

CITY OF PRESTON PLANNING AND ZONING MEETING
July 17, 2013

- ROLL CALL** Roll Call showed the following Board members present: Chairman Terry Petterborg, Commissioner Bruce Hodges, Commissioner Roger Woolley, Commissioner Randy Harris, Commissioner Cedar Hodges, Commissioner Linda Hansen
- Staff present: City Engineer Darek Kimball, Council Liaison Sandra Hubbard, Clerk Linda Acock
- Others: Jan McCarthy, David Kunze, Mark Beckstead, Garrett Chamberlain, Warren Chamberlain, Bailey Beckstead, Scott Mooney
- REVIEW & APPROVAL P&Z MINUTES 07/10/13** It was moved by Commissioner Randy Harris and seconded by Commissioner Bruce Hodges to approve the Planning and Zoning Minutes of July 10, 2013. The vote received unanimous approval.
- REPORT OF APPROVED BUILDING PERMITS** Engineer Darek Kimball reported that there were no new building permits to report.
- BUILDING PERMIT HUNZEKER HOLDINGS 801 N STATE** Engineer Darek Kimball presented a building permit for Hunzeker Holdings at 801 North State for a 60x40 auto detailing building. He stated that everything seems to conform with Preston City ordinance.
- Engineer Darek Kimball stated that he has talked with Todd Hunzeker regarding the city's main sewer line that runs through the property and has advised him that he will have to work around the placement of the building and the sewer easement.
- It was moved by Commissioner Roger Woolley and seconded by Commissioner Randy Harris to approve the building permit for Hunzeker Holdings at 801 North State. The motion received unanimous approval.
- DECISION/ RECOMMEND ZONE CHANGE REQUEST S. BECKSTEAD J. MCCARTHY** It was moved by Commissioner Randy Harris and seconded by Commissioner Bruce Hodges to send this matter to Preston City Council with the Commission's recommendation to approve the requested zone change from the current zone of Residential A-1 to Residential B, bringing the existing facilities into conformance with Preston City zoning. The motion received unanimous approval.
- PUBLIC HEARING VARIANCE 150 S 4TH W CHAMERLAIN** After giving guidelines for holding a public hearing, Chairman Terry Petterborg called for the public hearing to give consideration to the request for a variance by Garrett and Amber Chamberlain, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on July 17, 2013, before the City of Preston Planning and Zoning Commission at the hour of 6:15 P.M. at the city hall located at 70 West Oneida St., Preston, Idaho, to

CITY OF PRESTON PLANNING AND ZONING MEETING
July 17, 2013

give consideration to the application of Garrett and Amber Chamberlain, 150 South 4th West, for a Variance to the requirements of Section 17.08.030(A) Preston Municipal Code, which requires the minimal lot area for each residential structure to be twelve thousand five hundred (12,500) square feet. Specifically, the applicant's residential lot is 10,890 square feet, and are requesting that this lot be declared a conforming lot. A copy of the Application for Variance is on file with the City Clerk at the above stated address, and may be reviewed upon request to the City Clerk.

All persons present will be given the opportunity to be heard in regard to said Application. Written comments or objections to said rezoning may be submitted to the City Clerk at the above stated address, and the same will be considered if received prior to said public hearing.

Dated this 18th day of June, 2013

s/ _____
Jerry C. Larsen
City Clerk

Chairman Terry Petterborg asked if any Board member had any ex-parte contact, or if any member needed to declare a conflict of interest. No board member declared ex-parte contact, nor a conflict of interest.

Mark Beckstead from Cornerstone Real Estate, came before the Board, on behalf of Garrett and Amber Chamberlain. He presented a timeline explaining the sale of the property. In June 2009, Loralie DeDios purchased the property from the Allred Family Trust. At that time, the property was ½ an acre. In March, 2010, Loralie DeDois sold a section of the property to Scott Mooney, a next door neighbor, and the lot size is now one quarter acre. The sale was recorded by Franklin County, but no red flags were raised about the lot being under 12,500 square feet. In December, 2010, Will Sharp purchased the property from Loralie DeDios. This was a cash sale, so no appraisal was done, but the title company did insure the title, and the sale was recorded with Franklin County. In September, 2011, Garrett and Amber Chamberlain purchased the property. The property was appraised, the sale was insured by Northern Title, and recorded by Franklin County. In May, 2013, Blair and Betsy Buttars contracted to buy the property. It was during the appraisal of this sale that the property size was brought to the attention of the lender.

Mr. Beckstead asked the Board to consider declaring this property a conforming lot by variance, allowing present and future owners the opportunity to sell, upgrade and/or rebuild should disaster happen.

Engineer Darek Kimball stated that he had conferred with the city's attorney concerning this matter.

Commissioner Cedar Hodges asked if the issue was, that if this lot is considered non-conforming, the new buyers couldn't get a loan on the property?

Mr. Beckstead stated that there isn't a way for them to collect on their collateral, so they wouldn't give a loan on a non-conforming lot.

CITY OF PRESTON PLANNING AND ZONING MEETING
July 17, 2013

Commissioner Linda Hansen asked if the granting of this variance would allow the new homeowners to do improvements on their property.

Commissioner Bruce Hodges asked if they could be granted a building permit to add on or improve their house.

Engineer Darek Kimball explained that if the variance is granted, the lot will be deemed conforming, and they will have the same rights as any other conforming lot within the Residential B zone.

Chairman Terry Petterborg asked for public testimony in support of the granting of the variance.

Scott Mooney, adjacent property owner, stated that he is in favor of the city granting the variance. The previous property owners, and the prospective property owners, take good care of the property. He further stated that if the house wasn't able to sell, the home would be vacant, and the yard and house could very easily fall into disrepair.

Garrett Chamberlain, current house owner/seller, stated that they were only shy 1,600 square feet of being a conforming lot. The property is still larger than many other properties in the Residential B zone, and it has a nice size yard.

Engineer Darek Kimball read supporting comments from Todd Thomas, a property owner within the 300' radius. (Comments follow minutes.)

There being no further comments in favor of the requested variance, Chairman Terry Petterborg asked for neutral comments.

Commissioner Cedar Hodges asked Scott Mooney if he was interested in selling any property back to Mr. Chamberlain.

Mr. Mooney stated that he is not interested in selling any of the property.

There being no further neutral comments, Chairman Terry Petterborg asked for testimony opposing the granting of the variance.

There being no further comments, Chairman Terry Petterborg closed the public hearing and opened the meeting for discussion amongst the Board.

The Board discussed and reviewed given testimony. After discussion, it was moved by Commissioner Randy Harris and seconded by Commissioner Linda Hansen to make recommendation to Preston City Council that the variance be approved, and the lot deemed a conforming lot. The motion received unanimous approval. A Statement of Facts, Findings and Recommendation will be presented to Preston City Council. (Copy of Statement of Facts, Findings and Recommendation follow minutes.)

CITY OF PRESTON PLANNING AND ZONING MEETING
July 17, 2013

ADJOURN Meeting was adjourned at 6:50 P.M. by Chairman Terry Petterborg.

Terry Petterborg, Commissioner

Linda Acock, Clerk