

MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT  
 Tuesday, October 25, 2022 - 4:00 p.m.  
 1100 Frederick, 3rd Floor Council Chambers, City Hall  
 Regular Meeting

Pursuant to notice, the Zoning Board of Adjustment of the City of St. Joseph met, on Tuesday, October 25, 2022 at 4:00 p.m. in the Council Chambers, City Hall.

	<u>Name</u>	<u>Members' Term</u>	<u>Attendance</u>	<u>End of Term</u>
<b>MEMBERS PRESENT:</b>	Seth Slayden	(11-00)		02/23/24
	Terry Hall	(09-02)		06/14/26
	Joe Morrey	(04-00)		05/12/24
	Lindsey Bachman	(02-00)		03/22/26
	Grace Hammett		alternate member	
<b>MEMBERS ABSENT:</b>	G. Brent Powers	(07-02)		08/09/26
<b>STAFF PRESENT:</b>	Jason Soper, Assistant City Attorney Brandon Kanoy, City Planner Rebecca Shipp, Executive Administrative Assistant			

Four members constitute a quorum.

Hall called the meeting to order at 4:00 pm.

*(Verbatim transcript starts)*

Hall: A quorum is present. We will call this meeting to order. We have certified copies of Chapters 11, 26 and 31 available. Um, Rebecca, will you do a roll call please?

Shipp: Brent Powers

\*silence\*

Shipp: Joe Morrey

\*silence\*

Shipp: Lindsey Bachman

Bachman: Present

Shipp: Terry Hall

Hall: Present

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Shipp: Seth Slayden

Slayden: Present

Shipp: Grace Hammett

Hammett: Present

Hall: Well, in the absence of anybody to speak on the um, current petition then we'll just follow the agenda. Take a look at the minutes and we'll entertain a motion on the minutes.

Slayden: Move to approve the minutes.

Bachman: I'll second.

Hall: We have a motion on the floor, first and seconded for approval of the minutes. I there any discussion? All those in favor signify by saying aye.

\*All present stated aye in unison\*

Hall: All those opposed, same sign.

\*silence\*

Hall: Motion passes. Uh, are there any postponements or adjustments to the agenda?

Kanoy: There are none.

Hall: Alright. Before us today we have case number 2498 request for a variance from Section 31-023(f)(6) and any and all other Sections necessary to allow the lot line adjustment for 2 lots less than 6000 square feet located on the property at 2119 Washington as requested by Oakley Brown, Bowen, pardon me. Uh, does the city have a response?

Kanoy: Yes. The city is recommending approval of this lot line adjustment variance. Essentially, it maintains the existing conditions of the lot so far as we can tell have been below these minimums for as long as they've existed and this lot line adjustment won't change much of anything. It just changes the boundaries, doesn't even change the square footage.

Hall: Okay. Well, I see that Joe has joined us. Rebecca has changed the attendance record.

Shipp: Yes

Hall: Uh, Joe, we're looking at case uh, 2498 on the request for a variance on Sections 31-023(f)(6) and any and all other Sections necessary to allow for a lot line adjustment for 2 lots less than 6000 square feet located on the property at 2119 Washington as requested by Oakley Bowen. Uh, the city has given their report and they are recommending approval both based off past history that these two lots have never met the minimum standard and it's within keeping of uh, the current plan.

Kanoy: Yes, that's correct. It maintains existing conditions.

Hall: So, are there any questions for the city staff on this requested variance?

Hammett: I have questions.

Hall: Sure.

Hammett: Um, I wasn't clear on the diagrams what the lots were like originally. Um, are we talking about the 2119 lot and is that the new size of it?

Kanoy: So what's on the staff report is what is existing right now. Uh, and it's between 2119 and 2121. Essentially what they're doing is they're making; they're switching up where the L shape goes. So the L shape would be on the northwest side. There would be a small rectangle on the southeast corner.

Hammett: So 506 would-

Kanoy: 506 is already there and not involved in it.

Hammett: Not involved.

Kanoy: Their lot lines won't be changing.

Hammett: So, 2121 is being made smaller?

Hall: No.

Hammett: No?

Hall: What I, what I took it to mean is really, if I draw a line right here, that's what we're doing. Creating two lots on this property.

Kanoy: Basically.

Hall: So if you take the corner of 2121 and draw it straight down, you're gonna have a rectangle on the one side and a smaller rectangle on the other.

Hammett: Okay so, 2121 is being cut in half diagonally?

Hall: Not diagonally.

Slayden: I think what there doing is taking this line that's existing straight down.

Hammett: uh-huh. Oh so-

Slayden: This piece up here-

Hammett: So, 2121 is actually-

Slayden: Bigger.

Hammett: Larger?

Hall: They're, they're just doing this-*\*inaudible\**

*\*inaudible\** several conversations at once

Bachman: Brandon, do you mind showing us.

Kanoy: Yep. One second.

*\*inaudible\** several conversations at once

Morrey: Who's the dominant owner? Who are the people who own this? The owner of record.

Kanoy: So the applicant is under contract to purchase both of these lots to change the lot sizes.

Morrey: Okay.

Hammett: So the same person that um, the same person will own all of this land? The 2121 and the 2119.

Kanoy: Yes. The little cut off portion will remain with the original owner. The applicants are under contract to purchase the new lot created by this lot line adjustment.

Hammett: So basically, instead of two larger lots and a smaller lot, its three equal lots and two of them will be owned by one person.

Kanoy: Basically.

Slayden: So is this application submitted on by the person who actually owns the property now or is under contract to buy the property?

Kanoy: Under contract to purchase the property.

Hammett: With two different purchasers, two different people?

Kanoy: So the current owner owns 2121 and 2119. And they are purchasing from that owner.

Hammett: And they're just wanting to combine it?

Kanoy: Yes.

Morrey: Not, not being an obstructionist but are they the proper applicant? They don't own the property?

Kanoy: They do have the owner's consent.

Morrey: Do they have-

Hall: It's probably worded in the contract that way that if this doesn't go through, they don't have to buy the property.

Morrey: Usually, the owners does that.

Hall: Yeah.

Morrey: Contingent upon it going through and the sale occurs but I've never seen it this way. Where's our legal, there he is. Will this be good? I'm presuming you're saying he's got their delegated authority to make this application. Like something in writing.

Kanoy: Yes. We do have that in writing.

Morrey: Okay.

Kanoy: In the file.

Morrey: Thank you.

Hall: So you have it in writing from the current owner that this is acceptable?

Kanoy: Yes, we do.

Hall: Okay.

Morrey: Do you, do you know what their plan is? I don't know that that's something you can tell us.

Kanoy: Their, their plan is to live in the house that's there. They're not planning on doing any construction or changes.

Morrey: Are there two houses there now?

Kanoy: They're two houses right there. Basically what they're doing is they are cutting off the garage. The original owner wants to continue to own the garage that's there.

Morrey: Okay. So there's no new construction or anything?

Kanoy: No.

Morrey: Thank you. And nobody voiced objections?

Hall: That was my next question. If we had sent out the notice and if we've received any response?

Shipp: We have sent notices. We have not received responses.

Hall: Okay. Any other questions for the city staff? Is there a motion on this request?

Morrey: I'd make it.

Hall: I'm sorry-

Morrey: I'll make such a motion.

Hall: We have a motion. Is there a second?

Slayden: Second

Hall: Rebecca would you so a roll call vote please?

Shipp: Joe Morrey

Morrey: Yes.

Shipp: Lindsey Bachman

Bachman: Yes.

Shipp: Terry Hall

Hall: Yes.

Shipp: Seth Slayden

Slayden: Yes.

Shipp: Grace Hammett

Hammett: Yes.

Hall: So approved. We have two Findings of Fact from our previous meetings on uh, they were both on August.

Soper: Sir, a point of order.

Hall: Yes.

Soper: I think we need to make it a record that there's, that, that discussion was offered to the community but that nobody was here.

Hall: Okay.

Soper: To uh, to give that discussion. I don't think that had been made clear on the record.

Hall: Well actually it was at the beginning, but, before we even started that there was nobody here to speak on the matter.

Soper: I missed that.

Hall: No, not a problem. Good point. But there was nobody here. That's why we went through the agenda as normal instead of putting minutes and everything to the end. So, so the first one is case number uh, 2496 this is a request for a variance and any and all other Sections necessary to allow construction of a two-car attached garage requiring 2' by 2" of intrusion into the side yard setback located at the property at 2520 Forest Avenue as requested by Jere and Sheldon Loyd. And we voted to accept this on the 22<sup>nd</sup> of August. Does that concur with everyone's beliefs? And it's okay to sign this Finding of Fact. She can't hear nods.

\*All present stated yes in unison\*

Hall: And then we have case number 2497 the request for an exception from Sections 31-130(a)(1) and 31-130(c)(2)(e) and any and all other Sections necessary to allow a sign greater than 30' in height and greater than 100sq. ft. located on the property at 3803 Fox Hill Drive as requested by Mark Thomas on behalf of Kansas City Peterbilt. And we voted to approve that variance. Does it concur with everyone's belief?

\*All present stated yes in unison\*

Hall: So we will sign that variance today as October 25, 2022. Are there any other matters before this board today? If not, I'll entertain a motion to adjourn.

Bachman: I'll so move.

Hall: Moved. Seconded?

Slayden: Second.

(Verbatim ends)

Meeting adjourned 4:13 pm

Minutes respectfully submitted, Rebecca Shipp