M I N U T E S
BOARD OF ADJUSTMENT
MEETING
FRIDAY, JANUARY 17, 2020
11:00 A.M.

Mr. Layne called the January 17, 2020 Board of Adjustment meeting to order with the following Board members present David Layne, Thomas Beisner, Matthew Smith, and Ron Brewer. Keegan Stanton, and Olivia Stockdale represented the Planning, Development and Neighborhood Services Department.

MR. SMITH MOVED, SECONDED BY MR. BEISNER TO EXCUSE MR. PATTON, MR. BRILEY AND MR. PINJUV. MOTION CARRIED, WITH MR. LAYNE, MR. BEISNER, MR. SMITH, AND MR. BREWER, VOTING "AYE". (4 IN FAVOR, 0 NAYS, 3 ABSENT).

OLD BUSINESS

A. **Approval of December 20, 2019 Meeting minutes.**

Mr. Layne asked if everyone had the chance to look at the minutes, and if there is a motion to approve those minutes?

Mr. Brewer stated that his name is in the minutes and he was not at the meeting.

MR. BREWER MOVED, SECONDED BY MR. SMITH, TO TABLE THE DECEMBER 20, 2019 MINUTES. MOTION CARRIED, WITH MR. LAYNE, MR. BEISNER, MR. SMITH, AND MR. BREWER, VOTING "AYE". (4 IN FAVOR, 0 NAYS, 3 ABSENT).

PUBLIC HEARING

Mr. Layne — We will go ahead and open the 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 Board of Zoning Adjustment 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.

Mr. Layne stated the first case is:

A. Case 12-19-02: 1710 S. Harlem Ave. – A request by Abby Johnson for a variance from Appendix 29-A (Zoning Code), Article 18 (Supplementary Regulations), Sec. 29A-1815 (Fences), Subsection B, Paragraph 5 (Maximum board width) of the Joplin City Code of Ordinances, more particularly described as a waiver to allow board widths greater than 12 inches.

Keegan Stanton stated he would do a recap of this case. It started about a year ago from the Neighborhood Services Officer. There was not a neighbor complaint just an observation from the Neighborhood Services Officer. This case has gone before the courts and the Judge did order the applicant to seek relief in getting a variance. Staff does recommend approval of this case as we do allow other materials, namely plastic and vinyl for fence construction which is already greater that 12 inches in board width. At the last meeting there was concern of possibly setting a precedence. Each case that comes before this board is a case by case basis.

Abby Johnson, 1710 S Harlem Avenue, Joplin, MO. She stated that she wanted to reiterate that she does use most of her side yard because the City has an easement on the back of her property when they built the covered drainage, she does not have full usage of her back yard.

Mr. Stanton stated that the City usually does not permit other structures to be built over an easement or public utility. We would have not allowed a fence to be put over the drainage system.

Mr. Layne asked if there were any questions from the Commissioners for Staff or Ms. Johnson? There was not.

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

Mr. Ken Johnson, 326 East 39th Street, Joplin, MO. Ms. Johnson is his daughter and he has owned that property for 45 years. Mr. Johnson stated that he has tried to raise her as a good steward of a property, which she is. She also maintains the drainage easement for the city. She keeps the property clean. There have been no complaints from the neighbors.

Mr. William Gilbreth, 2208 West 32nd Street, Joplin, MO. Mr. Johnson summed up everything I was going to say. Ms. Johnson has taken care of that property. Including cutting a tree that was dead. She abides by the City Code. The fence is not an eye sore. She is also a single parent of 3 children and still is able to maintain the drainage easement and her yard.

Mr. Layne asked if there was anyone to speak in opposition to this case? There were not. Mr. Layne asked if there any other questions from the Commission?

Mr. Brewer asked Ms. Johnson is there currently a lawsuit involved with this.

Ms. Johnson stated there was not.

Mr. Beisner stated he would like to make a comment. His biggest concern with this case is setting a precedent and opening up options to people all over town to put up fences that are not in the zoning requirements.

MR. SMITH MOVED, SECONDED BY MR. BEISNER, TO DENY CASE 12-19-02. MOTION CARRIED., WITH MR. LAYNE, MR. BEISNER, MR. SMITH, AND MR. BREWER, VOTING "AYE". (4 IN FAVOR, 0 NAYS, 3 ABSENT).

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

MR. BREWER MOVED, SECONDED BY MR. SMITH, TO ADJOURN. MOTION CARRIED, WITH MR. LAYNE, MR. BEISNER, MR. SMITH, AND MR. BREWER, VOTING "AYE". (4 IN FAVOR, 0 NAYS, 3 ABSENT).

Approved _____
David Layne, Chairman

Approved _____
Olivia Stockdale, Notary