

## MINUTES OF THE PLANNING COMMISSION MEETING

### PLANNING COMMISSION/ BOARD OF ZONING APPEALS September 26, 2017

**Commissioners Present:** Cowman, McLean, Hardwick, Wrischnik, Pfefferkorn  
**Commissioners Absent:** Meinig

**Others Present:** Jay Wieland, Randi Shannon, Doug Laudan applicant and others

**Item 1: Pledge of Allegiance**

**Item 2: Consideration of minutes from the September 19, 2017 meeting.**

Chair Cowman called the meeting to order. The first order of business was the consideration of the minutes from the September 19, 2017 meeting.

*Commissioners McLean and Hardwick made a motion to approve the minutes with all Commissioners voting in favor.*

**Item 3: Public Hearing: Consideration and vote on a design deviation to an accessory structure at 7 East Terrace, Doug Laudan, applicant.**

The applicant would like to build an approximately 700 sq. ft. (with a 16ft overhang) pole barn style building. The size, location and setbacks for this accessory structure are consistent with the LDO (§03.210 Accessory Uses, Residential). The applicant wishes to use vertical metal siding on all side of the building, except for the front of the building located on the West side which faces East Street. This side of the building will have an exterior complimenting the existing house on this property.

Section 03.210B of the LDO requires all lots of 1 acre or smaller for the building materials to be similar to or compatible with the design, construction, materials, and colors of the main building and be commonly associated with residential construction. Section 15.525G also states that all detached garages shall have exterior siding material consisting of wood, masonry, concrete, stucco, Masonite, vinyl or metal lap.

The applicant wishes to appeal the design standards to be allowed to deviate from the LDO in order to have vertical metal siding.

City Manager Wieland stated that he consulted John Riggs with Riggs and Associates about this matter. After reviewing Article 3, Section 210 Accessory Use, Residential, Mr. Riggs stated that the requested design exception be granted as provided for in the Land Development Ordinance.

He also suggested putting a stay on any structure over 120sp.ft. until such time a new regulation is adopted.

Commissioner Pfefferkorn expressed his concerns about having the applicant comply Section 500.200.3.C of the City of Paola Building Codes. The section states that construction, projections, openings, and penetrations of the exterior walls of the accessory building shall be of one-hour fire resistive construction were located within ten (10) feet of a property line or between other buildings located on the same lot.

Applicant, Dough Laudan explained that he submitted engineer stamped drawing for this accessory structure that were approved by the City of Paola's building inspection department. Therefore, he should not have to go back and add the fire-resistant sheetrock after the permit has already been approved.

Commissioner Wrischnik pointed out although Commissioner Pfefferkorn is making the suggestion in good faith for the applicant's neighbors; the City Building Codes are regulated by the city. It was the Planning Commission's duty to regulate issues pertaining to the LDO, which would be the design and esthetics of the structure.

The consensus among the commissioners was that a decision needed to be made was to grant the deviation for the vertical metal siding of the accessory structure.

There was no further discussion among Commissioners.

*Commissioners Cowman and Pfefferkorn made a motion to grant the design exception of the vertical metal siding per the submitted plans as provided by the LDO. With all Commissioners voting in favor.*

**Item 4:      Discuss a draft revision to Article 3, Section 210 Accessory Use, Residential of the City of Paola Land Development Ordinance.**

City Manager Wieland presents the draft of Article 3, Section 210 Accessory Use, Residential for the Commissioners to review. The draft was written with recommendations from Commissioner Pfefferkorn, John Riggs, and from staff members in the building inspection department pertaining to issues that have previously came up. Most of the language in this draft was pulled from other communities with similar development. The draft focuses on the allowable size an accessory structure to better fit the size of lot.

Commissioner Cowman expressed his concern for Section 2a of the revision stating that the language for the trenched footing causing some confusion. Also the requirement for minimum roof pitch does not read well and needs some explanation.

Commissioner Cowman also thought that in Section 2b that the requirement for an accessory structure in excess of 120sp. ft. to have the lower one-third of the front, as well as any side facing a street or alleyway shall be faced with masonry such as brick or stone or other architectural

element complimentary of the primary structure. This should be revised to say faced with an architectural element complementary of the main dwelling as approved by the zoning official. Therefore it would not be required to apply masonry to the accessory structure, if the main dwell does not have it.

Commissioner McLean expressed his concern about the five (5) foot minimum setback for the accessory structure. If it was ten (10) foot instead of five (5), then it would comply with the Section 500.200.3.C. of the Paola Building Codes.

Commissioner Wrischnik asked why there is a requirement for trenched footing, but there is not requirement for a concrete pad to be put in place. Jay Wieland responded that there are building codes that regulate how big a structure can be before a concrete foundation is required.

There was no further discussion among Commissioners.

*Commissioners Cowman and Pfefferkorn made a motion for a moratorium on all accessory structures larger than 120sq.ft. until Article 3, Section 210 Accessory Use, Residential of the LDO is revised. With all Commissioners voting in favor.*

**Item 5:      Community/ Economic Development Director Report.**

One new house has been issued since the New Residential Housing Incentive program has been renewed. There have been eleven (11) new houses in 2017.

**Item 6:      Adjournment.**

*Commissioners Cowman and McLean made a motion to adjourn the meeting. All Commissioners voted in favor.*