



**MINUTES OF THE  
PLANNING COMMISSION MEETING  
PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
DECEMBER 15, 2020**

**Commissioners Present:** Cowman, McLean, Pritchard, Scott,  
**Commissioners Absent:** Pfefferkorn, Newton  
**Others Present:** Assistant City Manager Randi Shannon,  
Alan Hire, Property owner of 108 N Diamond,  
Mr. & Mrs. Rawlins, Property owners of 405 W Kaskaskia

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**Item 1: Pledge of Allegiance**

**Item 2: Consideration of minutes from the OCTOBER 20 , 2020 meeting**

Commissioner Cowman called the meeting to order. The first order of business was the consideration and approval of the minutes from the October 20, 2020 meeting.

*Commissioners Scott and Pritchard made a motion to approve the minutes from the October 20, 2020 meeting with all Commissioners voting in favor.*

**Item 3: Public Hearing: Consideration and vote on a Variance to the minimum lot size and setback requirements to 403 W. Kaskaskia, Rita Moore, Applicant.**

*Commissioners Scott and Pritchard made a motion to open a Public Hearing with all Commissioners voting in favor.*

Assistant City Manager Randi Shannon, presented that This lot is currently under contract contingent upon that the new owners will be able to build a single-family home. In the NC-R2 zoning district the minimum lots requirements for constructing a single-family home are as follows:

Lot Area: 6,000 sq. ft.

Side Yard Setbacks: 5 ft.

Lot Width: 50 ft.

Rear Yard Setbacks: 25 ft.

Street Yard Setbacks: 25 ft.

The lots current dimensions are as follows:

Lot Area: 5,334 sq. ft.

Lot Width: 42 ft.

There has not been an official recent survey or plot plan completed yet. This is a requirement for all new home construction before a permit will be issued to insure that the home will be

constructed within the property boundaries and comply with the established setback requirements. According to Table 4.110A USE AND LOT STANDARDS of the LDO, on all lots of record prior to this Ordinance's Adoption with widths less than 50', the side yard setbacks shall be 10% of the lot width, not less than 3 ft. This would make 403 W Kaskaskia lots side yard setbacks at 4.2 ft. instead of the standard 5ft.

According to the LDO and the Paola Building Codes, the minimum dimension of a rectangular dwelling unit shall be at least 22 feet. If a dwelling unit is not rectangular, then the minimum dimension of a rectangle superimposed over and enclosing the entire footprint of the dwelling unit shall be at least 22 feet. The minimum square footage requirement of a single family home is 960 sq. ft. Both of these requirements can still be met within the required setbacks and irregular lot dimensions. This lot currently has water and sewer still available but will need to have new services installed.

Alan Hire, owner of 108 N Diamond expressed his concerns with there not being a recent survey of the property, the fact that the new owners want to use the alley for access and the large trees that appear to be on the property line.

Mr. & Mrs. Rawlins, property owners of 405 W Kaskaskia, express the same concerns with there not being a recent survey of the property done.

*Commissioners McLean and Scott made a motion to close the Public Hearing with all Commissioners voting in favor.*

Commissioners reviewed Section 21.251 Standards for Variances of the Paola Land Development Ordinance.

SECTION 21.251 STANDARDS FOR VARIANCES To approve a variance, the Board of Zoning Appeals shall apply the following standards:

A. Under no conditions shall a variance permit a use that is not otherwise permitted in the district.

*Single Family home construction is a permitted use in the NC-R2 zoning district.*

B. Special circumstances or conditions exist peculiar to the land or building for which the variance is sought that do not apply generally to lots, land, or buildings in the neighborhood.  
*Lot was platted smaller than the minimum lot standards prior to the adoption of the Paola Land Development Ordinance.*

C. The special circumstances and conditions have not resulted from any act of the applicant subsequent to this Ordinance's adoption.

*No, the lot was platted before the adoption of the Paola Land Development Ordinance.*

D. The special circumstances and conditions are such that strict application of this Ordinance's provisions would deprive the applicant of the reasonable use of the land or building.  
*Strict application of this Ordinance's provision will never permit a home to be built on this lot, which will leave this lot vacant indefinitely.*

E. Granting the variance is necessary to relieve the applicant of an unnecessary hardship imposed by the regulations.  
*It will be difficult to sell a lot that is not buildable.*

F. The variance granted is the minimum necessary to relieve the unnecessary hardship and permit a reasonable use of the land.  
Yes.

G. Granting the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare.  
*No, new construction will still abide by the required setbacks.*

H. Granting the variance is in harmony with this Ordinance's purposes and intent.  
Yes.

I. Granting the variance is not inconsistent with the Comprehensive Plan.  
*Approving variance will allow residential development on an infill lot which is consistent with the Comprehensive Plan.*

After reviewing the standards, the consensus of the commissioners was to have the applicant submit a survey completed by a licensed land surveyor to be reviewed at the January 19th, 2021 meeting. This would allow the commissioners to be able to see for sure that the house would be able to fit within the required setbacks without encroaching into the neighboring properties.

*Commissioners Cowman and Scott made a motion to issue a continuance to January 19, 2021 at 5:00 at the Paola Justice Center, 805 N Pearl Street, to allow for the applicants to complete a new survey of 403 W Kaskaskia Street, with all Commissioners voting in favor.*

#### **Item 4: Community/Economic Development Director Report**

Building permits for the year: 451  
Paola Comp Plan RFPs are due on December 16, 2020.

#### **Item 5: Adjournment**

*Commissioners McLean and Cowman made a motion to adjourn with all Commissioners voting in favor.*