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3 **Town of Lyons**
4 **Board of Adjustments Meeting**
5 **Thursday, August 20, 2020**

6 **Join Zoom Meeting**

7 <https://us02web.zoom.us/j/82259178871>

8 **Meeting ID: 822 5917 8871**

9 **One tap mobile**

10 **+16699006833,,82259178871# US (San Jose)**

11 **+12532158782,,82259178871# US (Tacoma)**

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13 I. **Roll Call (7:01pm)**- Present: Chair Eyster, Commissioner Ucker, Commissioner
14 VanLeeuwen, Commissioner Smith, Commissioner Soma

15 II. **General Business**

16 1. **Approval of July 9, 2020 Minutes**

17 **Motion:** Motion to July 9, 2020 Board of Adjustment Minutes, **Action:** Approve, **Moved**
18 **by** Commissioner Soma, **Seconded by** Commissioner Ucker **Vote:** All in favor 5-0

19 III. **Public Hearing**

- 20 I. Variance Application Submitted by David & Cathleen Decoster for a reduction in
21 setbacks required in R-1 zoning for an Accessory Dwelling Unit at 113 5th
22 Avenue- Opened Public Hearing at 7:04pm
23 Planner Glasgow is a friend of Scott Rodwin so Yani Jones will give the staff
24 review. Yani Jones presented the staff report Commissioner VanLeeuwen the
25 existing ADU will not expand the footprint outside its current footprint. The 3.4'
26 setback is where the currently setting in this setback. My understanding is that it
27 is not expanding so why is a variance needed. Planner Glasgow existing code
28 makes it illegal without this variance. They could maintain but not upgrade.
29 Commissioner VanLeeuwen to upgrade to an ADU means someone can live in
30 there. Planner Glasgow This is an accessory dwelling unit. Owner must live on
31 site to rent the other one. Yani Jones because this is an attached ADU it needs
32 to go through the conditional use process. Planner Glasgow the code is infringing
33 and not allowing two rentals on one site. This is to preserve neighborhood
34 integrity.
35 Andish Adlefang, Rodwin Architects- The existing structure has been there for at
36 least 50 years. The Decoster's have maintained it for the last 10 years. The
37 building is in need of repair. The original structure was a greenhouse. They are
38 trying to recycle the existing structure. They don't want to increase the height of
39 the structure. They would like to make this a functional structure since they don't
40 use the current greenhouse. Chair Eyster can you address what you are doing to
41 meet these needs. Andish Adlefang we are creating all the walls on the property
42 because of the separation on the current property. On the west and east wall to
43 prevent any potential concern. There is a house on the north side of the property
44 and there is 5ft between the other structure. Chair Eyster I saw the
45 communications with the interim fire chief. Does he know the accommodations
46 the Decoster's are making? Yani Jones The building inspector was including on
47 the email that the building code would require them to meet fire standards. There
48 was no reply. Andish Adlefang we happy to meet any fire coder ratings.
49 Commissioner Ucker do we need to use this as a factor in our deliberations? Or
50 are they required to this by other standards? Planner Glasgow typically this is
51 addressed when the building is under construction, and it has standards when it
52 is too close to another building. The building code will have to be met. This will
53 be review and integrated. We are just asking what the questions are of the fire

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chief.

Public Comment Opened at 7:22pm Cathleen Decoster 5th Ave, wanted to clarify the email from Steve Pinske that greenhouses are fire hazards. We are not building a greenhouse it is just in the footprint of an existing greenhouse. Public Comment closed 7:23pm

Motion: Motion to approve Resolution 2020-05 Variance application 113 5th Avenue,

Action: Approve, **Moved by** Commissioner VanLeeuwen, **Seconded by** Commissioner Smith

Chair Eyster We will rely on the staff report and one of the criteria of the granting the variance will adversely affect health safety and welfare of the they town. If we think it is a safety factor, we should consider this. I didn't see any criteria that did not get met. Commissioner Soma what kind of building is 5ft away. Yani Jones a neighbor's house. Commissioner VanLeeuwen Currently they are living next to a green house. Chair Eyster the newer structure is safer maybe not the safest. We also run across the condition where this is a hardship. I do think that the way the property is laid out that this is a hardship. We had someone who comment about the proposed development would change the character of the neighborhood. I was persuaded because this is not enlarging the structure and the criteria is met. Commissioner Smith I would agree, and I reviewed the current layout and this kept the character.

Vote: All in favor 5-0

Closed Public Hearing at 7:29 pm

Planner Glasgow can we get this resolution signed as soon as possible. We have a planning commission meeting on Monday for the conditional use on this site. Also based on the Board of Adjustments request to the Board of Trustees the PCDC is working on as setback solution in town and chapter 16 in the zoning code in town. We don't have a solution, but we are looking at the non-conformities or a setback variation. We hope to have a modification soon.

Respectfully Submitted by:

Marissa Davis, Deputy Town Clerk

Connie Eyster, Chair