M I N U T E S
BOARD OF ADJUSTMENT
MEETING
FRIDAY, DECEMBER 20, 2019
11:00 A.M.

Mr. Layne called the December 20, 2019, Board of Adjustment meeting to order with the following Board members present: David Layne, Thomas Beisner, James Pinjuv, Matthew Smith, and Christopher Briley. Absent were Ron Brewer and Dewayne Patton. Keegan Stanton, and Lindsay Dunn represented the Planning, Development and Neighborhood Services Department.

OLD BUSINESS

A. **Approval of November 15, 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. BRILEY MOVED, SECONDED BY MR. BEISNER, TO APPROVE THE NOVEMBER 15, 2019 MINUTES. MOTION CARRIED, WITH MR. LAYNE, MR. BEISNER, MR. PINJUV, MR. SMITH, AND MR. BRILEY, VOTING "AYE". (5 IN FAVOR, 0 NAYS, 2 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 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.

Mr. Layne stated the first case is:

Case 12-19-01: 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 A (Privacy Fences) of the Joplin City Code of Ordinances, more particularly described as a waiver of the requirement that privacy fences not be located closer to the front property line than the nearest portion of the rear of the building.

Mr. Stanton stated that the two cases are regarding one piece of property. The first, 12-19-01, is a request from Abby Johnson for a variance from our Zoning Code. This is described as a waiver from the requirement that the privacy fence not be located closer to the front property line than the rear wall of the house. Mr. Stanton stated that fences that are over six (6) feet tall are restricted to the back yard only. In this case, because of an existing stormwater drainage system underneath her property, the applicant is requesting to fence in part of her side yard with a privacy fence, since we do not typically permit fences to be built over public utilities. This case started as a violation from the Neighborhood Services office and has gone through multiple phases, most recently the court system, where the Judge has asked the applicant to pursue a variance from the City of Joplin. Staff recommends approval of this request.

Abby Johnson, 1710 S Harlem Avenue, Joplin, MO. She stated that she has lived in this house for ten (10) years this June and with the covered drainage she does not have full usage of her back yard. The side door off the kitchen is in the side yard and that is where she lets her dog out. She has three (3) children and that is where they play.

Mr. Brewer asked if there were any questions from the Commissioners?

Mr. Briley asked if the fence had been up for ten (10) years?

Ms. Johnson stated it had not. Just over year and half.

Mr. Pinjuv asked where exactly on the map was it located?

Ms. Johnson stated if you are on Harlem Ave looking at my front porch it is off to the left. It is off to the south side.

Mr. Pinjuv asked how are the doors supported?

Ms. Johnson stated there are eight footers buried with concrete, and then she did three boards across and notched them and put the doors in between and bolted them down.

Mr. Layne asked if there were any other questions for Ms. Johnson or the City?

Mr. Briley wanted to know if any of the neighbors have objected to the doors?

Ms. Johnson stated people stop and take pictures of the fence and her next-door neighbor loves it.

Mr. Brewer asked if there was anyone that would like to speak opposing this case? There was not. He also asked Mr. Stanton if staff approves?

Mr. Stanton stated staff recommends approval due to the drainage system.

MR. BRILEY MOVED, SECONDED BY MR. SMITH, TO APPROVE CASE 12-19-01. MOTION CARRIED., WITH MR. LAYNE, MR. BEISNER, MR. PINJUV, MR. SMITH, AND MR. BRILEY, VOTING "AYE". (5 IN FAVOR, 0 NAYS, 2 ABSENT).

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.

Mr. Stanton stated this was another request from the same property owner. This one has to do with the materials used in the construction and the width of the boards, so to speak, which would be the doors. Vinyl and plastic are now allowed. In those cases, very often they don't use boards and the width of the panels often exceed twelve (12) inches very frequently. Since we allow those it seems we should extend the same consideration to the doors.

Mr. Brewer stated that if this is approved then a precedence will be set for anyone in town to put up a similar type fence.

Mr. Stanton stated that it would set a precedence. Mr. Stanton stated that the zoning code is being updated but he has not seen what the new fence codes will be if any. It is a very unique construction material, as far as what staff took into consideration was essentially what already allowed in vinyl and plastic. That is the basis for this recommendation. However, it is ultimately the board's decision.

Mr. Pinjuv stated that he has not been out to look at the fence and he apologized. But he could not support this without looking at the fence.

Mr. Brewer asked what would be the consequences if we did not approve this? What would the City require?

Mr. Stanton stated as the first case was approved, the location, that would be granted, what would change is the doors that are being used would not be permitted and the City would require the applicant to revert to regular standard pickets or something that meets the code of 12 inches or less. The fence was built without a fence permit.

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

Ms. Johnson stated that the fence has been up for a year and a half and her issue is her children and her animals, not having full use of her yard and that is why she utilized the side yard.

Mr. Brewer asked if there was anyone that would like to speak opposing this case? There was not

MR. PINJUV MOVED, SECONDED BY MR. BRILEY, TO TABLE CASE 12-19-02. MOTION CARRIED., WITH MR. LAYNE, MR. BEISNER, MR. PINJUV, MR. SMITH, AND MR. BRILEY, VOTING "AYE". (5 IN FAVOR, 0 NAYS, 2 ABSENT).

MR. PINJUV MOVED, SECONDED BY MR. BEISNER, TO EXCUSE MR. RON BREWER AND MR. DEWAYNE PATTON MOTION CARRIED., WITH MR. LAYNE, MR. BEISNER, MR. PINJUV, MR. SMITH, AND MR. BRILEY, VOTING "AYE". (5 IN FAVOR, 0 NAYS, 2 ABSENT).

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

MR. BEISNER MOVED, SECONDED BY MR. BRILEY, TO ADJOURN. MOTION CARRIED, WITH MR. LAYNE, MR. BEISNER, MR. PINJUV, MR. SMITH, AND MR. BRILEY, VOTING "AYE". (5 IN FAVOR, 0 NAYS, 2 ABSENT).

Approved _____
David Layne, Chairman

Approved _____
Lindsay Dunn, Notary