

Town of Clermont Planning and Zoning Committee

Meeting Summary

Date: April 17, 2025

Time: 7:00 p.m.

Chairman: Brad Weaver

Members attending: Gina Pilcher, Kacey Landress and Adam Nix

Matter considered: Christie Powell variance request, 438 Main Street

Summary of proceedings

Chairman Brad Weaver called the meeting to order at 7:00 p.m. The committee considered Christie Powell's variance request concerning a shed/addition at 438 Main Street.

Powell explained that the shed had existed on the property for many years and that a deteriorated, termite-damaged rear section had recently been repaired. During reconstruction, the rear portion was raised and given a floor. She stated that she was willing to make any changes necessary to bring the structure into compliance.

The committee reviewed aerial photographs and discussed the structure's history. The photographs appeared to show that the rear addition was not present in 2017 but was present by 2019. Accordingly, the rear addition was not treated as part of the older, potentially grandfathered structure.

The principal concern was that the new portion of the structure, including its roof overhang, did not satisfy the required setback and extended onto or over neighboring property. A measured point of the new portion was reported to be approximately eight inches across the property line. The committee explained that it could not recommend a variance authorizing an encroachment onto another owner's property and that doing so could expose the Town to liability. The committee also noted that it serves in a recommending capacity and that the Town Council has final authority.

The neighboring property owners stated that they were not concerned about the older red portion of the shed remaining in its existing location but wanted the newly constructed portion, including the roof overhang, to be at least two feet from the property line. Their stated goal was to resolve the boundary issue now and avoid future title, sale, access, or liability problems.

The discussion clarified that:

- The setback is measured in both ground and air space, so the roof overhang must also remain within the required setback.

- A structure under 400 square feet was described as requiring a two-foot setback; a larger structure was described as requiring a 25-foot setback.
- A variance cannot authorize construction on or over neighboring property.
- The existing encroachment must first be corrected before any request for relief from the setback could be considered.
- A building permit is required before repair, relocation, or reconstruction work proceeds.

Powell indicated that she intended to correct the problem rather than leave the addition in its current location. She discussed cutting back or moving the rear portion of the structure and removing the encroaching roof line. She was asked to provide, in writing, a drawing or clear description of the proposed corrective work so Town staff and the Council could determine whether the plan complies with the setback and permitting requirements.

Formal action

Chairman Weaver moved to deny Christie Powell's variance request because the matter involved an encroachment. Gina Pilcher seconded the motion, and all Planning and Zoning members voted in favor. Motion passed.

Adjournment

Kacey Landress made a motion to adjourn, and Adam Nix seconded. The meeting adjourned at approximately 7:21 p.m.

Note: This is a concise summary prepared from an automated transcript. It is not a verbatim transcript or certified set of minutes. Some speaker labels in the source transcript were unclear, so unidentified speakers are n

Minutes Submitted by Amy Lomax, Town Clerk

A handwritten signature in cursive script, appearing to read "Amy Lomax", is written in dark ink.