

MINUTES
Independence Planning Commission/Board of Zoning Appeals
Tuesday, April 4, 2017
Veterans Room, Memorial Hall 5:30 p.m.

Call to Order

Planning Commissioners Present

Philip Umlauf, Jim Hardy, Mary Jo (Dancer) Meier, Steve McBride, Brian Beecham, Brent Littleton and Barbara Emert.

Planning Commissioners Absent

Andy McLenon* and Nick McCollam*

*Outside Appointments are not on the Board of Zoning Appeals

Staff Present

Kelly Passauer, Assistant City Manager/Zoning Administrator

Visitors Present

Jason Reddy arrived at approximately 5:45 PM

- a. Welcome new members Barbara Emert and Brent Littleton.**
- b. Consider approving minutes of the February 7, 2017 meeting.**

Jim Hardy made a motion to approve the minutes of the February 7, 2017 Planning Commission/Board of Zoning Appeals minutes, seconded by Mary Jo Dancer Meier. The motion carried 7-0.

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

- c. Consider a variance request to reduce the setbacks in an R-1 zoned district at 410 Pearl..**

The applicant was not present when the hearing started. Staff provided the following staff report to the board in written form prior to the meeting:

Overview of Variance Requested

The Board of Zoning Appeals has received an application from Jason and Tiffany Reddy to grant a variance from the setback regulations as provided for in the zoning ordinance.

Review of Request

Their request is to encroach upon the rear and side yard setbacks to construct a 12' X 16' Dutch style lofted portable storage building. The applicant is requesting to encroach on the 10' required rear yard setback 8', thus reducing the rear yard setback to 2'; and to encroach on the 8' required side yard setback 6', thus reducing the side yard setback to 2'.

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; There is not an alley in the rear of this property.

- 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 applicants feel that meeting the 10' rear setback and 8' side yard setback would restrict their ability to place the building where it will be most usable.*
- 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 variance as follows: reduce the rear yard setback 8', from 10' to 2'; and reduce the side yard setback 6', from 8' to 2'.

Brian Beecham indicated he was concerned that 2' was not enough room behind the proposed location of the storage shed to properly maintain it. He felt 30" or 2 ½", which is the width of a standard door, would be more appropriate. The Board of Zoning Appeals members discussed for several minutes whether or not the additional 6" was needed. The applicant, Jason Reddy, arrived at approximately 5:45 PM. He indicated if he had to locate the storage shed an additional 6" away from the rear property line it would further limit the amount of yard he has available for his child to play in.

A motion was made by Philip Umlauf to approve the variances as requested and recommended by staff which was to reduce the rear yard setback 8', from 10' to 2'; and reduce the side yard setback 6', from 8' to 2'. The motion was seconded by Steve McBride and passed 7-0.

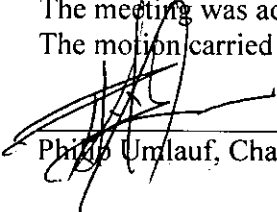
Planning Commission

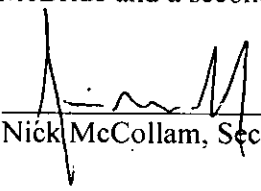
d. None.

City staff advised that the publication and the notices had been sent out for a public hearing to rezone the northwest corner of Chestnut and 8th for drive-in restaurant for May 2, 2017 at 5:30 PM.

Adjournment

The meeting was adjourned with a motion by Steve McBride and a second by Brent Littleton. The motion carried 7-0


Philip Umlauf, Chair


Nick McCollam, Secretary