

CITY OF PRESTON PLANNING AND ZONING MEETING
September 25, 2013

ROLL CALL Roll Call showed the following Board members present: Chairman Terry Petterborg, Commissioner Bruce Hodges, Commissioner Roger Woolley, Commissioner Cedar Hodges, Commissioner Linda Hansen

Staff present: Engineer Darek Kimball, Council Liaison Sandra Hubbard, Clerk Linda Acock

ADD ITEM TO AGENDA At the onset of the meeting, it was moved by Commissioner Cedar Hodges and seconded by Commissioner Roger Woolley to add review and approval of a commercial building permit for Burger King at 800 North State. The motion received unanimous approval.

REVIEW & APPROVAL P&Z MINUTES 09/11/13 It was moved by Commissioner Roger Woolley and seconded by Commissioner Linda Hansen to approve the Planning and Zoning Minutes of September 11, 2013.

REPORT OF APPROVED BUILDING PERMITS Engineer Darek Kimball reported on the following approved building permits:

Preston School District	11 S. 1 st W.	School
Del Rumsey	405 E. Oneida	Addition
Trails West	65 N. 8 th W.	Addition

BUILDING PERMIT BURGER KING 800 N. STATE Engineer Darek Kimball introduced a building permit for a façade on the Southwest corner of the building, and cosmetic changes to the interior dining room for Burger King at 800 North State. The remodel will not change the footprint of the building, it is basically cosmetic work.

It was moved by Commissioner Roger Woolley and seconded by Commissioner Cedar Hodges to approve a building permit for a remodel at Burger King, 800 North State. The motion received unanimous approval.

PUBLIC HEARING VARIANCE 55 W 1ST N BODILY After giving guidelines for holding a public hearing, Chairman Terry Petterborg called for the public hearing to give consideration to the request for a variance by Curtis and Stephanie Bodily, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on September 25, 2013, before the City of Preston Planning and Zoning Commission at the hour of 6:15 P.M. at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Curtis and Stephanie Bodily, 55 West 1st North, for a Variance to the requirements of Section 17.08.040(B) Preston Municipal Code, which requires side yard setbacks to be eight (8) feet from any side property line. Specifically, the applicant's existing home is 5 ½ feet from the side property line, and the applicants are requesting that they construct an addition to their existing home that follows the same side setback

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of 5 ½ feet from the west property line. 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 rezoning 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 29th day of August, 2013.

/s/ Jerry C. Larsen

Chairman Terry Petterborg asked if any board member had any ex-parte contact, or if any member needed to declare a conflict of interest. No board member declared ex-parte contact, nor a conflict of interest.

Curtis Bodily, applicant, stated that the existing house is already within the side yard setback. The addition will just go straight out the back, and will not cause further encroachment into the setbacks.

Engineer Darek Kimball stated that the existing house encroaches in the required 8 foot setback. He further stated that this is common within the older neighborhoods, but the homeowner should be allowed to improve their home. Engineer Darek Kimball recommended that the Commission consider approval.

Reed Murray stated that when this neighborhood was developed, there wasn't side yard setbacks and zoning requirements, so many of the houses in the area don't have the required 8 foot setbacks. He was present at the meeting to voice his opinion in favor of the variance being granted.

Chairman Terry Petterborg asked if any written comments had been received in the office. Clerk Linda Acock stated that there were no written comments received in this matter.

There being no further comments, Chairman Terry Petterborg closed the public hearing portion of the meeting and asked for questions and comments from the Board.

There being no further discussion, it was moved by Commissioner Bruce Hodges and seconded by Commissioner Cedar Hodges to recommend to city council that the Request for Variance, presented by Curtis and Stephanie Bodily at 55 West 1st North, be granted. The motion received unanimous approval.

A copy of the Facts, Findings and Recommendation will follow these minutes.

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ADJOURN Meeting was adjourned at 6:34 P.M. by Chairman Terry Petterborg.

Terry Petterborg, Chairman

Linda Acock, Clerk