

Meeting Minutes of Southwest Coastal Design Review/Citizen Advisory Committee
Wednesday, November 5, 2008
6:00 p.m.

Chairman George Cerelli called the meeting to order at 6:00 p.m.

Members present: Debra Birkby, Linda Murray, John Mersereau and Stephen Malkowski. Tim Crawford and Rand Dufka were excused. Staff present: Teri Allen and Mike Weston.

The consideration of the meeting minutes for August 20, 2008 was the first agenda item.

MOTION I: Debra Birkby moved to accept the minutes as presented. John Mersereau seconded the motion. The motion passed unanimously.

The members introduced themselves to Stephen Malkowski, new Committee member.

The first agenda item was the Debbie Henry Conditional Use Permit for a Home Occupation.

Planner Allen summarized the staff report.

Debbie Henry stated that the placement of lock boxes on the rental homes has helped to cut down on traffic. Neighbor Kate Merrell agreed.

John Mersereau stated the only thing he has heard negatively was the employee's picking up supplies were creating additional traffic. Applicant Henry stated that 95% of the traffic has been cut down because of the lock boxes. She said it was possible to have one person pick up the supplies and take them to the location. John Mersereau felt the neighborhood could play it by ear and see how things went. Henry asked if her personal RV stored on her property was considered a trailer as stated in one of the standards not allowing trailers. Planner Allen replied no.

MOTION II: Debra Birkby moved to recommend approval of the request. John Mersereau seconded the motion. The motion passed unanimously, 4-0.

The second agenda item was the Richard Sheron residential addition design review.

Planner Allen summarized the staff report.

Linda Murray questioned the existing drainage on the property. The applicant, Holly with Coaster Construction, explained. John Mersereau did not think the drainage was going in to the sewer.

MOTION III: Linda Murray moved to approve the Sheron Design Review request. Debra Birkby seconded the motion. The motion passed unanimously.

The final discussion on the agenda was review of the Design Review and Variance request by Gregory and Roselle Soriano and Carl Perron.

Planner Allen summarized the staff report and explained that there was no staff report for the Variance because it has to go to the Planning Commission for review and the staff report does not have to be ready until the week before the meeting. In addition, Planner Allen handed out other items to the Committee and the audience. Planner Mike Weston explained the non-conforming aspect further to the Committee.

Owner, Gregory Soriano, stated he was there to answer any questions the Committee may have. He stated he is a 25-year resident of Arch Cape who is planning to become a permanent resident with this home. Architect Carl Perron showed the Committee a clay model of the request.

John Mersereau questioned the plans for the accessory structure and planning to move it 2 feet. Mr. Soriano stated it actually was planned to be moved 4 feet. Mr. Perron stated they are trying to bring the accessory structure in to compliance with the 1981 Variance the previous owners obtained. Mike Weston again discussed the non-conforming structure aspect of the structure. John Mersereau asked if it was really to the owner's advantage to save the structure? Perron replied the owners want to maintain the backyard. He further commented that they could leave it there also but they wanted to bring it in to compliance with the existing Variance. He showed backyard photos to the Committee. Debra Birkby asked that if the non-conforming structure was to be moved it had to come in to compliance with the current ordinance. Mike Weston further explained. The owner again reiterated that they either tear it down or leave it. Neighbor Kate Merrell stated that the structure flooded out one year. The owner replied that they are planning on raising the foundation. Linda Murray questioned if the structure was really needed? John Mersereau questioned how the applicant is justifying the hardship. He can't see the public access policy as the hardship. Discussion followed.

The 5-foot setback requirement on the east side was then discussed. Owner Soriano stated they are within the required 5' requirement where they can build. He talked with the Merrells (who own the home on the east, which is located on the property line). No resolution came of those talks because the Merrells wanted a 10-foot setback.

Debra Birkby asked if the owners looked at making the house deeper rather than having to apply for a Variance. Carl Perron addressed the fire issues.

Mike Manzulli, attorney for the Merrells, stated the main concern for the Merrells is the 5-foot east setback rather than 10 feet as stated in the AC-RCR zone. Mike Weston explained the lot-of-record aspect and the setback. Mike Manzulli stated the garage is a non-conforming structure and there is no significant hardship for the Variance. Carl Perron asked Kate Merrell is they had any problems with the accessory structure? Kate Merrell stated she was not going to comment on the accessory structure; that their concern was with the 10' setback. Mr. Perron state that if they have to move the home five feet west it will take 5 feet of the kitchen. John Mersereau apologized for being hardnosed but he did not see any hardship. Stephen Malkowski feels the Merrells were making a good point and wanted to see a win-win situation for everybody. Chairman Cerelli questioned how? Mr.. Malkowski replied moved the house 5 feet to the west and rebuild the accessory structure. John Mersereau felt the Committee would be setting a precedent because there was no hardship posed because of the large lot. Mike Weston stated that if the setback were 10' and not 5' could be a hardship on the property owner. Steve Hill questioned the possible loss of a public access and the rural character of Arch Cape. The Design Review Committee then discussed options amongst themselves.

MOTION IV: Debra Birkby moved to recommend denial of the Variance to the County Planning Commission on the west side yard setback because no hardship was proven because of the size of the lot and pending the decision of the Planning Commission, applicant would bring back the Design Review request to the Committee. In addition, the Committee voted that the side yard setback (between Soriano and Merrell) be 10 feet. John Mersereau seconded the motion. The motion passed unanimously.

Other discussion was the next agenda item.

Debra Birkby stated while the Design Review Overlay is being amended she would like to see some sort of percentage of landscape replanting be included. Planner Allen stated perhaps a landscape plan should be required.

There being no further agenda items, the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Teri Allen, Planner
Transportation and Development