

CITY OF PRESTON PLANNING AND ZONING MEETING
May 10, 2017

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

Staff present: Wendy Merrill, Mark Owens

Others: Eric Allred, Sandy Allred, Jim K. Jensen, Nancy Merrill, V. Theon Merrill, Scott Palmer, Berni Winn

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

**REVIEW AND
APPROVAL
OF PLANNING
& ZONING
MINUTES
04/26/17**

It was moved by Commissioner Charles Chesney and seconded by Commissioner Steve Call to approve the minutes of April 26, 2017. The motion received unanimous approval.

**PUBLIC
HEARING
VARIANCE
V. THERON
AND NANCY
MERRILL
420 PIONEER
CIRCLE**

Chairman Linda Hansen called for the Public Hearing to give consideration to the application of V. Theron and Nancy Merrill, 420 Pioneer Circle, Preston, Idaho, for a Variance to the requirements of Section 17.08.060 Preston Municipal Code, limiting the size of accessory buildings to less than 250 square feet.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on May 10, 2017, before the City of Preston Planning and Zoning Commission at the hour of 6:00 P.M. or as soon thereafter as this matter can be held, at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of V. Theon and Nancy Merrill, 420 Pioneer Circle, for a Variance to the requirements of Section 17.08.060 Preston Municipal Code, which limits the size of accessory buildings to less than 250 square feet. Specifically, the applicants are requesting that they place an accessory building that is 12'x32' feet. 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 12th day of April, 2017.

s/Linda Acock, City Clerk

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 opened the public hearing and asked V. Theon Merrill, 420 Pioneer Circle, to present his request for a variance to Section 17.08.060 Preston Municipal Code, in order to place an accessory building measuring 12'x32' on his property.

CITY OF PRESTON PLANNING AND ZONING MEETING
May 10, 2017

V. Theon Merrill stated he was seeking a variance to place a 12'x32' pre-built shed, on skids, on his property for his lawn, garden and tool equipment. As part of his presentation, he also made a request for a setback of 4 feet from the property line, which was not part of the notice for public hearing.

Chairman Linda Hansen asked if there was anyone in attendance to provide testimony in favor of granting the rezone request.

Nancy Merrill, 420 Pioneer Circle, stated they bought the shed because they got a good deal on it and it would constitute a hardship financially if they were not able to use it, because that money could not be recouped. She also stated they were requesting the setback change so the shed would not take away room from their garden.

Chairman Linda Hansen then read the following letter of support for granting the variance:

May 8, 2017

Re: Hearing for variance on Merrill property scheduled for May 10, 2017

Concerning the Merrills request to put a 12 x 32 foot shed 4 feet from the property line that we share, I support their request.

Feel free to call me with any questions. Thank you for your consideration of this matter.

Sincerely,
s/Richard Wells
801-755-5620

Chairman Linda Hansen asked if there was anyone in attendance to provide neutral testimony regarding the request for variance.

There being none, Chairman Linda Hansen asked if there was anyone in attendance to provide testimony against granting the request for variance.

There being none, Chairman Linda Hansen closed the public hearing and opened the meeting up to the Board for discussion.

Commissioner Steve Call stated the undue hardship requirement for granting a variance had not been met in this case, and at most it would only constitute an inconvenience.

City Engineer Mark Owens showed the Commission, via overhead projection, where the shed would sit on the property if placed with the required 8 foot setback.

V. Theon Merrill stated it places an unfair burden on honorable citizens who seek to follow the proper procedures when they are penalized for doing so, as several people around him are in violation of the accessory building ordinance.

CITY OF PRESTON PLANNING AND ZONING MEETING
 May 10, 2017

After discussion, it was moved by Commissioner Steve Call and seconded by Commissioner Penny Wright to recommend to Preston City Council the approval of the Request for Variance for V. Theon and Nancy Merrill, as presented, as long as the proper setback requirements are met, and to allow Chairman Linda Hansen to sign the Planning and Zoning Commission Decision, Merrill - Rezone. The motion received unanimous approval.

**DECISION &
 RECOMMEN-
 DATION
 ERIC AND
 SANDY ALLRED
 VARIANCE**

Commissioner Charles Chesney recused himself from voting on this issue, due to the fact that the Allreds had approached him personally regarding the issue.

City Engineer Mark Owens addressed the survey provided by the Allreds, as requested at the April 26, 2017 Planning and Zoning meeting, regarding storm water drainage. He showed, via overhead projection, where the water currently drains and where it would drain with the installation of curb and gutter. He recommended the Allreds build the driveway in a manner that would allow the water to continue to drain as it does now, and demonstrated where the driveway should be placed. He further stated the Allreds would need to install a swale.

After discussion, it was moved by Commissioner Steve Call and seconded by Commissioner Brock Alder to recommend to Preston City Council the approval of the Rezone Request for Eric and Sandy Allred, as presented, as long as it follows the Comprehensive Plan of the City of Preston, and to allow Chairman Linda Hansen to sign the Planning and Zoning Commission Decision, Allred – Rezone. The vote was as follows:

Chairman Linda Hansen	Aye
Commissioner Bruce Hodges	Nay
Commissioner Penny Wright	Nay
Commissioner Charles Chesney	Abstain
Commissioner Steve Call	Aye
Commissioner Brock Alder	Aye

Motion passed by majority vote.

**REPORT OF
 APPROVED
 BUILDING
 PERMITS**

Chairman Linda Hansen reported on the following approved building permits:

Higley Homes	681 Granny Smith Circle	House
Higley Homes	567 Cedar Circle	House
Higley Homes	549 South 3 rd East	House
Heusser Construction	324 East Eagle Way	House
Coburn Construction	305 East Eagle Way	House
Jordan Galloway	255 South 2 nd West	Addition

**BUILDING
 PERMIT
 JEFF GALE
 360 N 8TH W**

City Engineer Mark Owens reported to the Board that Jeff Gale had submitted a building permit for a house at 360 North 8th West. He explained that due to the house being located outside the core area of the City, Mr. Gale would need to sign a deferral agreement for the improvements.

CITY OF PRESTON PLANNING AND ZONING MEETING

May 10, 2017

It was moved by Commissioner Penny Wright and seconded by Commissioner Steve Call to approve the building permit for Jeff Gale to construct a house at 360 North 8th West, upon signing a deferral agreement for the improvements. The motion received unanimous approval.

**BUILDING
PERMIT
SECURE AND
SNUG
900 SOUTH
STATE**

City Engineer Mark Owens reported to the Board that Cameron Whitehead had submitted a building permit for Secure and Snug Storage at 900 South State Street. He stated the building permit submitted was incomplete and recommended it be tabled until Mr. Whitehead provides further information.

**BUILDING
PERMIT
CHAD JENSEN
620 EAST
ONEIDA**

City Engineer Mark Owens reported to the Board that Chad and Colleen Jensen had submitted a building permit for a house at 620 East Oneida. Colleen Jensen had approached the Board on April 26, 2017, to determine the feasibility of a obtaining a variance to the setback requirements in order to build a home at this location. The Board discussed the possibility that the Jensens would, at some future time, use this home as a shop with living quarters and build another home on the property. City Engineer Mark Owens stated that since the property is located in a Transitional Zone, building another home on the property is an allowed use, as long as the second home is one story. The Board also discussed the safety concern of another access on and off East Oneida, where sight limitations and heavy traffic are an issue.

Jim K Jensen, father of Chad Jensen, argued that you cannot deny anyone access to their property, and that the State of Idaho Transportation Department had already granted Chad and Colleen Jensen access to East Oneida Street as part of the East Oneida Reconstruction Project.

After further discussion, it was moved by Commissioner Steve Call and seconded by Commissioner Charles Chesney to postpone making a decision on this issue until the Board obtains more information regarding access onto East Oneida, and to give City Attorney Tyler Olson time to review the issue. The motion received unanimous approval.

**BUILDING
PERMIT
GENE MOYES
580 NORTH
8TH EAST**

City Engineer Mark Owens reported to the Board that Gene Moyes had submitted a building permit for a house at 580 North 8th East. He explained that due to the house being located outside the core area of the City, Mr. Moyes would need to sign a deferral agreement for the improvements.

It was moved by Commissioner Penny Wright and seconded by Commissioner Steve Call to approve the building permit for Gene Moyes to construct a house at 580 North 8th East, upon signing a deferral agreement for the improvements. The motion received unanimous approval.

CITY OF PRESTON PLANNING AND ZONING MEETING
May 10, 2017

ADJOURN Meeting was adjourned at 7:08 P.M. by Chairman Linda Hansen.

Linda Hansen, Chairman

Linda Acock, Clerk