments on a variance request to reduce the setback(s) in a C-2 commercial services district at 600, 606, and 610 West Main Street.

Tim Haynes, Chairperson, opened the public hearing.

Kyle Owens explained to the board about needing the extra 15 feet of room the variance would give him for turning space, since they are using 12th Street as the ingress and egress.

Tim Haynes, Chairperson, closed the public hearing.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Rachel Lyon the Commission approved the variance to reduce the rear yard setback 15 feet on the north side of the properties next to the alley from 25 feet to 10 feet at 600, 606, and 610 West Main Street.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Lisa Richard, Anthony (Tony) Royse

Nay: None

- c. Public Hearing to receive comments on a variance request to exceed size and number of signs in a C-3, business district zone at 113 W. Myrtle Street.

Tim Haynes, Chairperson, opened the public hearing.

The applicants asked the meeting to be adjourned until the March 7, 2023 Planning and Zoning Meeting.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission adjourned the public hearing until March 7, 2023 at 5:30 p.m.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Lisa Richard, Anthony (Tony) Royse

Nay: None

IV. Planning Commission

- a. Public Hearing to consider a text amendment to modify Appendix B - Zoning of the City Code relating to off-street parking in an industrial area and any additional modifications.

Tim Haynes, Chairperson, opened the public hearing.

Andy McLenon stated that in the past the discussion centered on smaller companies going in like incubation of a business from Fab Lab at ICC. The

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's February 7, 2023 Meeting

board considered that they would potentially develop prototypes and a business could be formed and operate without too much overhead cost. He further stated that the City will lose out on revenue if smaller businesses are not allowed some say in how their employee parking lots are constructed.

Anthony (Tony) Royse said that all the businesses have been required to abide by the City code with hard-surfacing and he was not aware of any business lost because of the code. He asked the board to picture how it would look with all the dust and mess of gravel versus hard-surfacing.

Brent Littleton explained that one of the issues is maintaining the hard-surface because there is no one in the immediate area that covers that. He further stated that it costs tens or even hundreds of thousands of dollars to put in hard-surfaced areas.

Lisa Richard stated that she would like to see water be able to absorb into the ground in a gravel space which can not happen in hard-surface spaces.

Tim Haynes, Chairperson, closed the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Brent Littleton the Commission approved to recommend the City Commission adopt an ordinance implementing text amendments to the Code of the City of Independence, Kansas, specifically Appendix B - Zoning Code relating to Off-street parking requirements as previously recommended by the Planning Commission on December 4, 2018.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Lisa Richard

Nay: Anthony (Tony) Royse

- b. Consider approving a Focus of Study for the Comprehensive Plan Update.

Kelly Passauer explained that in order to apply for the EDA grant to help fund the cost of the respective Comprehensive Plan Updates, the administrator needs information to prepare the application including the focus of study.

Anna Krstulic explained the focus study for the Comprehensive Plan update and answered questions from the board. It was decided to add public facilities, airport/aerospace, rail service, bike lanes, historical resources, emergency planning, accessibility to healthcare, livability, economic development and sustainability, including the environment and open spaces.

Andy McLenon asked that the board look at linking Independence to Elk City

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's February 7, 2023 Meeting

Reservoir.

Motion:

On the motion of Rachel Lyon, seconded by Anthony (Tony) Royse the Commission approved the Focus of Study for the Comprehensive Plan Update with the following modifications with specific consideration to public facilities, aerospace rail service by planes, emergency planning, historic resources, economic development, sustainability including cultural sustainability, access to healthcare and livability with approval and review by the Zoning Administrator.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Lisa Richard, Anthony (Tony) Royse

Nay: None

- c. Public Hearing to receive comments on a request for a modified conditional use permit for a "Children's Home" in an R-3, low density multifamily dwelling district at 517 South 4th Street.

Tim Haynes, Chairperson, opened the public hearing.

The applicant withdrew their request for a conditional use permit on January 30, 2023.

Tim Haynes, Chairperson, closed the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission recommended the City Commission deny the request for a modified conditional use permit for a "Children's Home" in an R-3, low density multifamily dwelling district at 517 S. 4th Street because the applicant withdrew the request.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy McLenon, Lisa Richard, Anthony (Tony) Royse

Nay: None

V. Discussion

- a. Urban Heat Islands -- Information provided by Lisa Richard.

Lisa Richard shared information concerning Urban Heat Islands, saying that this issue does not mean just urban areas, it can happen anywhere. She asked that the board members please read it and keep it in consideration for the future.

VI. Adjournment

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's February 7, 2023
Meeting**

Motion:

**On the motion of Brent Littleton, seconded by Andy McLenon the
Commission adjourned the meeting.**

**Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Andy
McLenon, Lisa Richard, Anthony (Tony) Royse**

Nay: None

Tim Haynes, Chairperson

Anthony (Tony) Royse, Secretary



**REQUEST FOR BOARD OF ZONING APPEALS ACTION
VARIANCE
CITY OF INDEPENDENCE
APRIL 4, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public Hearing to receive comments on a variance request to reduce the setback(s) in an R-3, low density multifamily dwelling district at 217 North 12th Street.

SUMMARY RECOMMENDATION Approve variance to reduce the setback(s) in an R-3, low density multifamily dwelling district.

BACKGROUND Andrea Ballard wants to rebuild a home where her previous home was at 217 North 12th Street and needs a variance to do so. She is asking that the home be built 8 feet from the north sidewalk and 14 feet from the east sidewalk. Her home that recently burned down had the same setback. It should be noted that setbacks are from the property line, not the sidewalk. It is up to the applicant to ensure that they know where their property line is located. The City does not determine property line locations, as this can only be done by a licensed surveyor. To avoid repeating the variance process, the applicant is advised to verify the property line locations before construction starts.

504.0. - R-3, low density multifamily dwelling district.

504.1. Intent: The intent of this district is to provide for areas [of] moderate density residential development that would provide a transition between low density single-family and high density multifamily areas. The principal use of land is for two-family and three-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced residential area.

504.2. Permitted uses: The listing of permitted uses is set out in appendix "A" of these regulations.

504.3. Conditional uses: The listing of conditional uses is set out in appendix "A" of these regulations.

504.4. Intensity of use regulations:

a. Minimum lot area:

Single-family—7,200 square feet.

Two-family—4,000 square feet per family.

Three-family—3,000 square feet per family.

b. Minimum lot width: N/A.

c. Maximum lot coverage: 35 percent.

504.5. Height regulations:

a. Maximum structure height: 35 feet or 2½ stories (whichever is smaller).

504.6. Yard regulations:

a. Minimum front yard:

1. The front yard shall be a minimum of 25 feet in depth measured from the front lot line.

2. Where lots have a double frontage, the required front yard shall be provided on both streets.

b. Minimum side yards:

1. Interior side yards: Eight feet.
2. Where the side yard fronts on a street, the minimum front yard setback shall be provided.

c. Minimum rear yard: Ten feet.

Exception: On lots of irregular rear property lines or when residence is located on the lot at an angle, rear yard dimensions shall be taken at each end of building parallel to the sides and a perpendicular measurement taken from the rear of building to the furthest point of the lot. The average of these three measurements shall be equal [to] at least 25 feet. However, in no case shall the building or structure be located less than eight feet perpendicular from any property line.

504.7. Parking regulations:

a. Off-street parking: Two spaces for each dwelling unit. (See article VII for additional parking requirements.)

BOARD OF ZONING APPEALS CONSIDERATIONS Acceptance of a variance must be based on the following factors:

A) Unique condition to the property in question which is not ordinarily found in the same zone and is not created by any action of the property owner. *The house burned down and the property owner/applicant wants to replace it in the same spot.*

B) The variance will not adversely affect the rights of adjacent property owner. *The variance will put the house back in the same place, aligning with other houses in the neighborhood.*

C) The strict enforcement of the regulations would cause an unnecessary hardship. *The property owner/applicant wants the same size house as she had before the fire.*

D) The variance would not adversely affect public health, safety and morals. *The variance would not adversely affect public health, safety and morals.*

E) The variance will be in keeping with the general intent and spirit of the zoning regulations. *The variance will be in keeping with the general intent and spirit of the zoning regulations.*

STAFF RECOMMENDATION Staff recommends approving the variance to allow the new home to be constructed 8 feet from the north property line and 14 feet from the east property line.

SUGGESTED MOTION I move to allow the variance to reduce the north front yard setback 17 feet (from 25 feet to 8 feet from the north property line) and to reduce the east front yard setback 11 feet (from 25 feet to 14 feet from the east property line) in an R-3, single-family dwelling district at 217 North 12th Street.

SUPPORTING DOCUMENTS

1. VAR 0523 Public Hearing Notice Setbacks 217 N 12th Street
2. 217 N. 12th Variance Application and Pmt
3. 217 N 12th Aerial (Before the Fire)

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Board of Zoning Appeals will conduct a public hearing on:

Tuesday, April 4, 2023 at 5:30 p.m.

To receive comments on a variance request to reduce the setback(s) in an R-3 low density multifamily dwelling district.

Common Address:

217 North 12th Street

Legal Description:

Block 36, E 100' Lt 1; N 15' E 100' Lt 2 Blk 36, Original Plat to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Andrea M. Ballard

Case Number:

2023/VAR/05

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 652 632 373# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator's office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

APPLICATION TO BOARD OF ZONING APPEALS

CITY OF INDEPENDENCE, KANSAS

1. Date: 3/1/2023

2. Name, Address and Telephone Number of Property Owner:

Andrea Ballard 918-231-3136
217 N 12th Independence, KS.

3. I appoint the following person as my agent during consideration of my request:

Name:

Address:

Telephone:

4. Common Address of Land Involved:

217 N 12th Independence

5. Legal Description of Land Involved:

Orig plat S36, T32, R15, Block 36, 7272 sq ft. E 100' LT 1;
N 15' E 100' LT 2 Blk 36 (includes easement) lot width 100 lot depth 75

6. Describe what you wish to do which the zoning code prohibits:

put new home where old home set
15 feet from east sidewalk + 8 feet
from north sidewalk

7. The following condition(s), which were not created by the owner's actions, are unique to the property in question and are not commonly found in the same zone or district:

loss of home due to fire

8. The proposed development would not adversely affect the rights of the adjacent property owners or residents because:

same location as old home

9. The literal enforcement of the zoning regulations will result in the following unnecessary hardships:

10: The proposed development will not be contrary to the public health, safety, morals, or general welfare because:

same location as old home

11: The proposed development will not be contrary to the general spirit and intent of the zoning ordinance because:

same location as old home

12: Please attach a site plan showing the dimensions of the lot, the location of building (both existing and proposed), and the location of existing buildings on adjacent property.

If the space provided is not sufficient, the applicant may attach additional pages. The applicant also may submit any other pertinent information including photographs, drawings, maps, statistics, legal documents, and letters of support.

Signature of Property Owner: Andrea McBallard

Case Number: _____
Date Filed: _____
Fee Received: _____
Present Zoning: _____

alley



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The Parcel Number for this Property is 063-087-36-0-10-03-001.00-0

Quick Ref ID: 3738

Owner Information

Owner Name	BALLARD, ANDREA M
Address	217 N 12th ST INDEPENDENCE, KS 67301

Property Situs Address

Address	217 N 12TH ST, Independence, KS 67301
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Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.A
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2022 Appraised Value

Class	Land	Building	Total
Residential - R	10,730	47,770	58,500
Total	10,730	47,770	58,500

2021 Appraised Value

Class	Land	Building	Total
Residential - R	6,270	44,600	50,870

Total	6,270	44,600	50,870
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Tract Description

ORIG PLAT, S36, T32, R15, BLOCK 36, 7272 SQUARE FEET, E 100' LT 1; N 15' E 100' LT 2 BLK 36; (INCLUDES ESMNT); Lot Width: 100.0 Lot Depth: 075.0 Plat Book/Page 1 /6&7 Deed Book/Page 649 /756 610 /85 610 /84 532 /036 509 /044 368 /255

Building Permit Information

Permit Number	Amount	Issue Date	Description
20090020	1,200	4/22/2009	Shed

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
649	756	610	84	610	85		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	7500										10,730

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	Bungalow
Quality	FR+	Bsmt Type	Crawl - 2
Year Built	1905	Total Rooms	7
Eff Year		Bedrooms	3
MS Style	1 1/2 Story Finished	Family Rooms	
LBCSStruct	Detached SFR unit	Full Baths	1
No. of Units		Half Baths	
Total Living Area		Garage Cap	1
Calculated Area	1,538	Foundation	Stone - 4
Main Floor Living Area	1,386		
Upper Floor Living Area Pct.	11		
CDU	AV		
Phys/Func/Econ	AV+ / /		
Ovr Pct Gd/RCN	/137,210		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components				
Code	Units	Pct	Quality	Year
Attached Garage (SF)	330			
Wood Deck (SF) with Roof	220			
Frame, Siding, Vinyl		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Warmed & Cooled Air		100		
Plumbing Fixtures (#)	6			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				

Open Slab Porch (SF)											196				2		1970				
Building Improvements																					
Id	Occupancy	MSCIs	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
29	Prefabricated Storage Shed	D	1.00	1	2000			160	52	8	16 X 10	1	2	2					2,470	15	370

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TECHNOLOGIES

CITY OF INDEPENDENCE

***** REPRINT RECEIPT*****

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OPER: JESS TERM: 001
REF#:

TRAN: 10.0408 MISC ADMIN FEES
217 N 12TH
MISC FEES 100.00CR

TENDERED: 100.00 CHECK
APPLIED: 100.00-

CHANGE: 0.00





**REQUEST FOR PLANNING COMMISSION ACTION
TEXT AMENDMENT
CITY OF INDEPENDENCE
APRIL 4, 2023**

Department Admin

Prepared By Kelly Passauer

AGENDA ITEM Consider initiating a public hearing to consider a text amendment to the zoning code regarding cargo shipping containers, also known as "Conex containers" or "portable steel storage containers."

SUMMARY RECOMMENDATION Initiate a hearing to consider a text amendment regarding portable steel storage containers.

BACKGROUND Steel storage containers are becoming popular around the United States for accessory storage uses and to create dwellings or commercial structures. While the building code addresses the structural integrity and safety of the structures, it does not address where the structures can be located. If the Planning Commission is concerned about this, then they may wish to consider a text amendment relating to these structures. Such text amendment could address these structures as accessory uses, determine what zones they can or cannot be located in, and whether or not a conditional use permit would be required. A conditional use permit would provide an opportunity to require additional conditions, including any aesthetic concerns.

Below are the current permitted accessory uses:

607.2. Permitted accessory uses: Any structure or use that complies with the definition of section 607.1 may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following list of examples:

- a. Private garages or carports, not to exceed the following capacity:
 1. For single-family residence: Four cars.
 2. For multifamily residence: Two cars per dwelling unit.
- b. A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed 200 square feet in gross floor area.
Exception: Parking garages.
- c. A child's playhouse.
- d. A private swimming pool and bathhouse.
- e. A guesthouse or rooms for guests in accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units.
- f. Statuary, arbors, trellises, barbecue stoves, wood piles for home use, flagpoles, fences, walls, hedges and radio and television antennas.
- g. Fallout shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
- h. Signs.
- i. Off-street parking and loading spaces as regulated by article VII of these regulations.
- j. Storage of major recreational equipment, such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers, shall be at the rear of the premises if there is

access thereto, or if there is not access to the rear premises, then such recreational vehicles may be parked in the private driveway of the premises, at the side thereof, or at some other inconspicuous location thereon. In no event, however, shall such recreational vehicles be parked on public property, streets, or thoroughfares for longer than 72 hours.

k. Restaurants, drugstores, gift shops, swimming pools, tennis courts, clubs and lounges and newsstands when located in a permitted hotel, motel or office building.

l. Employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building.

m. Offices for permitted business and industrial uses when said office is located on the same site as the business or industry to which it is an accessory.

n. Retail sales for permitted industrial uses when located on the same site as the industrial use.

o. The storage of retail merchandise when located within the same building as the principal retail business.

p. Any wholesale or retail sales activity may also include accessory service or repair activity for goods which are sold on the premises.

q. A hobby shop may be operated as an accessory use by the occupant of the premises for personal equipment, amusement or recreation; provided that articles produced or constructed are not sold on the premises.

r. Accessory uses for any agriculturally oriented activity, which is subordinate and incidental to the principal permitted agricultural activity, shall be permitted in the A-1 district.

s. A tiny house for use by the property owner's family.

Staff does plan to participate in on online class regarding; "Using Cargo Shipping Containers to Create Housing" on April 28, 2023. The class information is attached.

SUGGESTED MOTION: I move to initiate a public hearing on June 6, 2023 at 5:30 PM to consider a text amendment to Article B. -- Zoning on the subject of cargo shipping containers.

SUPPORTING DOCUMENTS

1. Public Hearing Notice Text Amendment 03 Cargo Shipping Containers
2. Shipping Containers Article
3. Portable Steel Storage Containers Photo
4. Using Cargo Shipping Containers to Create Housing

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning Commission will conduct a public hearing on:

Tuesday, June 6, 2023 at 5:30 p.m.

To consider a text amendment to modify Appendix B - Zoning of the City Code relating to cargo shipping containers and any additional modifications.

Case Number:

2023/ZA/03

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 652 632 373# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator's office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

Shipping-Container Homes Pose Zoning Challenges for Municipalities



Zach Smithey's shipping container home may still be a work in progress, but it sparked the city council of St. Charles, Missouri, to rule definitively on how future structures will be zoned. Photo by Kristin Baird Rattini.

Shipping-container homes are frequently touted as low-cost and eco-friendly alternatives to traditional construction. But as the concept has slowly expanded beyond novelty use — for remote beach homes and art installations, for example — and into housing, municipalities are grappling with where this new form of construction should fall within building and zoning regulations.

St. Charles, Missouri — a St. Louis suburb of about 69,000 residents — faced just such a challenge last summer. When resident Zack Smithey, an artist, applied for a building permit for a 3,100-squarefoot home to be made of eight 40-foot shipping containers, neighbors objected and city council members expressed deep reservations.

"We have an obligation to existing home owners to make sure that buildings in the area are consistent and don't hurt property values," says council member Dave Beckering.

Planning May 2017

But the St. Charles planning and zoning commission found itself at a loss. "We didn't have anything in our building code to prevent it, so we had to [grant] a permit," says Bruce Evans, AICP, the director of community development. "It caused us to take a hard look at our zoning."

Covering new ground

Following the issuing of the permit, the St. Charles city council considered a bill that would have restricted all future shipping-container homes to areas zoned for modular and mobile homes. The bill was unanimously rejected by the planning and zoning commission, who said the restriction would limit architectural creativity and was an unnecessary regulation against a construction method that had not yet been deemed inappropriate. The city council subsequently voted down the bill.

In researching alternatives, Evans enlisted the American Planning Association's Planning Advisory Service for help finding existing ordinances. "There's not much out there," Evans says, "so we came up with what works for St. Charles."

In December, the city council passed an ordinance requiring shipping container homes planned for residential areas to meet three conditions to receive a conditional use permit: 1) It complies with the building code; 2) the structure will be completely enclosed with siding; and 3) it will have a pitched wood or metal roof. In areas zoned for mobile or modular homes, shipping container homes will be a permitted use, with no conditions.

"I think it's a good compromise," Evans says. "The conditional-use process gives the planning and zoning commission and city council more options to place appropriate conditions on a project. It notifies neighbors and gives them a say in the process. We recognize this is a trend in the country; we may well have more individuals who want this kind of home. This ordinance allows us to say, 'Before you go forward, we want you to do a few things to protect city aesthetics.'"

— *Kristin Baird Rattini*

Baird Rattini is a St. Louis-based freelance writer who has contributed to such national publications as National Geographic, People, and American Way.





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2023 National Planning Conference



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Friday, April 28, 2023 from 10 a.m. - 10:45 a.m. CDT

CM | 0.75

LEARNING OUTCOMES

- Identify specific challenges to conventional construction that are addressed by container-based construction, including environmental resilience, cost efficiencies, and flexibility in changing life circumstances.
- Consider specific challenges associated with container construction, including fabrication cost factors and misperceptions about zoning and building-code impacts.
- Evaluate potential uses of and strategies for container-based construction and potential barriers to its use in a specific context.

Conventional housing construction is too costly and inflexible to meet many of our most urgent housing needs. Using shipping containers as the basis of housing design and construction has many advantages, but the most important benefits to communities come from the opportunity to produce housing units and housing elements at scale. Manufacturing housing units, rather than fabricating them on site, offers significant advantages in terms of per-unit cost, quality of construction, and code compliance, while allowing units to receive any architectural treatments desired to fit the fabric of the community.

Presenters explore the benefits of cargotecture design and fabrication for residents, homeowners, planning and housing agencies, and communities, as well as the preconditions necessary to use this approach successfully at scale. They share how cargo containers affect the provision of economical, disaster-resilient housing to reinforce community vitality, particularly in communities of color.

NPC Peer Reviewers assigned this presentation a learning level of **Intermediate**. For more on learning-level descriptions, visit our [General Information Page](https://www.planning.org/conference/information/) (<https://www.planning.org/conference/information/>).

Session Speakers

Della G. Rucker, AICP

Speaker

Wise Economy Workshop

Cincinnati, OH



Kemo L. A"akhutera
Speaker
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Activity ID: NPC2318728



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