

**CITY OF PRESTON PLANNING AND ZONING MEETING**  
September 9, 2015

**ROLL CALL** Roll Call showed the following Board members present: Chairman Linda Hansen, Commissioner Bruce Hodges, Commissioner Penny Wright, Commissioner Charles Chesney, Commissioner Joe Perry, Commissioner Steve Call

Staff present: Wendy Merrill, Council Liaison Randy Harris

Others: Adrian Alvey, Brandon Carver, Jessie Hampton, Sandra Hubbard

Meeting was called to order at 6:00 p.m. by Chairman Linda Hansen.

**REPORT OF APPROVED BUILDING PERMITS** Chairman Linda Hansen reported on the following approved building permits:

Kelley Land Holdings	713 South 6 <sup>th</sup> South	Dental Office
Robert Ruffell	62 East 2 <sup>nd</sup> South	Garage

**PUBLIC HEARING BRANDON CARVER VARIANCE 718 EAST 6<sup>TH</sup> SOUTH** Chairman Linda Hansen called for the Public Hearing to give consideration to the application for variance by Brandon Carter, as follows:

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on September 9, 2015, 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 give consideration to the application of Brandon Carver, 718 East 6<sup>th</sup> South, for a Variance to the requirements of Section 17.14.060 Preston Municipal Code, which requires side yard setbacks to be twenty (20) feet from any side property line, and back yard setbacks to be eight (8) feet from any back property line. Specifically, the applicants desire to build a 26 x 32 R.V. storage building, which will be four (4) feet from the west side property line and four (4) feet from the south back property line. 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 variance 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 14th day of August, 2015

s/Linda Acock, City Clerk  
Publish: August 19, 2015

Chairman Linda Hansen gave guidelines for holding a public hearing, and asked if any Board member needed to declare a conflict of interest, or ex-parte contact with the matter. There being none, Chairman Linda Hansen asked Brandon Carver to present his request for a variance.

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Brandon Carver stated for the Board that he would like to build a storage shed and RV lean-to four (4) feet from his south back property line. He stated that there is a secondary water line running through his property, and his footings would be directly over the water line unless he was granted a Variance for a four (4) foot setback. He plans to install a gravel RV pad over the secondary water line, allowing access to the water line for any needed repairs, and to install a concrete pad for the storage shed.

Jessie Hampton stated for the Board that when she and her husband Don developed the Orchard Estates Subdivision, they spent many hours on the Restrictive/Protective Covenants. The Covenants state that no structures other than for such utility, irrigation or other indicated purposes are to be erected in the lines of any easements. She asked why anyone would want to change the Covenants and why have a homeowners association at all if people do not adhere to those Covenants?

Adrian Alvey stated for the Board that she understood a majority vote of the homeowners would be required before allowing any changes to the Restrictive/Protective Covenants.

Brandon Carver referenced a signed document, copies of which were provided to the Planning & Zoning Board, from the Association President, Vice-President, Secretary and three board members stating they did not see any problem with, or have any concerns with the Variance.

Chairman Linda Hansen asked if there was anyone in attendance who would like to offer further testimony in this matter. There being none, she then asked if any written comments, either for, or against, this matter had been received. There were none.

There being no further testimony, Chairman Linda Hansen closed the public hearing and opened the meeting up to the Board for discussion.

It was moved by Commissioner Steve Call and seconded by Commissioner Charles Chesney not to recommend to Preston City Council the approval of the Request For Variance for Brandon Carver, as presented, and to allow Chairman Linda Hansen to sign the Facts, Finding and Recommendation. The motion received unanimous approval.

The Facts, Findings, and Recommendation follow the Minutes.

**DECISION  
ON PLANNED  
UNIT  
DEVELOPMENT  
ORDINANCE**

The Board discussed the proposed ordinance amending Chapter 16.34 of the Preston Municipal Code relating to Planned Unit Developments within the City. After discussion, it was moved by Commissioner Joe Perry and seconded by Commissioner Charles Chesney to recommend to Preston City Council the approval of the proposed ordinance amending Chapter 16.34 of the Preston Municipal Code relating to Planned Unit Developments within the City and addressing matters such as minimum areas, permitted uses, landscaping, lot sizes, setbacks and heights, parking, residential unit placement, roadways, applications, Planning and Zoning recommendations, council action, phasing, fees for PUDs, secondary water, and water and sewer fees. The motion received unanimous approval.

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**ADJOURN** Meeting was adjourned at 6:48 P.M. by Chairman Linda Hansen.

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Linda Hansen, Chairman

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Linda Acock, Clerk