

# Planning and Zoning Commission Meeting Minutes

Village of Indian Point

Municipal Center

957 Indian Point Road

Wednesday December 6, 2023

6:00 pm

Commission Members: Greg Maycock, Linda Slaughter, Carol Kurtz, Jeff Hancock, Chris Houghton and Ron Coomes.

Others present: Nathan Piche: Planning & Zoning Administrator, Beth Frazier: Village Clerk.

Call meeting to order at 6:03 pm with Pledge of Allegiance

1. Motion to approve amended agenda. Move Fence Ordinance to Comments from P&Z members.

Moved: CH Seconded: LS Ayes All /Nays None

2. Motion to approve P&Z meeting Minutes from 11/1/23 meeting.

Moved: LS Seconded: CH Ayes All /Nays None

3. Old Business:

- a. 680 Jakes Creek Trail – Gatto Brothers

- i. Dan Gatto – On Zoom – Thanks for giving me some time. Just wanted to let you know what the plans are that we are interested in pursuing in the old Altenhaus at 680 Jakes Creek. So, before we request anything or do anything we put together something crudely on Power Point and that is what is in front of you. And in conjunction with what we are doing now we would like to add a treehouse or a 1 bedroom that would overlook the lake, which will be a rental, the same as the other along with a common area and a firepot. If that does good, then further down the road add another treehouse if we are able to do so. We have about an acre or so and we would like to maximize it and we would like to see what your thoughts were before we proceed on it, if there are any pitfalls, issues, or reasons why this wouldn't work. Greg: And this property was grandfathered as commercial property? Dan: Yes. Greg:

So, anything they would plan on doing would be part of a C2PDD plan and would be part of a discussion on what they want to do with the property. Nathan: They were originally grandfathered in as a bed and breakfast so they would need to do a new C2PDD. Greg: Get with Nathan with plans for a new C2PDD plan and work that out.

#### 4. New Business:

##### a. Setback Variance for 921 Tablerock Circle

Chris: How far is the encroachment going to be?

Michelle Gibson: Approx. 3 feet. Chris: No, what is the distance between the property line and the railing. How much is the encroachment going to be because it doesn't look like much.

Michelle: Under 2' because the site plans show 12'6" between the house and the property line. Chris: and this is going to be the same material as the deck? Michelle: Yes, Black metal railing with wire and gray wood. Ron: It looks like actually 1'.

Michelle: Yes, but we are asking for 2' in case of any changes that might come up, and they cannot build on that lot, so they are not averse to us using those 2'. Greg: Is there a reason if you don't put the stairs there would cause you to not use the property? Michelle: NO, it's just mainly aesthetic. It will make it easier to place furniture on the porch if the stairs were not in the middle, so it is mainly aesthetic. Greg: So, would there be a hardship to you if the stairs were not put on the side of the porch? Michelle: No, we would just have to redo all our plans.

The stairs were built in the 60's and we are trying to get away from that look of the 60's. Greg: Basically, by rules and laws if there is not an undue hardship on the property and prevent them from using the full use of the property which this doesn't look like this is the case here, we may not think this is a significant encroachment it becomes a very subjective matter when we set a precedent and deal with requests further on.

So, unless there is a compelling reason otherwise, I think it's a precedent we shouldn't be setting and opening up the Village to a liability if we did. Linda: Could stairs be considered a walk?

Greg: It's a structure attached to the house. Scott: Was that rule because you don't want to encroach on your neighbors

because they are living there? But this is a vacant lot and there will be no building on this ever, so what will we be encroaching on for lack of a better term? Greg: You will be encroaching in the setback area. Scott: I understand what you are saying but there will never be a building on this lot. Michelle: You guys have ruled and told them they cannot build on this lot because of the wastewater system. They had already cleared the lot and were ready to build but you told them they couldn't. Greg: It can be built on, with a different wastewater treatment. Purchasing part of the lot would change the property line and the setback line. Ron: I don't have a problem with the variance, but it would be easier if you could buy 3 feet. Greg: is there any further discussion? No vote is needed since there is no official variance application was filled out. Chris: Can I just ask one more question? Greg: Go ahead, Chris: Have you had this surveyed? Michelle: No, we are using the one that came with the house. Chris: So, you have not had a surveyor out to check and see where the pins are located? Michelle: No, we are using the one that the Campbells had done so we know where the pins are at. Chris: You are so close I would get a string and run it from pin to pin and measure it to see how close you are. I would get a tape measure and get out there because you are looking at a print with a dotted line, so I would get out there and measure it myself. I also would get it surveyed myself and get actual measurements. We will table this for now and wait to see if you come back with any changes.

#### Crowne View – Possible Subdivide Inquiry,

Nathan: Jim would like to subdivide existing lots and change them from 8 beds to two 4 beds each. But Jim is not here tonight. Greg: They updated their C2PDD to a performance-based plan. Chris: I think we need to talk to them about their landscaping issue. They have taken all of their trees out and it is bare for miles. It also creates a sound issue and there are miles of openness. There is no sound buffer. I think in the future when we are approving site clearing permits, we should require a landscape plan, so we know you are not going to just strip the land and not replace it. I don't know how to fix the

Crowne View issue; I know that Crowne View is the only project around the Point that is doing this. I know there are others around the lake doing the same thing. Greg: In a C2PDD you can require them that if they take it out then they have to put it back.

b. 410 Permit Extension –

Nathan: They emailed us because their 6-month permit is going to expire, and they are requesting an extension on the building permit. Chris: The building permit has nothing to do with the fence and only covers the house, right? Nathan: Yes, that's right. Greg: Why are we granting an extension on the permit? Nathan: They requested it. Greg: Then we need to extend it, or we will have a problem. The permit has nothing to do with the fence and is only good for the house. The permit is not relevant to the other issues. Chris: It would be nice if they would finish the house.

5. Items and Comments from P&Z members.

a. Fence Ordinance Number 33-23, Bill Number 276

- i. Greg: Thank Nathan for all the research and work he put into it. I suggest we go straight to the Ordinance as proposed and go over it section by section and see what we want to adjust. Does anyone have any issues with the definition. Chris: I think it's fine, I notice it doesn't have concrete. Greg: It's a valid issue because you can have precast panels. Chris: It's vague because it says typically because it doesn't exclude any type of material. Greg: The only reason we might want to define it more clearly is because you can set a thickness, like 3" concrete thickness you can say it's a fence (we will have to find this out) and anything over that is a wall. Nathan: Do you want to set a maximum thickness? Greg: Yes, this is a good idea because that could apply to anything. Maybe find a way to define a fence from a bush.

b. OK, let's go to Section 2 and go line by line.

- i. Line A is ok.
- ii. Line B is ok. Chris: I like it, it's very good, is there any code in our codes that addresses sight variabilities? Nathan: Yes, we do have that. Chris: Great, as long as that references

something that is already there. Greg: The key being line of sight or oncoming traffic.

Line C is ok.

Line D Nomenclature that the American Plan Institute uses.

Greg: Basically, saying it is an encroachment, but it's allowed.

That would be a good approach for landscaping in setbacks

also. Nathan: Yes. So, any of these encroachment items would

make my life easier. Greg: I do not understand the rationale

regarding no Zoning Compliance Permit, while we are talking

about something that's been a contentious issue and with

specifications involved, we would want a Zoning Compliance

Permit. Nathan: What part of this ordinance is trying to do is

allow people to utilize their property how they want within our

regulations. If we require them to do a Zoning Compliance

Permit, then we are going to treat them like a structure

anyways. That's going to be put on us and I am going to make you

get a survey before I do anything then I'm going to have to

check the materials to make sure they are they fall within the

regulations rather than putting the onus on the owner. Then if

there is a problem with the neighbor then doesn't go to P&Z,

they follow the state statutes and go before the civil court.

Greg: I see part of the rationale there and where someone does something wrong, we are not in the middle of it.

However, there will be much non-compliance we could have

prevented. Nathan: It's going to be hard to administratively ensure everyone is following everything in the fencing survey.

Chris: Why can't we have a Fence Permit? Let's just have a

fence permit where you can have a specific set of guidelines

where people can sign off on them. This will abbreviate your

liability and communicate the requirements to the people.

Nathan: Yea, a fence application permit makes sense. Having

them do the application and permit process and they do it

wrong, then it is an ordinance violation and not have it

handled in civil court. Greg: Then you will have to reword line E

as it works right into line d.

Line E Greg: Both Linda and I noticed on the second page that the written our word is fifty and the numerical is 30. What

should it be? Nathan: It should be thirty. Greg: When you are getting in the types of fences here, you say typically composed of which means it does not have to be one of those materials. In line F a fence of which means it must be one of these. Maybe it should state a fence defined herein, except for front yard where you will need to be prescriptive.

iii. Greg: Yeah.

iv. Greg: Side and Rear Yards for Line G and H we can look at separately, but I have some fairly significant recommendations that can be looked at together. So, side yard so you have the same issues as materials, and you might want to say approved herein or consistent with front yard. The height needs to be looked at and 6' is too short whereas Branson states 6 to 8 feet. Also, if you want to put up a privacy fence, it can be higher than the front yard.

6. This could be an I.

v. A C2PDD we have specific requirements, Such as Table Rock Resort that property that borders Indian Point Rd and Dogwood Park Trail and backs up to those residential homes, they had proposed some 8' story buildings. So, what we did there was to have them build them back and the higher you build the further back you go. Chris: It is already in the Zoning ordinance, and we can just put it into this ordinance and have it be used. Greg One of the things I see a lot of are pallets and I think that is something we should put it in the restricted list. So again, this requires a public hearing from both P&Z and Trustees. And you can check with the attorney and see if you can get it done that way. Also, both P&Z and Trustees should have a chance to read it before the hearing.

Nathan: What I am trying to do is get it all done next month for you guys and then over to the Trustee meeting.

Chris: In the ordinances, can a resident hypothetically park a 42" trailer and build a deck on the back of it and call it a shed. Greg: Nope, does it still have the wheels on it? Chris: Yep. Greg: Then Nope not at all.

7. Comments from Floor.

Nathan: The Campbell's had another question before we adjourn.

Michelle: Can I build my stairs on the other side of the house since there is already a retaining wall already there and I would just be building onto that?

Greg: Technically, not because you can't increase a non-conformity. Where would you put the stairs if you did that?

Michelle: It would be just like the other side would be, right up there along the retaining wall. I didn't think of it because the original stairs would save me gobs and gobs of money since I wouldn't have to build a new deck. Greg said he doesn't see anything wrong with it and all they need to do is get a Zoning Compliance Permit. All Ayes.

7. Nathan' report:

I have 2 possible P&Z members. Mike Ostenhoff is one who is interested. Asked him to come to a meeting so he could talk to the committee. Issued 3 Zoning Compliance for Edgewater Development that we looked at back in July for the stormwater drainage plant. On 196 Indian Lane they are replacing their deck. Adam Smith got everything ready to go through by subdividing Tribesman. I told him that if he does that, he will be losing part of his dock space and when he checked it out and found that to be true, he decided he wanted to sell it as is and keep it as one. The Comprehensive Plan is extremely lengthy, and this board will be heavily involved with this that has to do with the land use plan. I have been in touch with SMCOG. The other thing, I don't know if this is a P&Z issue or not but I have been talking to, you know those guys in the red trucks that have been driving around here? Well, they told me we are going to get fiber optics and they are mostly going to start in 2024.

8. Next Meeting: January 3, 2024, 6:00 PM - Chris will not be here, Jeffrey will not be here.

9. Motion to Adjourn @7:30 pm

Moved: CK    Seconded: RC    Ayes   All   /Nays   NO  

Posted by Village Clerk on 12/05/2023 at 09:45.