

MINUTES
CITY PLANNING AND ZONING COMMISSION
Bonnors Ferry City Council Chambers
7232 Main St.
(208) 267-3105
May 20, 2021
5:15 pm

Chris Rawlings called the Planning and Zoning meeting for May 20, 2021 to order at 5:16 pm. Planning and Zoning Commission present were: Chris Rawlings, Andy Howe, and Dave Gray. Also present were: Contract Planner Clare Marley and Planning & Zoning Clerk Julie Fairchild

PUBLIC COMMENTS

James Black and Martha Hoxley from the public were present.

CONSENT AGENDA

1. Approval April 15, 2021: ACTION ITEM.

Andy Howe moved to approve the minutes from April 15, 2021. Dave Gray second the motion. The motion passed all in favor.

OLD BUSINESS

2. File #V03-21 Variance Public Hearing:

James Black is requesting approval for a variance to allow a 10-foot corner lot setback, where 20 feet is required, and a 6-foot interior side yard setback, where 10 feet is required, to allow for the construction of a single-family dwelling. The property is described as Lot 8, Birch Court Subdivision, on Spokane Street and North River Drive in Section 27, Township 62 North, Range 1 East. The site is zoned Residential A.

The Chair called for disclosures and conflicts and declared is no apparent conflict of interest within the Commission. The Chair said the public is not asking for special assistance to hear or see for the following hearing.

Clare this property is .11 of an acres and is a 40-foot wide lot and the required setback would only leave a 10 foot wide house or structure. Clare said if these variances are granted then it would allow a 20-foot-wide house with a 2-foot eave on each side. Clare said James Black and she talked about how he needs to demonstrate of no adverse effects to public health safety or welfare. Clare said this is a corner lot and that he can't build up into and block what's known as the sight vision triangle. Clare said James Black has demonstrated that a with a drawing. Clare said in the review you must show that it's not a conflict with the general plan and that it won't change the character of the neighborhood or this zone and also no undue hardship. Clare discussed conditions of approval that if the variance is approved 6-foot interior, 10-foot corner, and he has two years to build and if he doesn't build within that time it will expire, access must be from the north, and he must maintain the vision triangle, to be proven at the time of building permit.

James Black said he wants to build a single-family home that makes sense on this lot. James said this will not have a lot of impact and that the side street being the one only block length of the house. Andy asked if it was going to be single story or two. James replied he's waiting to see what comes out of this meeting but he's thinking about two story just to keep the house smaller by not taking up so much of the lot. Dave asked if it would be comparable to the

houses next door. James replied yes probably but not as long. Chris asked how long he owned the lot. James said he bought it in 2012.

The Chair said there is no public here who's speaking in favor, but we have one person, Martha Hoxley, is neutral because she doesn't have enough information. Martha said she is the owner of lot 7. Martha said that when she bought lot 7, she thought lot 8 was only 23 feet wide at the back and 29 feet wide at the front and thought it was unbuildable because of all the setbacks. Martha asked what the current regulations and width allowed for new homes. Clare replied if anyone is building a manufactured home, they must be 20 feet wide minimum in all directions. Martha asked if this variance is granted, are all those trees coming down. Martha asked if there have been any other variances in that neighborhood that she wasn't aware of. Chris The Chair said that nothing has come to mind of any other variances. Martha asked if in the future should she request a variance to build a 24-foot-wide house. Chris The Chair replied with that's what they have been discussing at P & Z meetings and not all the way through it yet. Chris said there is no one here that is opposed to this variance. James said that yes, he will be accessing this house from the North side only and nothing will come from the riverside street. James said he plans to take down all those trees all the way around. Clare said there's more than 23-foot on this lot, there's at least 40 feet including the curbs. Martha asked if James was intending to live here himself or developing it for someone else. James replied with that he's probably going to use it as a rental.

Chris The Chair announced the public portion of the file is now closed and the commission will deliberate to reach a decision. Andy Commissioner Howe said he didn't have any real concerns. Dave Commissioner Gray said he also sees no concerns and he understands that there are cramped spaces between lots 7 and 8 and he appreciates James bringing a new house to live because they're needed. Chris said he appreciates James putting together his well-organized application and knowing the limited availability of housing. Andy asked if James was proposing a 6-foot with a 2-foot eave. Andy asked if we amended this with a 5-foot setback including the eave on the interior line. Clare said she couldn't answer that question but procedurally yes you can modify but whether you should or not is up to you.

Andy Howe moved to recommend approval of File #V03-21 Variance to allow a 10-foot corner lot setback, where 20 feet is required, and a 6-foot interior side yard setback, where 10 feet is required, to allow for the construction of a single-family dwelling, finding that it is in accord with the standards of Section 11-7-1 Bonners Ferry City Code, as enumerated in the findings and reasoned statements contained in the staff report and based upon testimony received at this hearing. He further move to adopt the following reasoned statement and conditions as written or as amended. The variance request is in accord with general standards applicable to variance provided at Section 11-7-1, Bonners Ferry City Code, as enumerated in the standards review table of the state report and supporting evidence. Dave Gray second the motion. The motion passed all in favor.

Clare said this variance has to go to City Council as a recommendation and they can choose to accept what they decided or hold a hearing on their own and if they decide to hold a hearing on their own then we have that same 15 days noticing.

3. Review City Council comments on setbacks, RV park standards, Accessory Dwelling Units and general yard and structure definitions. **-ACTION/DIRECTION TO STAFF TO PREPARE FOR JUNE HEARING**

Clare said they're proposing lots that are 50 feet or narrower could have a 5-foot setback instead of 10 feet on the sides but it's inclusive of the eaves. Clare said this is in draft stage now. Martha asked what an eave is. Clare replied an eave is the overhang of the roof. Martha asked if what this means for her lot since she's the only one impacted by this variance. Clare replied it depends on lot line and if this is adopted then you could be as close as 5 feet. Martha

asked what James Black was purposing for the width of the house. Clare replied he's proposing a 20-foot house with 2-foot eaves.

Clare said The City Council was in favor of just about everything that drafted. Clare said the City Council will be making the decision for water and sewer fees and connections and they favored separate meters to keep track of the usage. Clare said City Council has a concern about the minimum 400 square feet for an ADU. Clare said they don't want to see little sheds or mini storage units become houses. Clare said they want to do an attached tiny efficient apartment as part of this ADU option and then maybe they could go less than 800 square feet but to restrict it to attached. Chris, Andy, and Dave all agreed that makes a great idea. Andy asked if we would still put a minimum on it. Clare replied said the City Council didn't think it needed a minimum because someone will make sense of a living unit. Clare said a couple of Council members said it would be a good idea to go to 50 percent of primary and they were worried about existing smaller homes being limited and how big they can be. Dave said he would recommend 50 percent. Clare said she will make that change to the draft.

NEW BUSINESS

4. Correction to drafting error in appeal Section 11-15-5, Bonners Ferry City Code. -
ACTION/DIRECTION TO STAFF

Clare said we have an error in our appeals process and it says that the decision of the commission or staff can be taken to the Council but then it says the commission shall hear it and it should say the Council shall hear it. Clare said this appeal has already been filed so we have to act on what's already on the record. Clare said Lisa and I decided they wouldn't touch it in this current draft cycle of ordinance changes because processing the current appeal will help make sure nothing is missed.

UPDATES & ANNOUNCEMENTS

5. Schedule Updates & Announcements-**DISCUSSION/DIRECTION TO STAFF**
 - a. Pending files: Code amendments
 - b. June agenda & attendance for quorum
 - c. Council, Commission and staff announcements

Andy Howe moved to adjourn the meeting. Dave Gray seconded the motion. The motion passed all in favor. The meeting adjourned at 6:18.