

Planning and Zoning Commission Minutes

**Aurora Police and Fire Facility
Training Room**

**106 S Elliott Avenue
Aurora MO**

Tuesday, June 6, 2023 - 6 PM

6/6/2023 - Minutes

1. CALL TO ORDER

6:00 PM

2. ROLL CALL

Chairman Dennis Baker - *present*

Vice Chairman Regina Payne - *absent*

Mayor Jason Lewis - *present*

Commission Member Justin Cox - *present*

Commission Member David Cox - *present*

Commission Member Linda Barton - *present*

Commission Member William Gold - *present*

3. APPROVAL OF MINUTES

3.I. Approval Of Minutes From Meeting Held May 2, 2023

Mayor Lewis made a motion to approve the minutes from the meeting held May 2, 2023. Motion seconded by Commission Member J. Cox. Motion passed with all members voting aye.

4. NEW BUSINESS

4.I. Discussion And Review Of Planning And Zoning Procedures

Director Howlett spoke to the Commission regarding making motions and the voting process. A handout was provided to the Commission with procedural information.

4.II. Public Hearing - Accessory Building Special Request

Director Howlett addressed the Commission regarding the special request. Formal application was made by Richard and Linda Osborne for an accessory building measuring 1170 square feet. City Code states that all accessory buildings over 900 square feet must be presented to the Planning and Zoning Commission for review. Director Howlett stated that the lot size of the topic property has ample space for the accessory building and would still meet all setbacks and code requirements. There is an existing concrete pad on the property and the applicant intends to construct in the same area. Staff recommendation is approval.

Mayor Lewis made a motion to open the public hearing at 6:10pm. Motion seconded by Commission Member Barton. Motion passed with all members voting aye.

Applicants Richard and Linda Osborne are present at the meeting.

No further public comment.

Mayor Lewis made a motion to close the public hearing, time noted 6:12 pm. Motion seconded by Commission Member J. Cox. Motion passed with all members voting aye.

Finding of Fact was addressed with the Commission.

The accessory building request would serve the convenience and general welfare of the public. It would not make an adverse impact on the neighborhood. It does not adversely affect surrounding property and property values. It does serve the neighborhood in some degree. The request does protect the neighborhood interest. It does not alter the character or nature of the development of the neighborhood. It would be in basic harmony with the various elements and objectives of the Master Plan. It does comply with the requirements established for that special request.

Mayor Lewis made a motion to approve the request for the accessory building larger than 900 square feet to be placed at 111 W Lee. Motion seconded by Commission Member Barton. Motion passed with the members voting the following:

AYE: Baker, Lewis, J. Cox, D. Cox, Barton, Gold

NAY: None

4.III. Public Hearing - Fence Variance Request

Director Howlett addressed the Commission regarding the request for a fence variance. Formal application was made by Cheryl Fetherolf of 830 S Park Avenue. The City Code states that fences can be a maximum of 6 feet in the side and rear property but only 3 feet in the front of the property. The Planning and Zoning Commission can grant variances in certain circumstances. The applicant is requesting to construct a 6 foot fence on the north side of the property. Director Howlett explains that this area would be considered the front of her property. The request laid forth to the Commission today is due to the placement and location of the property and the property owner's inability to block hardships surrounding her that are a nuisance. The applicant's property is located near Commercial property to the north and west; both of which create sounds and visual disturbances. Director Howlett looked into buffering techniques that could help with the topic property but no solutions were found. Staff recommendation is approval.

Mayor Lewis motioned to open the public hearing at 6:18 pm. Motion seconded by Commission Member Barton. Motion passed with all members voting aye.

Applicant, Cheryl Fetherolf is not present at the meeting. However, Steven Miller is present representing the owner and her request.

No further public comment.

Mayor Lewis motioned to close the public hearing at 6:19 pm. Motion seconded by J. Cox. Motion passed with all members voting aye.

Finding of Fact was addressed with the Commission.

Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surrounding, which were not created by the owner or applicant, the strict application of the Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a

grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located. The literal interpretation and the strict application of the applicable provision or requirements of the Land Use Code would cause undue hardship or practical difficulties. The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.

Mayor Lewis made a motion to approve the fence variance request. Motion seconded by Commission Member Barton. Motion passed with all members voting the following:

AYE: Baker, Lewis, D. Cox, Barton, Gold

NAY: None

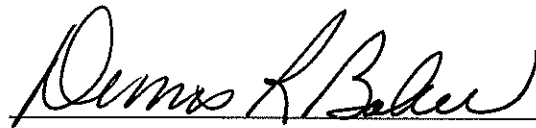
ABSTAIN: J. Cox

5. PUBLIC COMMENT/DISCUSSION

None

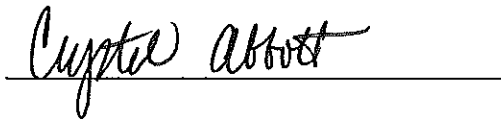
6. ADJOURNMENT

Mayor Lewis motioned to adjourn the meeting; time noted 6:24 pm. Motion seconded by J. Cox. Motion passed with all members voting aye.



Dennis Baker, Chairman

ATTEST:



Crystal Abbott, Administrative Assistant