



TOWN OF BEAUX ARTS VILLAGE

PLANNING COMMISSION

MINUTES

March 26, 2009
Stratton

Present: Acting Chairperson Dick Stratton, Commissioners Scott Harpster, Karen Scott, Gordon Roberts, and Jake Donoghue.

Excused: None

Staff: Deputy Town Clerk Angela Kulp and Town Planner Mona Green

Guests: Paula Dix

Acting Chair Stratton called the meeting to order at 7:06pm.

Minutes: Commissioner Scott moved to approve the February 19, 2009 minutes as written. Commissioner Roberts seconded. Vote: 5 For, 0 Against. Motion carried.

OLD BUSINESS: Remodel/Rebuild Definitions

Consensus from February was reviewed and discussed, which included:

1. Interior work on a nonconforming structure should be permitted without a variance, regardless of the project cost.
2. A nonconforming structure should be expandable without the granting of a variance, provided there is no increase in the degree of nonconformity.
3. A nonconforming structure should be expandable without the granting of a variance, provided the maximum allowed GFA for the lot is not exceeded.

Discussion continued over whether or not to tie the definitions to a percentage of assessed value and do away with a dollar value altogether, as a dollar value is outdated too quickly with the changing economy. Planner Green reminded the Commissioners with our current definitions, that with a remodel, a variance can be pursued if needed, but with reconstruction, a variance cannot be pursued. That is what resident Paula Dix discovered and shared with the Commission. She had to scale back a modest addition even smaller to qualify for a remodel so she could pursue a variance request on her small, existing non-conforming structure in order to avoid tearing down her 1951 house. That variance hearing is scheduled with the Board of Adjustment on April 1, 2009.

Commissioner Scott asked Ms. Dix why this variance was so important and Ms. Dix replied the very modest addition would update her small 2-bedroom ranch home to be livable by today's standards. She expressed a desire to keep her home intact in the process.

Planner Green asked what if we allow nonconforming structures being remodeled to forego the variance process, and allow reconstruction to pursue a variance. The current

line of \$250K fair market value or 20% of the original structure seems too restrictive, so where do we move the line to work in today's climate?

After further discussion and no consensus on this point, Planner Green suggested we take a look at Yarrow Point's definitions which states:

The Town of Yarrow Point allows repairs, remodeling, structural modifications, additions and enlargements to nonconforming structures, provided that three conditions are met:

- 1. The structure is a permitted use.*
- 2. The work does not increase the degree of nonconformity.*
- 3. The work does not add over 50% to the existing structure area or 100% to the existing habitable floor space.*

Planner Green noted Yarrow Point has no monetary threshold for work on a non-conforming structure so if the applicant does not meet the three conditions above, a variance would be required. She also noted they do not use GFAR as we do, and their lot coverage is limited to 30% instead of our 35% but they do not include roof overhangs as we do.

Discussion continued as the Commissioners tried to determine if this concept would work for Beaux Arts. After further review, the Commissioners all agreed making a notation of "no more than 100% *up to the allowed GFAR*" might work here and discussed some examples to illustrate the point. For example, a large lot with a small house, could be doubled in size, but be limited to that despite a GFAR allowance of maybe much more.

It was agreed Planner Green will write up a draft of new definitions for "remodel" and "reconstruction" as appropriately reflected from this discussion, and the Commissioners will take a look at it and discuss further at their next meeting.

NEW BUSINESS: WABA Fire pit and table

The WABA Board recently replaced an old brick fireplace at the north beach with a new fire pit and table, both made of retaining wall blocks, and this was on everyone's minds. A discussion seemed to be in order, as there was concern if WABA had followed and met the Shoreline Management Act per Ordinance 100. After some discussion, Planner Green and Deputy Clerk Kulp assured the Commissioners the building department would be taking a closer look at this situation to confirm Ordinance compliance and rectified accordingly, if needed. There were also many concerns by the Commission over process, function, aesthetics and safety. Deputy Clerk Kulp and Planner Green encouraged the Commissioners to share their feedback – positive and negative – directly to the WABA Board, but agreed it would not be appropriate for the Planning Commission to respond, since only the Town Council directs this Commission.

Adjourn: Commissioner Scott moved to adjourn the meeting; Commissioner Donoghue seconded. Meeting adjourned at 8:20pm. Vote: 5 For, 0 Against. Motion carried.

Next Meeting: The next meeting is Thursday, April 16, 2009 at 7:00pm at Commissioner Robert's home.

Respectfully submitted,

Angela Kulp
Deputy Town Clerk