

## MINUTES OF COMMISSION MEETING

October 11, 2007

7:30 P.M.

### ZONING AND PLANNING COMMISSION / ZONING BOARD OF APPEALS

1. Roll Call/Call to Order
2. Approval of Minutes of Zoning and Planning Commission / Zoning Board of Appeals Meeting: September 27, 2007
3. Case # 07 ZBA – 18 / Huster Variation – 312 N. Highland Avenue  
Request for Front Yard Variation for the purpose of constructing a front porch on property commonly known as 312 N. Highland Avenue (PIN 03-35-320-023).  
**Public Hearing:** All properties within 500' have been notified.
3. Case # 07 P-06 / Doti Liquors Conditional Use 104 E. Fullerton  
Request for Conditional Use Permit for the purpose of relocating an existing pylon sign and installing an electronic message board to replace the manual reader board on property commonly known as 104 E. Fullerton (PIN 03-36-100-019)  
**Continued Public Hearing from September 27 2007:** All properties within 500' have been notified.
4. Case # 07 P – 05 / Martens Subdivision – 411/415 Spring Road  
Request for Subdivision of two lots into nine lots and associated lot frontage (width) variations for the property commonly known as 411-415 Spring Road (PINS: 06-11-203-003 & 004).  
**Continued Public Hearing from August 23, September 13, & September 27 2007:** All properties within 500' have been notified.
5. Case # 07 ZBA – 15 / Derwin Variation - 139 N. Berteau Avenue  
Request for Front Yard Variation for the purpose of constructing a front porch on property commonly known as 139 N. Berteau Avenue (PIN 06-01-211-009).  
**Continued Public Hearing from September 13, & September 27 2007:** All properties within 500' have been notified.

**\*The transcript of proceedings is the official record of the hearing and it is not intended that these minutes are a substitute for that transcript pursuant to the Open Meetings Act.**

Commission Members Present: Corrado, Frolik, McCoy, Mushow, Slone, Whistler

Commissioner Members Absent: Brinkmeier, DeWitt, Ernst

City Staff Present: Werner

Chairman Whistler opened the meeting at 7:30 P.M. and requested a roll call. After the roll call determined that there was a quorum, Chairman Whistler requested a motion for the approval of the minutes of the Zoning & Planning Commission meeting on September 27, 2007. Commissioner Corrado moved to approve the September 27, 2007 Zoning & Planning Commission meeting minutes. Commissioner Frolik seconded and, with a voice vote being all ayes the motion passed.

Chairman Whistler opened the Public Hearing for Case # 07ZBA-18/Huster variation which is a request for a front yard setback variation for the purpose of constructing a front porch. After all testimony was received from the applicant, and there being one concerned citizen in favor of the proposal, Chairman Whistler closed the public hearing portion of this case. The applicant was instructed that the record will remain open to allow for letters of support from the neighbors to be entered into the record.

Chairman Whistler then opened the continued public hearing for Case # 07P-05/Martens Subdivision and associated variations. This is a request to subdivide two lots into nine lots with lot frontage variations on two lots. The Commission discussed the topographical map provided by the applicant as it relates to storm water management. Staff noted that no matter what is built there, the same engineering requirements and regulations will apply. Interested parties spoke about the subdivision request and voiced their concerns about water runoff and the flooding that is occurring in the neighborhood. It was the opinion of those interested parties that new construction is exacerbating the flooding in the neighborhood. Staff stated that this should not be the case as engineering requirements should improve the stormwater management and reduce, not increase, stormwater runoff from an improved property. The Commission noted that they have heard staff's explanation of the engineering requirements of the City and County but have repeatedly heard from constituents that flooding is worse after construction of a new home. Staff stated that the Engineering department will either address this issue in writing or attend the deliberation meeting on October 25, 2007. After all testimony was received from the applicant and interested parties, Chairman Whistler closed the public hearing portion of this case.

Chairman Whistler opened the Public Hearing for Case # 07P-06/ Doti Liquor pylon sign request. This is a request to allow the relocation of an existing pylon sign due to the construction of an addition to the shopping center. Also, the applicant is requesting approval of replacing the manual reader board on the sign with an electronic reader board. After all testimony was received from the applicant, and there being no interested parties in the audience regarding this petition, Chairman Whistler closed the public hearing portion of this case.

Chairman Whistler opened the Public Hearing for Case # 07ZBA-15/Derwin variation which is a request for a front yard setback variation for the purpose of constructing a front porch. After all testimony was received from the applicant, and there being no interested parties in the audience regarding this petition, Chairman Whistler closed the public hearing portion of this case.

Commissioner Corrado moved to deliberate this case immediately; Commissioner Slone seconded and, on a voice vote being all ayes, the motion passed.

Under deliberation, Commissioner Corrado moved to approve Case #07ZBA-15 as presented. Commissioner Frolik seconded and the Commission voted unanimously to approve the request.

Under Other Business, the Commission discussed the upcoming case schedule.

The meeting was adjourned at 10:00 PM.

Submitted by: Nathaniel J. Werner, AICP, Planning and Zoning Administrator