

CITY OF SHELLEY  
PLANNING & ZONING  
MINUTES

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APRIL 18, 2023

PRESENT: Chairman Shane Wootan, Devon Dye, Kurt Edwards, Arlen Hendrix, and Paul Voelker

Called to order at approximately 7:34 p.m.

Andrew Christensen submitted a variance application requesting a variance setback to the back of his property. The code required ten feet and he would like to have a zero-foot setback. Mr. Christensen is adding on to the back of the Virginia Theater to accommodate a larger stage and dressing room for live theater. This matter was discussed at the last P&Z meeting but was tabled for further review and information.

Andrew Christensen, 345 E Elm Street said he contacted the power company and was told to move the existing light pole on the west side of the alley would be very expensive. This pole limits the width of the alley for trucks and vehicles to drive through it.

Jordon presented pictures showing the Vactruck going down the alley. He said the building addition was marked out. He said the Vactruck made it through but it was very tight; there was only about two feet on each side. Jordon said the Fire Chief was not comfortable with any variance being issued due to safety concerns. The Fire Chief said they may be able to get through with their trucks but in the winter, snow could hamper the accessibility.

Shane said he met with the power company and there is a ground wire with several services. He said it will cost about \$40,000 to moved the pole to the south but the pole will also needs to stay in the right of way. He said the power company is concerned about their boom truck being able to make the corner to get in and repair the lines.

Jordon said the city is concerned about the water and sewer line location in the alley. He said there will need to be enough room to maintain the lines; however, we are not sure where the lines run at this point. He said he talked to some of the businesses about accessibility and one has a small semi-truck deliver to them which could be hampered by the new addition.

Andrew said there is a garbage can that sites there and nobody has had issues making the turn. Milla Christensen said currently they are not able to function as a theater. She said they could possibly make an eighteen-foot addition work instead of twenty.

Shane said everyone wants to see this theater upgrade, however safety concerns are a huge issue. He said if there is a variance allowed there cannot be anything beyond the building wall; no bollards, etc. Mr. Christensen said they can work with that.

Shane said technically a variance is granted only in hardship cases, and this is not a hardship because the building exists. Devan asked why a ramp is needed in both the back and front of the building. Mr. Christensen said he is not sure if one is needed in the back. Jordon said he will check on the distance needed to an emergency exit. Milla Christensen said this is a historical building and they would love to restore it to its original intent. This is an original structure. Mr. Christensen said they might be able to get by with a ten-foot addition, but if a ramp had to be installed to meet ADA requirements it will take up the whole addition.

Paul said he wants to support the service department such as the police, fire, power etc., but cannot do so with a ten-foot variance or zero setback. Jordon said the Fire Chief does not want any variance given. He said city wide even fifteen feet produces concerns.

Kurt said he would love to say yes, but he is concerned about safety. A woman in attendance said she feels like anytime someone wants to do something like this the city always says no.

Jordon said he feels we have went above board on this variance, he said usually we do not provide test, truck usage, etc.

Paul moved, Kurt seconded to approve up to a five-foot variance with the condition that there will not be anything off of the back of the building up to fourteen feet in height. This variance will expire in three years from today's date to be able to complete the addition. This means the setback is being reduced to five feet from ten feet. Approved three in favor, Devon recused himself due to a conflict in interest.

Kurt moved, Paul seconded to approve the minutes of LLLL with a correction to Mrs. Christensen's name as Milla. Approved unanimously.

Adjourned: 8:15 p.m.

APPROVE:



ATTEST:

