



Ron told him they could, but there is a time limit. They can live in the old home until the new home is built, and then it would need to be torn down. Gail spoke with Allen last night and was told that the in-laws have been advised to have the property change hands first and then let Allen and Beckki consolidate the two lots. The in-laws also wanted an appraisal of the property done as well. One lot is .55 acres and has the old home on it, and the other lot is .75 acres but does not have adequate frontage. The old home was built in 1940.

Review Sherry Carolan remodel plans: (100 S. 6750 E.)

Rex reported that Sherry Carolan purchased the Remke's home and wanted to do some updating before she moved in. She also wanted to move a couple of interior walls. She started this process without a building permit. When they started tearing the walls down they realized the wiring didn't meet code and would need to be replaced. Sherry was told she needed to go through the process of getting a building permit. This meant she needed to get a Land Use Permit from the PC. There was some confusion with the County so Gail made a phone call and got clarification. Sherry doesn't need anything from the Town; she only needed to fill out a building permit form with the county, which she got today. The footprint of the home is not being changed, just remodel the inside. The roof will probably need to be replaced. The cost for the county to inspect the wiring is only \$47.00.

Review Title 15.17.3: Additions and Enlargements: (See Attachment #1)

Ron recommended adding the word "setback" to Title 15.17.3.B: "A building or structure nonconforming as to height, setbacks, and area or yard regulations shall not be added to or enlarged in any manner unless such additions and enlargement complies with all the regulations of the zone in which it is located." Where the Town is getting into trouble is that you can literally tear down everything except for one wall and rebuild the house and even add an additional story. Ron suggested adding to this section "in the case of a remodel of a residence, where a roofline or outside walls are altered, the entire building shall be made to conform to all regulations of the zone in which it is located". If you are going to do a major remodel of a non-conforming building then you need to bring it into conformance. Rex said the concern is if there is any change to the footprint at all. The problem with the Hoover's property was when they added the second story; it becomes a large building on a tiny narrow lot. The PC wants to encourage people who purchase a little old home to please remodel it and bring it up to code, but if you increase the square footage or go out the back they will need to meet setbacks.

Each individual non-conforming lot is so unique and different. The sentence will be modified to say roofline, foundation, or wall. "Any structural modification to changes to the roof, outside walls, or foundation, the entire building shall be made to conform to all regulations of the zone where property is located." Rex said the lines are starting to meld. A non-conforming lot with no structure will not be allowed to build anything. Currently the ordinance says if they want to remodel an old house and upgrade it that's great. Will these proposed changes it seems that we are almost saying tear down the house and rebuilt which is basically the same as an empty lot to begin with.

Karen said she understood a non-conforming structure to mean you could remodel it as long as you kept the same footprint. Rex would like to go back to a non-conforming building on a nonconforming lot that they are only allowed to do something if they are not changing, foundations, outside walls and roof. No additions would be allowed.

Karen asked how many non-conforming lots will meet setback requirements. Karen would hate to not allow someone to improve their property to a certain extent. Ron agreed that the PC wanted people to improve the older homes and make them nicer. Rex said no one thought it would come to actually tearing down an entire house and rebuilding. The PC came to the decision that as long as a conforming structure on a non-conforming lot, can meet all setbacks, they would be allowed to make changes. The problem with the Hoover's remodel is that they didn't know that their home was skewed and didn't sit squarely on the property.

Rex mentioned there could be another complication; if the ordinances say they can't increase the size of the foundation will they build a wraparound porch, or a roofed deck. Rex wondered about using the lot sizes to be the determining factor, if a lot is less than .5 acres they cannot change structure, height or footprint cannot be enlarged. If the lot is above .5 acres any changes to foundation, outside walls or rooflines, will need to meet setbacks. Ron reviewed the proposed amended verbiage. "A building or structure on lots greater than .5 acre but non-compliant as to height, area, and setbacks or yard regulations shall not be-----, Add paragraph C. A building or structure on lots less than .5 acre can only be remodeled." Ron said Artie Powell wanted to be here for this discussion but is out of Town; Ron would like to run these changes past him to see if he has some comments on this.

Review Title 15.17.14: Nonconforming Lots or Parcels of Record: (See Attachment #2)

Rex commented that this Title might need to be amended to match the amended wording in Title 15.17.3. Ron stated that there is an empty lot on 600 S. that is .7 acres, where years ago, the person who owns the lot mailed a letter to the Town asking for a signed letter from the Town government saying that if she sold the lot the new buyer could build a home on it. The wording in this Title is saying that if the lot was deeded and considered a buildable lot at some time prior to 1992 then the Town would allow a home to be built on the lot. But, if it was created 10 years ago into lots smaller than the required  $\frac{3}{4}$  acres they would not be able to build on the lots. Ron will take action to clarify non-conforming and non-complying. The proposed verbiage to Title 15.17.3 might contradict the verbiage in Title 15.17.14.A. These two Titles need to corroborate one another.

Review Title 15.6.7: To clarifications of setbacks: (See Attachment #3)

Ron stated that verbiage needs to be added to this Title to clarify where the setback measurement will be taken from. Rex said the reason for the side yard setback is for access. Sandy mentioned that if you have a conforming lot this won't be an issue. Most accessory buildings are being built over to the side yard. Rex would be in favor of adding the closest structural dimension to the property line is where the measurement will take place. Ron said when the PC is reviewing a site plan, most of the time it is a hand drawn sketch and would reflect the footings not the roofline. Ron would like to look at how W.C. defines this measurement.

Commission Updates:

Ron wanted to review the Remodel Permit, Residential building permit, and the check list for required building inspections. Ron would like to add to each of these forms a box where they check front, rear and side setbacks. Wording could be added to say that setbacks will be checked by Huntsville Town. Gail will check with the County about adding this to the forms. Ron would also like to add some additional information onto the Land Use Permit Form.

There should be a line for the resident to sign acknowledging that they understand the zoning restrictions that one single family dwelling is allowed per residential lot. Gail said she sends people to the County to get a building permit if they are doing work inside the home. When someone wants to move an exterior wall, build a new home, build an accessory building or move an exterior wall of an accessory building, they need to come get a Land Use Permit from Huntsville. (See Attachment #4)

Ron read from the definition section of the ordinances: “Dwelling Unit: is any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one (1) family. This is what the PC has been trying to explain to people but enforcement of this is a different matter.

Ron reported that the citizens that are calling themselves Huntsville United turned in a letter of intent to file a referendum. Gail remarked that they turned in the letter of intent last night, Monday at 5:00 p.m. Gail said she has been going through the State code on referendums to figure out the timelines and her responsibilities as a clerk. She has five days to prepare the Referendum packet and give it to the petitioners. She plans to give them the packets on Friday. The petitioners then have 40 days to gather 111 signatures that will need to be certified with the County. The petitioners will have the adopted ordinance with them as well as the Development Agreement and pictures of the development. There are no restrictions on what the petitioners can say as they go door to door. Ron said he and Bill White met with Chris Stevenson and Brian Cornell a few days ago and basically Bill reasoned with them on why the Town government thinks this development is a good idea, but they adamantly refused the idea of condos. That will be their position. The petitioners were asked, as they go door to door, to please keep their opinions to themselves and let the citizens make their own decisions. Gail said there is no way anyone can control their conversations. She also stated that the Town cannot spend any Town money on promoting the project, but a private individual could.

Approval of minutes for Planning Commission meeting held December 3<sup>rd</sup>, 2015:

Rex made a motion to approve the PC minutes for meeting held December 3<sup>rd</sup>, 2015, as prepared. Karen seconded. All votes aye. Motion passed. Minutes were approved.

Set date for next PC meeting:

The next regularly scheduled PC meeting will be held on February 25.

Rex made a motion to adjourn. Sandy seconded. All votes aye. Motion passed.

**Meeting adjourned at 8:45 P.M.**

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Gail Ahlstrom, Clerk/Recorder

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Ron Gault, Chairman

