



TOWN OF BEAUX ARTS VILLAGE
PLANNING COMMISSION
MINUTES

May 15, 2008
Scott

Present: All- Acting Chairperson Karen Scott, Commissioners Dennis Casey, Scott Harpster, Gordon Roberts and Jake Donoghue.

Staff: Deputy Town Clerk Angela Kulp and Town Planner Mona Green. (No Guests)

Acting Chair Scott called the meeting to order at 7:33pm.

Minutes: Commissioner Donoghue motioned to approve the March 20, 2008 minutes as amended by Chairperson Scott, under Old Business, 2nd paragraph, last sentence to read, "Town and WABA properties" instead of "all properties involved". Commissioner Harpster seconded. Commissioner Roberts abstained since he was not present at the March meeting. Vote: 4 For, 0 Against, 1 Abstain. Motion carried.

OLD BUSINESS: Proposed Tree Ordinance

Commissioner Casey reviewed and updated the Commission about the April Council meeting outcome. Commissioner's Casey and Roberts attended but lacking a quorum, it did not count as an official Planning Commission meeting for the year as planned. Commissioner Casey reported he presented the Planning Commission's recommendation to the Council of denial on the tree ordinance until a tree inventory is completed because the Commission feels no one wants a tree ordinance on private property. Planner Green reported the Council adopted a three-month tree moratorium to complete the ordinance discussion. The Commissioners discussed the current process and timeline. They agreed the current language on the ordinance slows the tree removal process down, and has allowed for moderation during discussion since its inception. Chairperson Scott reminded the Commission we had done what we were asked to do over the last five months and now it is in the Council's hands.

OLD BUSINESS: Rebuild / Remodel Definition

The Commissioners revisited the discussion of how to change the rebuild and remodel definitions in order to find a way to encourage preservation. Commissioners agreed the current values of \$250K or 20% have become too low in today's market easily encouraging replacement. Commissioner Casey and Planner Green reminded the Commission the intent of the current definition was in encouraging conformity but it did not foresee the redevelopment that ensued. Planner Green suggested the current environment might allow for something that could be packaged in such a way to encourage preservation of old houses, and vegetation. Commissioner Casey shared

his concern of neighbor consideration, the current value being too low and agreeing with nonconformity not being increased.

Chairperson Scott suggested \$300 per square foot would be a more accurate cost in today's market or a percentage of the assessed value. Commissioner Donoghue reaffirmed his belief that the only restriction should be in not increasing the nonconformity. Commissioner Harpster shared his belief that not continuing an existing non-conforming line forces a jog and can make for a funky looking house. Planner Green also noted continuing a non-conforming line can make a small house near a property line loom too big and too close to a neighbor for example with a second story addition. She also cautioned the Commission against rebuilding on an existing non-conforming foundation. Commissioner Harpster agreed that new structures should be in conformity. Commissioner Casey asked the Commissioners to consider their intent and shared he favored the preservation of uniqueness in old houses. The Commissioners agreed of the importance on a unified intent.

Chairperson Scott wondered what other jurisdictions were doing. Planner Green shared other jurisdictions each does something different. She promised a table showing those differences for the next meeting.

NEW BUSINESS: Gazebo's in the Setback

Chairperson Scott brought forth a request from villager Forrest Kulp asking that, in light of the recent Board of Adjustment denial on the Smallman's gazebo in the setback, gazebos be included in the verbiage of setback exceptions in Ordinance 349, section 8.H. Planner Green and Deputy Clerk Kulp updated the Commission on the background of the case denied and discussion ensued. Commissioner Casey and Chairperson Scott agreed gazebos should not be allowed in the setback, regardless of what happened in the Smallman case. The Commissioners all agreed rather than trying to change the code, it is best to leave this for the BOA to make a decision for a variance on a case-by-case basis. Commissioner Harpster inquired if we would be having this conversation if the gazebo were not in the setback. Planner Green responded no, but although the size was under 120 sq. ft., and the value so close to the \$1500 exception rule, it should have required a permit anyway. Chairperson Scott and Commissioner Harpster noted that \$1500 limit on exceptions continues to be too low and suggested we look into how to raise it as part of the remodel discussion.

Next Meeting: The next meeting will be on Thursday, June 19, 2008 at 7:30pm at Commissioner Harpster's home.

Adjourn: Chairperson Scott motioned to adjourn the meeting at 9:16pm. Commissioner Casey seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Angela Kulp
Deputy Town Clerk