

PLANNING AND ZONING COMMISSION
July 13, 2020

The City of Jackson Planning and Zoning Commission met in regular session in the Council Chambers of the Jackson City Hall at 5:15 p.m. on July 13, 2020 with the following Commission members present in-person: Dennis Hample, Dave Lappe and Tim Beck. Also attending in person was City Administrator Matt Skaret, City Clerk/Zoning Administrator Dave Maschoff, Jordan Phibbs, Lauren Phibbs and Terry Adams. Joining the meeting by phone was Planning and Zoning Commission Chairman Nathan Peterson. (Planning Commission Member Robert Dorschner was absent.) (A quorum of the Planning Commission was present.)

CALL THE MEETING TO ORDER

Since Planning Commission Chairman Nathan Peterson was joining the meeting by telephone, Peterson asked City Zoning Administrator Dave Maschoff to chair the meeting.

Maschoff called the July 13th, 2020 Jackson Planning and Zoning Commission meeting to order. He asked for a motion to open the meeting.

LAPPE/HAMPLE moved and it was unanimously carried to open the July 13th, 2020 meeting of the Jackson Planning and Zoning Commission.

APPROVE THE MINUTES FROM THE JUNE 8, 2020 PLANNING AND ZONING COMMISSION MEETING

Maschoff noted the minutes from the June 8, 2020 Planning and Zoning Commission meeting were emailed to Commission members. He asked if there were any corrections or additions to the minutes. Hearing none, Maschoff asked for a motion to approve the minutes.

LAPPE/BECK moved and it was unanimously carried to approve the June 8, 2020 Planning and Zoning Commission minutes as presented.

PUBLIC HEARING ON THE VARIANCE APPLICATION OF JORDAN AND LAUREN PHIBBS WHO RESIDE AT 1009 SOUTH HIGHWAY IN JACKSON. IN THEIR APPLICATION, THE PHIBBS' PROPOSE TO REMOVE AN EXISTING ATTACHED 14' BY 22' GARAGE ON THE WEST SIDE OF THEIR HOUSE AND REPLACE IT WITH AN ATTACHED 26' BY 40' DOUBLE STALL GARAGE WHICH WILL BE WITHIN 5 FEET OF THE SIDE PROPERTY LINE. THE VARIANCE IS NEEDED BECAUSE CITY CODE 153.041 REQUIRES THE SIDE YARD SETBACK FOR AN ADDITION TO A HOUSE TO BE 10 FEET FROM THE PROPERTY LINE IN A RESIDENTIAL ZONED DISTRICT (R-2)

Maschoff asked for a motion to open the public hearing on the Phibbs' variance application.

HAMPLE/BECK moved and it was unanimously carried to open the public hearing on the Phibbs' variance application.

Beck asked what the neighbors think of Jordan and Lauren Phibbs' variance request.

Maschoff explained the Planning and Zoning Office sent out nine notices to adjacent property owners surrounding the Phibbs' property informing them about the July 13th public hearing. Maschoff said he hasn't heard or received any comments from any surrounding property owners.

Maschoff noted Jordan and Lauren Phibbs were present at the meeting to explain their proposed garage addition and answer any questions. He thanked the Phibbs for attending.

Beck asked the Phibbs if their next door neighbors, Chuck and Betty Bettin, had any issues with the variance request.

Jordan Phibbs said the Bettin's have no issues with their variance request.

Maschoff asked Jordan and Lauren Phibbs if the variance will actually help the Bettin's in maintaining their yard.

Jordan Phibbs said that was correct.

Hample asked Jordan Phibbs if he was going to construct a retaining wall between his property and the Bettin's.

Phibbs said he was going to install a retaining wall on the west side of his property and have a walkway to get around to the back of the garage. He said the retaining wall will also level the Bettin's yard.

Peterson asked if there was about five feet of space between Phibbs' proposed garage addition and the property line.

Jordan Phibbs said there will be about five feet between the garage and the property line.

BECK/LAPPE moved and it was unanimously carried to recommend to the City Council to approve the Phibbs' variance request to remove an existing attached 14' by 22' garage on the west side of their house and replace it with an attached 26' by 40' double stall garage which will be within 5 feet of the side property line.

Maschoff explained to Jordan and Lauren Phibbs that the Planning Commission's recommendation for approval of their variance application will now go before the Jackson City Council on July 21st. He said the Commission's recommendation will probably be on the City Council's consent agenda. Maschoff said the Phibbs are welcome to attend the July 21st City Council meeting or he will let them know about the Council's action regarding their variance application the day after the Council meeting.

Maschoff asked for a motion to close the public hearing on the Phibbs' variance application.

HAMPLE/BECK moved and it was unanimously carried to close the public hearing on the Phibbs' variance application.

Jordan and Lauren Phibbs thanked the Planning Commission.

Other:

Terry Adams proposal to erect a fence on his property at 409 Thomas Hill Road

Adams explained there's already an existing fence in the backyard of his house. He said his family has been having problems with his neighbors. Adams said he's also an avid car collector.

Adams said he wants to extend the fence out along his driveway and around his property. He said the fence will be lit with lights on all the posts around the property. Adams said the fence will cost \$20,020. He said the fence will include a retractable gate where the driveway is located so he can enter with vehicles.

Adams explained with a fenced-in yard, his children can play within the fenced yard and they don't have to see the neighbors or be bothered by them. Adams said he knew things would be different when he moved to Jackson after living in Las Vegas. He noted in Las Vegas he had a 12-foot block wall around his house with a swimming pool in the back yard and didn't have to look at anybody. Adams said he lived in Las Vegas for 20 years. He said he left Las Vegas and moved to Jackson to provide a better community to raise his children in. Adams noted his wife is a native of Jackson. He also noted the amount of money they invested into their current home when they purchased it.

Adams said he and his family just want to live in peace and have their own lifestyles and not be infringed on or have any injustices brought to them. He said that's why they need a fence.

Lappe asked Adams how tall a fence he's proposing to install around his property.

Adams said he wants to install a six-foot-tall fence.

Lappe asked what material would be used to build the fence.

Adams said it would be a steel gated fence.

Lappe asked if it would be a solid fence.

Adams said it would be solid. He showed the Planning Commission members a drawing of where he wants to install his fence.

Lappe asked how far from the street would the fence be located.

Adams said the fence would be about five feet from the street.

Skaret noted the fence would be in the City's right-of-way.

Maschoff noted according to City ordinances, requires the height restriction for fences in front yards is three feet along with setback rules. He said there would also be traffic visibility questions at the corner of Thomas Hill Road and Merva Avenue.

Adams pointed out the trees at the corner of Thomas Hill Road and Merva located to the south of his property. He pointed out the trees that block the stop sign on that side of the intersection. Adams claimed a fence and trees across the street south of his property are only three feet off the street.

Adams asked why can the trees be on the corner directly across the street from him and why isn't it OK to have a fence on the corner where he lives. He said he just wants to put the fence up so he and his family can have privacy and not be threatened and constantly harassed by the neighbors.

Lappe said he would like to see a picture of Adam's proposed fence to see what it looks like before he would vote.

Skaret suggested Adams fill out a variance application for a public hearing that could be held at the next Planning and Zoning Commission meeting. He said that way all the Planning Commission members will have an opportunity to be present along with the public. Skaret said that way the variance application can receive a fair hearing.

Beck said he would also like to see information on what kind of material will be used for Adams' proposed fence.

Adams said he's going to have a company from Minneapolis write him an estimate and provide pictures of the materials and what it would actually look like around the house.

Peterson asked Adams if he could provide samples of the materials that will be used for the fence.

Adams said it's all going to be steel, steel gated and steel doors. He said it will be a top of the line looking fence.

Hample asked if the existing fence would remain.

Adams said his existing fence would be removed and replaced with the new fence.

Planning Commission members further reviewed Adams' drawing of his proposed fence and asked questions regarding details of the fence.

Adams said he would install the fence himself.

Maschoff informed Adams to stop by City Hall and pick-up a variance application and then submit it to City Hall so a public hearing could be scheduled for the August 10th Planning and Zoning Commission meeting. Maschoff noted there is a \$150 variance application fee.

Adams said he would submit a variance application and information about the fence so the Planning Commission members can review it.

Maschoff thanked Adams for attending.

Appointment to the Planning Commission

Maschoff said Nicole Hall has expressed an interest in serving on a City board, more specifically the Planning and Zoning Commission. He said he's passed Hall's name onto Mayor Wayne Walter who would make the appointment.

Further comments regarding Adams' proposed fence

Beck asked Maschoff to check on the statues regarding posts in the traffic right-of-way. He said sign posts are three-pound posts so they can break away if they're struck by a vehicle. Beck said if someone loses control of their vehicle and strikes a four-by-four steel post in the right-of-way, the City would become liable for allowing Adams to build the fence in the right-of-way. He said if a motorist lost control of their vehicle and hit the fence and got hurt, the City would have a problem. Beck noted a situation in another county where someone had installed a well pipe for a mailbox. He said a motorist hit the well pipe and mailbox and was killed. Beck said the county was sued because the county had not made the person take the well pipe down which was in the road right-of-way. Beck said the City wants to be very careful about allowing anything in the right-of-way.

Skaret said for the fence to be located in the right-of-way, the City would require a right-of-way permit which would have to be reviewed by the City Council before it would be allowed.

Maschoff also noted Adams' lot is a corner lot, which in essence, makes it two front yards and according to City Code, the height of the fence could only be three feet. He said there would also be visibility issues at the intersection of Thomas Hill Road and Merva Avenue.

Maschoff said if Adams submits a variance application, a public hearing would be held before the Planning and Zoning Commission on August 10th.

ADJOURNMENT

With no further business, BECK/PETERSON moved and it was unanimously carried to adjourn the Planning and Zoning Commission meeting at 5:47 p.m.

David A. Maschoff, Zoning Administrator

