

**MINUTES OF THE HUNTSVILLE TOWN
PLANNING COMMISSION MEETING**

MEETING DATE: May 24th, 2018
PLACE: Huntsville Town Hall, 7309 E. 200 S.
TIME: 7:00 P.M.

NAME	TITLE	STATUS
Doug Allen	Planning Commission Chair	Present
Rex Harris	Planning Commissioner	Present
Sandy Hunter	Planning Commissioner	On Phone
Blake Bingham	Planning Commissioner	Present
Liz Poulter	Planning Commissioner	Present
Mike Engstrom	Planning Commissioner	Present
Bill White	Town Council Member	Present
Beckki Endicott	Recorder	Excused
Ramona Clapperton	Clerk	Present
Gail Ahlstrom	Clerk	Present

Citizens: Derek Taylor, Jenny Taylor, Todd Bass, Jolene Bass, David Peterson – Peterson Builders, Bill Wangsgard, Artie Powell, Julie Powell, Mike Zeleznick, Carl Shupe, Matthew Shupe

1 – Roll call: Chairman Allen called the meeting to order.

2 – Approval of the Minutes from April 26th, 2018: **Rex made a motion to approve the Planning Commission Meeting Minutes from April 26th, 2018.** Blake seconded the motion. All votes aye. PC Meeting Minutes are approved.

3 – Discussion and/or action on land use permit for Eddy Winston/Norma Klein at 369 South 7500 East: (See Attachment #1) David Peterson from Peterson Builders is here to present the site plan to the Planning Commission. The previous home on this lot was torn down after the lot was purchased about two years ago. Per the site plan, the house is set back 90 feet on the front. There is an existing shed on the property that they plan on moving. David said there is a basement, main floor and a loft above the garage. He stated the septic has been sent into the County but has not been approved yet. It will be placed behind the house. David stated the square footage of the main floor is 1475, garage is 784, upper level is 800 square feet and the lower level is 1366. The maximum height is 25 feet.

Doug stated to David that if there was any change from this site plan, he would have to come back to the Planning Commission for approval. David stated there is a tree on the property and it is likely that the Klein's will want to keep the tree and move the home back another 10 feet. David states when that is decided, he will come back to the Planning Commission. The parcel number is #24-011-0001. Mike Engstrom suggested the Planning Commission write a stipulation on the Land Use Permit for a slight variation on the lot.

Mike Engstrom made a motion to approve the Norma Klein/Eddy Winston Land Use Permit at 369 South 7500 East. Motion was seconded by Blake Bingham. All votes aye. Motion is approved. The Land Use Permit was signed by Doug Allen.

VOTES: APPROVED	
AYES:	Commissioner Doug Allen Commissioner Mike Engstrom Commissioner Sandy Hunter Commissioner Blake Bingham Commissioner Rex Harris
NAYS:	
ALTERNATE:	Commissioner Liz Poulter
EXCUSED:	

4 – Discussion with Mike Zeleznick on survey results for Sharon Swenson property, parcel #240170011. (See Attachment #2) Mike stated he had the survey results from a recent survey. There is an existing shed on the property that was extending into the ally way on the east side. He wanted to make sure all the property lines conformed with what he is wanting to do with the home remodel. The survey resulted in discrepancies as to where the ally way is located and where the property lines are for the Bass’, Roylance’s and Clapperton’s. Gardner Engineering was the firm that did the survey. Rex stated he didn’t agree with the survey. Rex believes the fence lines are accurate and suggests that if the neighbors agree with the fence line boundaries, then that should be the property line. Rex believes the fence line was put down the center of the right of way over time because it wasn’t used. Doug asked Mike Zeleznick if he was happy with that solution. Mike responded he wanted to make it right for others in the future. Doug suggested to Mike Rex come out and see if he could help clarify the lines and right of way.

Rex asked Mike to describe what he was planning to build. After presenting the plans, the conclusion was Mike wouldn’t be able to build what he had planned because it didn’t meet the setbacks. Rex suggested the Commission go to the property and get a better lay of the land.

Jolene Bass asked what they could do in to protect themselves from losing their property to inaccurate surveys. Blake suggested the Bass’ get a survey done by a different surveyor. He stated that surveying is not an exact science. Blake told the Bass’ the survey Mike had done will ultimately be recorded at the County and if they disagreed with the survey, they needed to do another one. Rex suggested if all the neighbors agreed and were happy with the fence lines, then they needed to make sure they write that down and file it at the County. Artie stated if a you have an agreement with the neighbors, each neighbor should file their descriptions with their title at the County. The County will then accept that as the property line. Blake stated he agreed with the process that Artie described but stated there is a boundary error that involves the ally way and the right of way for the Town of Huntsville, which adds another layer of complexity to this situation.

Doug confirmed he would contact Mike to come and look at the property. Mike thanked the Planning Commission for their help.

5 – Discussion and/or action on Derek & Jenny Taylor’s request to amend Title 15.6.2.A & Title 15.6 for proposed construction on 7633 East and 100 South: (See Attachment #3 and Appendix for property history) Doug recognized there is a lot of history regarding the said property. He asked Derek Taylor to address the PC. Derek states he is looking for a waiver of 15.6.2.H2 that “the stipulation that the proprietor of a residential bed and breakfast must occupy the property.” In this situation The Taylor’s are proposing a single unit be built that would occupy no more than four people. This would operate as a rental with management from less than 100 feet away from their main house on the next lot.

Rex explained Chad McKay bought the property several years ago and wanted to change the orientation of the property to work around the “wet” part of the lot. Chad started the process to change the orientation outside of the Town’s process. The Town stopped him mid-flow and then allowed him to make the change which he already started. This caused some issues. The first issue is where the water lines come into the property, you have to cross one property to get to the other property. There was an issue with the septic and drain field. Rex stated he believed the fields crossed the property lines. The previous owner to the Taylor’s was looking to build and the guardrail in front of the stream, which crosses in the front of the property, created issues. When the Town did upgrades to meet State Requirements, they had to extend the guardrail all the way across the front of the said property. The Town recognized this would be an issue and was looking for a way to grant a variance to help with the access issue. The lot is a nonconforming lot because it loses size to the road. The variance was never granted because the property owner decided it would not be feasible to build and sold the property.

Doug stated the irrigation line to the said property cuts across the Taylor’s current residence. If there is a culinary line needed, it will also have to cross the current residence as well. Gail stated the PC recommended the easements for both water lines be recorded on the lot somewhere, but she doesn’t see that the easements have been recorded on any of the plats so far.

Rex stated the issues with the property are secondary to the main issue of tonight which is to allow the use which the Taylor’s are purposing. Derek Taylor stated he is asking for a variance to H2 of 15.6. so they could build a short term rental and access to that rental could be done through their current adjoining property. Blake clarified that the Taylor’s are seeking a variance and not an ordinance change. The Planning Commission doesn’t have the power to change the ordinances. Rex explained the ordinance does not allow for vacation rentals so the Planning Commission’s course of action is to deny that use. Derek stated they understood the need for this ordinance and the reasons it is in place, but they believe the said lot has some unique circumstances.

Derek explained they are purposing a bed and breakfast to be managed by the adjacent property because this protects the Town. He stated they are preventing themselves from gaining a variance and then flipping the other property to a real estate company for a vacation rental. He believes purposing a variance for the Bed and Breakfast property will always tie the two properties together and shows a good faith effort on their part. They would have to sell both pieces together and not separate the properties.

Mike Engstrom made a motion to deny Derek and Jenny Taylor's request to allow them to build a Bed and Breakfast on 7633 East and 100 South to be managed by the adjacent property. Motion was seconded by Liz Poulter. Doug asked for additional discussion.

Jenny Taylor spoke about their commitment to Huntsville. She stated they have a child at Valley Elementary, and a three-year-old. She has worked at Solomon for fourteen years. Their parents live in Connecticut and Florida and all love Huntsville. They want to live here a long time. Jenny states they would like the opportunity to have a place for their family to stay and then cover the expenses by occupying only 25% of the year. They want their parents to be able to visit their grandchildren. She wants to know what the next step is.

Gail gave the Taylor's a packet with steps to appeal and advised the Taylor's to get on the Town Council agenda for June. **(See Attachment #4)** Gail stated the Town Council will need to vote on this request before they can go to appeals.

Liz commented after reading through the information given to her today, she thought the variance for access was very close to being done. Artie Powell advised the Taylor's to do their research. For the appeals board to grant a variance, every point of the five requirements would have to be met in order to grant the variance. Derek Taylor stated he had the impression from all the discussion on the Planning Commission that his best chance for a variance would come through access of the ally way and not through the Bed and Breakfast Ordinance. He stated there were financial advantages to having a 30-day rental. Rex stated if the variance for the ally way access was denied then they could go through the frontage of the property, but it would be difficult. Gail advised that financial hardship is not criteria for Appeals.

Doug called for a vote. **Mike Engstrom made a motion to DENY Derek and Jenny Taylor's request to allow them to build a Bed and Breakfast on 7633 East and 100 South to be managed by the adjacent property.** Motion was seconded by Liz Poulter. All votes aye. The motion is passed.

VOTES: APPROVED	
AYES:	Commissioner Doug Allen Commissioner Mike Engstrom Commissioner Sandy Hunter Commissioner Blake Bingham Commissioner Rex Harris
NAYS:	
ALTERNATE:	Commissioner Liz Poulter
EXCUSED:	

Gail stated she would put the Taylor's on the agenda for the June Town Council Meeting. Derek stated they would like to pursue access through the ally way. After some discussion, the Town Council and Planning Commission have already addressed the access through the ally way on said property. The issue was up for Appeals. Gail will set up a meeting of the appeals board on the issue of access to the said property through the ally way.

4 – Review of Title 15.25.1.12: Vacating or Changing a Subdivision Plot – discussion on lot consolidation procedure: Blake stated a few months ago, the issue of consolidating a lot came up in a PC discussion. As Blake was doing the research ahead of time for that issue, he concluded Huntsville’s statutes didn’t provide the ability to consolidate in a clean way. He purposed at the time they look at providing a way to go through a lot line adjustment and a multiple parcel consolidation. He states this should be a simple process. Blake sent an email with some language that would do this. **(See Attachment #5)** He asked that the PC members look at his proposal. **Rex made a motion to table any discussion and/or action to review the language in the purposed ordinance.** Blake seconded the motion. All votes aye. The motion passes. This item will be added to the June PC Meeting Agenda.

VOTES: APPROVED	
AYES:	Commissioner Doug Allen Commissioner Mike Engstrom Commissioner Sandy Hunter Commissioner Blake Bingham Commissioner Rex Harris
NAYS:	
ALTERNATE:	Commissioner Liz Poulter
EXCUSED:	

8 – Review of Title 15.6.10: (See Attachment #6) Sandy has not written up any language regarding a change. She states she would like to see the 60% coverage on a lot be reduced to 40% but would like to see some drawings. Sandy stated under section B it states “No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five percent of the rear yard. Sandy commented she doesn’t like this and would like to see is changed to “yard” instead of “rear yard.” Doug wanted to know if septic and drain fields would be considered as part of that coverage. Sandy states the General Plan specifies open space. She wouldn’t consider septic and drain fields to be part of the coverage. Blake asked Sandy if she realized that if they changed the wording to “yard” instead of “rear yard” it would be even more permissive than it is currently. Rex stated the actual size changes based on the size of the lot. Rex asked what is the problem that we are trying to solve. Two of the problems that have been brought up is the need for septic space and the other is a need for open space. Blake states the PC needs to be aware of property rights. He also states open space is hard to define. Blake would like to see the problems defined and possible solutions purposed. Sandy states she will be here next month. She didn’t expect to find a solution tonight but to start a discussion would be good. Mike Engstrom would also like to see if they can define a problem and see where they are going with these ideas.

Mike Engstrom made a motion to table this issue until next month. Rex seconded the motion. All votes aye. The issue is tabled until next month.

VOTES: APPROVED	
AYES:	Commissioner Doug Allen Commissioner Mike Engstrom Commissioner Sandy Hunter Commissioner Blake Bingham Commissioner Rex Harris
NAYS:	
ALTERNATE:	Commissioner Liz Poulter
EXCUSED:	

9 – Review of Title 15.17.3 A & B: Blake started the discussion by recusing himself from the discussion on this issue. He states he has been planning an addition to his home and recently found out that it does not meet the set-back requirements, therefore making his home non-compliant. Currently, the ordinance doesn't allow him to add-on to a non-compliant home.

Blake wanted to comment as a citizen on this ordinance. Blake explained he assumed the property line for his home was the right of way. He has been working on some addition plans for the last year. There is no monumentation in his part of Town. After some research he discovered that even the old structure was at least 5 feet out of compliance. He states it is obvious when you look at the fence lines. He says now he has plans that can't be realized because of this ordinance. Briana Bingham commented they wouldn't be able to afford to tear down the house and build a new home. They love Huntsville and want to stay in Huntsville. However, it is her opinion if they sold the home, they would sell to someone who could afford to tear the house down and build a new one. The Bingham's lot is .91 acres.

Bill White wanted to hear from the Powell's with the recognition they have been through a lot in past years with regards to this ordinance. Artie stated seven years ago the ordinance was ambiguous. A family came and asked to remodel a home and do an addition and they were turned down by the Town. The property was sold and the new owners came and asked to remodel or add to the home. Huntsville Town thought they had changed the ordinance to mean that if you have a non-compliant building you must bring the new home into compliance in order to make the addition. It turned out that was not correct. So, the Town made another change to the make the ordinance very clear. This is the current ordinance. Artie states just because a home is built in the 1860's doesn't mean that it has historical significance. The historical registry has specific requirements it must meet because you are granting that structure certain breaks. If you change that structure, it takes away the historic nature.

Blake stated he has commented before on the demographic shift in Huntsville. There is a barrier for middle income families to move into Huntsville Town. Blake's opinion is Huntsville will continue to become a summer home destination if ordinances do not allow a family to add on or grow an older home.

Mike Engstrom stated he has been assigned this ordinance to look at by the Planning Commission and would like to sit down with the Powell's and see if there is a way to craft the ordinance to avoid interfering with the neighbors. Sandy brought up an ordinance that Wendy

McKay has presented language for a new ordinance in the past. This has been rejected but they can look at it again. Sandy suggested that maybe looking at the amount of open space on a lot might help. Blake has a larger lot with a smaller house.

Mike Engstrom made a motion to table the discussion on ordinance 15.17.3 until next month's agenda. Rex seconded the motion. All votes aye. Ordinance discussion is tabled.

VOTES: APPROVED	
AYES:	Commissioner Doug Allen Commissioner Mike Engstrom Commissioner Sandy Hunter Commissioner Blake Bingham Commissioner Rex Harris
NAYS:	
ALTERNATE:	Commissioner Liz Poulter
EXCUSED:	

10 – Review of Title 15.6.2.A: Use Regulations in a Residential Zone: Single Family Dwellings: Blake stated the Town was concerned about multiple homes being connected on one lot with a breezeway. Rex stated the PC really needs to think about what the problem really is. Blake stated they decided to address this when Chad Roberts decided to keep the old home he was living in. Blake acknowledged the Chad Roberts home was more complex issue. Sandy stated this might be problem in the future. There is a home on 100 South that had a large garage addition with a small, older home. Potentially they could connect these and have a doubled their home size. There is an issue of living in one house while building a new home. He believed they should have a contract for tearing the old home down. Rex stated the issues have been listed here. Rex will take the assignment to look at the language. **Blake Bingham made a motion to table this discussion of Title 15.6.2.A to the next Planning Commission Meeting.** Mike seconded the motion. All votes aye. Motion approved.

VOTES: APPROVED	
AYES:	Commissioner Doug Allen Commissioner Mike Engstrom Commissioner Sandy Hunter Commissioner Blake Bingham Commissioner Rex Harris
NAYS:	
ALTERNATE:	Commissioner Liz Poulter
EXCUSED:	

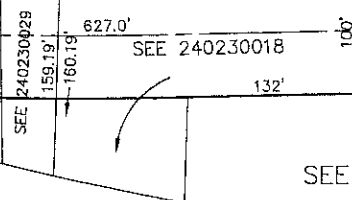
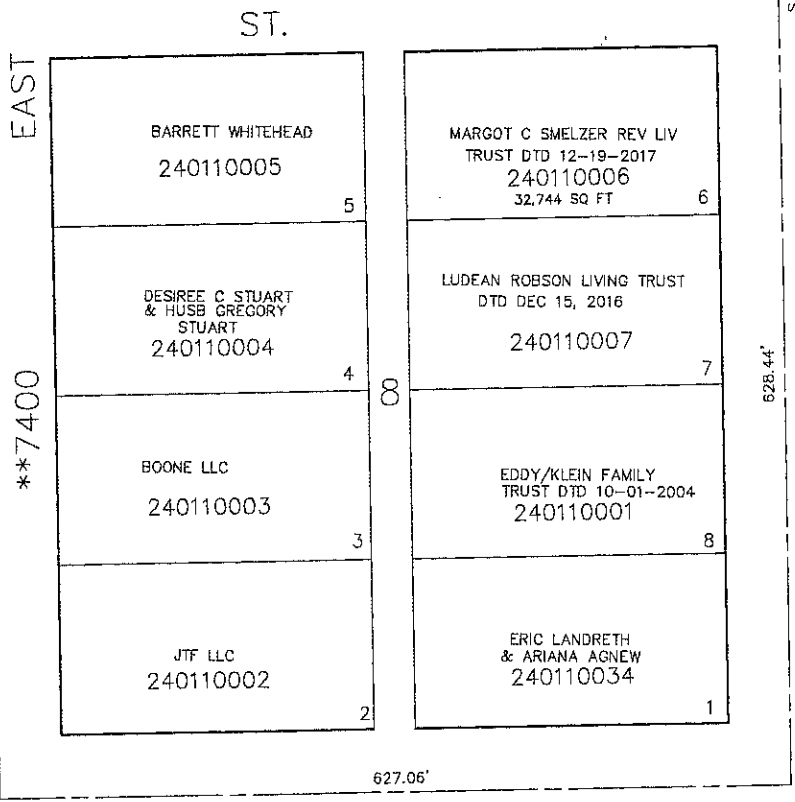
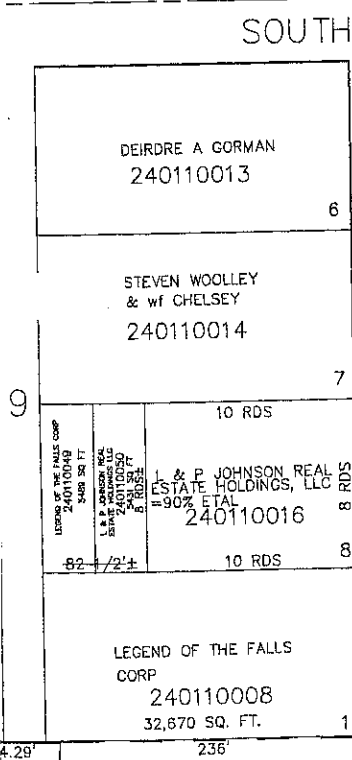
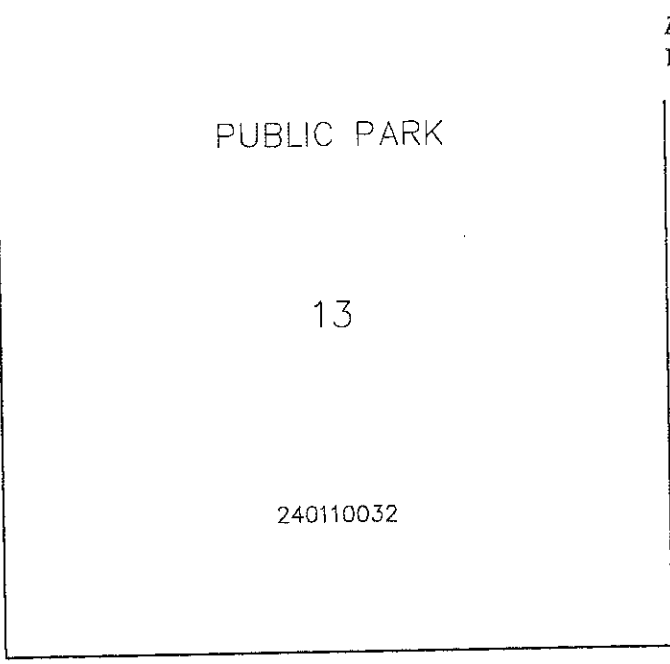
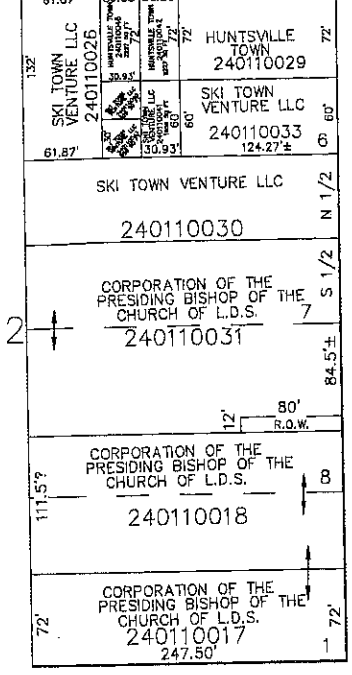
11 – Citizen Comments: There were none.

12 – Discussion relating to the new ordinance to amend the zoning map: CM Bill White stated a closed-door session was needed to discuss the legal ramifications to the actions of the Town Council regarding the Zoning Map Ordinance. **Blake Bingham made a motion to move to a**

closed-door session. Rex Harris seconded the motion. All votes aye. Motion is approved and the meeting is now closed.

Meeting adjourned at 8:45 P.M.

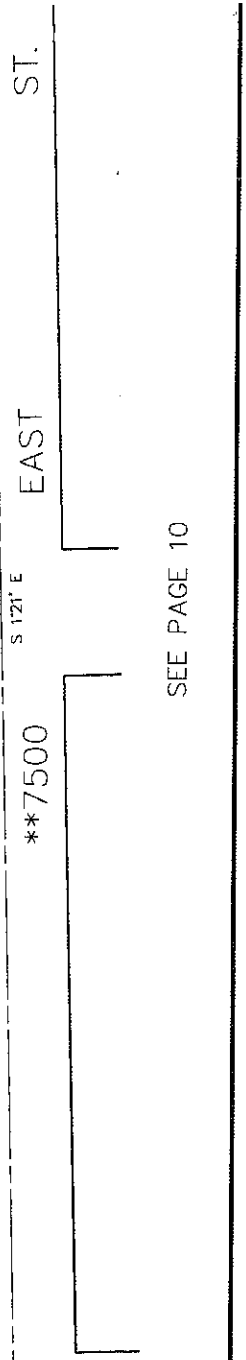

Beckki Endicott, Recorder



S 88'39" W **400 SOUTH ST.

**SEE STREET NAME CHANGE E#2195484

*NOTE: STREET NUMBERS ACCORDING TO COUNTY SURVEYOR.



SEE PAGE 10

SEE PAGE 23



LAND USE PERMIT

Huntsville Town Building Inspection
7309 E. 200 S.
P.O. Box 267, Huntsville, UT 84317
(801) 745-3420

Tax ID # 24-011-0001

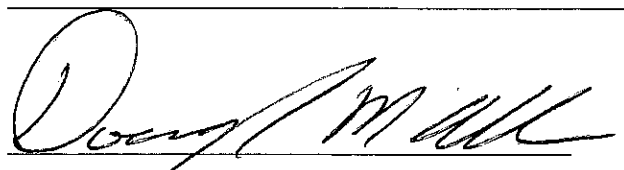
Address of Structure 369 So. 7500 East

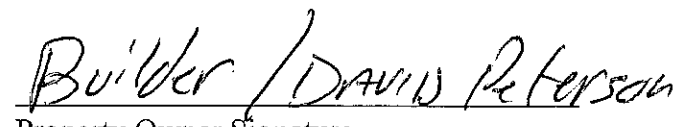
Name & Address of Owner/Owners Norma Klein 4011 WAYCOMBE DR.
SACRAMENTO CA 95864

The above described Site Plan has been reviewed for setback compliance by the Huntsville Town Planning Commission on: May 24, 2018

Set Backs Approved: Yes No

Any special stipulations and conditions of the Site Plan Review: Not slight variation in placement possible. check with Doug Allen

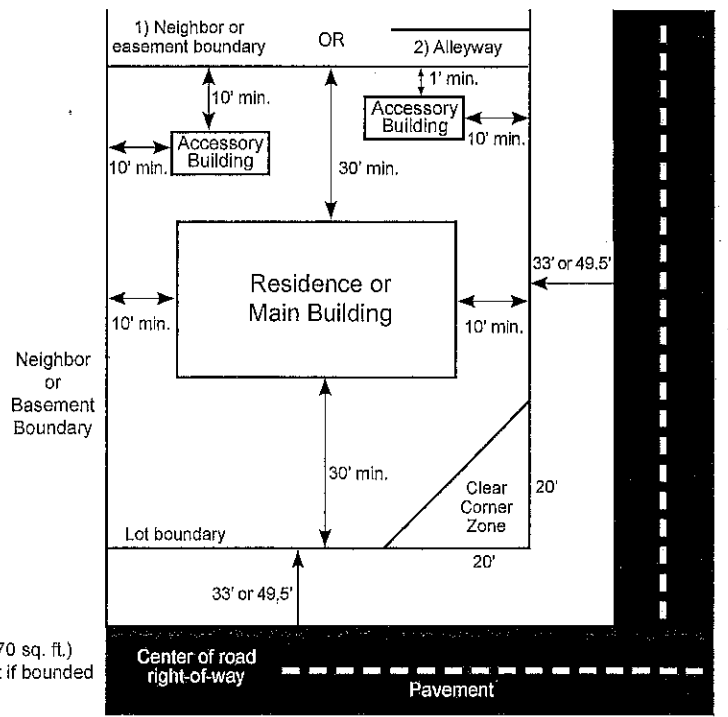

Huntsville Planning Commission Chairman


Property Owner Signature
Peterson Builders Inc

"By signing this form, the applicant agrees that they understand that the Huntsville Town R-1 zone, which their lot is zoned, only allows for one single family dwelling on the lot. The applicant also agrees that they understand that if any changes to their site plan are made after the Land Use Permit is issued, that those changes must be approved by the Planning Commission."

- Minimum lot size = 0.75 acre (32,670 sq. ft.)
- Minimum width = 130 feet (120 feet if bounded by an alleyway)

Huntsville Town Residential Zone Setbacks

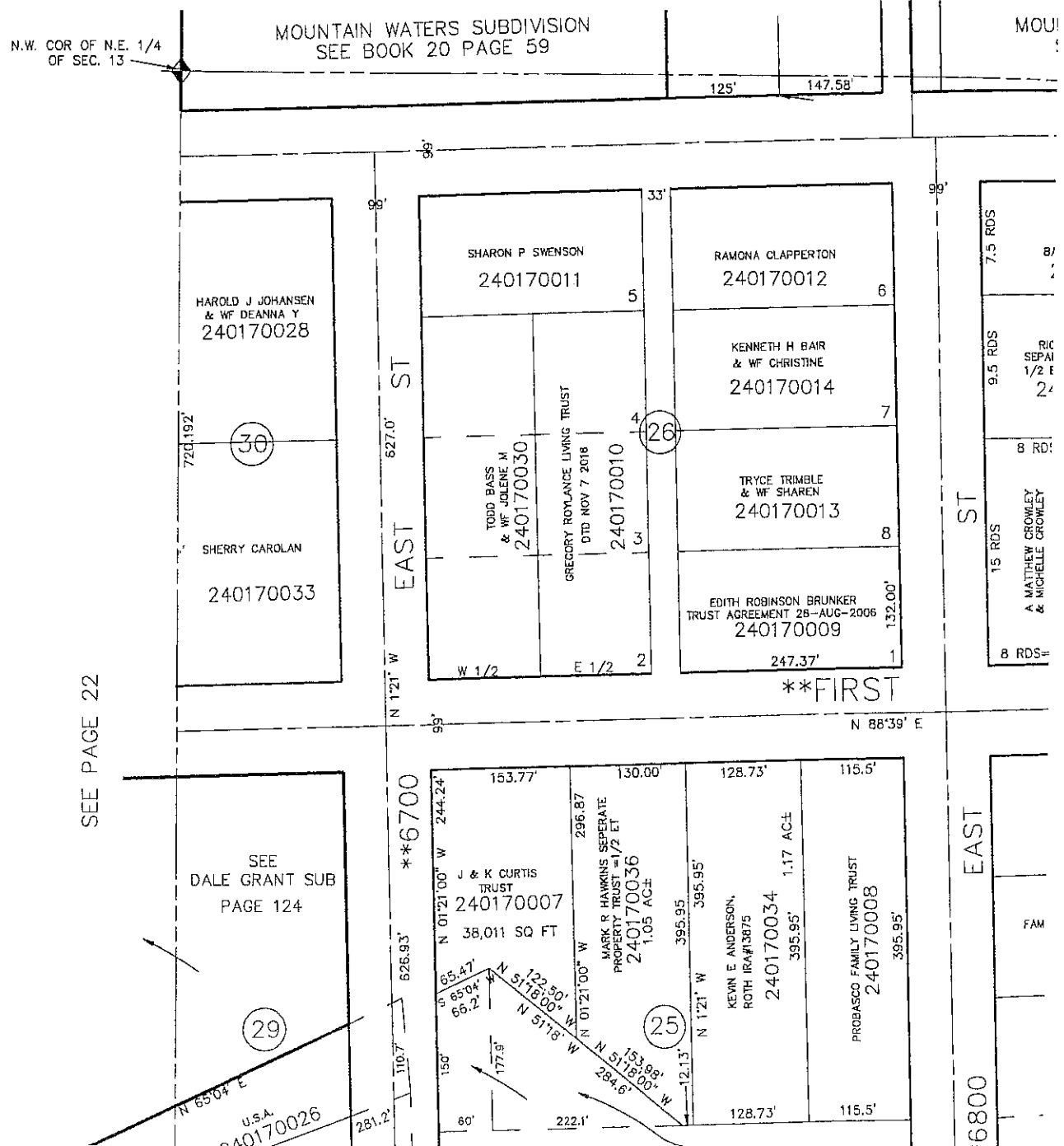


PART OF N.E. 1/4 OF SEC 13, T.6N., R.1E.,
HUNTSVILLE SURVEY
BLOCKS 24 TO 27, 29 & 30, PLAT

TAXING UNIT: 35

SCALE 1" = 120'

SEE BOOK 20, PAGE 10



SEE PAGE 22

SEE DALE GRANT SUB
PAGE 124

**FIRST

**6700

EAST

6800

Derek and Jenny Taylor
137 South 7700 East
Huntsville, UT 84317

April 21, 2018

Huntsville Town Appeals Authority
Huntsville Town
7309 East 200 South
Huntsville, Utah 84317

Dear Huntsville Town Appeals Authority,

We are writing to request a modification to the requirements of the Land Use Titles for a lot we own at 7633 East 100 South. Specifically, we would like to request a waiver from 15.6.2 A and the 2014 amendment prohibiting rentals terms less than 30 days (or 15.6.2 H 2, the stipulation that the proprietor of a residential bed and breakfast must occupy the property, if the Authority feels that is more appropriate).

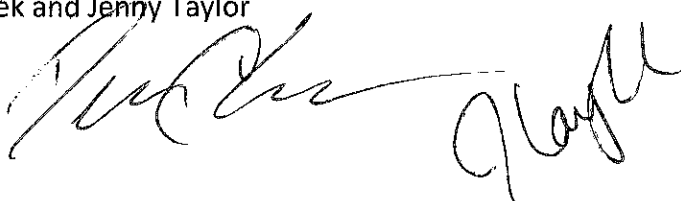
The lot is currently a non-conforming lot that was granted a variance as a buildable lot in 2004. We live in the adjacent lot, and would like to build a small (Less than 1500 square feet) single-unit, one-bedroom/one bath dwelling, sleeping a single group no larger than four people, that we could offer as a short-term rental when not in use by friends and family.

The lot currently lacks frontage due to the ditch and guardrail running along 100 South. As such, the only vehicular access is currently through the alley. As a part time rental that is not occupied year-round, the dwelling could be accessed primarily on foot with off-street parking on our property. Prior to renting the property, we will obtain a business license, and are open to discussing any other provisions the Authority deems pertinent. The structure will be small, and designed to be consistent with the town and neighborhood. In short, while not ideal for a full-time residence due to the access hardship, the lot is quite suitable as a short-term rental.

Having lived in other resort communities, and witnessed the effects unregulated short-term rentals can have on the culture of a town and community, we understand and agree with the reasoning behind the 2014 amendment. We believe, however, that this lot has unique circumstances that are not shared by other lots in this neighborhood. We look forward to discussing this in greater detail at the convenience of the Authority.

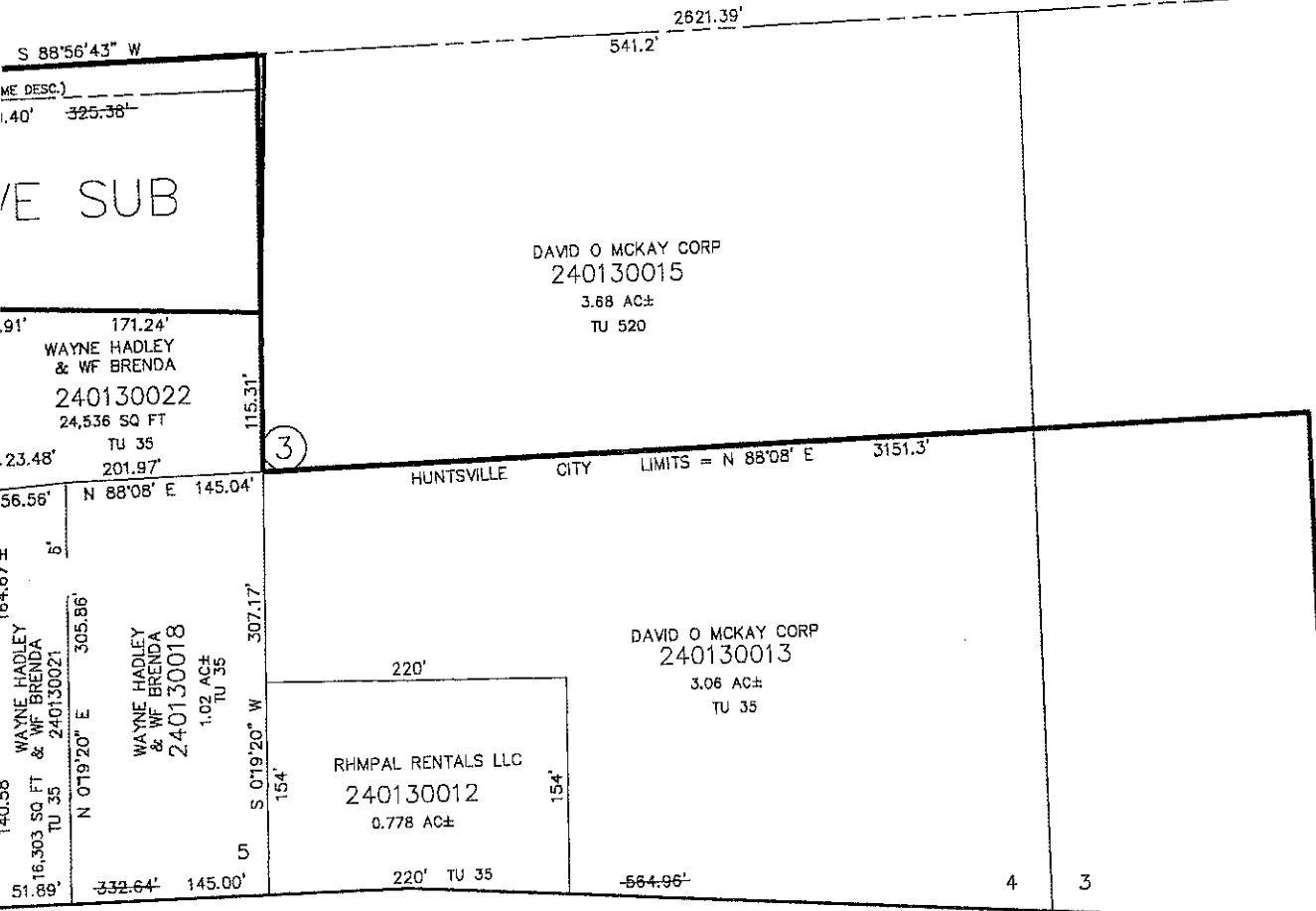
Thank you,

Derek and Jenny Taylor

Handwritten signatures of Derek and Jenny Taylor in black ink.

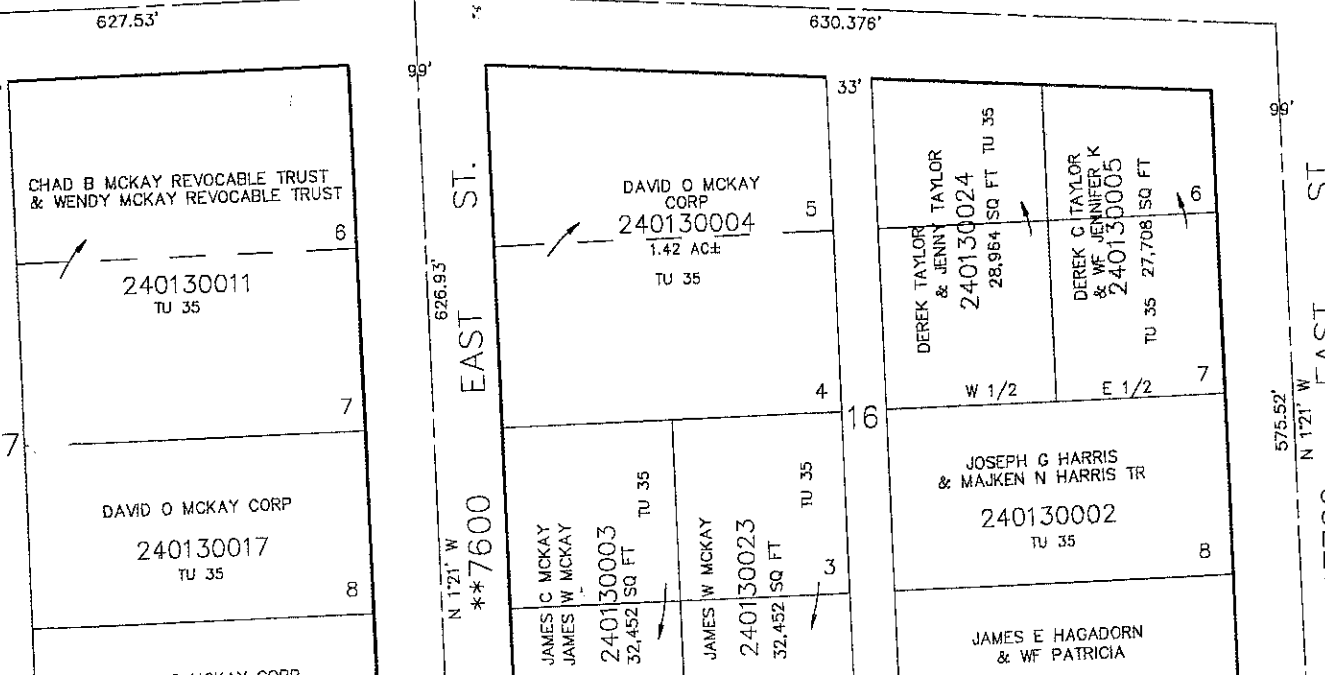
OF N.E. 1/4 OF SEC. 18, T.6N., R.2E., S.L.B. & M.
HUNTSVILLE SURVEY
 LOTS 16 & 17, PLAT A & LOTS 4 TO 6, BLOCK 3, PLAT B
 SCALE 1" = 100'

SEE BOOK 21, PAGE 7



SEE PAGE 20

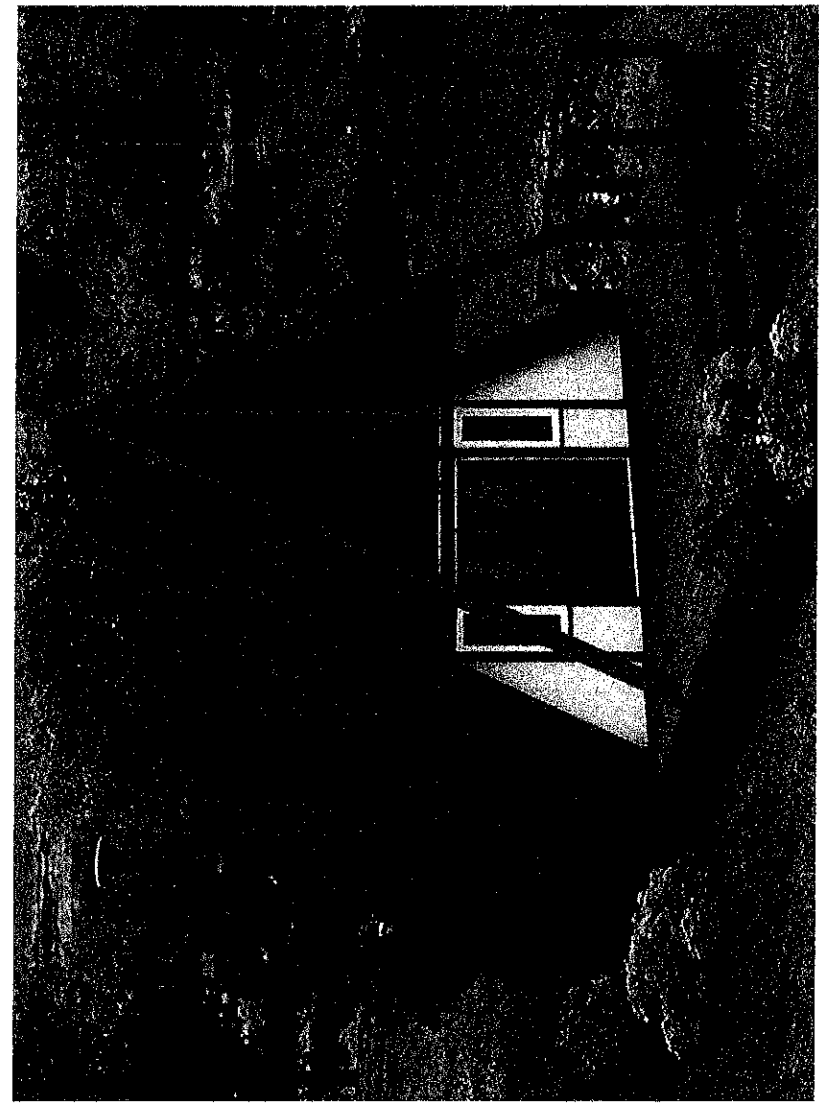
****FIRST STREET**



SEE PAGE 19

Taylor Property

7633 East 100 South



Overview:

- This is a non-conforming lot that was granted a variance as a building lot when the parcel was realigned in 2004. We currently own and live on the adjacent lot (137 South 7700 East), and acquired this property in March 2016
- We would like to build a small dwelling on the property that we could use primarily as a guest house for family, but that we could also rent out to cover the taxes and recoup some of our investment.
- As such, we are requesting a variance from ordinance 15.6.2 H 2 (the stipulation that the proprietor of a residential bed and breakfast must occupy the property) on the condition that the property be managed from our current home.

Hardship

- Access to the property is blocked from 100 South by a guardrail, and from 7700 by our property. In order to use the lot as a stand-alone property, we would have to breach the guardrail, or get permission to use the alley as primary access.
- While ordinance 15.6.2 H 2 is not the cause of this hardship, granting this variance is the remedy that will have the least impact on the neighborhood and town. Guests would park on our property and access the house on foot.
- As we will manage the property from our home, less than 100 feet away from the proposed dwelling, any noise or breach of peace issues could be dealt with just as they would if we were living in the house.

Special Circumstances

- No other lots in the immediate area have the same access issues as this property.



Substantial Property Right

- Owners of other buildable lots in the area are able to build on, and increase the value of, their properties. Granting this variance will allow us the same right.

Public Interest

- The aesthetics and character of the neighborhood will be preserved.
- Access to this property will be resolved without having to address the guardrail or the public right-of-way.
- A small dwelling (less than 1500 square feet, sleeping no more than four people) that is only occupied part time will have less impact on the town water supply than would a larger, full time residence.

Spirit of the Ordinance

- The property will be managed from less than 100 feet away. Any noise or breach of peace issues would be dealt with immediately, same as if the proprietor were living in the house.
- The unit will not be rented when 137 South 7700 East is not occupied (for instance, if we are on vacation).
- This is a new build on a non-conforming property with difficult access. As such, no homes are being taken out of the residential pool, and the character of the town as a residential community is preserved.

Additional Provisions

- The rental must always be managed by the residents of 137 South 7700 East, and can not be rented when those residents are out of town.
- Occupancy will be restricted to single groups of no more than four people.
- Any promotional materials for the unit will also include contact information for the Atomic Chalet, the Valley House, and the Compass Rose Lodge.

15.5.6 Variances

- A. Any person or entity desiring a waiver or modification of the requirements of the Land Use Titles as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest, may apply to the Huntsville Town Appeal Authority for a variance from the terms of the Title.
- B. The Huntsville Town Appeal Authority may grant a variance only if:
 - 1. Literal enforcement of the Land Use Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Title; and
 - 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone; and
 - 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone; and
 - 4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - 5. The spirit of the Land Use Title is observed and substantial justice done.
- C. In determining whether or not enforcement of the Land Use Title would cause unreasonable hardship, the Huntsville Town Appeal Authority may not find an unreasonable hardship unless the alleged hardship:
 - 1. Is located on or associated with the property for which the variance is sought; and
 - 2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- D. In determining whether or not enforcement of the Land Use Title would cause unreasonable hardship, the Huntsville Town Appeal Authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
- E. In determining whether or not there are special circumstances attached to the property under 15.5.6.B.2 the Huntsville Town Appeal Authority may find that special circumstances exist only if the special circumstances:
 - 1. Relate to the hardship complained of; and
 - 2. Deprive the property of privileges granted to other properties in the same zone.
- F. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- G. Variances run with the land.
- H. The Huntsville Town Appeal Authority and any other body may not grant use variances.
- I. In granting a variance, the Huntsville Town Appeal Authority may impose additional requirements on the applicant that will:
 - 1. Mitigate any harmful effects of the variance; or
 - 2. Serve the purpose of the standard or requirement that is waived or modified.

15.25.1.12 Vacating or Changing a Subdivision Plat

Any petition to vacate or change a subdivision plat will be reviewed by the Huntsville Town Council at a public hearing. Notice of said meeting will be emailed to 1) "affected entities if multi-unit residential, commercial or industrial subdivision, 2) a) to the record owner of each parcel within specified parameters of that property, or b) posted, on the property to give notice to passers-by and published in a local newspaper for four (4) consecutive weeks.

15.17.3 Additions and Enlargements

A. A building or structure nonconforming as to use shall not be added to or enlarged in any manner, unless the building or structure is brought into conformance with the use regulations of the zone in which it is located.19

B. A building or structure noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner unless the entire building or structure is brought into conformance with building regulations of the zone in which it is located.20

18 Amended: 8/04/2016: To add Title 15.17: Introduction paragraph.

19 Amended: 8/04/2016: Title 15.17.3.A. Title 15 – Land Use Regulations Page 38 of 105 As approved by the Huntsville Town Council 15-38

20 Amended: 8/04/2016: Title 15.17.3.B.

15.6.2 Use Regulations In Residential Zone R-1, no building or structure or land shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

A. Single-family dwellings. Only one single-family dwelling is allowed on an approved R-1 building lot.56 No residential dwelling or a portion of a residential dwelling shall be rented for a term less than 30 days.

Violations will be subject to a Class B Misdemeanor.

5 Amended 9-06-2012: Added: If a single family dwelling is rented for less than 90 days, you need a business license.

6 Amended 10-16-2014: Deleted: If a single family dwelling is rented for less than 90 days, you need a business license

7 Amended 10-16-2014: Added: No residential dwelling or a portion of a residential dwelling shall be rented for a term less than 30 days. Violations will be subject to a Class B misdemeanor.

15.25.1.12 Vacating or Changing a Subdivision Plat

Any petition to vacate or change a subdivision plat will be reviewed by the Huntsville Town Council at a public hearing. Notice of said meeting will be emailed to 1) "affected entities if multi-unit residential, commercial or industrial subdivision, 2) a) to the record owner of each parcel within specified parameters of that property, or b) posted, on the property to give notice to passers-by and published in a local newspaper for four (4) consecutive weeks.

15.25.1.13 Parcel Consolidation

Upon favorable recommendation of the Huntsville Town Planning Commission and approval of the Huntsville Town Council, contiguous parcels (or lots) may be combined to form one parcel (or lot) unless a subdivision amendment is required under Title 15.25.1.12. Such parcels (or lots) will be considered consolidated, and shall meet all requirements concerning parcel consolidation. Once two (2) or more contiguous parcels (or lots) have been consolidated, they may not be divided without meeting all applicable zoning requirements.

- A. Petition: Petitions for a parcel consolidation may be approved and executed upon the recordation of an appropriate deed if:
1. The parcel consolidation does not involve a recorded subdivision plat.
 2. The proposed parcel consolidation does not result in the creation of a parcel (or lot) of size or shape that does not conform to all Town zoning regulations and site development standards. If the proposed change is to a legally existing nonconforming lot, the change may not perpetuate nonconformity.
 3. The proposed parcel consolidation does not result in changing a conforming structure into a nonconforming structure as a result of setbacks, proximity to other structures, use, landscaping, or any other site land use requirement.
 4. The petition for parcel consolidation must include signatures from representatives of each parcel affected by the boundary line adjustment.
- B. Application: Application materials for the parcel consolidation shall include the following:
1. Completed Parcel Consolidation application signed by all affected property owners;
 2. Legal description of the whole piece of property to be consolidated;
 3. Copies of deeds reflecting the new property boundaries; and
 4. One (1) eleven by seventeen (11 x 17) drawing to scale of the existing parcels (or lots) and one (1) eleven by seventeen (11 x 17) drawing to scale of the proposed consolidated parcel (or lot). All drawings shall show all structures on the property, fence lines, easements, driveways, and streets, and include a measurement scale and north arrow.
- C. Recordation: Parcel consolidation shall be accomplished by recording an appropriate deed with the County Recorder's Office. The new legal description shall not create a remnant parcel or violate existing zoning ordinances.
- D. General: If necessary, the Planning Commission may require the following additional information:
1. A plat (drawn to scale) prepared in ink by a licensed land surveyor or engineer of a to a scale not smaller than one hundred (100) feet to the inch and shall be of such size as is acceptable for filing in the Office of the County Recorder. The plat shall:
 - a. Be accompanied by one reduced eleven inch by seventeen inch (11" x 17") copy of the full size drawing(s).
 - b. Be presented to the Town Clerk at least thirty (30) days prior to a regular meeting of the Planning Commission to review the plat and prepare for its consideration at a regular meeting held for such purpose.

15.25.1.14 Boundary Line Adjustment

Upon favorable recommendation of the Huntsville Town Planning Commission and approval of the Huntsville Town Council, any adjoining property owners may submit an application, proposed map, and proposed legal descriptions for a boundary line adjustment unless a subdivision amendment is required under Title 15.25.1.12.

- A. Petition: Petitions for a boundary line adjustment may be approved and executed upon the recordation of an appropriate deed if:
1. The change in boundary lines does not result in the creation of a new lot or parcel.
 2. The change in boundary does not involve a recorded subdivision plat.
 3. The proposed change to a lot does not result in the creation of a parcel of size or shape that does not conform to all Town zoning regulations and site development standards. If the proposed change is to a legally existing nonconforming lot, the change may not perpetuate the nonconformity.
 4. The proposed change to a parcel (or lot) does not result in changing a conforming structure into a nonconforming structure as a result of setbacks, proximity to other structures, use, landscaping, or any other land use requirement.
 5. The petition to change the boundaries must include signatures from representatives of each parcel affected by the boundary line adjustment.
- B. Application: Application materials for the lot line adjustment shall include the following:
1. Completed application signed by all affected property owners;
 2. Legal descriptions of each parcel involved in the lot line adjustment;
 3. Copies of deeds reflecting the new property boundaries; and
 4. One (1) eleven by seventeen (11 x 17) drawing to scale of the existing plat and one (1) eleven by seventeen (11 x 17) drawing to scale of the proposed plat. All plats shall show all structures on the property, fence lines, easements, driveways, and streets, and include a measurement scale.
- C. Recordation: Boundary line adjustment shall be accomplished by recording appropriate deeds with the County Recorder's Office. The new legal descriptions shall not create a remnant parcel or violate existing zoning ordinances.
- D. General: If necessary, the Huntsville Town Planning Commission may require the following additional information:
1. A plat (drawn to scale) prepared in ink by a licensed land surveyor or engineer of a to a scale not smaller than one hundred (100) feet to the inch and shall be of such size as is acceptable for filing in the Office of the County Recorder. The plat shall:
 - a. Be accompanied by one reduced eleven inch by seventeen inch (11" x 17") copy of the full size drawing(s).
 - b. Be presented to the Town Clerk at least thirty (30) days prior to a regular meeting of the Planning Commission to review the plat and prepare for its consideration at a regular meeting held for such purpose.

15.6.10 Coverage Regulations

A. No buildings, structures, or group of buildings (including accessory buildings) shall cover more than sixty (60) percent of the area of the lot.

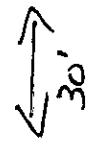
B. No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five (25) percent of the rear yard.

Street
Front

— 130 —

~~100~~
8

Front yard



— 103' —

1/4 acre
of = 32,670 sf

0% =
19,602 sf

90' x 103' =
19,570 sf

side yard
- 12' -

- 190' -

House

- 15' -

side yard

250'

Rear



Rear
Yard