

**PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
MAY 21, 2024 MEETING MINUTES**

**Commissioners Present:** Cowman, Dees, DeGrande, Maurer, McLean, Upshaw,

**Commissioners Absent:** Parks

**Others Present:** Jessica Newton, Mitch Gabbert - City of Paola, David Gatlin,  
Terrence Mcnerney

---

**Item 1: Pledge of Allegiance.**

**Item 2: Consideration of minutes from the February 20, 2024 meeting.**

Commissioner Cowman called the meeting to order. The next order of business was the consideration and approval of the minutes from the February 20, 2024 meeting.

*Commissioner McLean made a motion to approve the February 20, 2024 meeting minutes. The motion was seconded by Commissioner Dees with Commissioners Cowman, Dees, Maurer, McLean and DeGrande voting in favor. Commissioner Upshaw abstained, as he was absent from that meeting.*

**Item 3: Public Hearing - Consideration and vote to approve a variance for reduced setbacks and location of a detached accessory structure at 608 S Hickory.**

*Commissioner DeGrande made a motion to open the Public Hearing. The motion was seconded by Commissioner Upshaw with all Commissioners voting in favor.*

Code Enforcement Officer Mitch Gabbert presented background information on the application for a variance at 608 S Hickory St. The variance requested was from the setbacks and location of a proposed accessory structure, and the applicant was Steven Schulte.

Gabbert advised that ordinance number 3124 covers the standards for residential accessory structures, and states that accessory structures may not be located in front of the primary structure. Gabbert stated that accessory

structures on lots between 10,000 square feet and 1 acre shall have setbacks of 10 feet from the rear and side property lines.

Gabbert advised the desired location for this project is in front of the house and would have setbacks lower than what is required by ordinance 3124. He went on to say that the applicant planned on installing a hard surface driveway to access the proposed structure, and that the applicant had supplied a plot plan showing the proposed location of the structure.

Gabbert explained sections 21.250 and 21.252 of the Land Development Ordinance (LDO) to the Planning Commissioners. He advised that staff had found the application would not be detrimental to the health, safety, or general welfare of the community, and the application was consistent with §21.250 of the LDO. Gabbert said that due to the unique lot shape and layout, staff would recommend approval of the variance.

Commissioner Cowman asked if staff received any written comments. Gabbert advised no written comments were received, however he received approximately 3 phone calls from neighboring property owners, asking what was going on and stating that they had no opposition to the project.

*Commissioner McLean made a motion to close the Public Hearing. The motion was seconded by Commissioner DeGrande with all Commissioners voting in favor.*

Commissioner McLean asked about the driveway next to this lot and Gabbert advised that it is on a separate lot.

Commissioner DeGrande inquired about section 21.250 of the LDO, and City Planner Jessica Newton explained it to him.

Commissioner McLean asked about the fire resistance of the walls on the proposed structure and Gabbert advised that it would be looked at during plan review for the building permit.

Commissioner Cowman stated that the property is unique and on a dead end street. He added that the entire neighborhood is very unique and this is the only location the applicant could build a garage.

Commissioner DeGrande asked for clarification on the difference between this variance and a previous variance and Newton explained that the previous variance request was for a structure that exceeded the square footage of the house on the property.

Commissioner Upshaw asked if the proposed structure would interfere with any city utilities. Gabbert advised that it would not, due to the large right-of-way area on this property.

Commissioner DeGrande advised that he had an issue with the previous variance getting denied to set a precedent, and Commissioner Cowman informed him that the Planning Commission had approved a variance similar to this one in the past.

Commissioner Dees asked if Miami County Fair traffic would have any line of sight problems with the proposed structure. Gabbert stated that it would not, and having it, along with a driveway, would allow cars that normally park on the street, to be parked off of the street.

Commissioner Cowman made a motion to approve the variance. Commissioner DeGrande seconded the motion. Commissioners Cowman, Mauer, and Upshaw voted in favor. Commissioners DeGrande, McLean, and Dees voted against the variance. Due to not receiving the 4 necessary votes, the variance was denied.

**Item 4: Consideration and vote to recommend approval of the Bur Oak Estates No. 3 Preliminary Plat, Nick Hart applicant.**

Code Enforcement Officer Gabbert presented the details for the preliminary plat of the Bur Oak Estates No. 3 subdivision. He stated that the subdivision would include 6 single family residential lots and is zoned Suburban.

Gabbert presented information to the Planning Commission on the sewer, water, streets, and drainage plans for the subdivision. He advised that all plats and plans were consistent with article 10 of the LDO and would not be detrimental to the health, safety or general welfare of the community.

Gabbert advised that staff recommendation would be to recommend approval of the preliminary plat, with the condition that it met all engineer and staff review comments and requirements.

Commissioner Mauer asked if the future homes would be required to meet the minimum square footage requirements that other Bur Oak subdivisions have to meet. Newton advised that this is the same developer as the other Bur Oak subdivisions and he would be responsible for setting up any restrictions on the sizes of houses built on the proposed lots.

Commissioner McLean asked about the sewer system servicing the proposed subdivision, and Gabbert advised that Public Works Director Kirk Rees reviewed the sewer plans and approved them.

Commissioner DeGrande made a motion to recommend approval of the preliminary plat, with the condition that it met all engineer and staff review comments and requirements. Commissioner McLean seconded the motion, and all commissioners voted in favor.

Code Enforcement Officer Gabbert advised that the year to date permit numbers were around 143 permits. He stated that the Taylor Forge learning center was moving along, and the new Lakemary dorm passed its final inspection. Gabbert advised that staff was interviewing applicants for the building inspector and admin assistant positions. He added that there was a new business consultation for Amanda Leigh Crafts at 123 W Peoria St. He advised that during the March City Council meeting, the City Council approved the CUP for tiny homes at 1004 N Pearl St. Gabbert added, Council also approved new mural regulations. Newton informed the Planning Commission that HR Director Vicki Belt will be retiring soon.

**Item 5:                   Adjournment**

*Commissioner Cowman made a motion to adjourn. The motion was seconded by Commissioner McLean with all Commissioners voting in favor.*