

CITY OF AVA, MISSOURI
PLANNING/ZONING COMMISSION
October 20, 2009
6:30 p.m.

Call to Order/open public meeting:

Board President, Josh Wilbur called to order and opened the public meeting.

Roll Call of Commission by Board President, Josh Wilbur.

Members present: Josh Wilbur, Gary Moffett, Todd Farrell

Members absent: Scott Stark, Jack Hamer, Lane Lakey

City staff present: Director of Development, Janice Lorrain, and Administrative Assistant, Vickie Williams

Visitors: Jamie Dry, Rose Zella Myers, Keith Moore, Jared & Rebecca Smith

Approval of minutes:

Minutes of September, 2009 minutes approved by motion from Todd Farrell, and seconded by Gary Moffett. Motion carried unanimously.

Nonconforming lots: Rebecca Moore

Rebecca Smith & husband Jared are the owners of a small house and undersized lot on NE 3rd Avenue, which they have listed for sale. She stated that they had a buyer with a written contract on the house, and that this buyer had been told that nonconforming buildings could not be enlarged or replaced.

Janice did some research and found an exception to the nonconforming building rule. The property was platted in 1910 and recorded in 1977, giving it grandfather status. The exception states that legal nonconforming lots can be used as residential building sites if all other conditions are met. Janice Lorrain had prepared for the Smith's a copy of the plat and the nonconforming use ordinance, that documented when the property was platted and the ordinance passed.

Rose Zella Myers, real estate agent for the Smith's, asked the city for a letter that stated this very fact. It was agreed by zoning members that the ordinance would suffice for what she was asking.

Rebecca Smith asked the commission if there would be stipulations to follow in the rebuilding process, should the house burn down, and when rebuilding, could the house could be built back as 2-story. Janice told Mrs. Smith that, "Yes, there are setbacks, and before an answer could be given she would need to consult the City Code Book."

Topic was tabled until the November meeting. Janice presented wording that she had compiled from other cities' ordinances that would loosen the restrictions on nonconforming lots and buildings for the commissioners to consider for discussion at the next meeting. The wording is as follows:

Where a legal non-conforming lot of record created by plat has less width or lot area than this ordinance requires, the district standards shall not prohibit the reconstruction of a building to the original footprint of the dwelling, provided such reconstruction is necessary due to fire, explosion or other casualty, act of God, or the public enemy. The owner must apply for a building permit within two years of the original destruction. All other standards of the applicable zoning district must be met. If the lot was established in violation of regulations in effect at the time of its creation and remains in violation of current regulations, then it does not have the status of a buildable lot.

Home Occupancy Permit: Mittlestead

A phone call to Mr. Mittlestead revealed that he was in jail at this time.
This item was tabled.

Roberts Retail update:

The City has issued a building permit for this project this week.
Josh Wilbur commented that this project will be an added bonus to the community.

New Commission member:

Josh Wilbur has met with Jamie Dry to speak with her about joining the P&Z Commission and she is in attendance tonight to get a feel of what the meetings consist of.

Josh Wilbur told Jamie Dry that the commission is in place to review ordinances and to help those that come in to meet their goals. He also explained what the P&Z is doing in its rezoning process, and how some new zoning districts have been adopted in the last few years, and stated that if you increase the number of uses for a piece of property, you in turn increase that property's value. The commission believes that Jaime Dry would be a great asset to Planning & Zoning.

October rezonings:

Motion was made by Todd Farrell and seconded by Gary Moffett to recommend approval of the B-2 rezonings to the Board of Aldermen of the VFW, Eaves, Paddock, Coonts, Dougherty, Surguine, and Banks properties.

Recommendations for December rezonings:

Lots 5 & 6 in Block 1 of Miller's Addition. A portion of Lot 1 and Lot 2 in Block 4 of Miller's Addition. A portion of Lot 2 in Block 3 of King's Addition. A portion of Lot 4 in Block 4 of King's Addition.

[At November meeting the commission will discuss rezoning of Lots 1-8 in Block 4 of W.W. Clark's 2nd Addition. Lots 1-8 in Block 5 of W.W. Clark's 2nd Addition. Lot 1 in Block 17 of W.W. Clark's 2nd Addition].

Additional Business:

Shawn Swearengen wants to build a 6 ft. privacy fence around a house that he recently purchased in Southview Addition. Item was tabled.

Jason Crews has submitted an application for a building permit. He has explained that he wants to build an addition on a mobile home located on NE 11th Street. There is an issue of a non-conforming lot, and the mobile home is non-conforming also. Janice is meeting with Mr. Crews tomorrow at City Hall to further discuss the subject.

Adjourn:

Motion to adjourn was made by Gary Moffett and seconded by Todd Farrell.
Motion carried unanimously.