

LAKWAY CITY BUILDING COMMISSION

MINUTES OF REGULAR MEETING

October 14, 2010 at 9:00 A.M.

Members present: Anderson, Petter, Aldrich, Hagedorn, Benasutti, Powell

Members absent: Vories

Council Representative absent: Dee Ann Burns

Council Representative substitute: Joe Bain

Continuing on site visits: Anderson, Petter, Aldrich, Hagedorn, Benasutti, Powell

Minutes of 09/23/10: Motion by Petter/Aldrich to approve the minutes as written.

Passed Unanimously

604 Flamingo Cove, (LW31/3347): HEIGHT DETERMINATION

Applicant: Stuart Alkire, present

CBC: 10/14/10

Chairman Anderson opened the public hearing. No one was present to speak for or against the request. The public hearing was recessed until it could be reconvened on site at 10:40 am.

Present on site:

CBC Members: Jimmy Anderson, Chuck Petter, Ken Aldrich, Al Hagedorn, Joe Benasutti, Jim Powell

Council Representative: Joe Bain

City Staff: Sally Buckovinsky and Marshall Blaine

Applicant: Stuart Alkire

The meeting reconvened on public property at 10:40 am. Chairman Anderson re-opened the public hearing and closed it without further comment.

A motion that view blocking was not an issue at the requested height was made by Petter, seconded by Aldrich which was unanimously supported. Member Aldrich added that 422 Malabar was the only house with any potential views and no objection had been received.

The motion carried 6-0.

A second motion to approve the requested height was made by Hagedorn. This motion was seconded by Petter. The height for the lot now reads: **39 feet, 9 inches above the water meter at the northwest corner of the lot** (31'-9" above highest natural grade under the slab).

The vote was Hagedorn/Petter/Anderson/Aldrich/Benasutti/Powell for the motion.

The motion was unopposed.

The motion carried 6-0.

15101 Barrie Drive, (CH-4A/47): FINAL C.O. Permit #10000672

Applicant: JGB Custom Homes

CBC: 10/14/10

This item was on the agenda for a Final Certificate of Occupancy but was **withdrawn** because the contractor did not provide all missing elements in time for the meeting.

302 Aria Drive, (R@AV/A/160): FINAL C.O. Permit #09000693

Applicant: Brad Marshall Homes

CBC: 10/14/10

This item was on the agenda for a Final Certificate of Occupancy but was **withdrawn** because the contractor did not provide all missing elements in time for the meeting.

103 Desert Forest Court, (FR@HC-3/103): FINAL C.O. Permit # 10000404

Applicant: Prominence Homes, LLC

CBC: 10/14/10

A Final Certificate of Occupancy was issued with no conditions.

110 Crest View Drive, (LW22/2296):

VARIANCE: FENCE IN 25-FOOT GOLF COURSE SETBACK

Applicant: James and Teresa Poplin, James Poplin present

CBC: 10/14/10

The CBC reviewed a request from James and Teresa Poplin, the owners of the above referenced property, for a variance of the Building Ordinance to construct a fence within the 25-foot golf course setback.

Chairman Anderson opened the public hearing. No one was present to speak for or against the variance request. The public hearing was recessed until it could be reconvened on site at 9:40 am.

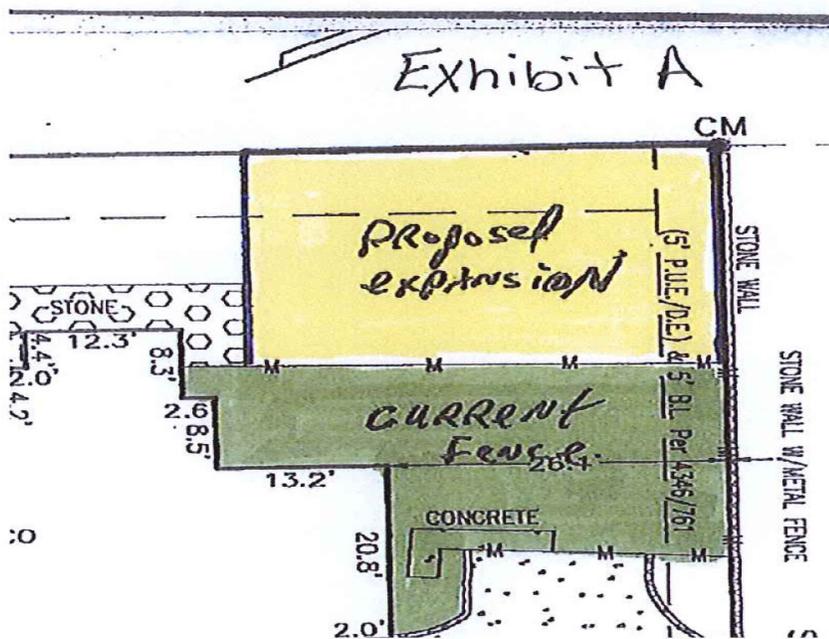
Present on site:

- CBC Members: Jimmy Anderson, Chuck Petter, Ken Aldrich, Al Hagedorn, Joe Benasutti, Jim Powell
- Council Representative: Joe Bain
- City Staff: Sally Buckovinsky and Marshall Blaine
- Applicant: James Poplin

The meeting reconvened on public property at 9:40 am and the public hearing was re-opened. Everyone present moved to the back of the property to view the proposed fence location. Once back on public property, Chairman Anderson closed the public hearing as there were no outside parties present to speak for or against the variance request. A motion was made by Aldrich to approve the variance allowing a 35' wide portion of fence to encroach a depth of 25' into the 25' golf course setback at the right rear corner of the lot because he believed that the request is consistent with the intent of the Code as the encroachment is obstructed by trees and other vegetation and therefore will have little to no impact on the golf course (see yellow highlighted area in Exhibit A below as representation of the approved area). The motion was seconded by Hagedorn. The vote was Aldrich/Hagedorn/Petter/Benasutti/Powell for the motion.

The motion was opposed by Anderson.

The motion carried 5-1.



213 Lombardia Drive, (NLV-3/B/74):

FINAL C.O.

Permit # 10000207

Applicant: Ryland Homes

CBC: 10/14/10

A Final Certificate of Occupancy was **denied** for the following reason:

- ◆ Vents on roof must be painted, non-reflective.

414 Malabar, (LW31/3340):

HEIGHT DETERMINATION

Applicant: Wilde Wood Construction
Representative: Jeff Fox, present

CBC: 10/14/10

Chairman Anderson opened the public hearing. Pat Fahey spoke in opposition of the height request stating that the height of the home would block prevailing views from several of the homes on the opposite side of the street (the applicant requested a height of 29 feet, 3.5 inches above the electric transformer pad at the right front corner of the lot). Jeff Fox questioned the lack of presence of the other neighbors protesting the height request (as evidenced by a letter of opposition). Mr. Fahey explained that there were numerous factors such as age, work, and location of primary homes that kept the other neighbors from the meeting. The public hearing was recessed until it could be reconvened on site at 10:00 am.

Present on site:

CBC Members: Jimmy Anderson, Chuck Petter, Ken Aldrich, Al Hagedorn, Joe Benasutti, Jim Powell
Council Representative: Joe Bain
City Staff: Sally Buckovinsky and Marshall Blaine
Applicant: Wilde Wood Construction (Norm Ashbey)
Neighbors: Pat Fahey and Stella O'Connell

The meeting reconvened on public property at 10:00 am. Chairman Anderson re-opened the public hearing. Mr. Fahey explained his opposition again; Mrs. O'Connell stated that she did not want to have a large structure outside her bedroom window. The builder was able to eliminate that concern by explaining the proposed layout of the house. CBC members, staff and applicant followed Mr. Fahey into his home at 407 Malabar to view the potential view blocking concerns. The CBC then moved to the driveways of 409 and 411 Malabar to ascertain whether the views from those homes would be impacted by the construction. Once back on public property, Chairman Anderson closed the public hearing without further comment.

Chairman Anderson requested that a motion be made to determine if view blocking was an issue at the requested height. Petter made a motion that there was limited view obstruction; this motion was seconded by Hagedorn.

The vote was Petter/Hagedorn/Anderson/Benasutti/Powell for the motion.

The motion was opposed by Aldrich.

The motion carried 5-1.

A second motion was made by Hagedorn to approve a height equal to the average heights of the homes located at 412 Malabar and 416 Malabar. This motion was seconded by Benasutti. The height is contingent upon receipt of a sealed survey certifying the ridge heights of these homes.

The vote was Hagedorn/Benasutti/Anderson/Aldrich/Petter/Powell for the motion.

The motion was unopposed.

The motion carried 6-0.

Note: As of 10/26/10 the survey has still not been provided but the builder and his representative are both aware that the height determination is not valid until the survey has been presented and a letter of height approval has been generated by our office.

205 Bellagio Drive, (NLV-3/A/28):

FINAL C.O.

Permit # 10000034

Applicant: Ryland Homes

CBC: 10/14/10

A Final Certificate of Occupancy was issued with no conditions.

109 Roberto Drive, (NLV-2/1):

FINAL C.O.

Permit # 09000831

Applicant: Ryland Homes

CBC: 10/14/10

A Final Certificate of Occupancy was issued with no conditions.

119 Roberto Drive, (NLV-2/1):

FINAL C.O.

Permit # 09000534

Applicant: Ryland Homes

CBC: 10/14/10

A Final Certificate of Occupancy was issued with no conditions.

106 Lake Como Drive, (NLV-6/D/145): **FINAL C.O.** **Permit # 09001024**
Applicant: Ryland Homes CBC: 10/14/10
This item was on the agenda for a Final Certificate of Occupancy however this is a model home and must be converted from a sales office to a residential dwelling before a Final Certificate of Occupancy can be issued.

224 Lake Como Drive, (NLV-6/D/101): **FINAL C.O.** **Permit #09001079**
Applicant: Ryland Homes CBC: 10/14/10
A Final Certificate of Occupancy was issued with no conditions.

303 Montalcino Drive, (NLV-6/D/135): **FINAL C.O.** **Permit # 09001053**
Applicant: Ryland Homes CBC: 10/14/10
A Final Certificate of Occupancy was issued with no conditions.

305 Montalcino Drive, (NLV-6/D/134): **FINAL C.O.** **Permit # 10000295**
Applicant: Ryland Homes CBC: 10/14/10
A Final Certificate of Occupancy was **denied** for the following reason:

- ◆ Remove all construction debris from adjacent lot.