

**PPAYETTE PLANNING & ZONING COMMISSION
REGULAR MEETING
June 28, 2012**

6:00 PM –Planning & Zoning Meeting

ROLL CALL

Members Present: Randy Choate, Larry Hogg, Jim Franklin, Cassandra McElravy, Kevin Hanigan

Members Absent: Thomas Ladley was excused, and Gary Youngberg

Staff Present: Mary Cordova and Becky Lynch

APPROVAL OF MINUTES

A motion was made by Franklin and seconded by Hanigan to approve the regular meeting minutes 05-24-12 as written.

After a unanimous voice vote by the Commission, the motion CARRIED.

COMMUNICATIONS

None Heard.

PUBLIC HEARINGS

- A. An application by James Galligar for a Conditional Use Permit to build a 576 square foot carport with a roof height of 16'6" located at 1400 7th Avenue North, McGlinchey Tract, Tax 18 Blk 5 Less Rd R/W. The property is zoned B- Residential.

James Galligar – 1400 7th Avenue North; Payette, Idaho 83661

Galligar stated that he wants to build an enclosed car port that will sit in the back corner of his property which will also meet the setback requirements. Galligar stated that there will be walls all the way around along with a door across the front of the building. Commissioner Franklin stated that it seems that this will be more of a garage than a carport since it will be enclosed; Galligar stated yes. Commissioner Franklin asked if he planned on having plumbing or power to the building; Galligar stated no, not at this point.

- B. An application by Paul Pape for a Conditional Use Permit to build a 420 square foot carport with a roof height of 9' located at 506 3rd Avenue North. Tioga Add'n, W 50' of Lots 1 & 2, Blk 1-ptn vacated 3rd Ave N. The property is zoned B-Residential.

Paul R Pape – 506 3rd Avenue North; Payette, Idaho 83661

Pape stated that his building will be 20'x 21', the driveway runs from the east side of the house and the carport will be off the back of the lot. Pape stated that this building is to be considered as a certified carport which can hold up to 90 mph wind loads. Commissioner Franklin asked if the carport meets the setback requirements, Pape stated yes. Commissioner McElravy asked if this will be anchored to the ground somehow; Pape stated yes, it will be secure to the ground.

- C. An application by Wayne Irvin for a Variance to the requirement of off street parking at 200 N. Main St., Gorrie Addition, Block 7, Lots 1 & 2. The property is zoned C-1 Commercial.

Wayne Irvin – 1267 NE 10th Avenue; Payette, Idaho 83661

Irvin stated that he is adding more than 399 square feet to the building which would require onsite parking; where the building is located, that wouldn't be possible to provide. Commissioner Franklin stated that it is pretty exciting to see things happening down there at this property. Commissioner Choate asked where patrons could park; Irvin stated that there is parking across the street and to the south; most businesses will be closed after 5 which surround that area when his business will be open.

- D. An application by Pablo Torres for a Conditional Use permit to allow an existing 1500 square foot carport with a 13 foot roof pitch at 408 South 11th Street, Tax 7 in Lot 14, BLK 1, Fairview Addition. The property is zoned B-Residential.

Pablo Torres – 408 South 11th Street; Payette, Idaho 83661

Esmerelda Torres was present, and acted as an interpreter for Pablo Torres. Esmerelda stated that they were shy on meeting the setbacks for their car port; the property stakemet at 5 feet instead of the 8 feet that is required. Esmerelda presented a photo she had taken and sent it around to the Commissioners to review and the Commissioners proceeded to ask questions for Esmerelda regarding the photo she had presented. Commissioner Franklin stated that this variance is for 6 feet instead of 8 is that correct. Esmerelda stated yes. Commissioner McElravy asked if the building inspector had seen the stake; Esmerelda stated that he just viewed the inside of the carport to make sure it was stable. Commissioner McElravy asked if the property line was on the ditch; Esmerelda stated that she wasn't sure if the ditch was part of the property line. Commissioner Hogg asked if it has ever been surveyed; Esmerelda stated no.

The public hearing was closed at 6:18 pm

OLD BUSINESS

- A. Request for amendment on a CUP granted to Vernon & Linda Barton-

Lee Reed – 2361 Killebrew Drive; Payette, Idaho 83661

Reed stated that he is asking to extend the square footage for the previously granted CUP. Reed stated that the engineer needs to widen the building for their boat and RV. The original size approved for the conditional use permit was 1,680 square feet and he would like to extend it to 2,200 square feet. Commissioner McElravy stated that this lot on North Iowa is pretty big and shouldn't have a problem extending the square footage a little further. Commissioner Choate asked if this will still maintain all of the setbacks; Reed stated yes.

A motion was made by Franklin and seconded by Hogg to amend the CUP granted for Vernon and Linda Barton on May 24th, 2012 which was originally approved for 1,680 square feet changing it to 2,200 square feet for a garage.

After a unanimous voice vote
CARRIED

NEW BUSINESS

A. James Galligar – Conditional Use Permit – 1400 7th Avenue North -

A motion was made by Hanigan and seconded by McElravy to grant the conditional use permit for James Galligar at 1400 7th Avenue North to build a garage, providing that the structure shall be used exclusively now, and in the future, as a garage/storage area, incidental and accessory to the primary single family building already on the lot; the structure shall not exceed 576 square feet, nor exceed 16'6" in height; the structure shall not be used at any time for any residential purpose; the structure must be in compliance with all applicable setbacks; and that all Federal, State, or local rules and regulations must be met.

After a unanimous voice vote by the Commission, the motion CARRIED.

B. Paul Pape – Conditional Use Permit – 506 3rd Avenue North -

A motion was made by Hogg and seconded by Franklin to grant a conditional use permit for Paul Pape at 506 3rd Avenue North to build a carport, providing that the structure shall be used exclusively now, and in the future, as a garage/storage area, incidental and accessory to the primary single family building already on the lot; the structure shall not exceed 420 square feet, nor exceed 9' in height; the structure shall not be used at any time for any residential purpose; the structure must be in compliance with all applicable setbacks; and that all Federal, State, or local rules and regulations must be met.

After a unanimous voice vote by the Commission, the motion CARRIED.

C. Wayne Irvin – Variance – 200 North Main Street -

A motion was made by Franklin and seconded by Hanigan to make a favorable recommendation to the Payette City Council of granting a variance to Wayne Irvin at 200 North Main Street to allow for onsite parking reflecting his addition of more than 399 square feet to the property.

Ayes: Choate, Franklin, Hogg, McElravy, Hanigan
Nays: None

The motion CARRIED

D. Pablo Torres – Variance – 408 South 11th Street -

Commissioner Franklin stated that this is clearly caused by the owner's actions; variances are only approved if it causes an undue hardship to the property owner. Cordova stated that the applicant

applied for a CUP for the building which was constructed before applying for the building permit. They came in front of the CityPlanning and Zoning on April 26th and informed the Planning and Zoning Commission that the building was within setbacks. They had come in and applied for the building permit on the very last day that we had required them to do so from their CUP letter. The building inspector looked at the property again and noticed that the structure is within the setbacks. The pictures seen tonight are still just the stakes, not the property pins. It hasn't been legally split, and there has never been a record of survey done for this. The building inspector didn't issue a building permit, and the applicant's inability to show the property lines is still unknown; if you can't find the pins, then a record of survey needs to be done. In this case a survey needs to be done for this to be granted. Two options were to apply for a variance or to move the structure. On the last day to come in, they had come in to apply for a variance. We still don't have a building permit; we suspect highly that the structure is within the setbacks; if we are to proceed with the variance, they need a building permit, a survey, and to have several structural issues brought to code. Hogg stated for a variance to be granted that it has to have undue hardship. Regardless of how close it is to the side of the lot and to me this structure doesn't bring undue hardship.

A motion was made by Hogg and seconded by Franklin to recommend to Payette City Council that the variance be denied to Pablo Torres at 408 South 11th Street due to no undue hardship.

Ayes: Choate, Hogg, Franklin, McElravy, Hanigan
Nays: None

The motion CARRIED

OLD BUSINESS

PUBLIC COMMENT

None Heard.

ADJOURNMENT

A motion to adjourn was made by Franklin, and seconded by Hogg. The meeting was adjourned by a unanimous vote at 6:40 pm.

Recording Secretary
Becky Lynch