

**REGULAR MEETING
COFFEYVILLE PLANNING COMMISSION
TUESDAY, JUNE 2, 2020**

The Coffeyville Planning Commission met in Regular Session with Chairman Max Williams presiding.

1. **CALL TO ORDER** – Chairman M. Williams called the meeting to order at 5:30 p.m.
2. **ROLL CALL** - Those in attendance were:

	<u>Present</u>	<u>Absent</u>
Eric Jensen	X	
Carla LeLaCheur	X	
Deborah Maples	X	
Jeffrey McCloud	X	
Chris Williams		X
Max Williams	X	

City Staff Present:

Matt Conger, City Building Official

Angela Cook, Administrative Assistant

3. **MINUTES** - Minutes of the last Planning Commission meeting of May 5, 2020.

Commissioner Jensen motioned and Commissioner McCloud seconded to approve the minutes of the Regular Planning Commission meeting of May 5, 2020.

Commissioner Jensen	Aye
Commissioner LeLaCheur	Aye
Commissioner Maples	Aye
Commissioner McCloud	Aye
Commissioner C. Williams	Absent
Commissioner M. Williams	Aye

Motion approved.

4. **OLD BUSINESS** -
 - 4.1 CASES - None
 - 4.2 REPORTS FROM STAFF – None
5. **COMMUNICATIONS** – None
6. **NEW BUSINESS** -

BZA 2020-03: Green – Evarette Green, 3612 W 4th, Coffeyville, approached the commission requesting a variance to construct an 8 foot privacy fence. Ms. Green stated that she has a deck that she likes to spend time on and would like to install a Jacuzzi on her deck but she is wanting more privacy. Ms. Green stated that she would like the fence to be 6 foot high on the west and north sides of her property but would like the east side to be 8 foot high due to a slope on the property. She stated that she is a tall woman and would like to be able to be on her deck without her neighbors being able to see her.

Commissioner Max Williams asked if anyone would like to speak in favor of this case:

Lynette Green, 3612 W 4th, Coffeyville, approached the podium to address the commission. Ms. Green stated that she supports the fence. She has a 3 year old son and 6 month old daughter that like to enjoy the yard. She also stated that they were thinking of adding a pool to the yard and would like the privacy for the pool. Ms. Green stated that due to the way that the houses are arranged that when the neighbors go out of their homes that they are practically in the Green's back yard and that a privacy fence would help that.

Commissioner Max Williams asked if anyone would like to speak in opposition of this case:

Larry McGinnis, 3610 W 4th, Coffeyville, approached the podium. Mr. McGinnis stated that he is not opposed to the fence being constructed but that he is concerned about the number of dogs that are being contained in the fence. Mr. McGinnis owns that chain link fence that is currently separating his property with Ms. Green's property. Mr. McGinnis stated that according to city ordinance individuals are only allowed 3 dogs and Ms. Green has at least 6 that he knows of. He is concerned about the noise of dogs barking. He stated that his house and Ms. Green's house were approximately 30 feet apart. Commissioner Max Williams informed Mr. McGinnis that the planning commission does not have any control of the dog issue and that Mr. McGinnis would have to take that issue up with someone else. Mr. McGinnis stated that he was confused as to why the letter that he was sent listed the dogs if they weren't there to talk about the dogs. He also stated that the notice in the newspaper also stated the dogs. Commissioner Max Williams stated he assumes that there is currently a chain link fence around the property. Mr. McGinnis stated that yes there was currently chain link fence surrounding the properties. He stated that when the chain link fence around the Green property was constructed that the neighbors had asked to tie into his fence on the west side of his house and he agreed to allow them to. Commissioner LeLaChaur asked if the fence was on the property line. Mr. McGinnis stated that the current fence is approximately six inches to one foot inside his property line. Current ordinance states that the fence can be constructed on the property line. Evarette Green stated that the new privacy fence will be one foot off of the current chain link fence. Commissioner LeLaChaur asked if there were any set backs off of Fresno Street. Matt Conger stated that no there are not. Commissioner LeLaChaur stated that the commission declined an 8 foot variance a few months ago.

Lynette Green then approached the podium to answer to the claims about the dogs. She stated that one of the dogs is her boyfriend's that only visits and does not live at the residence. She stated that due to issues with the neighbors complaining about the dogs that they now have a smaller chain link fence inside the fence on the west side of property to contain the dogs and they bring the dogs in at night so help control the barking at night. Ms. Green also stated that other neighbors just let their dogs out to run free and that her dogs seeing the other dogs is what causing all the barking. She stated that she cannot control the neighbors dogs running free but that a privacy fence would make it harder for her dogs to see the other dogs so that should help with the barking. Commissioner Williams again addressed the attendees that this commission has no control over dogs.

Commissioner Max Williams asked if anyone else would like to speak in opposition of this case:

Robert Shepard, 302 Fresno, Coffeyville, approached the podium to address the commission. Mr. Shepard stated that the only question that he had was is the privacy fence going to block any of the meters along Fresno Street. Ms. Green stated that no it would not. That the privacy fence would run exactly where the current chain link fence is which is not blocking the meters.

Commissioner Max Williams asked if anyone else would like to speak in opposition of this case:

Gary Vanderliden, 3608 W 4th, Coffeyville, approached the podium to address the commission. Mr. Vanderliden stated that a lot of water comes down the hill and that if they construct a privacy fence it will more than likely cause blockages. He also stated that if water cannot go under the fence then it will pool causing the privacy to crack over time and allow the dogs to see the other dogs through the fence causing barking. He stated that he has also witnessed at least 6 dogs on the Green's property. Evarette Green stated that she has talked to a plumber as well as the city concerning the drainage problems and her plumber has come up with a plan for the drainage issues on her property as well as with the fence and that they are just waiting on the approval of the fence to proceed. Lynette Green stated that basically they are just wanting some privacy from the neighbors as they feel like the neighbors have full access to their back yard. She stated that they like to have get together at their house and they just want privacy from their neighbors' eyes.

Commissioner Max Williams asked if anyone else would like to speak in opposition of this case:

Susie Sprague, 209 Fresno, Coffeyville, approached the podium to address the commission. Ms. Sprague stated that her only concern with the fence is the drainage problem. She stated that a wood fence would redirect the drainage to her property and she already has enough drainage problems. Commissioner Jensen addressed the audience to say that the Planning Commission has no control of whether or not Ms. Green builds a privacy fence but only if she can add 2 feet to the top of her 6 foot fence. Matt Conger stated that the City of Coffeyville does not require a fence permit to construct a fence they only have an ordinance in place to state that the fence can only be 6 foot high without a variance. Commissioner Jensen stated that the only thing that the commission should be discussing is whether Ms. Green should be allowed to construct an 8 foot fence. Mr. McGinnis approached the podium to again state that he is confused as to why the letter he got and the legal notice stated that the fence was to contain dogs if they were not allowed to come discuss the dog issue. Commissioner Max Williams apologized for the miscommunication.

Commissioner Max Williams asked if anyone else would like to speak in opposition of this case: There were none.

Commissioner Max Williams asked if there were any other questions for this case: there was none.

Commissioner Jensen stated that according to the ordinance, in order for a variance the applicant had to have a unique circumstance for asking for a variance and he did not see that this case had a unique case. Commissioner LeLaChaur stated that she really don't see how they can give permission to this case when they haven't given permission to anyone else.

Commissioner Jensen motioned and Commissioner LeLaChaur seconded to deny BZA 2020-03, Green.

Commissioner Maples	Aye
Commissioner McCloud	Aye
Commissioner C. Williams	Absent
Commissioner M. Williams	Aye
Commissioner Jensen	Aye
Commissioner LeLaChaur	Aye

Motion approved.

HO 2020-02: Rexwinkle— Allison Rexwinkle, 712 Lincoln, Coffeyville, approached the podium to address the commission requesting a Home Occupation Permit. Mrs. Rexwinkle stated that her property had passed the state board inspection. Commissioner Max Williams asked if there was parking. Mrs. Rexwinkle stated that there was plenty of parking. She has a driveway that can hold at least one car as well as the street in front of her house. Commissioner Williams asked if it was appointment only. Mrs. Rexwinkle stated that yes she was going to work by appointment only so she will more than likely not ever have more than one or two clients at the residence at a time. Commissioner Jensen stated that the ordinance stated that a Home Occupation Permit was for a person that wanted to open a business in their residence and her state board inspection listed her address as a place in South Coffeyville, Oklahoma. Mrs. Rexwinkle stated that she will be living in the house on the days that she is working. She stated that the ordinance did not state that the residence had to be the occupant's primary residence. Commissioner LeLaChaur asked how many nights that Mrs. Rexwinkle figured she would be staying at the residence. Mrs. Rexwinkle stated that she was planning on Monday through Thursday nights only. Commissioner Jensen asked if she planned on enrolling her kids in Coffeyville schools. Mrs. Rexwinkle stated she did not know for sure where they would be attending but they are currently enrolled in Oklahoma Union schools. Commissioner Jensen then asked if she was going to be tagging her vehicle in Kansas. Mrs. Rexwinkle stated that she wasn't going to lie that she was probably not going to when her primary residence is in Oklahoma.

Commissioner Max Williams asked if anyone would like to speak in favor of this case: there was none.

Commissioner Max Williams asked if anyone would like to speak in opposition of this case: there was none.

Commissioner Max Williams asked if there were any other questions for this case: there was none.

Commissioner LeLaChaur motioned and Commissioner McCloud seconded to approve HO 2020-02, Rexwinkle.

Commissioner McCloud	Aye
Commissioner C. Williams	Absent
Commissioner M. Williams	Aye
Commissioner Jensen	Nay
Commissioner LeLaChaur	Aye
Commissioner Maples	Aye

Motion approved.

7. ADDITIONAL BUSINESS:

- A.** General Discussion by the Planning Commission Members.
- B.** Comments from the public addressing any planning or zoning issue.
- C.** Scheduled date for next meeting: Matt Conger stated that there is no items for a meeting in July however the deadline for applications is June 18th so he will notify the commissioners after then to let them know if there will be a meeting in July.

8. **ADJOURNMENT** – Commissioner Max Williams adjourned the meeting at 6:38 p.m.

8-4-20
Date of Approval

Max Williams
Max Williams, Chairman