

**PLANNING AND ZONING COMMISSION
AGENDA
TUESDAY, APRIL 9, 2019
7:00 P.M.**

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. APPROVAL OF MINUTES**
 - 1. Planning & Zoning Meeting – March 26, 2019**
- 4. PUBLIC HEARINGS:**
 - 1. PZ2019-05: A Public Hearing to consider an application for a Final Plat for an approximate .57 acre tract of land generally located at 114 Hogan Avenue, south of W. St. Louis St. (Parcel #19-1-11.0-4-031-018.000). The property is generally bounded by residential to the north, east, south, and west. The applicant is requesting approval to divide the parcel into two lots in the R-1A Single Family Zoning District. Gatlin Properties, applicant**
- 5. PUBLIC PARTICIPATION-SPEAKER CARDS**
- 6. NEW BUSINESS:**
 - 1. PZ2019-05: Consideration of an application for a Final Plat for an approximate .57 acre tract of land generally located at 114 Hogan Avenue. Gatlin Properties, applicant**
 - 2. PZ 2019-06: Waivers and Modification request, W. Park Street, Mark Boevingloh.**
- 7. OLD BUSINESS:**
 - 1. P-Z workshop, Medical Marijuana**
- 8. COMMITTEE REPORTS:**
 - A. BOARD OF ALDERMEN**

B. BOARD OF ADJUSTMENT

9. OTHER BUSINESS:

10. ADJOURNMENT

This Meeting is Open To The Public

Note: The Planning and Zoning Commission will consider and act upon these matters listed above and any such others as may be presented at the meeting and determined appropriate for discussion at that time.

**CITY OF PACIFIC
RECORD OF PROCEEDINGS**

**SPECIAL
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
AT THE PACIFIC CITY HALL, 300 HOVEN DRIVE
MARCH 26, 2019**

The Planning and Zoning Commission Meeting was called to order by Chairman Bruns at 7:00 P.M. on March 26, 2019, at Pacific City Hall, 300 Hoven Drive, Pacific, Missouri.

The roll call was taken with the following results:

PRESENT

Chairman Bruns
Alderman Rahn
Commissioner Smith
Commissioner Miles
Commissioner Graham
Commissioner Bates
Commissioner Eversmeyer
Commissioner Brocato

ABSENT

Commissioner Koelling

Administrator Roth and Kim Barfield were also in attendance.

APPROVAL OF MINUTES

A. Planning & Zoning Meeting – February 26, 2019

A motion was made by Commissioner Miles and seconded by Commissioner Bates to approve the minutes. A voice vote was taken and the motion was approved 8-0.

PUBLIC HEARINGS:

- 1. PZ2019-04: A Public Hearing to consider an application for a Conditional Use Permit to conduct alcohol sales and to permit outside patio seating at 125 N. First Street. Maria and Philip Brennan, applicants**

Chairman Bruns opened the public hearing. Administrator Roth presented the staff report. He stated that staff recommends approval with the conditions the operating hours on Fridays and Saturdays be no

later than midnight and operating hours during the week be no later than 10 p.m. or 11 p.m. Discussion proceeded with the Commission regarding the parking. Commissioner Eversmeyer added there is always available parking at the commuter lot. Maria Brennan, the applicant, shared some handouts with the Commission as to how the patio might look when complete.

Nancy Omer, 107 W. St. Louis Street, stated she live within walking distance and has an office one block away and loves Little Ireland. She stated it is such an asset and is totally in favor of approval of this application.

Annie Warmbrodt, 10615 Thayer Ct., St. Louis, stated even tho she lives in St. Louis now, she loves Little Ireland and is in favor of approval.

There being no further comments or questions, Chairman Bruns closed the public hearing.

SPEAKER CARDS

Included in public hearing.

NEW BUSINESS:

1. **PZ2019-04: Consideration of an application for a Conditional Use Permit to conduct alcohol sales and to permit outside patio seating at 125 N. First Street. Maria and Philip Brennan, applicants**

A motion was made by Commissioner Bates and seconded by Commissioner Smith to approve the application with the amendment of operating hours as proposed in the staff report. A vote was taken with the following results: Ayes, Commissioner Brocato, Commissioner Graham, Commissioner Bates, Commissioner Eversmeyer, Chairman Bruns, Alderman Rahn, Commissioner Smith, Commissioner Miles; Nays, none. The motion was approved 8-0 and will be presented to the Board of Aldermen on April 2, 2019.

2. **Medical Marijuana Staff Report**

Administrator Roth read from his staff report. According to the law there are three different types of facilities which are known as Cultivation, Manufacturing, and Testing. The staff feels after review these facilities should be allowed only in the M-2 Zoning District. This would limit these facilities to the Industrial Park which the 1000 foot rule would not be in place. The law states such facilities cannot be within 1000 feet of a church, school or daycare. Administrator Roth stated the City Attorney and Chief Mansell have also reviewed this. The 1000 feet rule is very important as this limits where they can be located. Commissioner Bates questioned what would happen if CVS decided they wanted to sell it. Administrator Roth stated the 1000 feet code would come into play unless the City wanted to make the distance less. Commissioner Brocato stated pharmacies should be allowed to dispense it. Administrator Roth stated the provision would be put in the ordinance. The Commission feels there

should be a draft from the staff presented to the Commission for review. Administrator Roth also stated the Commission could do a workshop or advise the public there will be a public hearing on this matter. The Commission decided to conduct a workshop after the next meeting and they would like police and Aldermen to be there as well. The scheduled meeting will be conducted and adjourned, then the workshop meeting will be opened for discussion.

OLD BUSINESS

None

COMMITTEE REPORTS

A. Board of Aldermen

Alderman Rahn stated he had nothing to report.

B. Board of Adjustment

Administrator Roth stated there was a hearing held on March 20 for two items. First State Bank requested a variance for the height of their sign and it was granted by the Commission. The second was the continuation of the hearing for Pacific Mobile Manor and the Commission voted in favor of the City's position.

OTHER BUSINESS

None

ADJOURNMENT

There being no further discussions, Chairman Bruns asked for a motion to adjourn. A motion was made by Commissioner Smith and seconded by Commissioner Brocato. A voice vote was taken and the meeting was adjourned at 8:07 p.m.

Jerry Eversmeyer, Secretary

City of Pacific
SUBDIVISION APPLICATION

Date 3/25/19

Fee Receipt No. PZ2019-05

Applicant Name Gratlin Properties Kendall Fox

Address 1477 Wellington Woods

City, State, Zip Code Eureka

Phone No. _____ Cell 314 608 4521

E-mail fox.camou@ yahoo.com

Property Owner Name Same

Address _____

City, State, Zip Code _____

Phone _____ Cell _____

Engineer Name or Firm _____

Address _____

City, State, Zip Code _____

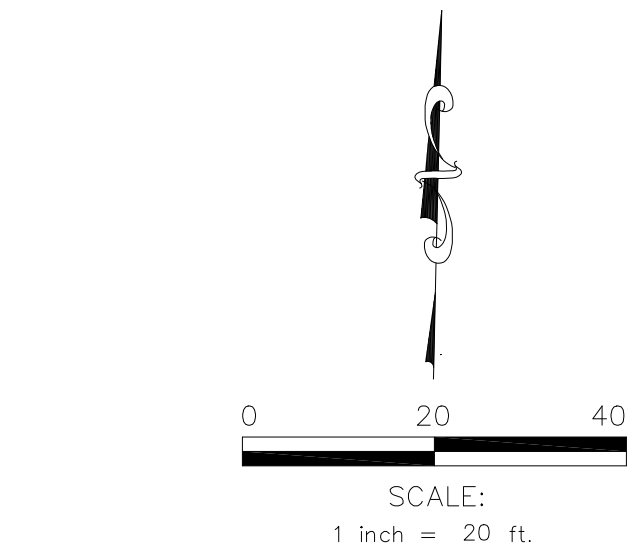
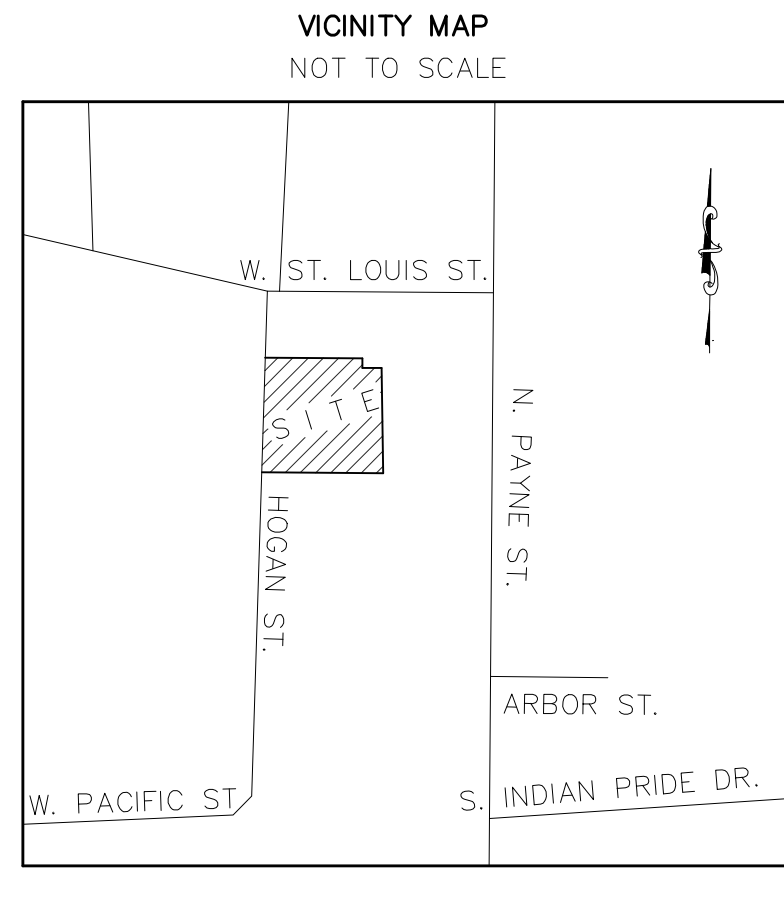
Phone _____ Cell _____

Proposed Name of Subdivision Hoffman Place

Applicant's Signature [Signature]

"LOT SPLIT OF THE RESUBDIVISION OF LOT 3 OF HOFFMAN'S PLACE"
 BEING A RESUBDIVISION OF LOT 3D OF RESUBDIVISION OF LOT 3 OF HOFFMAN'S PLACE IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 SECTION 11, TOWNSHIP 43 NORTH RANGE 2 EAST OF THE 5TH P.M.

CITY OF PACIFIC, FRANKLIN COUNTY, MISSOURI
 ZONING: R-1A LOW DENSITY RESIDENTIAL DISTRICT



- - DENOTES SET 1/2" x 18" REBAR WITH CAP STAMPED "MARLER L.S.-347-D"
- ▲ - DENOTES SET 5/8" x 24" REBAR WITH ALUMINUM CAP
- - DENOTES FOUND IRON ROD WITH CAP

LINE	BEARING	DISTANCE
L1	S 00° 33' 04" E	13.08'
L2	S 89° 13' 59" E	32.25'

SURVEYOR'S STATEMENT

THIS IS TO CERTIFY AT THE REQUEST OF KENDALL FOX, WE HAVE DURING THE MONTH OF JULY 2017, PERFORMED A BOUNDARY RESURVEY OF OF LOT 3D OF RESUBDIVISION OF LOT 3 OF HOFFMAN'S PLACE, AS RECORDED IN DOCUMENT NUMBER 1716592 OF THE FRANKLIN COUNTY LAND RECORDS IN FRANKLIN COUNTY, MISSOURI, AND HAVE SUBSEQUENTLY PREPARED SUBDIVISION PLAT TO BE KNOWN AS "LOT SPLIT OF THE RESUBDIVISION OF LOT 3 OF HOFFMAN'S PLACE". THAT THE SAID SURVEY WAS EXECUTED IN COMPLIANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS SET FORTH BY THE MISSOURI DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION (20 CSR 2030-16.040) AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS (20 CSR 2030-16.070), AND THE LOCATION OF IMPROVEMENTS AND EASEMENTS (20 CSR 2030-16.110), EFFECTIVE 12/30/94, AND LAST REVISED MAY OF 2017. (URBAN CLASS PROPERTY)

IN WITNESS WHEREOF, I HAVE SIGNED AND SEALED THE FOREGOING THIS ____ DAY OF _____, 2019.

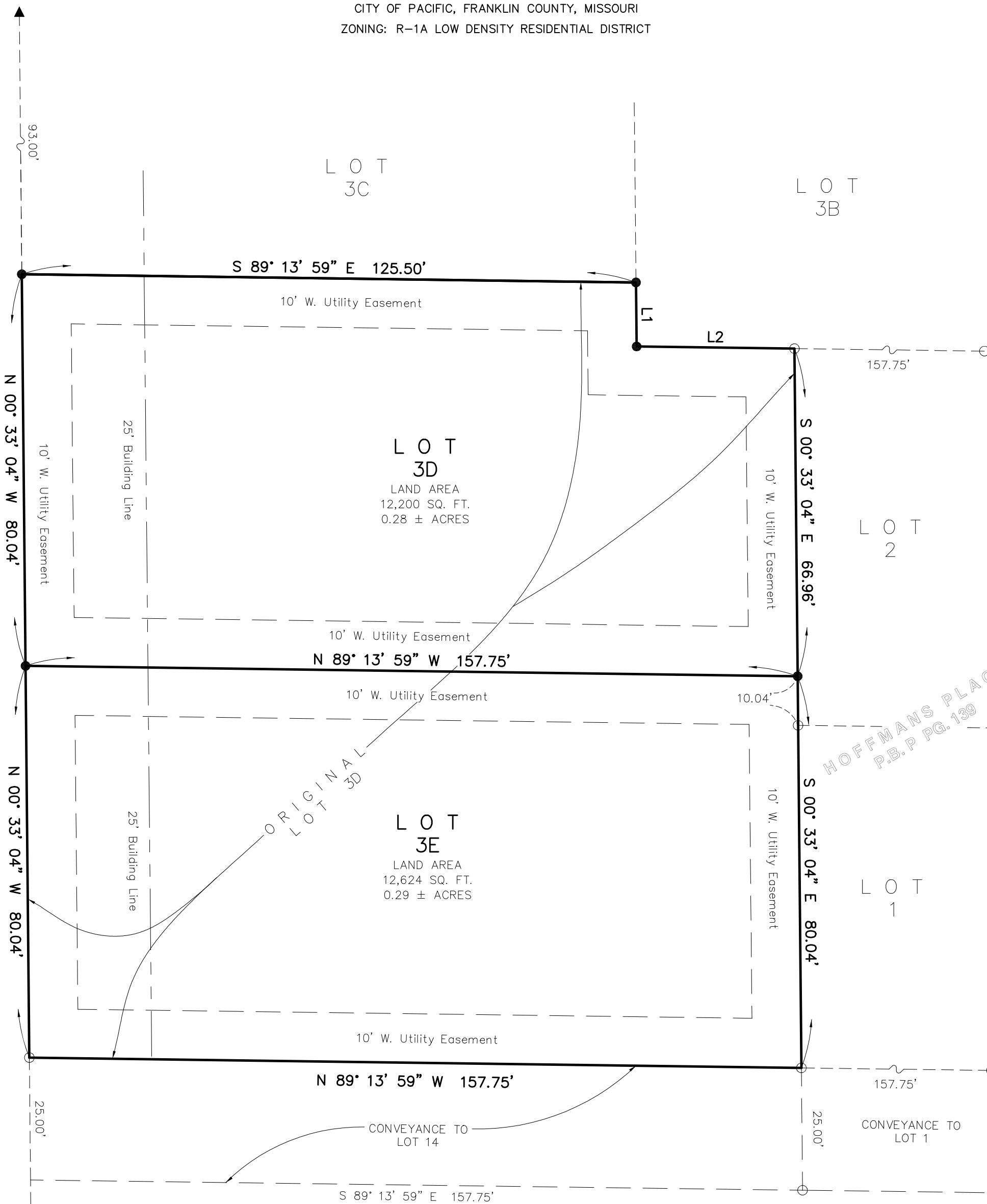
MARLER SURVEYING COMPANY INC.
 MISSOURI CORP. NO. L.S. 347-D

MARTY L. MARLER
 MISSOURI P.L.S. 2501

PROJECT NAME: HOFFMANS PLACE LOT SPLIT SHEET 1 OF 1
 ADDRESS: WEST ST. LOUIS ST. & HOGAN AVE. FRANKLIN COUNTY, MISSOURI



11402 GRAVOIS RD., STE. 200 ST. LOUIS, MO 63126 (314) 729-1001 PH. (314) 729-1044 FAX
 402 EAST SPRINGFIELD ROAD, SULLIVAN, MO (573) 468-4684 PH. (573) 860-8606 FAX
 email: marler@marlersurveying.net



GENERAL NOTES

1. THE COMBINED PARCEL AS SHOWN ON THIS PLAT CONTAINS 24,824 SQUARE FEET OR 0.57 ACRES.
2. BASIS OF BEARING IS DOCUMENT NUMBER 1716592.
3. ZONING SETBACKS - FRONT SETBACK: 25 FEET, SIDE SETBACK: 10 FEET, REAR SETBACK: 20 FEET.
4. MINIMUM LOT SIZE BY CURRENT ZONING: 7,500 SQ. FT.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF CITY OF PACIFIC, THAT I HEREBY FREELY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND THAT I OR MY ASSIGNS WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY. ALL PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR A PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH OTHER USE IS APPROVED BY THE BOARD OF ALDERMEN IN THE PUBLIC INTEREST.

THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED TO THE CITY OF PACIFIC, MO AND TO UTILITIES REGULATED BY THE MISSOURI PUBLIC SERVICE COMMISSION FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITIES.

DATE _____

NOTARY

STATE OF _____ } S.S.
 COUNTY }
 ON THIS ____ DAY OF _____, 2019,
 BEFORE ME PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR FIRST ABOVE WRITTEN.
 MY COMMISSION EXPIRES: _____

COUNTY COLLECTOR'S CERTIFICATE:

I, LINDA EMMONS, COLLECTOR OF REVENUE FOR THE COUNTY OF FRANKLIN, MISSOURI, FIRST BEING DULY SWORN, DEPOSE AND SAY THAT I AM FAMILIAR WITH THE LAND SHOWN AND DESCRIBED IN THIS PLAT AND FURTHER STATE THAT THERE ARE NO DELINQUENT TAX ASSESSMENTS ON THE ABOVE LAND SHOWN DUE COUNTY OF FRANKLIN MISSOURI OFFICE.

LINDA EMMONS DATE _____

CERTIFICATE OF APPROVAL:

I, _____, CITY CLERK FOR AND WITHIN THE CITY OF PACIFIC, MISSOURI, DO HEREBY CERTIFY THAT THE ABOVE PLAT OF "LOT SPLIT OF THE RESUBDIVISION OF LOT 3 OF HOFFMAN'S PLACE" WAS APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, MISSOURI, BY ORDINANCE NO. _____ PASSED AND APPROVED THE ____ DAY OF _____.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL OF THE CITY OF PACIFIC, MISSOURI THIS ____ DAY OF _____.

(SIGNED) CITY CLERK, PACIFIC, MO

DATE	REVISION DATES
03/14/2019	
SCALE: 1" = 20'	
DRAWN BY: D.L.E.	
CHECKED BY: M.L.M.	
DWG. No.: 1903-034	
DEPUTY: S.M.	



Planning & Zoning Commission Department of Planning Staff Report

Meeting Date: April 9, 2019

Project Type: Final Subdivision Plat
Minor Subdivision

From: Steve Roth
City Administrator

Applicant: Gatlin Properties LLC
Kendall Fox

Description: **P.Z. 2019-05 Resubdivision of Lot 3D, Hoffman Place Subdivision** A request for Final Plat approval for a Minor Subdivision Plat, Lot Split / Resubdivision of Lot 3D, Hoffman Place Subdivision

PROPERTY DESCRIPTION

ADDRESS: 114 Hogan Avenue

FRANKLIN COUNTY PARCEL ID: 19-1-11.0-4-031-018.000

CURRENT ZONING: R-1A Single Family Residential

Summary

The applicant has submitted a request for Final Plat approval of a Minor Subdivision Plat, being a Resubdivision of Lot 3D of Hoffman Place Subdivision. The property is currently approximately .57 acres and is proposed to be split into two lots, 12,200 sf and 12,624 sf.

Subject Site

The subject site is located at 114 Hogan Avenue, on the east side of Hogan Avenue and south of W. St Louis Street.

Land Use and Zoning of Surrounding Properties

Direction	Zoning	Land Use
North	R-1A	Residential
South	R-1A	Residential

East	R1-A	Residential
West	R-1A	Residential

Analysis

Chapter 410 provides the standards for which this application is to be reviewed.

The two new lots meet the minimum 80-ft frontage requirement and well exceed the minimum 7,500 sf area requirement for R-1A zoning. The lot sizes are in harmony with the surrounding neighborhood. The improvement plans for this project were previously approved with the initial Hoffman Place subdivision approval. Curb and gutter and sidewalks have been constructed along much of the property, and escrows are in place to secure the construction of remaining improvements. The subdivision has no common ground so does not require any subdivision indentures.

While this is considered a Minor Subdivision under our code, it is more properly considered a lot split and ideally should be subject to only administrative review and approval. The code amendments that had been proposed last year would have treated this administratively. The existing code of course does not include that provision and requires any subdivision of land which creates new buildable lots to be subject to a public hearing, P-Z recommendation and Board approval by ordinance.

Upon review we find the plat is in substantial compliance with the requirements of the Land Subdivision Code.

Recommendation

Staff recommends **APPROVAL**.

Attachments: Application

MEMORANDUM

Steve Roth
City Administrator

636-271-0500 ext. 213
sroth@pacificmissouri.com

April 4, 2019

TO: Planning and Zoning Commission
RE: Agenda items for 4-9-19 meeting

Dear Planning and Zoning Commission members,

Please note the following with respect to agenda items at the 4-9-19 Commission meeting. The Hoffman Place Subdivision Plat is discussed in a separate staff report.

1. Waiver request, W. Park Street (Highway OO)

Mark Boevingloh owns two platted subdivision lots on W. Park Street (Highway OO). Each lot has only 25-ft of lot frontage. Mr. Boevingloh applied to the Board of Adjustment for a variance from the R-1A dimensional requirements, which was granted by the Board at its 1-16-19 meeting. The application proposed consolidating the two lots into one parcel with 50-ft of frontage and 6,100 sf of area, both of which are below the R-1A requirements.

Mr. Boevingloh then submitted a Boundary Adjustment Plat to combine the two platted lots into one parcel, which was also approved. The remaining issue is the developer / subdivider responsibility for public improvements, in this case curb and gutter and sidewalk along the W. Park and Second Street frontages. Mr. Boevingloh has requested a waiver from this requirement under Section 410.080. Given that a subdivision plat is not required, the request is being submitted directly to P-Z for consideration.

As Mr. Boevingloh notes in his request, there is no curb or sidewalk along this section of street to connect to. Given the slope of the street, construction of curb and gutters at this property only may contribute to erosion of the existing ditch along W. Park.

I understand this has been a contentious issue in the past, and would defer to the Commission for further discussion and guidance. With respect to the Boevingloh request, the Commission by Code is tasked with considering the request and then making a recommendation to the Board of Aldermen for a final decision.

2. Medical Marijuana

I believe the discussion at the March 26 meeting covered the basics of this issue. In brief review, Amendment 2 which essentially legalized medical marijuana says that cities cannot be "unduly burdensome" in how they treat MM facilities through regulation and law. However, cities may regulate the "time, manner and place" of such facilities, and further may limit the location of such facilities to a minimum of 1,000 ft from the nearest church, school, or daycare.

In researching the issue since the March 26 meeting, it appears that many cities are treating the dispensaries (retail locations) as permitted uses in their commercial districts, with the cultivation, processing and testing facilities generally being treated as permitted uses in the industrial districts.

Dispensaries

The following is an example of a code provision from North Kansas City relating to dispensaries, which was provided by Missouri Municipal League. This provision makes dispensaries permitted uses, but subject to the following:

17.52.080 Standards for Medical Marijuana Dispensaries

No building shall be constructed, altered, or used for a Medical Marijuana Dispensary without complying with the following regulations.

A. Buffer Requirement. No Medical Marijuana Dispensary shall be located within three hundred (300) feet of an existing elementary or secondary school, licensed child day care center, or church. Measurements shall be made in a straight line, without regard to intervening structures, from the nearest point on the exterior building wall of the school, child care center, or church, to the nearest point on the property line containing the medical marijuana business.

B. Outdoor Operations or Storage Prohibited. All operations and all storage of materials products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.

C. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a Medical Marijuana Dispensary.

D. Hours of Operation. All Medical Marijuana Dispensaries shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 P.M. and 8:00 A.M.

E. Display of Licenses Required. The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

F. Residential Dwelling Units Prohibited. No Medical Marijuana Dispensary shall be located in a building that contains a residence.

G. Ventilation Required. All medical marijuana businesses shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.

H. Site Plan Review Required. A site plan meeting the requirements of this Title shall be submitted for review and approval subject to the procedures of Section 17.96.010. The site plan

shall include a description of the ventilation system to be used to contain odors within the building.

Cultivation, processing, testing

With respect to cultivation, processing and testing facilities, we do feel comfortable in recommending any indoor facilities as permitted uses in the M-2 districts. Because many of our M-1 districts are in close proximity to residential areas, we would not suggest allowing them as permitted uses in M-1, but rather allowing them subject to a CUP. The constitutional amendment and state regulation would provide guidance on these facilities. Apart from a distance requirement, we are not finding specific recommendations for how cities may regulate these facilities, which are over and above the state law requirements.

With respect to outdoor cultivation facilities, our recommendation would be to limit these to the agriculture (NU, Non-Urban) districts. Outdoor facilities by law must be enclosed within a minimum 10-ft high razor wire fence. Staff frankly has mixed feelings about such facilities, and feel a CUP requirement is probably appropriate. In my limited research, it appears that the cultivation facilities typically are indoor. However, we should address the outdoor facilities in any zoning code amendment.

Distance requirement

As discussed at the March 26 meeting, the constitutional amendment allows for a 1,000 ft buffer between MM facilities and churches, schools and child day-care centers. If the City wants to be restrictive in its approach to MM, then the 1,000-ft requirement would provide a rather severe restriction on dispensaries, and would also limit the cultivation / processing facilities in the M districts.

We have not researched this issue exhaustively, but it does appear the general consensus among cities is the 1,000-ft distance requirement is excessive. Our code has a 100-ft buffer for liquor licenses (excluding temporary uses) which may be a reference point. While we understand people may have differing opinions over medical marijuana, our zoning code regulations should strive to treat uses in a fair and impartial manner, so a distance requirement of greater than 100-ft would appear on the surface to be somewhat arbitrary. We are not aware of distance requirements for any other uses (other than alcohol) currently in the zoning code.

The staff recommendation thus at this point is for the 100-ft distance requirement. Having said this we feel public input through the hearing process will be valuable on this point, and if we hear concerns from residents and business owners then this distance requirement likely would be reconsidered.

As always, if you have questions or need additional information please contact me.

Respectfully submitted,



Steve Roth
City Administrator

MDB Construction Services, LLC

2313 Highway 100
Labadie, MO 63055

Marh 7, 2019

City of Pacific
300 Hoven Drive
Pacific, MO 63069

Re: W. Park and N. Second Street lots 11 and 12

Dear Mr. Roth,

We are requesting a waiver of the curb and gutter requirement for this property. To put curbs and gutter per current City requirement would be an unnecessary hardship. Due to the fact second N. Second Street has been vacated and is a dead end street, there is an alley behind the lot, and W. Park has a hill and drainage ditch running along which would not be conducive of any kind of walkway

It would be a sidewalk to nowhere and of no benefit to the future homeowner or to the public. We ask that this requirement be waived.

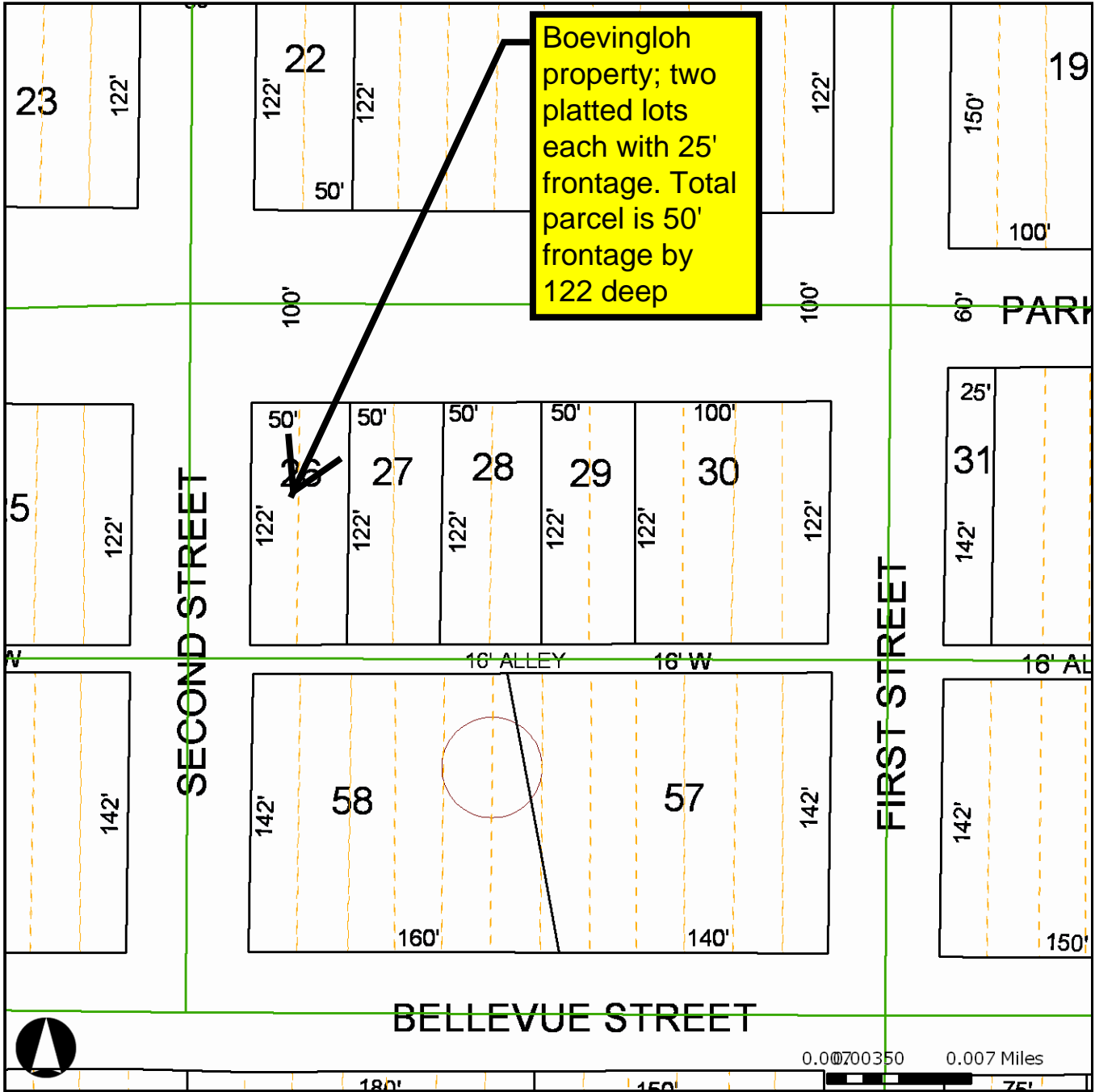
Please let us know if you any additional questions or need any additional information.

Kind regards,



Mark Boevingloh

Boevingloh



FINDINGS OF FACT, CONCLUSIONS OF LAW AND
RESOLUTION OF DECISION OF THE BOARD OF ADJUSTMENT

Applicant: Mark Boevingloh

Address of Property: Lots 11-12 T.M. Avits Addn, W. Park St + Second St.

Zoning Classification of Property: R1-A

Building or Land Use: single family home

Hearing Date: 1/16/19

File No: BOA 2018-02

WHEREAS, the Board of Adjustment finds and determines that the property at Lots 11-12 T.M. Avits Addition, Pacific, Missouri, is within the corporate limits of the City of Pacific and is located within the R1-A zoning district, pursuant to Pacific's Zoning Ordinance; and

WHEREAS, Applicant desires to vary the minimum lot frontage, minimum lot ~~width~~ and front yard setback

for the purpose of constructing a single family home.

WHEREAS, this Board determines that Applicant has demonstrated that:

there are / are not unusual practical difficulties or an unnecessary hardship placed on this property owner due to the strict application of the terms of the minimum lot frontage, minimum lot area and front yard setback; and

there are / are not practical difficulties or an unnecessary hardship on the development of this lot due to the character of the use that makes unnecessary the full provision for the minimum lot frontage, minimum lot area, and front yard setback; and

there are / are not practical difficulties or an unnecessary hardship in the way of carrying out the strict letter of such ordinances on the development of this lot due to other conditions such as (Describe practical difficulties or unnecessary hardship or lack thereof)

- long narrow lots, do not meet current building standards
- existing corner configuration requires front yard setbacks on both W. Park St and Second St.

Furthermore, it is determined that the granting of the variance would / would not seriously affect any adjoining property or the general welfare; and

The granting of the variance **would / would not** serve merely as a convenience to the applicant; and

The granting of the variance **would / would not** alleviate some demonstrable and unusual hardship or difficulty.

WHEREAS, the Board does further find and determine that the applicant **has / has not** demonstrated sufficient practical difficulties, unnecessary hardship or other conditions to support a variance from such strict application of the Zoning Ordinance, and a variation from such strict application of the Zoning Ordinance **is / is not** deemed to be in order so as to relieve such difficulty or hardship.

NOW, THEREFORE, BE IT RESOLVED, that the variance requested by Mark Boevingloh from the strict application of the minimum lot frontage, minimum lot area and front yard setback for the property at Lots 11-12 T.M. Aults Addition, is hereby **granted / denied** and City staff is hereby directed to **allow / not allow** the petition to go forward, in accordance with the decision of this Board, and provided that all other ordinances and regulations of the City of Pacific are met.

Mike Pigg
Chairperson
Pacific Board of Adjustment

- *- lot frontages 50 feet on west Park and 122 feet on Second st.
- lot area of 6100 sq. feet
- set back reduced to 10 feet on second street