



**Board of Adjustments**  
**Meeting Minutes**  
**Monday, November 25, 2019**  
**5:00 p.m.**

Was postponed to a date certain from November 19, 2019 Meeting

**Call to Order**

The meeting of the Board of Adjustments was called to order by Chairman Pro-tem Wells at 5:00 p.m.

**Roll Call**

Present: Members: Branson Carter, Doug Faulkner, Chris Wagner, and Adam Wells

Also Present: Code Enforcement Officer Joe Craver, City Manager David Willey, Ken Mesnard

**Review of Previous Minutes**

The minutes of the August 7, 2019 Board of Adjustments meeting were reviewed. Motion was made by Wagner and seconded by Faulkner to accept. All voted in favor of approving the minutes.

**PUBLIC HEARING**

- ***A request by Mr. and Mrs. Ken and Jen Mesnard for two variances to the Unified Development Code pertaining to the maximum garage size limitation and to the location of an accessory building, on Parcel # 05-10-15-218-013, commonly known as Prairie Street.***

Public Hearing opened at 5:12 p.m. Chairman Pro-tem Wells asked if there was any public comment, and Code Enforcement Officer Joe Craver stated that there were no comments received prior to the meeting from neighbors either way. He clarified that there were two requests, first for an accessory building to be put on a parcel with no residence, and the second for a garage that exceeds the maximum size permitted by the code.

Wells noted that on one block there is a shed to the west, an industrial facility to the north, and trailer park across the street. He also asked if denying this request was too prohibitive. Craver said that the shed has been there for 50 years or longer, before the current city code was created, and therefore was grandfathered in. Willey explained that from Mallinckrodt south to Bowman Ave. is zoned residential, as well as on the east side of Mallinckrodt to the fairgrounds. If the City changes the zoning code requirements in the NU zone, then the changes made would apply to all areas within the City that are zoned NU, not just within this neighborhood.

Craver stated that staff recommends to deny the request because the potential building is much bigger than the allowable size and because there are no current plans from the applicant for any residential dwellings on the property in question. A question was asked that if the size of the building would change would the recommendation change? Craver stated a bigger problem would be permitting the structure where there is no home standing, just an empty lot. Wells felt that this is a case by case and not across the board kind of adjustment. Willey raised the question that if it is just a structure, could there be potential for loud noise or nuisance for neighbors coming from a garage. He asked Mr. Mesnard if there is a potential to build a home there, to which Mesnard replied not until the trailer park is gone. Mesnard also explained that all of his properties are in tip top shape and that he is a good neighbor. He could also be flexible with the size of the building if necessary. Willey is more concerned with the future owners of the property not being as meticulous as Mr. Mesnard.

Willey then asked Mr. Mesnard if there was a possibility of splitting the parcel into two pieces, and then building two different smaller buildings. Mesnard replied that would increase his utility bills to almost double. Mesnard asked if the issue was the height or footprint. Willey asked if it could be moved further to the south. Craver stated that the setbacks were 5 feet on both sides and 5 feet from the alley. Mesnard stated the driveway is coming in from the street. Mesnard said he could place the building further south if needed. City Manager Willey stated the only issue is the accessory building being erected before a residential building, and will it put the neighborhood in the future in jeopardy. Wells said he felt it would bring value to the neighborhood.

Faulkner asked if this is more of a convenience or does it actually create a hardship. Wells explained that Mesnard has already invested thousands of dollars to improve the parcel and now can't do anything with it. Craver stated that money spent has been interpreted in the past by this board as a hardship. Wells said the property needs some sort of improvement, and this preserves enough space on the lot to not have detrimental effects to neighborhood.

Wells explained to Mr. Mesnard that this board only makes a recommendation, and that the City Council makes the final determination.

Wells made a motion to approve the variance of an accessory building being built on a lot with no residential building, and Carter seconded. All voted in favor of the motion.

Wells made a motion to approve the variance to the maximum garage size standard, and Carter seconded. All voted in favor of the motion.

**Old/New Business**

None. Wagner made a motion to adjourn, Faulkner seconded, and all voted in favor of adjourning at 5:50 PM.

Respectfully submitted,

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Jody Weiss  
Recording Secretary