

## July 12, 2011 Planning and Zoning Minutes

**Committee Members Present:** Shannon Eachus, Bill Spruill, Jack Fairfull, Phyllis Brooks Collins, David Van Kavelaar

**Signed –in Guests:** Greg Scott, Mike Marasco

The meeting was called to order @ 1935. The Minutes of the May 10, 2011 meeting had been e-mailed to the board members on May 11 for comments, corrections, additions, or deletions. Hard copies of the January meeting were distributed this evening also. Shannon read the minutes at this evening's meeting also. A motion to accept the minutes as prepared was made by Jack and seconded by Phyllis. The motion unanimously passed.

**New Business:** Brad Smith has petitioned the P&Z Board for approval to subdivide the current 15,118 ft<sup>2</sup> parcel located at 42 West Railroad Avenue. Because the parcel created by subdivision (into a 7,559 ft<sup>2</sup> parcel) is less than the required 10,000 ft<sup>2</sup> for an R1 lot and the width along Mechanic Street is less than the required minimum of 65 feet, a variance to address these issues is needed. As lots in the general vicinity do not meet the aforementioned criteria for R1, the P&Z Board will forward its recommendation to Town Council to grant the petitioner the requested variance(s).

**Old Business:** The issue concerning the inaccurate survey on Filbert Drive in the Greens at Wyoming is being addressed.

On June 24, a discussion was held at the Wyoming Town Hall where Art Weldin of SCOTT Engineering, Inc. advanced their proposed solution to the survey error that arose during final settlement of one unit on Filbert Drive. Richard Snyder, Pam Haddick, and David Van Kavelaar were present.

It was presented to us that one of the survey reference points on Downey Oak Circle in Phase 1 was incorrectly positioned and, when SCOTT Engineering began the survey for Phase 2A, they initiated their survey off the incorrectly located survey mark. This "dislocated" some of the Filbert party walls by approximately 0.7 feet (approximately 8 1/2 inches) and the problem surfaced during the sale and closure of one of the affected units.

SCOTT Engineering proposes to adjust the positioning of party walls where Lots 107 and 114 will undergo a minimal increase in area and the interior units will retain their originally planned area.

~~Attorney Brandon Jones proposes to have one letter specifying the corrected survey presented for a signature agreement by each unit owner whose Filbert Drive lot is affected.~~

At tonight's meeting, Greg Scott (Scott Engineering) stated that multiple surveyors have worked on this site and some survey control points may be questionable. Because the structures are in place, property deeds will have to be changed to reflect the shift in property lines based on a new survey. Scott Engineering will re-establish parcel monumentation when all affected property owners agree to Scott Engineering performing the new survey.

The P&Z Board recommends this issue be handled administratively to negate the necessity of putting the Greens at Wyoming re-survey back into the state review process.

**General:** Shannon wanted to obtain a copy of the Wyoming Land Use and Development Code for all members.

Having no other business to conduct, a motion to adjourn was made by Jack, seconded by Phyllis, to adjourn. The motion passed and the meeting adjourned at 2005.

Respectfully submitted,

*David Van Kavelaar*  
David Van Kavelaar