
**DOVER PLANNING AND ZONING COMMISSION
MINUTES
JANUARY 3, 2019**

**DOVER CITY PLANNING AND ZONING COMMISSION MEETING
Dover Council Chambers
699 Lakeshore Ave., Dover, ID**

P&Z COMMISSIONERS IN ATTENDANCE:

Marilyn Becker Michael Jones Dean Johnston Kevin Johnson (excused)

STAFF/OTHERS IN ATTENDANCE:

Clare Marley, AICP, City Planner Lisa Adair, Assistant Planner

CALL TO ORDER:

Chair Jones called the meeting to order at 6:03 p.m.

CONSENT AGENDA:

Approval of the November 1, 2018 minutes.

Motion: Commissioner Johnston moved, and Commissioner Becker seconded the motion to approve the minutes of November 1, 2018. The motion passed unanimously.

PUBLIC COMMENTS:

None.

PUBLIC HEARING: File #VAR002-18 Front and rear yard variances: J. Michael Trenbeath Family Trust is seeking variance approval for a 15-foot front yard setback, where 25 feet is required by city code, and a 10-foot rear yard setback, where 25 feet is required by city code, to allow for the construction of a single-family dwelling and accessory dwelling unit. The site is located at 133 Lakeshore Avenue and is described as Block 9 Lot 2A of the Welty Addition Replat in Section 32, Township 57 North, Range 2 West, B.M. The property is zoned Residential. The Dover Planning & Zoning Commission will make a recommendation to the City Council, which will conduct a separate public hearing at a later date.

The Chair advised the audience of the public hearing procedures and rules of testimony.

Staff presentation: Staff Planner Lisa Adair presented the application details, standards of review and conditions of approval. The presentation included photos of the site. Senior Planner Clare Marley explained the background of a previous administrative appeal by the landowners to the City Council regarding yard determinations for the site.

Applicant presentation: Applicant Representative Martin E. Taylor, AICP, James A. Sewell & Associates, presented the file request and explained how the proposal meets the variance standards for approval. He testified regarding the challenges of the site and rebutted written public testimony on the linear feet affected by the proposed structures. The applicants testified about site issues, including steep slopes, slope stabilization, tree preservation and the fact that

the 80-foot wide right-of-way curves away from their property. Without the variance, the proposed home would be placed 10 feet from the steep riverbank, they noted. Other structures in the area do not meet setback standards, they testified. Architect Eric Owens spoke about the difficulty of designing a home on this site and the constraints of height limitations.

Public testimony: The Chair opened the hearing to public testimony. The following testified:

Eric Owens, 534 Pine Street, spoke in favor of the proposed variances. He noted that the proposed home respects the waterfront, treed site and is a functional design on an odd-shaped lot.

George Eskridge, 104 Lakeshore Avenue, testified in opposition to the variances. He spoke about how the variances would change the character of the area and questioned whether adequate parking had been addressed and asked about future fencing. He said the circumstances of the lot were known at the time of purchase, and the variances are an end run around the unsuccessful administrative appeal of the yard definitions. Granting the variance could set precedent for future such requests, he said.

Denise Travis, 227 Lakeshore Avenue, testified in opposition to the application. She advised that the subject site has a large building envelope of about 12,500 square feet and does not have special circumstances that warrant granting the variance. She spoke about the effects of the proposed variance on their property, which adjoins the site.

Cary Childress, 227 Lakeshore Avenue, testified in opposition to the application. He noted that the applicants' desire to retain trees on the site is not a special condition that should allow the setback relief. He requested the variance be denied.

John Hansen, 100 Lakeshore Avenue, testified in opposition to the requests. Although he is not adjacent to the site, he said he walks through the area. He stated that the requested accessory dwelling unit is not a common right and should not be granted a variance. He also noted the requested variances are in conflict with the public interest and is concerned that the variance could be extended to other parts of the site, if approved.

Richard Ames, 12703 E. 31st Street, Spokane, testified in opposition to the request. He voiced concerns about drainage from the site development and believed adequate setbacks are needed to prevent drainage onto neighboring properties.

Susie Kubiak, 241 Lakeshore Avenue, spoke in opposition to the application. She noted that she is concerned about the precedent the variances might set if granted.

Applicant rebuttal: Mr. Taylor confirmed that the requested variance is not along the entire length of the property. He noted the public right-of-way at this site is 80 feet wide, greater than the standard. He also noted that the City Council did not deny variances when they addressed the administrative appeal of the yard definitions and locations. He added that there is no proof that stormwater will not be managed on site. Mr. Owens said the site development respects the shoreline, and the lot is extremely difficult to design and locate a home.

The Chair closed the public hearing to testimony at 7:08 p.m. and called for Commission discussion and deliberation.

MOTION: Commissioner Becker moved to recommend approval of the variance, File #VAR002-18 for a 15-foot front yard setback, where 25 feet is required by city code, and a 10-foot rear yard setback, where 25 feet is required by city code, finding that it is in accord with the general and specific standards of the City of Dover, as enumerated in the findings and standards table above. She further moved to adopt the following reasoned statement and conditions of approval as written or as amended, as follows. The action to be taken to obtain the variance is to complete the conditions of approval as adopted.

Ms. Marley requested clarification on whether the reasoned statement included the conclusory "is/is not" statement.

Commissioner Becker confirmed the motion included the statement that the proposal is in accordance with the applicable standards, based upon evidence of record enumerated in the findings above and based upon the specific conclusions as follows. She confirmed the motion includes the conditions of approval. The motion was seconded by Commissioner Johnston. The Chair called for the vote, and declared the motion approved on a 2-0 vote.

Ms. Marley advised the audience that the Commission decision is a recommendation, and the final decision will be made by the City Council. The public hearing is tentatively planned for February 14th, but she advised the audience to check with city staff to confirm the date and time.

The Commission took a brief recess of about 5 minutes.

OLD BUSINESS:


Subdivision code update: The Commission deferred discussion on the subdivision update to the next available agenda.

ANNOUNCEMENTS:

Ms. Marley advised the Commission of the City Council final decisions on four ordinances heard December 13th regarding RV Occupancy, Nuisance, and Fence Height. The Council approved the Title 4 and Title 12 nuisance amendments and the fence height code change. The RV Occupancy ordinance was returned to planning staff for revisions and a further public hearing to be determined at a later date.

MEETING ADJOURNED:

Motion: Commissioner Johnston moved, and Commissioner Becker seconded the motion to adjourn. The Chair called the meeting adjourned at about 7:41 p.m. on a unanimous vote.


Michael Jones
Dover Planning and Zoning Commission Chair