



PLANNING COMMISSION

MINUTES of December 8th 2020

Members of the Buena Vista Planning Commission met in a hybrid format, both in person at City Council Chambers and virtually via Zoom at 7:00 PM on Tuesday, December 8th, 2020.

Members Present:

Dennis Hawes, Chairman
Michael Ohleger, Vice-Chairman
Sandy Burke
Lucy Ferrebee
Marolyn Cash
Melvin Henson, City Council Representative
Timothy Petrie

Members Absent:

Preston Manuel
Jay Scudder, Ex Officio member

Staff Present:

Tom Roberts, Director of Community & Economic Development

Meeting is called into order and roll was called.

REGULAR MEETING

Minutes

Mrs. Burke asked for clarification on an item mentioned in the discussion of the zoning map amendment for 2776 Maple Ave—what was meant by the reference to City property and paper streets. Mr. Roberts explained that the City owns a parcel bounded by Ridge Avenue (also platted as Spring Street) and undeveloped portions of 28th Street and Birch Avenue.

Mr. Ohleger motioned to approve the minutes as presented, Marolyn seconded, and all voted to approve.

New Business

Discuss temporary buildings for uses incidental to construction

The discussion focused on the development at 708 E 25th Street. Prior to the meeting, Mr. Ohleger had seen a “tiny house” on the property and asked Mr. Roberts about what it was, with the understanding that “tiny houses” generally are not permitted in the City. Mr. Roberts had explained prior to the meeting that the owners were occupying a temporary building incidental to construction, which was permitted under the zoning code.

Mr. Roberts displayed photos that Mr. Ohleger had taken and recapped the concerns raised by Mr. Ohleger: use of the tiny house for occupancy; what constitutes a temporary building

incidental to construction; whether the water and sewer connections are up to code; and what permanent structure is under construction.

Mr. Roberts explained that he had met with the owners several times over the course of 2020. They plan to live in the “tiny house” structure on wheels while building the permanent house, then structurally connect the tiny house to the permanent house. The permanent building under construction is a shed. Water and sewer connections were discussed extensively with Public Works and the owners planned to install a grinder pump.

Alan McMahan, Building Official, and Mr. Roberts were not aware until the last week that the owners had move the trailer to the site and were occupying it. The last permit/inspection they obtained was for temporary electric pole. Mrs. Cash said that she had asked Mr. Roberts about the trailer earlier in the fall, and Mr. Roberts admitted he did not recall that and had not checked on the site, but probably had assumed that they had obtained the building permit from Mr. McMahan. The “tiny house” trailer already had zoning approval in early September.

The primary zoning issue is Mr. Roberts’s interpretation to allow residential occupancy of a temporary building incidental to construction. The “tiny house” on this property is permitted as a temporary building incidental to construction. Mr. Roberts stated that he is happy to change that interpretation going forward and draft a zoning text amendment to clarify that such temporary buildings may not be occupied as a dwelling. Mr. Ohleger pointed out that his concern is the duration of construction and the duration of occupancy of the “tiny house” structure.

Mr. Petrie honed in on the fact that currently, the trailer is only permitted for electricity, and not for water or sewer. In particular there are some concerns about the grinder pump installation, which appears to be in a trash can. (Mr. Roberts and Mr. McMahan plan to go to the site in the next day or two to inspect for code violations.)

Mr. Hawes stated that in his experience, temporary buildings incidental to construction are usually foreman’s offices on a larger project but not a heated and insulated and plumbed structure where people live. Also, he asked how one could have a building incidental to construction when there was not a building permit. Mr. Roberts responded that they owners had not followed the correct process and that needed to be fixed, and the he will propose a narrower definition for future temporary buildings on construction sites.

Mr. Ohleger asked for more information including a site plan and timeline for their project.

Mr. Henson pointed out that there is an underground storm sewer running through this site. Mr. Roberts agreed and explained that the owners had designed the structures to avoid the easement over the storm sewer.

Mrs. Cash asked how they access the property, and Mr. Roberts responded that they come up the alley from 24th Street.

Mr. Hawes noted that he appreciates that City staff are trying to say “yes” to development, but that this project seemed to get out of hand and they did not follow the process.

Secretary’s Report

Mr. Roberts spoke about the items in the written report.

Adjournment 8:00 PM

Approved: _____