



COUNCIL PUBLIC HEARING

Wednesday, April 16, 2025

APPROVED MINUTES

MEMBERS PRESENT

Mayor Jennifer Massey
Councilor Mark Gundersen
Councilor Russell Hubbard
Councilor Brandon Sundeen

MEMBERS ABSENT

Council President Jessica Chilton

STAFF PRESENT

John Walsh, City Administrator
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
Jacob Graichen, City Planner

OTHERS

KOIN
Brady Preheim
Kevin McCarter
Kathy McCarter

OPEN PUBLIC HEARING – 5:30 p.m.

TOPIC

1. Appeal of Planning Commission Denial of Variances at 35732 Hankey Road (McCarter)

City Planner Jacob Graichen initiated the public hearing by explaining that it was a quasi-judicial land use hearing involving three appeals (AP 1-25 through AP 3-25) against the Planning Commission's denial of three variances. These variances were requested for a reduced setback, reduced lot size and area, and reduced lot width in area for the property identified as tax lot 4N1W5AB100. The applicants and owners were Kevin and Katherine McCarter. Graichen outlined the procedural formalities, emphasizing the need for certain required statements, and inquired if any Council members wished to declare potential or actual conflicts of interest, bias, or ex-parte communications. Mayor Massey clarified that asking questions of staff did not constitute ex-parte communication.

Graichen then encouraged attention to the provided slides, which aimed to better explain the context of the property and the proposed variances. He described the property's location on Hankey Road, noting that it included a 100-year-old house and a 10-year-old attached shop. The applicants intended to split the lot to separate the shop from the house, necessitating variances for lot size, lot width, and setbacks.

Graichen further elaborated on the proximity of the property to higher-density zoning districts, which were as close as 1,800 feet and as far as roughly 2,000 feet away. In discussing the topography, the slope directly across from the subject property and the limited development potential due to this terrain.

An important part of his explanation included potential concerns regarding the removal of a covered breezeway previously connecting the house and shop, and issues with placing stairs and a retaining wall across the proposed property line.

Additionally, Graichen reviewed the variance criteria that the Council needed to consider. He underscored the necessity of thinking about future property owners and the potential precedents that could be established by the council's decision. Specifically, he prompted the Council to contemplate whether special circumstances of the property justified the variances and highlighted the complexities involved in reconciling the variances with the City's planning standards.

PUBLIC COMMENT

Applicant

- ◆ Kathy McCarter. She argued that the variance would not be detrimental to other properties and would align with a State law passed in 2019 that allows for higher density in cities over 10,000 people. McCarter emphasized that the proposed variance would make homeownership more affordable, enhancing economic outcomes for the community. She noted that the current configuration of the property, featuring a 6-bedroom, 3.5-bathroom home, was not economically feasible in today's real estate market. This large home size, she argued, did not align with the needs of contemporary homeowners, including herself, who felt burdened by the oversized dwelling. The proposed variance, she contended, would create additional tax revenue for the City by dividing one tax lot into two.

McCarter proceeded to address each of the variance criteria in detail. She highlighted the special circumstances surrounding the property, noting its location on a collector road, which limited the ability to add additional properties or driveways due to the topography. The hilly terrain and the fact that Hankey Road could only be built on their side due to a cliff on the other, further emphasized these constraints. McCarter argued that the hardship was not self-imposed, underscoring that they could not have foreseen the State's legal shift towards allowing higher densities when they initially built the shop. She mentioned unforeseen changes in the law and stated that if they had anticipated these changes, they would have positioned the garage differently to facilitate a future lot split.

Clarifying technical details, McCarter assured the Council that utilities for the two structures were already separated, including distinct electrical and water meters. They were prepared to resolve issues related to the sewer line by installing a new sewer line out to the street. Addressing the previous removal of the breezeway connecting the house to the shop, she explained that it was taken down during a roof replacement but could be reinstalled if needed.

Council members expressed concern about fire code issues related to the proximity of the buildings, but McCarter clarified that building inspectors had deemed compliance achievable through minor modifications. Additionally, Mayor Massey and Councilor Hubbard explored whether the approval of all three variances was necessary for the partition to proceed. Graichen confirmed that approval of each variance was indeed required to move forward with the lot partition.

Regarding setting precedents, Mayor Massey voiced concerns that the decision might impact future cases, a topic Graichen addressed by advising the Council to focus on unique aspects, such as the property's topography and its position across from undevelopable land. This approach would help avoid establishing a broad precedent. The Council also discussed the general purpose of setbacks, which are designed to provide air, light, and space—factors that are especially relevant in lower-density zoning districts.

There was no additional public testimony

CLOSE PUBLIC HEARING – 6:12 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne
Kathy Payne, City Recorder

/s/ Jennifer Massey
Jennifer Massey, Mayor