

**NOTES OF THE MILLVILLE
TOWN COUNCIL WORKSHOP
October 22, 2013 @ 7:00PM**

In attendance were Mayor Gerry Hocker, Council Members Robert Gordon, Joan Bennett and Harry Kent; URS Representative Kyle Gulbranson and Town Clerk Matt Amerling. Deputy Mayor Jon Subity and Town Manager Debbie Botchie were absent.

1. CALL TO ORDER:

Mayor Hocker called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. OLD BUSINESS:

A. Discussion on the Town's ordinance regarding accessory structures in the Residential District.

Synopsis: Town Council discussed at the previous Workshop meeting the sizes of accessory structures for residential-zoned properties.

URS representative Kyle Gulbranson presented some examples of lot sizes and mock-ups of what the accessory structures would look like. Mr. Gulbranson stated at the last Town Council Workshop meeting, Council discussed lot size and using a sliding scale to allow a larger accessory garage based on a larger or smaller lot size and taking a scaled approach to it. Mr. Gulbranson further stated he brought a sketch with four typical lot sizes in the residential district and showed what could cover 20% of the lot and what would remain. Mr. Gulbranson stated the first lot is an 11,700-square-foot lot, 100 feet wide and 117 feet deep, in Denton Mills. Mr. Gulbranson stated if one were to take the 20% lot coverage of the 3500 square foot backyard, then that resident could have a 700 square-foot accessory garage using the sliding scale. Mr. Gulbranson stated the next example is the 6500 square-foot lot – with is a 75-by-140-foot-wide – and the backyard equates to about a 4500-square-foot area in the back; 20% of that would yield a 900-square foot accessory structure garage. Mr. Gulbranson stated the next example is 75-by-102-foot lot, which is 7,650-square-feet; and with the same formula, the backyard is 2,250-square-feet and 20% of that would yield a 450-square-foot accessory garage, and that would be reducing what the property owner could have compared to the current requirements. Mr. Gulbranson stated the final example lot is a 15,000-square-foot lot, with 100-by-150 feet, and the backyard area was 6,500-square-feet, and 20% of that would yield a 1300-square-foot accessory garage, and that particular parcel would yield a larger accessible garage based on what was discussed at the last workshop. Mr. Gulbranson stated he knows there was a lot of discussion about setbacks and how the structures would fit on those properties, and he thinks the larger structures should only be allowed on much-larger lots. Mr. Gulbranson further stated he ran another exercise where he showed the Town's zoning map and highlighted the lots which would be large enough to only be granted permission to build the accessory structures, and Mr. Gulbranson pointed out that nearly all of the lots were commercial sized lots of one acre or larger.

Council Member Harry Kent asked Mr. Gulbranson if the parcels in green on the map are less than one acre. Mr. Gulbranson stated yes, and the lots colored yellow were more than one acre. Mayor Hocker asked if the Town's code does not allow for an accessory structure in the commercial district for commercial use. Mr. Gulbranson stated the property owner of a commercial zoned lot can have an accessory structure as part of their business and it's not restricted. Mr. Gulbranson stated the cap on the accessory structure from an accessory garage is only capped for residential uses. Council Member Joan Bennett asked if an individual had a commercially-zoned piece of property but it was used as a residence, they would be allowed to have an accessory structure with the current code. Mr. Gulbranson stated the way the code is written is if it is a residentially-used property, the residence is the primary structure and the accessory is supposed to be just that – an accessory to that primary use. Ms. Bennett stated such as a detached garage. Mr. Gulbranson stated yes. Mr. Gulbranson further stated typically in zoning the accessory structure is supposed to be smaller than the principal use, so if someone had a 5,000-square-foot house, then most likely the garage and shed will be smaller than the house. Mr. Gulbranson stated the problem is if the property is used commercially, there is no set limit to how big an accessory structure could be because it is part of the business. Ms. Bennett asked if Council were to do nothing, would property in a commercially-zone used residentially be capped at 800-square-feet. Mr. Gulbranson stated yes, if the property was used residentially.

Ms. Bennett stated at the last meeting, she requested the number of how many requesters there were in Town for this ordinance, based on the term “several” in the description, and she questioned Town Manager Debbie Botchie about this. Ms. Bennett stated Ms. Botchie informed her she only knew of two residents requesting this ordinance. Mayor Hocker stated he only knew of two as well, but even if it were only one resident, it is the proper function of Council to explore the possible of amending the ordinance. Mr. Gulbranson stated for a typical residential subdivision, where lots are less than 15,000-square-feet, an 800-square-foot garage is quite large, but when one is looking a larger parcel – $\frac{3}{4}$ of an acre to one acre – there would be plenty of room for the accessory structure, but it should be capped at a reasonable amount, such as the 1,200-square-feet which was discussed at the prior meeting. Mr. Kent asked in theory, based on the Town's current code, would it be legal to allow an unattached structure. Mr. Gulbranson stated one would have to follow the Home Owners Association (HOA) guidelines.

Mr. Gulbranson stated any parcel in the C1 (commercially-zoned) district, total buildings cannot cover more than 35% of the property. Ms. Bennett asked if that includes the primary structure plus accessory structures. Mr. Gulbranson stated yes, so it is 30% in the residential district and 35% in the commercial district, regardless of use. Mr. Gulbranson stated if Council is going to approve of doing this, then the ordinance should only affect parcels of a particular size. Mr. Kent stated he was leaning toward the one acre as a minimum standard. Mr. Gulbranson stated anything under an acre is not appropriate. Mr. Kent stated his concern about this is the buffering between the property owners who may or may not want this to begin with, and there not being sufficient distance between a primary structure and a neighboring accessory structure. Ms. Bennett stated there is sufficient space with appropriate setbacks and there has to be at least 10 feet of a setback. Ms. Bennett asked if Council moves forward with this ordinance, she asks the Council keep setbacks in mind and she would not feel comfortable with any setback less than 10 feet, so she would like a minimum of 10-foot

setbacks. Mr. Kent asked for Mr. Gulbranson not to use the word “habitable” as discussed in the last meeting. Mr. Gulbranson stated he already had taken the word out and it was changed to “storage.” Mayor Hocker asked if anyone with property less than one acre remains the same. Mr. Gulbranson stated yes. Council Member Gordon asked because DeIDOT came and took 12 feet off his property (due to the Route 26 project) and made it a one acre lot, if his accessory structure were to burn down, would he be able to rebuild the same size building. Mr. Gulbranson stated he would be able to rebuild the same size.

Mr. Gulbranson stated he thinks if the lot size is appropriate, there are appropriate setbacks, and there is the coverage provision, then the ordinance scales itself. Mr. Kent stated there needs to be a “step-off point” so there is no vagueness with the size. Mr. Gulbranson stated he agreed and there should be as much specificity as possible which could be drafted as “any lot in the C-1 or R (residential) district in excess of .75 acres will be allowed an accessory garage not to exceed 1200-square-feet – and with certain setbacks – and not to exceed the 30% or 35% total lot coverage with all structures.” Mayor Hocker stated he feels comfortable with Mr. Gulbranson’s recommendation. Mr. Kent stated he would have no issue as long as the setbacks were properly set with more space between the structure and the neighbors’ structure, and as long as the accessory structure did not tower over a neighbors’ primary structure. Mr. Gulbranson stated he could add the accessory structure could be no higher than one-and-a-half stories, and it would have to have a pitched roof. Mayor Hocker asked if the design standards would fall within the district it is in, regardless of use. Mr. Gulbranson stated the way the Town wrote the design standards at the time, people only wanted it to pertain to the C-1 district.

Mayor Hocker, Mr. Gordon and Mr. Kent stated they were comfortable with everything discussed. Ms. Bennett stated she wanted Council to consider the side-yard and rear-yard setbacks to be 10 feet, no less. Mayor Hocker stated he is not comfortable with five or seven feet either.

4. PROPERTY OWNERS/AUDIENCE COMMENTS:

There were no comments.

5. ANNOUNCEMENT OF NEXT MEETING – November 12, 2013 – Mayor Hocker announced the next meeting of the Town Council would be a Town Council Meeting on Tuesday, November 12, 2013, at 7:00 p.m.

6. ADJOURNMENT:

Council Member Bennett motioned for adjournment at 7:40 p.m. Council Member Gordon seconded her motion. All present voted yes. Motion carried 4-0.

Respectfully submitted,
Matt Amerling, Town Clerk