

Buhl Planning & Zoning  
203 Broadway Ave N

July 19, 2023  
**MINUTES**

**PRESENT:**

Barbara Gietzen	Commission Chair	Scott Bybee	City Engineer
Maggie Himmelberger	Commission Member	Jazmine Mills	P & Z Administrator
Patricia Beltran <i>via phone</i>	Commission Member	Teresa Robbins	Public Works Clerk
Jeff Gabardi	Commission Member	Jason Scott	Public Works Director

Leasa Speck                      Applicant

**OPENING** The meeting was called to order at 10:30 AM.

**CONFIRMATION OF QUORUM for Public Hearing #1:** Jazmine Mills confirmed a quorum. Patty Beltran attending via phone.

**PUBLIC HEARING #1**

Barbara Gietzen asked the applicant to make a statement.

Leasa Speck of Fairfield is requesting a conditional use permit to use T&L Cedar’s office as a part-time residence to be closer to medical care. The requested change will not have detrimental effects on the surrounding properties or neighbors. She listed the neighboring properties to T&L Cedar: Freisen Trailers, Family Dollar, a residential home 50’ away, a building unclear of its use, and a mobile home park a block away. She stated the parking, loading/unloading area, and traffic access will remain the same. The office is in a fenced area behind the existing building.

Barbara asked if there was any testimony in favor of this application. There was none.

Barbara asked if there was any testimony in opposition to the application. There was none.

**STAFF REPORT**

Jazmine Mills stated 331 Broadway Ave S is a commercial lot and building where T & L Cedar Lawn Furniture is located and the structure was built in 1928. She gave a brief history of the ownership, building permits, code services, and planning & zoning interactions with this property. She stated on 07/26/2022, a building permit for the two-story office addition was issued; the certificate of occupancy was issued on 06/29/2023 with the special stipulation: “Not to be used as a living space or dwelling until Planning & Zoning Commission approved the Conditional Use Permit.” Jazmine stated to have a residential dwelling in an industrial zone, a conditional use permit is required. She stated the Board could approve the application, deny it, or approve it with conditions.

Jeff asked if this will be a residence for Leasa and Tom and if the floorplan of the office was going to change. Leasa said yes, they’ll occupy both stories and no changes will be made to the interior.

Barbara suggested imposing the condition that the office not be rented out or used by others.

Barbara closed Public Hearing #1 at 10:36 AM.

## **REGULAR MEETING**

**CONFIRMATION OF QUORUM:** Jazmine Mills confirmed a quorum.

### **OLD BUSINESS:**

Minutes of May 17, 2023: Jeff moved to approve the May minutes. Maggie seconded. All voted in favor. The motion passed.

### **NEW BUSINESS:**

Review and Consideration of T&L Cedar's Conditional Use Permit Request:

Patty asked if the office would be used by the property owners. Barbara stated yes, as a temporary residence while they were in Buhl for doctor appointments since their permanent residence is in Fairfield.

There was a discussion about The Rusty Nail and Stevens Plumbing.

Jeff moved to approve the conditional use permit request with the condition that the office is used for the owner's personal use. Maggie seconded. There was no discussion. There was a roll call vote; Jeff yes, Patty yes, Maggie yes. The motion passed.

Barbara recused herself because the next item includes her son's subdivision. Jeff takes over as Chairman.

Setback Variance for The Grove and Gietzen Subdivisions: Jeff invited Scott Bybee to explain this request. Scott stated an issue was found when he was doing the plan review for a building permit for a residence at The Grove Subdivision; the draftsman shifted the lot dimensions 90° when the physical lot dimensions were wider than deep. He met with the applicant regarding this issue, and the applicant still wanted to keep the intended house design. Scott researched the area and discovered that many of the existing homes in that neighborhood do not have the 30' front setbacks required by the zone—rather they have less than that. He stated there wasn't any documentation as to why this was allowed in the past. Scott stated the setback variance is for only these two specific areas, to reduce the front setback from 30' to 25' while the side and back setbacks remain the same, this change wasn't for the entire zoning district, and the request would not have negative effects with visibility.

Jeff asked if The Grove Subdivision can meet the 25' setback. Scott said yes, the west side of the subdivision didn't have a problem, but the east side's half a dozen lots do because of the size of the lots. He stated the front of the new homes built to this 25' setback will be no further from the road than what's existing now.

Jeff asked if this variance would only apply to these two subdivisions. Scott stated yes and the city attorney will be contacted to have a formal approval document drafted up. Jeff stated this was a logical compromise for the existing area. He agreed with the city engineer's advice regarding this setback reduction and referral to the city attorney.

Maggie moved to approve the 25' setback for The Gietzen and The Grove Subdivisions. Patty seconded. There was no discussion. There was a roll call vote; Maggie yes, Patty yes, Jeff yes.

The meeting was turned back over to Barbara.

Jeanne Gannon's Resignation:

Jeff stated he'd approve because it was her choice to resign. Barbara asked for a motion. Jeff moved to accept Jeanne Gannon's resignation. Patty seconded. All voted in favor. The motion passed.

Recommendation of Bob VandeWater for P Z Membership:

Barbara stated she had talked to Bob about this position and that he would be taking the open seat for the inside city-limit resident. Patty moved to accept the recommendation of Bob VandeWater and send it to City Council. There was no discussion. There was a roll call vote; Maggie yes, Jeff yes, and Patty yes. The motion passed.

Barbara stated City Council will hear the recommendation Monday night and Bob would take his place in August. She addressed the audience stating one spot is filled, but the Board is still looking for someone from the impact area to fill Jeanne's spot. The city-limits volunteer must reside in the city for one year while the impact-area volunteer must reside in the impact area for 2 years and be approved by County.

**COMMISSION CONCERNS** — Jeff informed the Board of his absence from the upcoming August meeting. There was a discussion about Gary Dannenhauer's availability.

**CITIZEN CONCERNS** — There were none.

**MEETING ADJOURNED** — Jeff made a motion to adjourn. Maggie seconded. All voted in favor. The meeting was adjourned at 10:42 PM.

Minutes prepared by Jazmine Mills, Planning & Zoning Administrator