

MINUTES
BOARD OF ADJUSTMENT
SPECIAL MEETING
THURSDAY, JUNE 6, 2019
11:00 A.M.

Mr. Beisner called the June 6, 2019, Board of Adjustment meeting to order with the following Board members present: Thomas Beisner, James Pinjuv, David Layne, Ron Brewer, Matthew Smith, Christopher Briley, and Dewayne Patton were absent. Thomas Walters and Lindsay Dunn represented the Planning, Development and Neighborhood Services Department.

OLD BUSINESS

A. Approval of December 21, 2018 and May 17, 2019 Meeting minutes.

Mr. Beisner asked if everyone had the chance to look at the minutes, do we have a motion to approve those Minutes?

MR. BRILEY MOVED, SECONDED BY MR. PINJUV, TO APPROVE THE DECEMBER 21, 2018 MINUTES. MOTION CARRIED, WITH MR. BEISNER, MR. PINJUV, MR. LAYNE, MR. BREWER, MR. SMITH, MR. BRILEY AND MR. PATTON VOTING "AYE". (7 IN FAVOR, 0 NAYS).

MR. LAYNE MOVED, SECONDED BY MR. PATTON, TO APPROVE THE MAY 17, 2019 MINUTES. MOTION CARRIED, WITH MR. BEISNER, MR. PINJUV, MR. LAYNE, MR. BREWER, MR. SMITH, MR. BRILEY AND MR. PATTON VOTING "AYE". (7 IN FAVOR, 0 NAYS).

PUBLIC HEARING

Mr. Beisner We will go ahead and open a Public Hearing portion of the meeting and I'll read the rules for all those in attendance:

- 1) State your name and address clearly for the record.
- 2) Please give your testimony as briefly and as completely as possible.
- 3) Please, do not repeat testimony that has been given previously. We want you to state your facts but limit your information to only new information.
- 4) Everyone is invited to speak; however, if you have a spokesman, please allow him/her to speak.
- 5) When the Public Hearing is closed by the Chairman, no additional testimony is allowed except when invited by the Board.
- 6) Remember that this is a Public Hearing and all sides have a right to give testimony or state one side of any issue.

- 7) The Zoning and Planning Commission of the City of Joplin through this introduction, accepts into evidence the 2012 Comprehensive Plan, the Zoning Code of the City of Joplin and the Subdivision Regulations of the City of Joplin, the Telecommunications Ordinance, and the Stormwater Management Regulations of the City of Joplin being Appendices 29-A, 29-B, 29-D, 29-E, and 29-F of the Joplin Municipal Code, the written recommendations of the City's staff, and all other written evidence presented at today's hearing.

Case 5-19-01

90 Inger Pl. - A request from Melissa Harrison for a variance from Sec. 29A-1815 (Fences), of the Joplin City Code of Ordinances, more particularly described as a waiver of privacy fence shall not be located closer to the front property line than the nearest portion of the rear of the building.

Mr. Walters stated the applicant is requesting a variance to allow for an enclosed yard. The house on the property is located in a back corner of the parcel resulting in nominal area to enclose with privacy fencing as permitted by Code. The applicant intent is to enclose the yard to the west of the house adjacent to the alley. Location of the proposed fence will replace existing decorative fence.

Based upon the discussion above, the proposed property is unique due to placement of the residence with respect to the parcel boundaries. The residence is not within setbacks for current zoning and is grandfathered due to time of construction. This non-conformity was not a result of the current property owner as reflected by deed recorded in 2011.

Adjacent Property: The proposed variances will not have a negative impact on adjacent properties due to the location of an alley in the west and the proposed privacy fence will not differ in placement with respect to neighboring properties as typically allowed by code. In other words, the privacy fence will be located at the back of the adjacent property lines.

Hardship: The strict application of the provisions of the zoning regulations will prohibit any usable area of the property to be enclosed by privacy fence. The applicant desires the fence to exceed the four-foot allowed in the proposed location to secure a portion of the property from pedestrian traffic.

Public Interest: The proposed variances will not have a negative impact on the public.

Minimum variance: The applicant has proposed the minimum variance that will allow for the proposed intent to enclose the yard. While the proposed fence could be moved further from the front property line, the presence of a concrete slab decreases the grass yard that would be enclosed.

Staff believes that this variance is acceptable and recommends approval of Case 05-19-01.

Mr. Patton asked what the setback from the street be?

Mr. Walters stated he would recommend 15 feet would be most appropriate.

Mr. Patton wanted to know what it would be to the alley?

Mr. Walters stated she should be able to go to her property line.

Mr. Pinjuv wanted to know if the fence will not cross the driveway?

Mr. Walters stated that was correct. The privacy fence will go along the back where the patio is Located to the southwest corner of the lot.

Mr. Beisner asked if there was anyone else that would like to speak in favor of this case?

Melissa Harrison, 90 Inger Pl., Joplin, MO and is the property owner. Prior owner had a fence and we moved the fence for parking purposes. Most of the houses are rentals and kids going in to the yard. Neighbors has stated they would appreciate it.

Mr. Pinjuv asked staff you have recommended approval on this case, did you put any conditions on this, like setback from the road?

Mr. Walters stated he examined it by the way it was proposed by the applicant. His recommendation is 15 feet off the road. It is up for discussion here if the commission would like to change it.

Mr. Briley asked Mr. Walters to touch on the sight triangle.

Mr. Walters stated anytime you are backing out of the driveway or coming out of the alley a privacy fence would obscure your ability to see traffic coming. You would not be able to observe traffic until your basically in the street. The intent of moving the fence to the safe distance is to ensure that there is not collision.

Mr. Smith those residential houses across the street that is the front of those houses. The privacy fence on the north side of her property is there going to be a height restriction.

Mr. Walters stated that the applicant has requested 6 foot fence. Largely in review the effect on adjacent properties are described as properties but not across a right-of-way.

Mr. Pinjuv asked Mr. Walters about the aerial having two different addresses.

Mr. Walters stated one is google, but the address is which is on the aerial photo is assigned by the City of Joplin. 90 Inger Place is the correct address.

MR. BREWER MOVED, SECONDED BY MR. BRILEY, TO APPROVE CASE 05-19-01, 90 INGER PL. PRIVACY FENCE. MOTION CARRIED, WITH MR. BEISNER, MR. PINJUV, MR. LAYNE, MR. BREWER, MR. SMITH, MR. BRILEY AND MR. PATTON VOTING "AYE". (7 IN FAVOR, 0 NAYS).

Mr. Beisner stated that an election for Chairman, Vice Chairman, and Secretary needs to be done since we tabled it last time. Nomination for Chairman?

Mr. Beisner nominated Mr. Layne. Is there any other nomination? There were not. Nomination accepted.

Mr. Layne asked for nominations for Vice Chairman.

Mr. Briley volunteered for Vice Chair and Mr. Brewer volunteered for Secretary.

Recap:

Mr. David Layne – Chairman
Mr. Christopher Briley – Vice Chairman
Mr. Ron Brewer - Secretary

Mr. Layne stated we just need a motion to adjourn. Do I have a motion to adjourn?

MR. BREWER MOVED, SECONDED BY MR. PINJUV, TO ADJOURN. MOTION CARRIED, WITH MR. BEISNER, MR. PINJUV, MR. LAYNE, MR. BREWER, MR. SMITH, MR. BRILEY AND MR. PATTON VOTING "AYE". (7 IN FAVOR, 0 NAYS).

The meeting was adjourned at 11:45 A.M.

Approved Thomas Beisner
Thomas Beisner, Chairperson

Approved Lindsay Dunn
Lindsay Dunn, Notary