

**CITY OF PRESTON PLANNING AND ZONING MEETING**  
January 10, 2024

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**ATTENDANCE**      The following Board members were present: Chairman Adrienne Alvey, Commissioner Fred Titensor, Commissioner Berni Winn, Commissioner Steve Call, Commissioner Richard Swainston, Commissioner Dennis Sessions, Commissioner Bret Jacobson.

Staff present: Shawn Oliverson, Tyrell Simpson, Becky Cox, Ethan Rawlings, Chief Dan McCammon.

Meeting was called to order at 6:05 P.M. by Chairman Adrienne Alvey.

**REVIEW &  
APPROVAL  
P&Z MINUTES  
12/13/2023**

Commissioner Winn moved to approve the minutes of December 13, 2023 as written. Commissioner Call seconded the motion. Vote was unanimous.

**INTRODUCE  
ATTORNEY  
PRESTON  
OLSEN**

Chairman Adrienne Alvey asked City Attorney Ethan Rawlings to introduce Preston Olsen, who has joined Fuller & Fuller Law and will be legal counsel for the Planning and Zoning Commission. Ethan stated that Mr. Olsen is very experienced and will do a great job. Mr. Olsen stated that he is excited to be in Preston and looks forward to getting to know the commissioners.

**ELECT 2024  
CHAIRMAN  
AND VICE-  
CHAIRMAN**

Chairman Alvey opened nominations for 2024 Planning and Zoning Chairman. Commissioner Winn nominated Adrienne Alvey. Commissioner Call made a motion to close nominations. Commissioner Winn seconded the motion. Vote was unanimous.

The vote for Commissioner Alvey as Chairman of the P&Z for 2024 was unanimous.

Chairman Alvey opened nominations for 2024 Planning & Zoning Vice-Chairman. Commissioner Winn nominated Commissioner Richard Swainston. Commissioner Call made a motion to close nominations. Commissioner Winn seconded the motion. Vote was unanimous.

The vote for Commissioner Swainston as Vice-Chairman of the P&Z for 2024 was unanimous.

Commissioner Titensor arrived at 6:15.

**PUBLIC  
HEARING:  
VARIANCE  
29 W ONEIDA**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on January 10, 2024, before the City of Preston Planning and Zoning Commission at the hour of 6:00 P.M. (or as soon thereafter as this matter may be heard) at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Kevin & Michelle Hubbard regarding property located at 29 West Oneida, Preston, Idaho for a Variance to the requirements of Section

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17.22.010 General Requirements, which states that setbacks for commercial lots shall be a minimum rear yard setback of 15 feet. Specifically, the Applicant desires to build a lean-to on an existing wall, for storage of equipment. The existing wall does not have rear setbacks. A copy of the Application for Variance, as well as the legal description of the property, is on file with the City Clerk at the above stated address, and may be reviewed upon request to the City Clerk.

All persons present will be given the opportunity to be heard in regard to said Application. Written comments or objections to said variance may be Submitted to the City Clerk at the above stated address, and the same will be considered if received prior to said public hearing.

Dated this 21<sup>st</sup> day of November, 2023.

s/Linda Acock

Publish: December 20, 2023 in The Preston Citizen

Chairman Alvey asked Attorney Ethan Rawlings to clarify how they go about approving a variance for a building that has already been built. Attorney Rawlings explained that the variance is retroactive and the applicant will still need to apply for a building permit if the variance is granted. The decision by the P&Z is applicable to the building depending on how the city decided to enforce the decision. Chairman Alvey asked if they are approving the variance for the building that is there or for the plans that were submitted with the application. Attorney Rawlings stated that the variance is for the real estate, not necessarily the actual building.

Chairman Alvey called for a public hearing on the variance application submitted by Kevin Hubbard at 29 W Oneida. Commissioner Titensor made a motion to open the public hearing. Commission Swainston seconded the motion. Vote was unanimous.

Chairman Alvey invited Mr. Hubbard to present his application. Mr. Hubbard explained that the plans he submitted with the application are what he initially wanted to build but decided not to when he found out that a variance would be needed. He built a temporary lean-to shelter instead, thinking that he did not need a building permit to do so. Now that he knows he has to go through the variance and the building permit process, he would like to the build the original plan of storage sheds. Commission Winn pointed out that the cement wall he put in was not temporary.

City Engineer Tyrell Simpson explained that the variance is needed because in the downtown zone setbacks are 15' from the property line and he would like to build right up to the property line. Commissioner Swainston asked if there were any issues with the cement wall being put in and if it was on the property line. Mr. Hubbard said that it sits a few inches from the property line. Chairman Alvey called for public comments in support. There were no comments and no written comments.

Chairman Alvey called for neutral public comments.

Scott Beckstead stated that he owns the property adjacent to Mr. Hubbard and has no issues with the building being the property line. However, the lean-to that is now there sheds the snow and water onto his property and he would like the structure to lean away so that the snow and ice was taken care of on

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Mr. Hubbard's property. He stated that he has discussed this with Mr. Hubbard and he has agreed to make the change and handle his own runoff.

There were no written neutral comments.

Chairman Alvey called for public comment in opposition. There were no comments and no written comments.

Chairman Alvey invited Mr. Hubbard to make rebuttal comments. Mr. Hubbard stated that he was fine with changing the building plans so that runoff stayed on his property.

Commissioner Call made a motion to close the public hearing. Commissioner Titensor seconded the motion. Vote was unanimous.

The commissioners discussed the fact that it would waste time to try to walk back the process of having the variance and building permit before the lean-to was built and that there were no concerns with a structure there as long as the change was made to handle the runoff. They also discussed that a 15' setback in that space did not leave much room for any building.

Commissioner Titensor made a motion to approve the variance at 29 W Oneida with the condition that the building permit address the issue of the runoff of snow and water. Commissioner Swainston seconded the motion.

Vote went as follows:

Commissioner Winn	<u>Aye</u>
Commissioner Call	<u>Nay</u>
Commissioner Titensor	<u>Aye</u>
Chairman Alvey	<u>Aye</u>
Commissioner Sessions	<u>Aye</u>
Commissioner Swainston	<u>Aye</u>
Commissioner Jacobson	<u>Aye</u>

Motion passed by majority vote.

**APPROVED  
BUILDING  
PERMITS**

The following approved building permits were reviewed. There were no comments.

Linda Carter	266 E 1 <sup>st</sup> N	Remodel
Robert Swainston	83 E 1600 N	Accessory bldg.
Tony Crockett	557 Eagle Dr	House
Tony Crockett	561 Eagle Dr	House
Paul Blad	152 E 1100 N	Remodel

**CALEN-  
DARING**

Chairman Alvey stated that they will have a public hearing at the next meeting for the Short-term rentals, accessory dwelling units and public hearing requirements. On February 14<sup>th</sup> they will have a public hearing and also review the comprehensive plan, specifically elements 2, 3, 4 and the land use map.

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**ADJOURN** Meeting was adjourned at 6:38 P.M. by Chairman Alvey.

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Becky Cox

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Adrienne Alvey, Chairman