

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's August 6, 2024 Meeting

I. Call to Order

Present: Michelle Anderson, Tim Haynes, Mary Jo Dancer, Gary Hogsett, Butch Holum

Absent: Rachel Lyon, Lisa Richard, Kym Kays, Rita Ortolani

City Staff Present: Kelly Passauer, City Manager/Zoning Administrator; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk; Maurice Garlet, Building Inspector and Jordan Bagley, IT Technician Coordinator

Guests: Larry McHugh, Miguel Carrunco, Dana Jennings

Tim Haynes called the meeting to order.

II. Minutes

- a. Consider approving minutes of the April 16, 2024 and May 7, 2024 Planning Commission/Board of Zoning Appeals meetings.

Motion:

On the motion of Butch Holum, seconded by Michelle Anderson, the Commission approved the minutes of the April 16 and May 7, 2024 Planning Commission/Board of Zoning Appeals Meetings.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Dancer, Gary Hogsett, Butch Holum
Nay: None

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

- a. Public Hearing to receive comments on variance requests to reduce the setback(s) and exceed the maximum lot coverage in an R-3, low density multi-family dwelling district at 200 South 2nd Street.

Dana Jennings wishes to install a 220 square foot (20' X 11') carport on the south side of her property where the driveway and existing garage are located. She intends to use the carport as an extension of the existing garage (1 car). The existing garage is located within one to three feet of the property line, as is the driveway. She requests a variance to reduce her south side yard setback from eight to zero feet.

504.6. Yard regulations:

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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.

District	Intensity of Use	Minimum Lot Width	Maximum Lot Coverage	Maximum Height		Minimum Yard Requirements	
	Minimum Lot Area			Feet	Stories	Front Yard	Side Yard
R-3	1 fam.. 7,200 sq/du 2 fam.. 4,000 sq/du 3 fam.. 3,000 sq/du	None	35%	35'	2.5	25'	8' Abutting street: 25'

Tim Haynes opened the public hearing.

Tim Haynes asked where the carport would go.

Dana Jennings said it would be placed in front of the existing garage.

Butch Holum asked if the roof would be pitched.

Dana Jennings replied that it would be a pitched roof.

Butch Holum asked if the sides would be open.

Dana Jennings replied that the south side facing the neighbors property would be closed.

Butch Holum asked if the utility connection would still be accessible.

Dana Jennings replied that it would.

Butch Holum asked if that would pose a problem for the Fire Department.

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Assistant City Manager Cowan replied that it would not.

Tim Haynes closed the public hearing.

Motion:

On the motion of Butch Holum, seconded by Tim Haynes, the Commission approved the following variances for the property located at 200 South 2nd Street:

- 1. Reduce the south side yard setback 7, from 8' to 1'; and**
- 2. Increase the maximum lot coverage from 35% to 46%.**

Aye: Michelle Anderson, Tim Haynes, Mary Jo Meier, Butch Holum

Nay: None

IV. Planning Commission

- a. Public Hearing to consider a text amendment relating to "Shipping containers" in a residential district as a conditional use.

Phil Eastep has requested a text amendment to the Zoning Code as he wishes to use a shipping container as a garage at his rental home. This is currently not allowed, as when the Planning Commission initially considered the code regarding shipping containers, they were concerned about them popping up in residential areas and creating a blight on the neighborhood. He is requesting that the Planning Commission consider allowing a shipping container to be used as storage in a residential neighborhood with a conditional use permit. Shipping containers are currently permitted as storage in M-1 and M-2 industrial zones. Shipping containers are permitted as storage in C-1, C-2, C-3, C-4, O&P, and A-1 districts with a conditional use permit.

In discussing and passing Ordinance 4455, the board was concerned about allowing shipping containers to be used as an accessory use in a residential neighborhood because of concerns about how they would look. Shipping containers are allowed as dwellings in residential areas with a conditional use permit that requires specific conditions to protect the neighborhood, and they could be allowed as storage containers with a conditional use permit under the same conditions. They are allowed as an accessory use to a dwelling in an A-1 district with a conditional use permit.

Section 607.4 and 613.3 would need to be amended to:

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607.4. Accessory uses permitted by conditional use: The following accessory uses shall only be permitted upon approval of a conditional use application:

- a. Television receiving tower exceeding district height limitations (see section 601.1).
- b. Amateur radio tower exceeding district height limitations (see section 601.1).
- c. Salvage storage yards, scrap and waste material storage yards when provided as an accessory use for any manufacturing or wholesale use (see additional requirements in section 1010.0).
- d. A tiny house for *short term rentals not elsewhere listed*.
- e. Shipping containers as dwellings in R-1, R-2, R-3, R-4, and R-5 residential districts; shipping containers as storage in C-1, C-2, C-3 commercial and business districts; shipping containers as storage in O&P districts; shipping containers as dwellings in A-1 agricultural districts; shipping containers as storage in A-1 agricultural districts; and shipping containers as storage in R-1, R-2, R-3, R-4, and R-5 residential districts.
- f. Shipping containers for temporary storage/office on construction sites in all districts.

613.3. Shipping containers as storage: Shipping containers are permitted as storage in M-1 and M-2 industrial zones. Shipping containers are permitted as storage with a conditional use permit in C-1, C-2, C-3, C-4, O&P, A-1, R-1, R-2, R-3, R-4, and R-5 districts. Shipping containers can be used as permanent or temporary storage, and the following conditions shall apply:

- a. All permanent shipping containers used as an accessory building to a dwelling in A-1, R-1, R-2, R-3, R-4, and R-5 districts shall comply with the following:
 - 1. Siding material shall be wood, masonry, composition board, or finish aluminum lap siding, or other material normally found on site-built homes.
 - 2. Roof may be a flat or pitch roof design meeting IRC design requirements. A minimum roof pitch of 2.5 inches in height to 12 running inches for a pitched roof.
 - 3. Roofing materials shall be wood shingles, asphalt shingles, composition shingles, fiberglass shingles, clay or concrete tile, slate, metal, or TPO or rolled roofing.
 - 4. The shipping container shall be permanently mounted on a foundation or basement that complies with the Independence Building Code.
- b. Must be in compliance with Section 607.0 regarding accessory buildings.
- c. Must be in compliance with all of Independence City Code regarding storage and storage structures, both permanent *and* temporary.

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- d. In a construction site, shipping containers may be used as temporary storage, but they must be removed within 30 days after a certificate of occupancy is issued.
- e. All other interior *and* exterior conditions must be in compliance with storage requirements and the Independence Building Code.

Tim Haynes opened the public hearing.

The Commission entered into a discussion about the item.

Tim Haynes closed the public hearing.

Motion:

On the motion of Gary Hogsett, seconded by Mary Jo Dancer, the Commission recommended that the City Commission approve a text amendment to Ordinance 4455 to allow shipping containers to be used as storage in residential districts with a conditional use permit meeting the conditions as recommended in the staff report and attached draft ordinance. This change is consistent with the intent and purpose of these regulations; The areas which are most likely to be directly affected by such change are the residential zones, which will allow shipping containers to be used as an accessory use if they meet certain conditions to ensure they blend into the character of the neighborhood and obtain a conditional use permit; and the proposed amendment is made necessary because of new planning concepts in the areas and zoning districts affected.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Meier, Gary Hogsett, Butch Holum
Nay: None

V. Discussion

Kelly Passauer noted that the next meeting is scheduled for September 3, 2024 at 5:30 pm and there will be five public hearings scheduled.

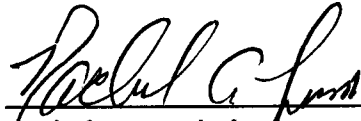
VI. Adjournment

Motion:

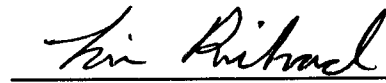
On the motion of Gary Hogsett, seconded by Tim Haynes, the Commission adjourned the meeting.

Aye: Michelle Anderson, Tim Haynes, Mary Jo Meier, Gary Hogsett, Butch Holum
Nay: None

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Rachel Lyon, Chairperson



Lisa Richard, Vice-Chair