

MINUTES

Independence Planning Commission Independence Board of Zoning Appeals

Tuesday, August 7, 2018

Veterans Room

Memorial Hall

5:30 p.m.

Call to Order

Planning Commissioner Present

Andy McLenon (outside), Jim Hardy, Mary Jo Meier, Brian Beecham, Barb Emert, Philipp Umlauf, Nick McCollam (outside) and Michelle Anderson

Planning Commissioners Absent

Steve McBride

Staff Present

Kelly Passauer, Assistant City Manager

Visitors

Philip Hindle

Minutes

- a. Consider approving minutes from the July 2, 2018 meeting.

Andy McLenon made a motion to approve the minutes of the July 2, 2018 meeting, Jim Hardy seconded the motion. The motion carried 8-0.

Welcome

New member Michelle Anderson was welcomed to the Planning Commission/Board of Zoning Appeals. She replaced John Koschin who passed away.

Board of Zoning Appeals

- b. Consider a variance request to decrease the side yard setback in an R-2 zoned district at 401 S. 16th Street.

The following staff report was provided for the board members:

Overview of Variance Requested

The Board of Zoning Appeals has received an application from Philip & Stephanie Hindle 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 side yard setback to add 8' onto the back of an existing garage. The applicant is requesting to encroach on the 8' required side yard setback approximately 4 ½', thus reducing the side yard setback to approximately 3 ½'.

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 an existing garage that is already encroaching on the side yard setback on the south side that is grandfathered in. The applicant simply wishes to extend this existing structure.*
- 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 8' side yard setback would restrict their ability to add onto their existing 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

Because the property line has not been surveyed, staff recommends approving the variance and reducing the south side yard setback 6', from 8' to 2'.

The applicant Philip Hindle was present and advised the Board of Zoning appeals that he wished to add 8' to his existing garage. Zoning Administrator Kelly Passauer reviewed the staff report and recommendation for the board members. Mary Jo Meier moved to approve the variance to reduce the south side yard setback 6', from 8' to 2'. Barb Emert seconded the motion. The motion carried 6-0.

- c. Consider a variance request to increase the dimensions allowed for signage in a C-3 zoned district at 208 N. Pennsylvania Avenue.

The following staff report was provided for the board members:

Overview of the Variance Requested

The Board of Zoning Appeals has received an application from Cantrell's Fine Jewelry to grant a variance from the signage regulations as provided for in the zoning ordinance.

Review of Request

Their request is to adapt the signage regulations to cover the old original sign and improve the physical appearance of their storefront.

Board of Zoning Appeals Considerations

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

- a. *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 signage will create any adverse effects to adjacent property owners.
- b. *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 existing signage is old and hindering the updates the company wishes to make to their building.
- c. *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.
- d. *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 to increase the dimensions of signage to be located at 208 North Pennsylvania Avenue to approximately 40" X 255" or 3.34' X 21.25' to cover an existing sign.

Zoning Administrator Kelly Passauer reviewed the report for the board members. The applicant was not present. Philipp Umlauf moved to approve the variance to increase the dimensions of signage to be located at 208 North Pennsylvania Avenue to approximately 40" X 255" or 3.34' X 21.25' to cover an existing sign., seconded by Brian Beecham. The motion carried 6-0.

Planning Commission

- d. Consider scheduling a public hearing for September 4, 2018 to rezone 804 S. 19th Street from R-2, single family dwelling district to M-1, light industrial district.

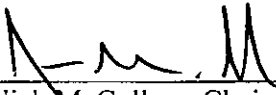
The following staff report was provided:

Staff has received an application from Harry Smith to rezone lots adjoining this parcel on the north and south from R-2, single family dwelling district to M-1, light industrial district. In order not to create a spot zone, City staff recommends scheduling a hearing to consider rezoning this vacant lot along with the other lots being considered for rezoning at a public hearing on September 4, 2018 at 5:30 PM. The Zoning Code allows the Planning Commission to initiate rezonings. The owner of record of the vacant lot no longer resides in the area. Notices will be sent to the owner of record as well as the owners of all property within 200'.

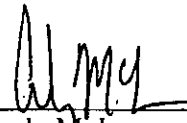
Andy McLenon moved to schedule a hearing for September 4, 2018 at 5:30 PM to consider rezoning the vacant lot located at 804 S. 19th Street from R-2, single family dwelling district to M-1, light industrial district.

Adjournment

The meeting was adjourned with a motion by Barb Emert, seconded by Michelle Anderson. The motion carried 8-0



Nick McCollam, Chair



Andy McLenon, Secretary