

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, JUNE 17, 2013 – 7:30 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Chair Phillips at 7:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips and Commissioners, Gardner, Palmquist, Olson, and Thompson
STAFF: City Planner Kaltsas, Administrator Hirsch, and Councilor Fisher
ABSENT: None
VISITORS: John McClelland, Jeff Scott, and June Sutton

3. OATH OF OFFICE – ROBERT GARDNER

Gardner was sworn in as Planning Commission for another term.

4. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF MAY 13, 2013

Motion by Gardner, seconded by Olson, to approve the May 13, 2013 Planning Commission minutes with changes. Ayes: Phillips, Palmquist, Olson, Thompson, & Gardner. Nays: None. Absent: None. MOTION DECLARED CARRIED.

5. PUBLIC HEARING – JOHN AND ANNETTE MCCLELLAND (APPLICANT) AND JAMES MEYER (OWNER), 2035 AND 2015 NELSON ROAD, (PID# 19-118-24-24-0010 AND 19-118-24-24-0009) REQUESTING:

- A minor subdivision to permit a lot line rearrangement that would allow an existing accessory building to be located entirely on 2015 Nelson Road.

Kaltsas explained the location, layout, and the request for lot line rearrangement. The property at 2035 is the property to the north, zoned Agricultural and is currently 12.03 acres, the after condition 11.5 acres. The property 2015 is the property to the south, zoned agricultural and currently 4.96 acres, the after condition 5.04 acres.

Kaltsas stated the issue is the detached garage owned by the 2015 property owner was built with approximately a third of the building on the property 2035. The 2035 property owner agreed to sell a small part of the property to the 2015 owner, which would allow the entire detached garage to be located on the 2015 property. The transfer of property would be .08 acres.

Kaltsas stated even with the lot line rearrangement it does not meeting the side yard set-back. The detached garage in the before and after would remain a legal non-conforming structure.

Kaltsas explained there is a relatively new detached structure on the property 2035. This structure does meet the required setbacks and still will with the proposed lot line rearrangement.

Kaltsas stated there is an option of creating a variance for the building however, we are recommending to leave it as a legal non-conforming structure so that if any changes are made they abide by the setbacks and the requirements of the non-conforming ordinance.

The City is looking for recommendation from the Planning Commission relating to the lot line rearrangement along with the three findings listed in the report.

Public Hearing Open

James Meyer, owner of 2015 Nelson Rd, asked if he would have any issues selling the property with a variance on one side of the lot. Kaltsas stated it would be considered a legal non-conforming building. This means the building was constructed prior to the zoning ordinance being adopted, and there is an ordinance related to a non-conforming structure. There are restrictions on what can be done to the building, but it is legal non-conforming structure.

Phillips asked when the building was built was it moved or did the property line moved. Meyers stated the garage was built in 1973 and he bought some land from the neighbor to build the garage. He stated he got a permit and built it. At that time there were no surveys being done. The previous owner of 2035 has since passed away. Meyers stated he was not aware he was not on his property line. He stated he maintained the area around it, as he thought it was his property. He only discovered the problem once McClelland bought the property and had a survey done. Meyers stated his property is currently listed for sale.

Gardner asked if the lot line does not change, could this affect the salability of the property. Fisher stated you could not sell it as it is, due to an encroachment issue no one would buy it.

John McClelland, owner of 2035 Nelson Rd, stated that last year he bought the property, a survey done, and built a garage. At that time, it was discovered that the building from 2015 was partially on his property. He and Meyers then discussed selling a small piece of the land from 2035 to 2015 allowing the entire building to remain on 2015.

Motion by Gardner, second by Olson to close the Public Hearing. Ayes: Phillips, Gardner, Palmquist, Olson, and Thompson; Nays; None; Absent: None. PUBLIC HEARING CLOSED.

Thompson questioned about the location, size, and angle of land being sold. Kaltsas stated this was done to minimize the amount of land needed while still trying to meet the setback for the structure on 2015. Phillips stated he preferred the line be moved over eight (8) feet to create a straight line across the property. Thompson stated the current property line is not straight now. Gardner stated neither of these properties have the approved frontage. Kaltsas stated if the lot line was changed on 2035 it would reduce the frontage even more. Phillips stated he felt this was an inelegant solution and does not like doing this. Thompson liked that the proposed line still keeps the building on 2035 and within the setback requirements. Phillips stated he would rather square off the lot line. Gardner stated it is not a perfect solution.

Motion by Gardner, seconded by Thompson, to permit a lot line rearrangement reconfiguring the boundaries of two properties allowing an existing accessory structure to be located entirely on 2015 Nelson Rd as stated in the report and as shown on the survey. Ayes: Gardner, Palmquist, Olson, and Thompson. Nays: None. Absent: None. Phillips chose to abstain from the vote. MOTION DECLARED APPROVED.

8. OPEN/MISC.

None

9. ADJOURN

Motion by Olson, seconded by Gardner, to adjourn the meeting at 7:53 p.m. Ayes: Phillips, Gardner Palmquist, Olson, and Thompson; Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully submitted

Jolene M Nelson, Recording Secretary