



**MINUTES OF THE PLANNING COMMISSION MEETING  
PLANNING COMMISSION/  
BOARD OF ZONING APPEALS  
APRIL 16, 2019**

**Commissioners Present:** Cowman, Hardwick, McLean, Pritchard, Scott  
**Commissioners Absent:** Pfefferkorn

**Others Present:** Randi Shannon, Jessica Shay-Howell, Pete Bell, Gail Bell, Neighbor

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**Item 1: Pledge of Allegiance**

**Item 2: Consideration of minutes from the March 19, 2019 meeting**

Commissioner Cowman called the meeting to order. The first order of business was the consideration of the minutes from the March 19, 2019 meeting.

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

**Item 3: Public Hearing: Consideration and vote on a variance of Section 3.210 Accessory Use, Residential, Pete Bell applicant.**

*Commissioners Pritchard and McLean made a motion to open a public hearing for consideration on a variance of Section 3.210 Accessory Use, Residential, Pete Bell applicant with all Commissioners voting in favor.*

No comments.

*Commissioners Pritchard and McLean made a motion to close a public hearing for consideration on a variance of Section 3.210 Accessory Use, Residential, Pete Bell applicant with all Commissioners voting in favor.*

City Planner, Randi, presented to the commission information submitted by Pete Bell requesting the Paola Planning Commission consider allowing him to deviate from the current Land Development Ordinance (LDO) regarding accessory structures. The LDO does not permit the owner to construct a garage in Mr. Bell's desired location, which is the front and side yard on the property. The regulations only allow for accessory structures to be built in the rear yard of a property.

Commissioner Scott asked what setbacks would be required. City Planner, Randi, stated that Mr. Bell would be required to have front and side yard setbacks of five (5) feet.

Commissioner Pritchard asked if the existing garage would have to be attached to the primary structure. City Planner, Randi, stated that the existing garage must be connected to the primary

structure and staff recommendations are to complete that prior to the second garage being built.

Mr. Bell stated that he will build the structure twenty (20) to thirty (30) feet from his neighbor to the north.

Commissioner Pritchard asked Mr. Bell how big his lot size is and why he didn't want to place in the rear yard. Mr. Bell answered his lot is one (1) acre and if placed in the rear yard it would ruin the park like setting he was trying to achieve.

Commissioner Scott asked City Planner, Randi, if any other neighbors had voiced disapproval to her. She stated no one had expressed any opposition.

Commissioner Pritchard asked City Planner, Randi, how many people this would potentially open the door for to ask for a similar variance. She stated it would be unpredictable but garages are a popular permit.

Commissioner McLean stated he would be open to the variance since the lot is located in a unique location in the old part of town with little traffic.

Commissioner Cowman stated this is a unique situation given the location dead-ends onto an unmaintained alley. He goes on to state that variance guidelines do not apply to Mr. Bell's situation. Commissioner Cowman clarifies with Mr. Bell his main reasons to place the garage in his front yard as:

Mr. Bell's backyard would be his neighbor's (to the south) front yard;  
The backyard elevations would add cost to build;  
The cost to move the power pole would be a burden.

Mr. Bell agreed the previous statements from Commission Cowman were correct.

Commissioner McLean stated that a special circumstance should be made due to the following reasons:

The lot is on a dead-end street;  
The lot is located in an old part of town.

*Commissioners Pritchard and McLean made a motion to approve (with staff recommendations) a variance of Section 3.210 Accessory Use, Residential, Pete Bell applicant with Commissioners Cowman and Scott voting in favor and Commissioner Hardwick voting in opposition.*

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

Permit totals to date are:

- April = 31
- 2019 = 132

Council approved a First Right of Refusal for the Old Water Treatment Plant located at 201 Waterworks Road.

Klaasmeyer is looking to close on the Industrial Park property in the last week of April.

Southern Eats – footing and foundation, underslab plumbing permit approved.

School District ballfield shelter – nearing completion.

Taylor Forge shop rebuild – no permit issued due to incomplete drawing submittal.

**Item 7: Adjournment**

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