

**FREMONT COUNTY BOARD OF ZONING ADJUSTMENT
MEETING MINUTES
MARCH 20, 2018**

Board Members Present

James J. Javernick
Dave Boden – Vice Chairman
Michael Pullen – Chairman
Larry Baker

Planning Staff Present

Marshal Butler, Planning Coordinator
Samantha Kozacek, Planning Assistant

AGENDA

1. **APPROVAL OF MINUTES:**
 2. **APPROVAL OF AGENDA**
 3. **ADU18-002 Liebman**
 4. **OTHER ITEMS FOR DISCUSSION**
 5. **ADJOURNMENT**
-

Chairman Michael Pullen called the Tuesday, March 20, 2018 meeting of The Fremont County Board of Zoning Adjustment (BOZA) to order at 3:03 P.M.

Roll call was completed with the aforementioned members present.

ITEM 1

Chairman Pullen asked if there were any changes, additions or corrections to the September 19, 2017 BOZA Meeting Agenda.

MOTION

Mr. James Javernick moved to approve the minutes of the September 19, 2017 BOZA meeting, as written.

SECOND

Mr. David Boden seconded the motion.

Upon a roll call vote, the motion passed unanimously. (4 of 4)

ITEM 2

Chairman Pullen brought to the floor this agenda item which is to hear recommendations regarding the approval of the minutes of the BOZA meeting held on March 20, 2018.

MOTION

Mr. Boden moved accept the March 20, 2018 Board of Zoning Adjustment Meeting agenda as presented.

SECOND

Mr. Javernick seconded the motion.

Upon a roll call vote, the motion passed unanimously. (4 of 4)

ITEM 3 – ADU 18-001 Liebman

Chairman Pullen stated request for variance from the Fremont County Zoning Resolution (FCZR) by Michael I. & Joan Aline Liebman for property located at 8777 Cody Park Road in the Cody Park Area. The property is located in the Agricultural Forestry Zone District.

The Variance Request is to locate an Accessory Dwelling Unit in front of the primary residential structure.

Zoning Requirement FCZR 9.3.16 requires the ADU to be placed to the rear of the primary residential structure.

Chairman Pullen asked the applicant please explain the reason for this variance.

Mr. Michael Liebman stated that they live in Cody Park which is a thirty-five (35) acre subdivision. You cannot see where we are purposing the ADU from the road. Our driveway is nine hundred (900) feet long. You cannot see our home from any place unless right in front of it. We have passive solar on our property. Our driveway is along a ridgeline. The purposed ADU site is along the drive way. Cement trucks can access this point and any other supply truck can. Electrical is there, water is there. We would have to add a new septic system for the ADU. The ADU is close to our house where we would still see people coming and going. The reason we want this ADU is basically for our grandkids when they come to see us. This property is along the ridge line and behind our house is the down slope so we cannot place it there. Where we are purposing to put this is the best place and use of the property.

Chairman Pullen inquire to Mr. Butler about the Departments review.

Mr. Marshal Butler stated that this was a legal meeting being held. Notice had already been published in the newspaper. Shows video of the property.

Mr. Javernick stated that it was a matter of where to put it best for the property. I don't see any negative for this application.

Chairman Pullen inquired if that the meeting was posted and advertised as necessary.

Mr. Butler stated that a posting is not required. But it was advertised in the newspaper and all of the adjoining property owners had been notified.

Chairman Pullen stated that this was approved easily because they do have more space and that this was the best place to put the ADU.

MOTION

Mr. Javernick moved to approve the variance as requested.

SECOND

Mr. Boden seconded the motion.

Chairman Pullen call for the vote, the motion passed unanimously. (4 of 4)

ITEM 4 – OTHER BUSINESS

Mr. Butler stated that the Department was looking to make changes to this regulation. This would have to go before the Planning Commission and before Board of County Commissioners, but the new regulation would change that the ADU wouldn't have to be put to the rear of properties in situations like this one with properties with twenty (20) acres or greater.

Mr. Javernick stated that this process could be very expensive for a person that comes before the Board. Because they have to get an Engineer and jump through all sorts of hoops.

Mr. Butler stated that it can be expensive depending on the exact scenario. The Department hasn't be as stringent on this as we are on other variances like setbacks. We haven't required a third party plot plan to be certified to do this with the ADU's. We are also discussing making other changes to the ADU that could cause more people having to come in to see BOZA. We are trying to make some of these people's accessory buildings retro fit with regulations because some of those buildings are already on their property but are bigger than the allowed square footage allowed for ADU's.

Mr. Javernick stated that sounds like bunkhouses. As a kid my family had those and that's where the kids would stay.

Mr. Butler stated that there was a gentleman that had come into talk to him about making part of an old barn into an ADU. There are a couple of things he would not be able to meet currently.

Also since this is the first meeting of the year we have one more thing to take care of. I forgot to put it on the agenda but we do have to discuss Election of Officers.

Mr. Javernick stated that he thinks that the Officers are good as they are.

Chairman Pullen asked if he wanted to make a motion.

MOTION

Mr. Javernick moved to approve the variance as requested.

SECOND

Mr. Boden seconded the motion.

Chairman Pullen call for the vote, the motion passed unanimously. (4 of 4)

ITEM 5 – ADJOURNMENT

With no further items for discussion, Chairman Pullen declared the meeting adjourned at 3:19 P.M.



Chairman, Fremont County Board of Zoning Adjustment

7-31-18
Date