



**MINUTES OF THE  
PLANNING COMMISSION MEETING  
PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
JANUARY 19, 2021**

**Commissioners Present:** Cowman, McLean, Scott, Pfefferkorn, Newton

**Commissioners Absent:** Pritchard

**Others Present:** Assistant City Manager Randi Shannon,  
Alan Hire, Property owner of 108 N Diamond,  
Mr. & Mrs. Rawlings, Property owners of 405 W Kaskaskia

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**Item 1: Pledge of Allegiance**

**Item 2: Consideration of minutes from the December 15 , 2020 meeting**

Commissioner Cowman called the meeting to order. The first order of business was the consideration and approval of the minutes from the December 15, 2020 meeting.

*Commissioners Scott and McLean made a motion to approve the minutes from the December 15, 2020 meeting with all Commissioners voting in favor. Commissioner Newton abstained from voting due to not being present at the December meeting.*

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

*Commissioners Scott and Newton 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 had not been a 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.

Since the December 15, 2020 meeting a current survey that was performed by Greg Grant R.L.S. Surveying, and shows the buildable area (the area within the permitted setbacks). This footprint of the proposed house is within the buildable area and complies with the established setbacks for the zoning district.

Mr. & Mrs. Rawlins expressed their concerns, not in favor of the proposed house being built due to the possibility of poor curb appeal, property value depreciation, and its benign and inconvenience by making their outdoor space smaller.

Alan Hire presented photos about the trees that appear to be close to the property line, and his concern for what will happen to those trees if the house were to be built.

*Commissioners Pfefferkorn 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.*

Commissioner Pfefferkorn believed that allowing a house to be built on this property would be considered overcrowding and promote overdevelopment. He would be more comfortable if it was replaced with a like-kind structure, such as the mobile home that was once there in the past.

Cowman expressed that not approving the variance would be denying the property owner the right to use the lot. In favor of the variance based on the survey provided showing the house well within the required setbacks.

*Commissioners Cowman and Pfefferkorn made a motion to approve the variance for 403 W Kaskaskia, with all Commissioners Cowman, McLean and Newton voting in favor, and Scott and Pfefferkorn not. Variance requires an affirmative vote of 4 commissioners to approve. Variance was denied.*

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

Building permits for the year: 12 to start of 2021.

Received 14 Paola Comp Plan RFPs, and will be doing interviews January 21st.

**Item 5:       Adjournment**

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