

Minutes of the Special Meeting of the Lava Planning and Zoning Commission held Wednesday, July 7, 2010, 6:30 p.m. at Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho

Present: Dave Sanders – Chair
Fred Hinz
Curtis Waisath
Nick Nelson
Cory Unsworth
Trish Avery – Secretary

Guests: Vicky Lyon, and John Flemming

The meeting was called to order at 6:30 p.m.

Approve Statement of Facts, Findings and Recommendation on the Rear Yard Setback and Minimum Area Requirement Variance Application, Applicant – Vicky Lyon

Trish reported that the applicant, Vicky Lyon, is working on resolving and sewer line easement issue. Mrs. Lyon stated that she is working with her neighbor, Mr. Smith, to move the sewer line so that it will be out of the area where the addition will be built. She said that the contractor will start the work to move the sewer line on Friday, July 9, 2010.

A motion was made by Cory Unsworth to rescind the previous motion to recommend approval of the variance which was made that the Planning and Zoning commission meeting on June 24, 2010. The motion was seconded by Curtis Waisath. All voted aye, unanimous.

A motion was made by Cory Unsworth that based on the recommendation of the city attorney, no building will be allowed until the sewer line issue is resolved and no addition will be allowed over Mr. Smith's sewer line. The motion was seconded by Nick Nelson. All voted aye, unanimous.

A motion was made by Nick Nelson to approve the Statement of Facts, Findings and Recommendation and to recommend approval of the variance provided that no building is started until the sewer line issue is resolved and no building is built over Mr. Smith's sewer line.

Mrs. Lyon asked if the motion could include the clarification "the illegal sewer line". Dave Sanders stated that this issue would have to be taken before a judge for it to be declared an illegal sewer line; the commission could not declare the sewer line illegal.

The motion was seconded by Cory Unsworth. All voted aye, unanimous.

Adjournment

A motion was made by Fred Hinz and seconded by Nick Nelson to adjourn. All voted aye, unanimous. The meeting adjourned at 6:39 p.m.

Trish Avery – Secretary

Dave Sanders - Chair

Approved August 24, 2010