

**PAYETTE PLANNING & ZONING COMMISSION  
REGULAR MEETING  
November 17, 2011**

**6:00 PM –Planning & Zoning Meeting**

**ROLL CALL**

Members Present: Jim Franklin, Tom Ladley, Brent King, Kevin Hanigan and Larry Hogg

Members Absent: Randy Choate, Gary Youngberg

Staff Present: Mary Cordova, City Clerk and Tiffany Howell, Assistant City Clerk

**APPROVAL OF MINUTES**

A motion was made by Ladley and seconded by King to approve the regular meeting minutes 10-27-2011 as written.

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

**COMMUNICATIONS**

None Heard.

**PUBLIC HEARINGS**

- A. An application by Raymond and Betty Wiley for a Variance to allow for 2 residential dwellings on one lot at 331 ½ River Street, Tioga Plat, Block 28. The property is zoned Industrial.

Betty Wiley – 331 ½ River Street –

Mrs. Wiley stated that when she bought the property there were 2 houses on the lot. There was a fire not too long ago and we would like to re-do the inside of the house. Commissioner Franklin stated that there are two houses on the property. Mrs. Wiley stated yes, there has been since 1971. Commissioner Hanigan asked Mrs. Wiley which house was hers. Mrs. Wiley stated that the big house in the front did not burn; the small house in the back under the tree is the one that burnt. Commissioner Ladley asked Mrs. Wiley how destroyed the house was. Mrs. Wiley stated that it was mostly smoke damage with a little heat cracking on the ceiling. Commissioner Ladley asked Mrs. Wiley if she just wants to restore the inside back to what it was. Mrs. Wiley stated yes. Commissioner Franklin asked Mrs. Wiley if she could give the Commission an estimate on how much it would cost to repair the damage. Mrs. Wiley stated no she cannot, but if Brad Walders was here he could tell you, because he works at the disaster clean up. Commissioner King asked if the use was grandfathered in. Mrs. Wiley stated that she was not sure, but it was like that when she bought it. Mrs. Wiley stated that the back house was built in 1971 and the front house was built in 1905.

Clerk Cordova stated that she just handed out the section of code relating to nonconforming uses. Since the property is zoned as industrial and the main use is residential, and it has to comply with B-Residential. The issue is 2 homes on one parcel. When that was annexed we allowed that use to continue as a nonconforming use. Clerk Cordova stated that the code states that it can be rebuilt as long as the value does not exceed 60% of the value of the structure. Clerk Cordova stated that the value of the second structure is \$19,510 and 60% of that would be \$11,600. Clerk Cordova stated

that after she spoke with the insurance agent herself the value they assessed it at far exceeds the \$11,600. Clerk Cordova stated that the issue is its nonconforming and if it's more than 60% of the value of the structure. Clerk Cordova stated there was a fire in that back building; ideally that is what code says you have to get rid of the second home. Commissioner Ladley asked what the square footage was. Clerk Cordova stated that they have enough square footage to have a duplex but each parcel would need to have road access and all that kind of stuff and after talking with public safety if there had been a car parked in the driveway they would not have been about to get to this house. Commissioner Hanigan asked if they have to pull a building permit. Clerk Cordova stated yes. Commissioner Ladley asked if they have to bring it up to code. Clerk Cordova stated that after speaking with the insurance agent and the building inspector most of the damage is cosmetic and smoke damage, so they will not be bringing it up to code.

Betty Wiley – 331 ½ River Street-

Mrs. Wiley stated that originally her driveway was supposed to come all the way around, but Steve and Joni DeFrance bought the right of way and put a fence up, so when you get back there you are kind of stuck. Commissioner Hanigan asked if she had a dollar amount as to what she might be spending to fix the house. Mrs. Wiley stated that it was just the basics. Commissioner Hanigan asked if she has the house rented or if she was living in it. Mrs. Wiley stated that she was living there at the time, but she has the front house rented. Commissioner King stated that it doesn't take long to spend \$11,000 when dealing with the disaster cleanup people.

The Public Hearing was closed at 6:14pm.

### **NEW BUSINESS**

- A. A. An application by Raymond and Betty Wiley for a Variance to allow for 2 residential dwellings on one lot at 331 ½ River Street, Tioga Plat, Block 28. The property is zoned Industrial.

Commissioner King stated that as long as they are leaving the footprint the same he does not have a problem with it. Commissioner Franklin asked about the issue with the driveway. Commissioner King stated that I think we really need to try and make this work, if you bought this property with two homes, and then all of a sudden could only have one how would you feel. Commissioner Franklin stated that he wants to make it work; he just wants to make it work safely.

A motion was made by King and seconded by Hanigan to recommend to City Council to allow the Variance permit at 331 ½ River Street provided that the footprint of the home remains the same and that it complies with the most current residential setback and that a building permit be applied for and the construction commences within one year.

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

### **OLD BUSINESS**

#### **A. Gas & Oil Ordinance –**

A motion was made by Hanigan and seconded by King to have a joint work session with the City Council and Planning and Zoning Commission.

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

**ADJOURNMENT**

The meeting was adjourned by a unanimous decision at 6:35PM.

Recording Secretary  
Tiffany Howell