

**MINUTES-REGULAR MEETING  
MAIZE CITY PLANNING COMMISSION AND  
BOARD OF ZONING APPEALS  
THURSDAY, MAY 2, 2019**

The Maize City Planning Commission was called to order at 7:00 p.m., on Thursday May 2, 2019, for a Regular Meeting with *Brian Aubuchon*, presiding. The following Planning Commission members present were *Mike Burks*, *Andy Sciolaro*, *Brian Aubuchon* and *Dennis Downes*. *Mike Strelow*, *Bryant Wilks* and *Hugh Nicks* were absent. Also present were *Sue Villarreal*, Recording Secretary; *Kim Edgington*, Planning Administrator; *Rebecca Bouska*, Deputy City Administrator and *Bill McKinley*, City Engineer.

**APPROVAL OF AGENDA**

**MOTION:** *Sciolaro* moved to approve the agenda as presented.  
*Burks* seconded the motion.  
Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** *Sciolaro* moved to approve the minutes of April 11, 2019 as presented.  
*Downes* seconded the motion.  
Motion carried unanimously.

**V-02-019 VACATION OF STREET RIGHT-OF-WAY AND VARIANCE OF FRONT YARD SETBACK AT 10015 W 61<sup>ST</sup> STREET NORTH (V-02-019 AND BZA-V-01-019)**

*Edgington* explained that the applicant would like to expand his existing barn. The existing barn was built over the street right-of-way that had been dedicated by a former property owner. The dedication was not included in the property description and the property was not surveyed when he purchased it. It has been determined that the 20 feet of right-of-way is not likely to be needed in the future.

**MOTION:** *Burks* moved to approve V-02-019 vacating a portion of the street right-of-way.  
*Downes* seconded the motion.  
Motion carried unanimously.

**RECESS OF THE REGULAR PLANNING COMMISSION MEETING:**

*Chairman Aubuchon* recessed the regular Planning Commission meeting at 7:15 p.m.

**NEW BUSINESS - MAIZE BOARD OF ZONING APPEALS**

**BZA-V-01-019 VARIANCE TO REDUCE A PORTION OF THE FRONT YARD SETBACK FROM 25 FEET TO 10 FEET**

**MOTION:** *Sciolaro* moved to approve BZA-V-01-019 variance to reduce a portion of the front yard setback from 25 feet to 10 feet, removing the encumbrance & allowing applicant to expand his barn, subject

to the following recommendations:

1. The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced. **If held to the setback requirements for this lot, the property owners would have an encumbrance on the property and would not be able to expand as they wish.**
2. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or applicant to make more money out of the property. **The request is based upon information that was recently discovered and was not caused by the applicant.**
3. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located. **The granting of the variance would not have a negative affect on neighboring property owners, as the barn has been in existence for several decades and will merely be expanded to the west.**
4. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets or roads, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood. **The granting of the variance would have none of these negative affects.**

and subject to the following criteria:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the zoning district, and is not created by an action or actions of the property owner or applicant: **The applicant has only recently learned that the existing structure is not in conformance with current regulations and the structure was built by a previous owner.**
2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents: **The granting of the variance would have no negative effect on adjacent property owners.**
3. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application: **The owners will be unable to expand their barn and will be subject to a greater burden if and when they decide to sell the property.**
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare: **The granting of the variance would have no negative affect on public health, safety, morals, order, convenience, prosperity or general welfare.**
5. That granting the variance desired will not be opposed to the general spirit and intent of the Zoning Code. **The granting of the variance will not be opposed to the general spirit and intent of the Zoning Code.**

*Burks* seconded the motion.  
Motion carried unanimously.

**ADJOURNMENT:**

**MOTION:** With no further business before the BZA  
*Burks* moved to adjourn.  
*Downes* seconded the motion.  
Motion carried unanimously.

*Chairman Aubuchon* reconvened the regular Planning Commission meeting at 7:18 p.m

**ADJOURNMENT:**

**MOTION:** With no further business before the Planning Commission,  
*Burks* moved to adjourn.  
*Downes* seconded the motion.  
Motion carried unanimously.

Meeting adjourned at 7:26 pm.

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Sue Villarreal  
Recording Secretary

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Bryan Aubuchon  
Chairman