

Minutes of the Regular Meeting of the Lava Planning & Zoning Commission of the City of Lava Hot Springs, Idaho held Thursday, January 25, 2018 at 6:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Fred Hinz, Commission Vice Chairman
Curtis Waisath, Commission Member
Vicky Lyon, Commission Member
Canda L. Dimick, City Clerk
Gary Cooper, City Attorney

Excused: Neil Anderson, Commission Chair

Guests: Greg Stevens

Meeting was called to order by Fred Hinz, Commission Vice Chairman at 6:30 pm.

Shed Encroachment:

Greg Stevens presented and reviewed a site plan with commission members. He stated that if the commission could not approve his encroachment that he does have a way that he can build the shed and do it legally. South 5th West from West Booth Street to the alley has been vacated. The approach to the shed enters a dead end street. Greg explained that his house actually does not meet setback requirements and that Tony Hobson, City Maintenance Supervisor, has measured the existing setbacks with him and confirms. Mr. Stevens stated that the builder done everything on weekends and at nights. The non-conforming house setback issue was existing when Mr. Stevens purchased the property. The proposed shed is seventeen (17) feet wide by twenty (20) feet long setting fourteen and one-half (14 ½) feet from the paved road. The shed will house four wheelers, snow blower and maybe an ATV trailer. Existing structures on the property; house and metal garage, were identified on the site plan. The proposed shed will be a metal structure certified for ninety (90) mile hour winds with a sixty (60) pound snow load; just like the existing garage. Mr. Stevens stated that if the commission is not favorable with the encroachment that it would be fine. He can install a twelve (12) foot by thirty (30) foot shed and meet set back requirements. Mr. Stevens presented pictures for a visual view of the distance the structure would be located in relation to the street. Vicky Lyon questioned if the proposed shed will be in line with the existing house. Mr. Stevens reported that the back of the shed would be in line with the house. Mr. Stevens reported that there are no utilities in the proposed area and that he has confirmed with Tony Hobson, City Maintenance Supervisor that there never will be. Mr. Stevens reported that the shed will not be a permanent structure. It will be anchored with RV anchors and can be moved within an hour. Curtis Waisath questioned property lines. Property line along South 5th West Street was identified on the map. City Clerk reported that the property was rezoned in 2015; Mr. Stevens' property is located within the R3 Zone which requires a fifteen (15) foot setback from the adjoining side street and that Tony Hobson, City Supervisor, estimated that the existing house is encroaching two (2) feet into the required setback. Mr. Stevens reported that when he measured it looked like the house encroaches two and one half (2 ½) feet. Vicky Lyon, Commission member, mentioned that during the review process for the proposed shed that unfortunately it was unearthed that the existing garage had not been completed. She questioned if Mr. Stevens had applied for a variance to build the existing garage. Mr. Stevens replied that

he had applied for a variance and it was approved. Vicky Lyon, Commission Member, asked if the existing garage was permitted. Mr. Stevens stated that he didn't know a permit was required and that the contractor built the existing garage to certified building standards. The proposed shed is identical to the existing garage just not as big or high. The existing garage houses an RV. Curtis Waisath, Commission Member, stated that the street is still a public street and the right-of-way set back is fifteen (15) feet. Mr. Stevens reported that he may be able to push the shed back six (6) inches but it would close off his walk area between the two buildings. The proposed fourteen and one-half (14 ½) foot setback is from existing pavement not property line. The shed would access from South 5th Street. The only neighbor that the structure could bother is the renter of the basement apartment across the street. The proposed shed is over two hundred (200) square feet. A building permit is required. Mr. Stevens stated that he didn't know anything about having to get a building permit for the existing garage and he didn't think that there was a footage limitation when it was built five plus years ago. Fred Hinz, Commission Vice Chairman, confirmed that the footage limitation was in existence when the existing garage was built. Mr. Stevens stated that he got some bad information and that he wasn't going to give any names out; he was told just to go ahead and do it. Mr. Stevens wasn't living in Lava when the existing garage was built. He was living in Salt Lake City, Utah at that time. Fred Hinz, Commission Vice Chairman, commented that he thought there was originally a carport where the existing garage is. Mr. Stevens stated that to his knowledge there was no carport. Fred Hinz, Commission Vice Chairman, stated that it looked like a carport to him. Property line was readdressed and discussed. If the back of the proposed shed lines up with the house, the front would extend out into the City's right-of-way. The proposed shed can't be placed on City property. Sidewalk, curb and gutters are placed on the city right-of-ways. South 5th West is platted fifty (50) feet wide. According to Tony Hobson, City Maintenance Supervisor, the large pine tree planted on the corner is on the City's right-of-way; the property line is East of the pine tree. Vicky Lyon, Commission Member, asked why the structure could not be moved back to avoid any controversies. Mr. Stevens stated that the reason he can't move the shed back is because the woodpeckers continue to cause damage to the stucco on his house and he has to have room to place extension ladders on the North side to repair the holes. He needs to keep an area by the house open. He expressed that he is willing to go with the 12x30 option and keep the structure totally on his property and that he realizes a building permit is still required. Comments were addressed regarding access for emergency responders, fire and ambulance. Several feet of the proposed shed would be on City property. If the front of the structure was moved back to property line a setback variance would be required. Motion was made by Curtis Waisath and seconded by Vicky Lyon to deny the encroachment because the shed does not meet setbacks as presented and there is an alternative option. Mr. Stevens commented that he is fine with the decision and was actually going to call City Hall and have the request pulled but decided not to. Vicky Lyon asked that Mr. Stevens seek a permit for the existing garage as built at the same time that he applies for a permit for the new shed.

Zoning Ordinance Work Session

Gary Cooper, City Attorney, was in attendance to address the commission's legal concerns regarding the updated draft of the zoning ordinance sent to him on November 17, 2017. The commission's note on page two (2) under jurisdiction whether it should read one mile or city impact area was addressed. Gary asked if the City has an agreement with Bannock County establishing the impact zone around City of Lava. The City has an ordinance that creates the city

impact area. Gary recommended that the jurisdiction should reference city impact area. The provision in the ordinance regarding jurisdiction was changed to read “These regulations shall apply to the subdividing of all land within the corporate limits of the City and including property within the city impact area of the corporate limits as required under Section 50-1306 of the Idaho Code.” Under Jurisdiction (E), Gary questioned the Commission’s note on how the provision conflicts with the City’s Planned Unit Development (PUD) ordinance. Gary agreed that the provisions need to be consistent. Time was taken to compare provisions between the two ordinances. On the bottom of page one of the PUD ordinance, it states that PUD’s are not a permitted use in within existing or approved platted subdivisions. The commission has proposed to list PUD uses in some zones as a conditional use. Gary stated that if the desire is to now allow PUD’s that he would recommend striking one sentence from the PUD ordinance and amending it at the same time when the zoning ordinance is adopted. Gary commented that he had looked over the definition provisions and nothing bothered him with them.

Approval of Minutes:

No minutes were presented for approval.

Schedule Next Meeting

Motion was made by Curtis Waisath and seconded by Vicky Lyon scheduling February 22, 2018 at 6:30 p.m. for the next meeting. All voted aye, unanimous.

Other Business:

Commission members discussed candidates for vacant commission seat. Cheryl Hanson and Grant Pankhurst names were mentioned.

Adjournment:

Motion was made by Curtis Waisath, Commission Member, and seconded by Vicky Lyon, Commission Member, to adjourn. All voted aye, unanimous. Meeting adjourned at 8:05 pm.

Transcribed by:

Signed:

Canda Dimick, City Clerk

Fred Hinz,, Commission Vice Chairman