

MINUTES
Independence Planning Commission/Board of Zoning Appeals
Tuesday, December 1, 2015
Veterans Room, Memorial Hall 5:30 p.m.

Call to Order

Planning Commissioners Present

Jim Hardy, Steve McBride, Mary Schmidt, John Faller, Tony Holmes, Darnell Lawrie and Philip Umlauf

Planning Commissioners Absent

Mary Jo Dancer* and Ron Goins*

*Outside Appointments

Staff Present

Kelly Passauer, Assistant City Manager/Zoning Administrator

Visitors Present

None

a. Consider approving minutes of the October 6, 2015 meeting.

Mary Schmidt made a motion to approve the minutes from the October 6, 2015 meeting. Jim Hardy seconded the motion to approve the minutes. Motion carried 7-0.

Planning Commission

b. Consider recommending to the City Commission reappointment of the following terms expiring on January 1, 2015:

1. John Faller, 1st term

2. Jim Hardy, 1st term

Staff provided the following information:

The above terms expire January 1, 2016 and are both eligible for reappointment. If the above members wish to continue to serve the board may recommend reappointment.

Ron Goins' term also expires January 1, 2016, however, he has served two full terms plus an unexpired and his current term is not eligible for reappointment unless there are no applicants to replace him.

A copy of the application is included in your packet in the event you know someone who may be interested. Applications must be submitted to my office by December 18, 2015. Please note that this is an outside City appointment so the replacement must reside outside the City within 3 miles of the City limits. Also, this appointment serves only on the Planning Commission, and not on the Board of Zoning Appeals.

Please remember that board members continue to serve until their terms expire. If a replacement is not appointed after their term expires, they continue to serve until such replacement is appointed. Thank you, Ron, for your service to this board!

Both John Faller and Jim Hardy agreed to serve another term. On the motion of Steve McBride, seconded by Mary Schmidt it was recommended to reappoint both John Faller and Jim Hardy to a second term. The motion carried 7-0.

Board of Zoning Appeals

- c. **Consider a variance request to encroach on the setbacks; and exceed the lot area coverage in an R-3 zoned district at 305 S. 4th Street.**

Neither the applicant nor the applicant's representative was present.

Staff provided the following staff report:

Overview of Variance Requested

The Board of Zoning Appeals has received an application from Bryson Alan Frazier to grant a variance from the setback and intensity of use regulations as provided for in the zoning ordinance. The request is to construct a garage which would require variances from the setbacks and lot area coverage requirements as follows:

Yard Regulations/ Intensity of Use	R-3 Current	Proposed
Minimum Front Yard	25'	No change requested
Minimum Rear Yard	10'	No change requested
Minimum Side Yard-North	8'	2'
Minimum Side Yard-South	8'	No change requested
Maximum Lot Coverage	35%	40%

Review of Request

The applicant plans to construct a 12' X 26' garage on his lot that will exceed the maximum lot area coverage of 35%. The applicant also plans to move an existing shed which is already encroaching on the property. He would like to request that variances be granted to increase the lot area coverage to 40% and reduce the side yard setback 8' to 2' on the north side.

Board of Zoning Appeals Considerations

In considering the providing of a variance we wish to provide the following information:

- a. *That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by any action or actions of the property owner or the applicant; The shed previously encroached on the setback.*

The owner is actually moving it so it is less of an encroachment than it currently is. The new garage only slightly exceeds the maximum lot area coverage.

- b. *That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;* It is not believed that this encroachment will create any adverse effects to adjacent property owners.
- c. *That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;* The hardship would consist of not allowing the property owner to construct a garage.
- d. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;* It does not appear that the variance will affect public health, safety or general welfare.
- e. *That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.* City staff feels it is not opposed to the general spirit and intent of the zoning regulations.

Staff Recommendation

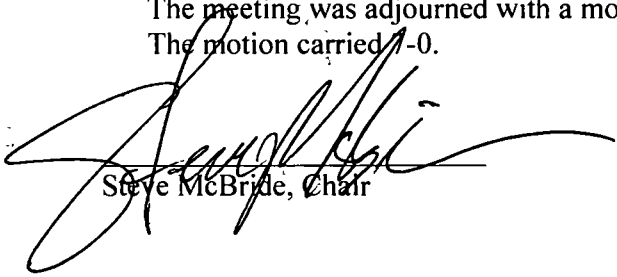
Staff recommends approving the variances as requested:

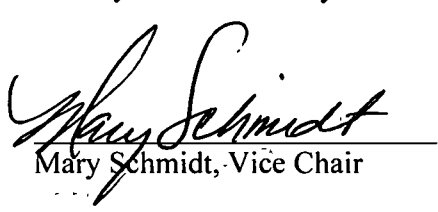
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A motion was made by ^{Mary MS.} Mary Schmidt, seconded by Phillip Umlauf to approve the variances as requested and recommended by staff. The motion carried 7-0.

Adjournment

The meeting was adjourned with a motion by Jim Hardy and a second by Darnell Lawrie. The motion carried 7-0.


Steve McBride, Chair


Mary Schmidt, Vice Chair