

MEETING OF THE LAND USE COMMITTEE 3-14-2011

The meeting was called for 7 pm in the Town Hall. Present were Dedun Ingram (chair), Craig Brooks, Kathy Flaxman, Lees Hartman, and Linna Barnes, Council liaison (9:00). No members of the public were present.

Minutes of the February 14 meeting were approved as sent with no dissent.

The committee considered issues concerning the public right-of-way. If regulations are to be written using the right-of-way as a reference, homeowners need to know where it is. A Town-wide right-of-way survey was proposed by the committee last year but the Town does not currently have the money to fund it. Craig suggested doing the survey over multiple years. Kathy suggested that perhaps the Town could afford to do a partial survey, beginning with streets known to be non-standard. Dedun noted that enforcement is raising issues similar to those with the established building line, where residents want to add a porch or A/C unit and balk at the cost of the required boundary survey because it is greater than the installation.

The committee went over the suggested reorganization of Section 4-52 which was designed to make it more coherent. Dedun will clean it up for a final vote in April.

The committee considered several issues that have been raised by Town staff:

- 1) Handicap ramps are not currently addressed in the code. Some residents will need these and they often will extend into a setback. Because the need for a ramp is a personal hardship, not one based on the configuration of the lot, a variance is often not an option. Town staff has suggested that the committee develop guidelines for allowing ramps. The concern is that a ramp could be built larger than actually necessary, but if we can develop minimum parameters then a ramp built within allowed limits could be made a permissible projection. Craig, Tom and Kathy had looked at other local codes without finding anything applicable, but Craig did find some useful parameters in the Pittsburgh code and Kathy found some suggested dimensions in the ADA regulations. After thinking about various possible configurations of house, porch/stoop and walk, the committee suggested that if the homeowner can demonstrate that a proposed ramp cannot be built within the existing setbacks, that such a ramp be allowed to extend into any setback (front, side or back) up to 3'4". Dedun will draft wording and circulate. The question of materials was raised and the committee decided not to specify them. Craig noted that there is an entire industry supplying prefabricated ramps that comply with ADA requirements.
- 2) Another issue involving safety: If a retaining wall is above a certain height, the county requires a safety railing on top. Some residents are using a solid fence as the railing, in front yards where fences are not allowed. Dave Walton has suggested an executive regulation specifying that such a railing, while meeting county safety regulations, have minimum "coverage". We will ask him if he has specific wording in mind.
- 3) Cuts to basement garages: The Town has not been allowing retaining walls, so people are getting around this in various ways. Do we want to regulate such cuts, and if so, how? Craig asked whether we could call the sloped sides to such a cut "earth berms" and regulate them as such.
- 4) Driveways (Section 4-9) and in particular shared driveways: Many properties in the Town have shared driveways but when builders put up a new house a shared driveway is usually considered undesirable and often a second driveway is created. Town regulations don't allow two driveways on a single property so builders will try to abandon the shared driveway, but this is not always possible because the neighbor may still have to use the driveway including the part on the other property. Staff wants to know if we should allow abandoning (part of) a shared driveway and replacing it with another driveway. The committee noted that a shared driveway might

be defined in property records, or might not. If it is, it could be removed from both deeds by consent of both owners, but could not be unilaterally abandoned. The committee also suggested that although the code allows a shared driveway to be up to 20 feet wide, it should be made explicit that no more than 10 feet can be on any one property.

Discussion, especially of driveways, is to be continued.

The meeting adjourned at 9:30 pm.