

## MINUTES OF THE MEETING OF THE LAND USE COMMITTEE 6-14-2010

The meeting was called for 7 pm in the Town hall. Present were Dedun Ingram (chair), Craig Brooks, Tom Collins, Kathy Flaxman, Joe Rubin, Joel Rubin (7:40), and Deborah Vollmer.

Dedun called the meeting to order at 7:10. There were no members of the public present.

Minutes of the May 10 meeting: Craig moved to approve as distributed. Seconded, approved with no dissent, Joe abstaining because he had not been present.

Dedun announced that there will be a Council work session on June 22 at which the Town Council will go over all recommended housekeeping and other changes to the building code.

A list of supplementary housekeeping changes prepared by Dave Walton was distributed for consideration. Actions taken were as follows:

- Inconsistency between sections 4-2(b)(6) and 4-11(b) regarding the timing of filing a building permit application: Craig suggested that 4-11(b) be modified to read “Nothing in this chapter shall be construed to relieve any person from the requirement of obtaining a building permit from the county department of permitting services or its successor agencies when required.” Approved without dissent.
- Correction of typo in 4-8(d)(2): Approved without dissent.
- Correction of reference in 4-5(b)(3)a to 4-4(a)(1) [regarding front setbacks] rather than 4-4(b)(1) [side setbacks]: Approved without dissent.
- Question about the intent of 4-4(b)(2)(3), requiring that at least 70% of exterior walls be retained in order to maintain a developmental nonconformity: Is the intended calculation linear or of wall area? The committee agreed that we do not know the intent of the requirement and will inquire.
- Handicapped access ramps: The County exempts these from zoning regulations [in particular, setback restrictions] as long as they do not exceed minimum design specifications as specified in state and county codes. The Town does not address such ramps as a separate issue. Should we? And does the ADA limit the restrictions that can be placed on such structures? Without specifically allowing them as an exception to the setbacks regulations, a resident would not be able to construct them because in most cases they would not be able to obtain a variance (variances are issued only when there is hardship related to characteristics of the property, not hardship due to a disability). Craig suggested adding wording to say that such ramps should attempt to comply with zoning regulations, tree and storm water regulations, etc. Accepted by the committee.
- Definition of “rear yard”: A definition of “rear yard” is needed because accessory buildings are permitted only in rear yards. We had decided that the County definition was adequate for interior lots but not for corner lots (corner lots have 2 front yards and it is not clear which of the remaining portions of the lot should be the “rear” yard and which portion should be the “side” yard). County code interpretations recognize two types of corner lots. (1) Two corner lots adjoin

one another with no interior lots between them. In this case, the rear yard of each of the corner lots is that portion of the lot that abuts the other corner lot (and is behind the building restriction line along that street). (2) A corner lot with adjoining interior lots on each of the streets. In this case, either of the two remaining portions of the yard can be designated as the "rear" yard, the other as the "side" yard). The question is how this is to be done. Possibilities include: owner can designate; architectural front determines the rear; setbacks determine. Craig proposed: We start by accepting the County definition where usable. In corner case (2), the rear yard is the portion of the lot so specified by the property owner, as long as relevant setback requirements are met. Accepted by the committee (no vote).

- Demolition pre-PAC: Town code requires a permit to demolish anything [4-2(a)(3)], and also requires a pre-PAC meeting whenever 50% or more of the walls of a structure are to be demolished [4-2(b)(1)(c)], with no size of the structure to be demolished specified. As written, the code now requires a pre-PAC meeting when an accessory structure (garage, tool shed, greenhouse, etc.) is demolished. Town staff want to know if this is an error or if the intent was to include accessory buildings as well as main structures. Dedun recalled that the intent was to require a pre-PAC meeting only when a significant portion of the main structure (house) was being demolished. A discussion ensued regarding garages, especially those attached to a neighbor's garage. Deborah thought that demolishing a garage could be problematic for neighbors and that requiring a pre-pac could provide a forum for exchange of opinions. Proposal: Leave the code the way it is. Vote: 2 in favor, 5 opposed. Proposal: Modify 4-2(b)(1)(c) to replace the word "structure" with "main building". Vote: 6 in favor, 1 opposed.
- Replacement of nonconforming structures. The committee reviewed the revised staff report on this topic. The committee had an extensive discussion of the issues at our May meeting. In a nutshell, it involves whether (and when) to allow "replacement" of non-conforming appurtenances such as stoops, decks, and bay windows. Currently repair is allowed by right but replacement requires obtaining a variance (and this process can end up costing the resident more than the replacement). At our last meeting we recommended that replacement in-kind of small nonconformities (basically projections such as bay windows, stoops, steps, etc., and decks, but not walls) be allowed without a variance. This matches Dave's second option of four. Passed without dissent.
- Installations of invisible dog fences and underground sprinkler systems in the public right-of-way: The committee reviewed earlier discussions of this topic. After some additional discussion, the committee agreed that a permit should be required for installation of these in the front yard. Because many residents do not know where their front lot line is and where the public right of way is (and the Town does not know), the committee decided that for administrative ease and so residents would not have to have expensive surveys done, invisible dog fences and underground sprinkler systems should be allowed in the public ROW as long as they are kept 2 feet back from sidewalk or curb if there is no sidewalk (a public safety issue). Committee recommends permit conditions: 1) Call Miss Utility to ensure safe installation, 2) acknowledge that installation is at the homeowner's own risk (Town can ask for its removal at

any time and is not responsible for damage to it). Can be a “postcard permit” with a reasonable fee. Passed with no dissent.

Additions chapter of handbook: Dedun passed out copies of the latest marked-up version and asked for additional comments. Tom provided a list of suggested revisions. Craig suggested merging the existing flow chart provided by staff with expanded descriptions. Dedun suggested that some basic but lengthy information such as calculating setbacks, FAR, etc. be pulled out into a separate first chapter as a way of keeping other chapters briefer. She will ask Vic Tervalo to pull these parts out.

Report describing all of the committee’s recommendations regarding code changes and housekeeping code changes has to be completed and delivered to the Town by Friday.

Next meeting of the committee is Monday, July 12.

The meeting adjourned at 9:30 pm.