

CITY OF GRACE
 PLANNING & ZONING COMMISSION
 MINUTES OF VARIANCE HEARING & REGULAR MEETING
 HELD ON AUGUST 19, 2016

Vice Chairman Sant called the Variance hearing held on August 19, 2016 to order at 7:00 p.m.

Opened Public Hearing: For Variance #2016-3 Chad Hunter a roof extension.

Vice Chairman Sant asked everyone to state their name:

Sadie Sant, Don McLain, Randy Nelson, Angelyn Smith, David Pristupa, Jackie Barthlome, Chad Hunter, Loy Raye Phillips.

The purpose for this Variance hearing : Chad Hunter, petitioner is requesting approval for a Variance to allow him to extend the roof of existing garage four & one half feet (4 ½ ') which is one foot (1') off the north/south property line for storage which over hangs passed eaves of the garage as required by Ordinance 3-2-1(D). The address of the parcel is 17 E. 1st S., Grace, ID.

Vice Chairman Sant turned the time to Chad Hunter to comment on his Variance. Mr. Hunter stated that he wanted to extend the roof from the existing garage to the fence which is four and one half feet (4 1/2 '). This will be one foot (1') inside the property line and will be used for storage. Mr. Hunter has talked to the property owners on the north that would be impacted and they were okay with the extension of the roof. Commission Member McLain asked about the run off from the roof. Mr. Hunter stated that the roof is shallow and the only thing that should come off the roof would be water. Mr. Hunter stated that he did not think the snow would slide from the roof.

Vice Chairman Sant read the letters received from the property owners within three hundred feet (300') that had been returned to the Planning & Zoning Commission:

Lynn & Allyne Crossley	Do not Support
Comments: According to the request – extending the garage roof 4 ½ ft. on the south side, the storage area would still be on Chad’s property, within his fence, and if this is the case we would have no objection to the Variance. If this is not the case then we would object to the Variance.	
Corey & Kellee Toomer	Supports
Richard Smith	Supports
Comments: Okay with me.	
Greg London	Supports
Norman Johnson	Neutral
Grace E. C. LLC	Supports
Comments: No problem.	
City of Grace	Supports

Vice Chairman Sant asked if there were any other questions. Commission Member Smith asked about the type of floor dirt or gravel. Mr. Hunter stated that it would be compacted gravel. Discussion was had on the Variance saying south side or the north side. Clerk Phillips stated that the

Setting Permit stated south side and changed it from north to south. When mailed it stated south. Discussion was held on the neighbor on the north side not having any objection the Commission could see no problem. Discussion was had on the Variance being okay.

Vice Chairman Sant asked for a motion to close the hearing for Variance 2016-3 for Chad Hunter.

Commission Member Smith made a motion to close Variance hearing # 2016-3 for Chad Hunter. Motion was seconded by Commission Member McLain. Motion passed unanimously.

Hearing Adjourned at 7:07 p.m.

Vice Chairman Sant called the regular meeting of the Planning & Zoning Commission to order at 7:08 p.m.

PRESENT: Chairman Nelson

Vice Chairman Sant

Commission Members: Don McLain, Angelyn Smith, David Pristupa

Zoning Clerk: Loy Raye Phillips

OTHERS PRESENT: Chad Hunter

Invocation: Chairman Nelson

Pledge of Allegiance: Clerk Phillips

Vice Chairman Sant asked the Commission if they had read the previous meeting minutes and if there were any changes. Motion to approve the minutes of the Variance hearing and regular meeting held on August 4, 2016 was made by Commission Member Nelson. Motion was seconded by Commission Member Pristupa. Motion passed unanimously.

Report from City Council. Chairman Nelson stated that he had taken Variance # 2016-2 for Scott & Michelle Rasmussen to the Council meeting. The City Council approved, Variance #2016-2 for Scott & Michelle Rasmussen and he had reported on the activities of the Planning & Zoning Commission.

Variance #2016-3 Chad Hunter was opened for discussion and Findings of Facts. Vice Chairman asked the Commission Members if they had the check list.

CASE # 2016 Chad Hunter Variance 2016-3 Roof Extension

CHECKLIST FOR FINDINGS OF FACT – VARIANCES

(1) The particular physical surroundings shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or loss of revenue, if the strict letter of the regulation were carried out.

None

(2) The condition upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.

Does not, make it mandatory that we have to approve for someone else.

It needs to based off the Neighbors

(3) The alleged difficulty or hardship has not been created by any persons presently having an interest in the property.

None

(4) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

No it is inside the fence.

(5) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood.

No, the Commission does not see this happening.

(6) The proposed variation complies with the spirit and intent of the restrictions imposed by this zoning code.

Yes

Discussion was had on the slope of the roof and that it would not go over the fence. Mr. Hunter stated that it would be attached to the top of the fence.

Vice Chairman Sant asked if there were any further questions or comments. Motion was made by Commission Member Pristupa to approve Variance # 2016-3 for Chad Hunter a roof extension. Motion was seconded by Commission Member McLain. Motion passed unanimously. Vice Chairman Sant stated that

Planning & Zoning Commission has approved Variance # 2016-3 for Chad Hunter. Chairman Nelson will take it to the City Council meeting to be held on September 7, 2016 at 6:00 p.m. Mr. Hunter asked if the Planning & Zoning Commission and the City would send out a letter to notify if the Variance passed. Chairman Nelson stated that they would. Mr. Hunter asked if he needed to attend the City Council meeting. Chairman Nelson stated that he should if he could and that the meeting would be on September 7, 2016 at 6:00 p.m.

Vice Chairman Sant turned the time to Chairman Nelson to set a date for Variance #2016-4, Gary Etchison a front porch. Commission Member McLain asked why Mr. Etchison needs a Variance. Discussion was had on the porch being fifteen feet (15') from the property line and it needs to be twenty five (25') from the street according to Ordinance # 3-1-3 (D) Setback. Discussion was had on the week of September 5, 2016 being Idaho State Fair week which involves Commission Members. Decision was made to hold Gary Etchison's hearing on Thursday September 15, 2016 at 7:00 p.m.

Discussion was had on the meeting with Susan Lorenz of the Southeast Idaho Council of Governments, to be held on August 24, 2016 at 7:00 p.m. It will be a two hours (2 hr.) meeting. Chairman Nelson stated that this should be the beginning and the end of the Comprehensive Plan. The Commission should be able to finish it up having it ready to give to the City Council. Ms. Lorenz will bring everything that she has worked on and the Commission can add or subtract from the information. Most everything Ms. Lorenz has done will remain on the Comprehensive Plan.

Discussion was held on the meeting to be held on September 20, 2016 with Mr. McNall from ICRMP for training everyone needs to attend this meeting. Chairman Nelson explained that Mr. McNall will explain how to do Variance Hearings, Conditional Use Permits the right way and any other questions that you have.

Discussion was had on whether to hold another meeting on the regular meeting day in September. Question was asked if the Commission could vote not to hold their regular meeting on September 28, 2016 where there have been three meetings for the month of August. Can the motion be made on the night of September 20, 2016 to not hold the regular meeting?

Chairman Nelson stated that several of the Commission Members have a conflict with the Wednesday evening meetings. Discussion was held on changing the meeting date from the fourth Wednesday to the fourth Thursday. Chairman Nelson said that he would try and get the meeting day changed to Thursday and it would take thirty days to get it done.

Discussion was held on putting the wrong direction on Variance 2016-3. The Setting Permit #2016-19 showed south and the variance showed north is why it was changed. Commission Members felt that one foot (1') south did not make a lot of difference with the roof. The Citizen letter which stated that they were not in favor if it was on the north but would if it was on the south and is not marked support or do not support will be listed as do not support the Variance.

Chairman Nelson held a discussion on listing more names to serve on the Planning & Zoning. Chairman Nelson stated that he had visited with a person who would like to sit on the Commission if asked. Commission Member Pristupa stated that he had another name to add to the list who would be interested. Chairman Nelson will take the names to Mayor Barthlome.

Chairman Nelson opened the discussion on a letter received from City Attorney Wood. The letter contained information on the adverse possession of another's property. There has been some question on the adverse use of another's property by neighbors submitting a Variance. A statement made by a Citizen that after three years the property would be theirs. The letter states this is not the case. Discussion was had on paying the taxes on the property and it still would not be legal. Have a document stating that the adverse owner would allow them to have the property it would have to be registered at the County Assessor's office and be surveyed. It could be possible to buy the two or three feet of property if the adverse owner wants to sell. Attorney Wood suggests that the Commission ask all future applications for proof of ownership by way of deed or survey or both so that home owners do not encroach on each- others property. In the applications process they need to show proof of ownership.

Discussion was had on the placing of a shed that shows it would be a hardship by putting the shed too close to a water hydrant. The Intermountain Gas line was also an issue. The shed is ten feet from the water hydrant where the shed is sitting today. They had plenty of room but they wanted the shed in the corner. Discussion held on the Planning & Zoning Commission leaving the meeting and going to check on any issues or questions they might have with a Variance and then coming back and reconvene the meeting for a discussion and a decision.

The Commission Members felt they are able to get a better understanding of the law and how it applied to adverse property use dealing with these issues in the future as a Planning & Zoning Commission (see attached letter).

Discussion was had on who is responsible for the correct placement of items on the property. Superintendent Bredehoft checks the Setting Permits and a question was asked if he goes back to double check the permit. Discussion stated that Superintendent Bredehoft does check on any item as one citizen got in trouble for placing a greenhouse on his property and not following the ordinance

requirements. Discussion was had on placing a greenhouse kit on your property and not getting a permit. Discussion was had on temporary items that are not on cement pads. It is temporary if it is not staked into the ground. Discussion was had on Resolution # 166 that lists items which are temporary.

Announcements: Chairman Nelson asked if the Commission Members were square on dates for the next meetings. The Commission has a meeting on August 24, 2016 at 7:00 p.m. with Susan Lorenz of SICOG. The next Planning & Zoning meeting will be a Variance hearing to be held on September 15, 2016 for Gary Etchison and the meeting with Mr. McNall of ICRMP on September 20, 2016.

Motion to adjourn meeting was made by Commission Member Smith. Motion seconded by Commission Member Sant. Motion passed unanimously.

Meeting Adjourned at 7:40 p.m.

ZONING CLERK

APPROVED _____
CHAIRMAN

DATE _____