

**CITY OF PRESTON PLANNING AND ZONING MEETING**  
September 24, 2014

**ROLL CALL** Roll Call showed the following Board members present: Chairman Randy Harris, Commissioner Bruce Hodges, Commissioner Roger Woolley, Commissioner Terry Petterborg, Commissioner Cedar Hodges, Commissioner Linda Hansen, Commissioner Delbert Rumsey

Staff present: City Liaison Sandra Hubbard, Clerk Linda Acock, City Planner Bronson Tatton

Others: H.K. Smith, Angela Smith, Jared Cox, Shelley Christensen, Jonathon Tillitson, Nathan W. Burnett

Meeting was called to order at 6:00 p.m. by Chairman Randy Harris.

**REPORT OF APPROVED BUILDING PERMIT** City Planner Bronson Tatton reported on the following approved building permit:

Justin Golightly 35 South 6<sup>th</sup> East Garage

**DISCUSS DECISION OF 09/10/14 BUILDING PERMIT H.K. SMITH 1103 N. 8<sup>TH</sup> W.**

H.K.Smith came before the Board to request that they reconsider their decision and ruling requiring him to build 1100 North. He hasn't had opportunity to review the Planning and Zoning Minutes of September 10<sup>th</sup>, and he wasn't in attendance at that meeting, and doesn't feel the decision is right. He stated that he was deeded the 5 acres to avoid having to subdivide, and thought that meant he wouldn't be required to build streets.

Mr. Smith further stated that the road will just be in the middle of agricultural fields, and won't serve to be beneficial to him, Preston City or Franklin County.

The Board discussed options with Mr. Smith, including seeking the vacation of 11<sup>th</sup> North, or looking into redefining the 5 acre property lines.

**PUBLIC HEARING REQUEST FOR VARIANCE NATHAN BURNETT 136 N. 1<sup>ST</sup> W.**

Chairman Randy Harris called for the public hearing to consider a request for a variance, by Nathan and Anna Emily Burnett, as follows:

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on September 24, 2014, 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 Nathan and Anna Emily Burnett, 136 North 1<sup>st</sup> West, for a Variance to the requirements of Section 17.08.040(B) Preston Municipal Code, which requires side yard setbacks to be eight (8) feet from any side property line. Specifically, the applicants existing garage is located adjacent to the east side property line, and the applicants are requesting that they replace the existing garage with a new garage that is 21 feet by 21 feet, with an attached shed that is 9 feet by 12 feet to be located north of the proposed new garage, both of which will be located adjacent to the east side 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.

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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 27<sup>th</sup> day of August, 2014.  
s/Jerry C. Larsen  
Publish: September 3, 2014

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

Nathan Burnett stated for the Board that his house and garage were built well before the zoning ordinances were put into place, and were built along the property line. For safety reasons, property improvements, room to park vehicles, etc., he would like to be able to tear down the existing garage, and build a new larger garage with an attached shed. He will not encroach further on property lines, but the layout of the property does not allow for him to move the garage to meet setbacks.

City Planner Bronson Tatton stated that after his review of the application, he could recommend approval of the Variance.

Shelley Christensen stood before the Board to state that she is the adjoining property owner. The garage has acted as a fence between her and the Burnett's property, and she is favor of the variance.

Chairman Randy Harris asked if there was anyone in attendance who would like to offer further testimony in this matter. There being none, he then asked if any written comments, either for, or against, this matter had been received by city staff. Clerk Linda Acock stated that no written comments had been received.

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

Commissioner Roger Woolley stated that if the two neighbors have worked out all issues with the fence, then he feels the project should go forward.

Commissioner Cedar Hodges stated that it will be a good improvement for the property and neighborhood.

Commissioner Delbert Rumsey stated that the project looks favorable.

Commissioner Linda Hansen also stated that the project is favorable.

Commissioner Terry Petterborg stated that it is a good improvement.

Commissioner Bruce Hodges stated that he is in favor of recommending the approval of this variance request to City Council.

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It was moved by Commissioner Bruce Hodges and seconded by Commissioner Delbert Rumsey to recommend to Preston City Council the approval of the Request For Variance for Nathan and Anna Emily Burnett, as presented, and to instruct Clerk Linda Acock to draft a Facts, Finding and Recommendation. The motion received unanimous approval.

The Facts, Findings, and Recommendation follow the Minutes.

**DISCUSS**  
**PRE-EXISTING**  
**NON-**  
**CONFORMING**  
**LOT**  
**223 S. 1<sup>ST</sup> W.**  
**JARED COX**

Jared Cox came before the Board to request discussion on a piece of property that he recently purchased. The old house was demolished, and he recently presented a building permit to build a new home. The building permit has been denied because of discrepancy with the plot map.

The frontage of the property on the plot map shows only 45 ½ feet, although in walking the property, and talking with neighbors and A.A. Hudson surveyors, it should be more like 62 feet.

Mr. Cox further explained that he has talked with the surveyor about having the property surveyed, and the adjoining neighbors are willing to sign an agreement that states the fence line is the property boundary.

Chairman Randy Harris advised Mr. Cox to have the property surveyed and the deed corrected. If everything else on the building permit meets city code, he shouldn't have any problem with getting a building permit.

**ADJOURN**

Meeting was adjourned at 6:40 P.M. by Chairman Randy Harris.

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Randy Harris, Chairman

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Linda Acock, Clerk