



**City of Jordan  
City Planning Commission  
Regular Meeting May 14, 2013  
Jordan Council Chambers**

**Members present:** Chair, Tom Sand (6:35), Vice Chair, Gene Flynn, Rolf Hafslund, Jeanne Marnoff, Lance Schmitt (6:50), and Council Representative, Jeff Will

**Not present:** Sally Schultz

**Staff present:** Corrin Wendell, Senior Planner, Joanne Foust, Consulting Planner and Emily Bodeker, Planning Intern

**Others Present:** Thom Boncher, Tim Bischke, Jack Laughridge, Troy Laughridge, Susan Dahl, Pat Mason, Hans Case, others.

**1.0 Call to Order**

Vice Chair Gene Flynn called the meeting of the Planning Commission to order at: 6:32 p.m.

**2.0 Adopt Agenda**

*Motion by Hafslund, seconded by Marnoff to adopt agenda as presented. With all in favor, the motion carried 4-0.*

**3.0 Approval of Minutes**

**A. April 9, 2013 Regular Meeting Minutes**

**B. April 23, 2013 Special Meeting Minutes**

*Motion by Will seconded by Hafslund to approve the April 9 and April 23, 2013 meeting minutes as presented, the motion passed 4-0.*

**4.0 Public Hearings**

**A. Variance- 304 W 2<sup>nd</sup> Street**

Consulting Staff introduced the variance application for 304 W 2<sup>nd</sup> Street to allow a 4-8" variance to allow a 19'8" high garage. The maximum permitted is 15' at the highest point.

*Commissioner Tom Sand arrived (6:35pm)*

Consulting staff explained that in order for the City to grant a variance, the Planning Commission must make findings including:

1. There are special conditions and circumstances that are particular to the land, structure or building that do not apply to other land, structures or buildings in the R-2 District.
2. The granting of the proposed variance will not be contrary to the intent of this chapter. (Zoning Chapter)

3. The special conditions or circumstances do not result from the actions of the owner/applicant.
4. The granting of the variance will not merely serve as a convenience to the applicant, but is necessary to alleviate practical difficulties in complying with the zoning provisions of this Code
  - In order to meet the statutory definition and satisfy the “practical difficulties” test, the request must show:
    1. Use of the property in a reasonable manner not permitted by the zoning ordinance.
    2. The plight of the landowner is due to circumstances unique to the property not created by the land owner.
    3. This variance, if granted will not alter the essential character of the locality.
5. The variance requested is the minimum variance necessary to alleviate the practical difficulty.

Staff noted in the Planning Commission memo that, “the initial building permit was submitted on May 15, 2012, and the applicant indicated he interpreted the maximum height of 15’ to be the side wall rather than the “highest point.” He utilized a sample illustration the building inspector firm provides to show information they require on a permit for an accessory structure. The building permit for this project however was stamped with notations that the maximum height allowed is 15 feet, “structure should not exceed 15’ to highest point”. The building permit was issued; a final inspection was never requested from the applicant to the building inspector.”

*Chair Sand opened the public hearing at 6:43pm.*

*Dave Siwek*, Explained that he was the owner of the house when the garage was constructed, and he was the applicant of the building permit that was pulled. He explained that he was surprised to get the letter in the mail from the City. He showed plans from the original building permit that was pulled and explained that he was confused by the drawings provided by the building inspector/handout. He also noted that the garage is not the tallest garage in the neighborhood.

*Tim Bischke, 205 E. Street*, noted he took a look at various properties around downtown. He stated that after casual observation he believed that nothing visually stood out and the garage seemed to fit in the neighborhood. He also asked where the 15’ came from.

Staff explained that staff did some research and gathered the heights from the surrounding communities in Scott County, the average height is 15.3 feet. Staff and the Planning Commission explained that there wasn’t a reference next to the ordinance section which might mean that the ordinance was updated in the 1998 zoning ordinance update.

*Troy Laughridge, 304 2<sup>nd</sup> Street W*, let the Planning Commission know that he is the current owner of the house. He presented pictures of other garages in town that are taller than 15 feet. He expressed his frustration with the permitting process and the building inspector and

is confused to why the City had the information from the building inspector on the website and why the inspector didn't stop the construction of the garage.

*Hans Case, 108 2<sup>nd</sup> Street W*, wanted to share that he is in favor of the variance request and believes the garage is very neighborhood appropriate and looks nice.

Staff explained and addressed questions that were brought up. Staff explained the drawings that are provided from the building inspector, and explained that the building permit was not finalized out because the homeowner hadn't called for a final inspection.

Staff read a letter from the resident of 201 2<sup>nd</sup> Street W- the letter expressed positive sentiment towards the variance application. Staff also let the Planning Commission know they received a phone call against the variance requests.

*The public hearing was closed at 7pm.*

The Planning Commission noted that the variance application doesn't meet the requirements for variances set by state statute, but they believed the ordinance should be looked at.

Commissioner Hafslund stated that the process with the building inspector needs to be looked at to make sure this doesn't happen. He also stated that when developing the R-2 district the 15' height limit seemed appropriate.

*Motion Hafslund to deny the variance request because it does not meet the requirements set forth in the state statute, and note to council that the Planning Commission will look at the ordinance, seconded by Marnoff. With all present in favor the motion passed 6-0.*

Staff noted that the Variance will go to City Council June 3 and the text amendment information will be heard at the Planning Commission meeting on June 11, 2013.

## **B. Variance- 108 W 2<sup>nd</sup> Street**

Consulting staff introduced the second variance request of the night, a 5'5" variance to allow a 20'5" high garage at 108 W 2<sup>nd</sup> Street. The applicant submitted a variance application to be able to construct a three car garage (832 square feet). There is currently a 576 sq. foot detached garage on the site which would be demolished and replaced with the new structure.

*The public hearing opened at 7:35pm.*

*Hans Case, 108 W 2<sup>nd</sup> Street*, addressed the Planning Commission and let them know that his intent for the project was to match the roof style and integrity of the home.

Staff read a letter in favor of the request from the property owner at 201 W 2<sup>nd</sup> Street.

Staff also read a letter from Matt Hennen in favor of the request.

*The public hearing was closed at 7:45pm.*

*Motion Will seconded by Marnoff to deny the variance request, with the understanding that the Planning Commission will look at the ordinance. With all in favor the motion passed 6-0.*

### **C. Variance- 1000 Syndicate Street**

Staff introduced a variance request for 1000 Syndicate Street for a 10 foot side yard variance on the northerly property line, allowing a 5 foot side yard setback versus the required 15 foot side yard setback. Staff also informed the Commission that there is a drainage and utility easement along that side of the property and their recommendation is contingent upon the easement vacation, which will be heard at City Council. Staff noted that the applicant is proposing two different additions to the existing building one of them which requires the variance.

*The public hearing opened at 7:50pm.*

A representative from Jordan Transformer addressed the Planning Commission and gave some background on the business and their proposed addition.

*The public hearing closed at 7:55pm.*

The Planning Commission also noted that the applicant is trying to keep voltage away from the residential area for safety. They stated that the applicant met the requirements to grant a variance.

*Motion Hafslund second by Schmitt to recommend to City Council the 10 ft variance to add the new structure onto their building contingent on the easement vacation. With all in favor the motion passed 6-0.*

## **5.0 New Business**

### **A. Site Plan Review- 1000 Syndicate Street**

Staff introduced the Site Plan Review for 1000 Syndicate Street, Jordan Transformer. The applicant proposed a 2,640 square foot expansion on the north side of the facility and a 10,998 square foot expansion on the south end of the facility. The new facility additions will contain space for staging and rebuilding, a welding room, a tool room and a test floor. Staff noted that it met all of the requirements and the applicant addressed all concerns from the City Engineer.

*Motion Will seconded by Flynn to recommend approval for the site plan of 1000 Syndicate Street, contingent upon approval of the variance and easement vacation. With all in favor the motion passed 6-0.*

## **6.0 Old Business**

## **7.0 Planners Report**

### **A. Next regular meeting Tuesday, June 11<sup>th</sup>.**

Staff gave a brief overview of the Public Open house for the Downtown Master Plan.

Staff informed the Planning Commission that the second reading of the Zoning Code will take place on Monday night.

## **8.0 City Council Member Update**

City Council Member Will let the Planning Commission know the City Council mentioned that the Planning Commission is doing a great job.

## **9.0 Commissioner Report**

Commissioner Hafslund expressed concern with the building permit process and why measured drawings aren't required and the building inspector process.

Hafslund also mentioned a few non conforming signs and storage areas in town.

Commisisoner Will asked how many building permits for sheds, decks, fences, and homes have been pulled in the last year. Staff answered by letting Commissioner Will know that they could gather that information.

## **10.0 Adjournment**

*Member Will made a Motion, Schmitt seconded, to adjourn the meeting at 8:40p.m. The Motion was approved unanimously.*

Respectfully Submitted,  
Emily Bodeker, Planning Intern