

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: OCTOBER 25, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:

VAR-24516 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: MONTICELLO PROVIDENCE, INC. Request for a Variance To ALLOW A FIVE-FOOT LIVING AREA SETBACK WHERE EIGHT FEET IS REQUIRED on 0.65 acres at 6736 Valcour Street (APN 126-24-315-010) PD (Planned Development) Zone [Residential Small Lot Cliffs Edge Special Land Use Designation] Ward 6 (Ross)

P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTS:

1. Location and Aerial Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Cliffs Edge Approval Letter
6. Justification Letter
7. Submitted after final agenda Support postcard

Motion made by GLENN TROWBRIDGE to Deny

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2

GLENN TROWBRIDGE, DAVID STEINMAN, STEVEN EVANS, RICHARD TRUESDELL, SAM DUNNAM; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-LEO DAVENPORT, BYRON GOYNES)

Minutes:

COMMISSIONER TRUESDELL declared the Public Hearing open.

ANDY REED, Planning and Development Department, stated an alternate design would allow the applicant to comply with setback requirements and recommended denial.



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JASON TEMPLE, 2727 Rainbow Boulevard, appeared on behalf of the applicant. He explained the curvature of the street had forced the home to encroach the setback by three feet. As this is the only lot in the development needing a variance, he requested approval.

MR. TEMPLE informed COMMISSIONER STEINMAN that although the developer's smallest model was being used on this parcel, a variance was still needed. COMMISSIONER STEINMAN observed that the applicant had agreed to the City's setback requirements in exchange for higher density and suggested an alternate model as a park would be more appropriate for the site.

While this application was the development's first variance application, COMMISSIONER DUNNAM pointed out the overall development has received permission for numerous deviations from the Providence Master Plan.

DOUG HANKIN, Planning and Development Department, informed the Commissioners that staff had addressed some setback issues through a deviation process. After several applications were submitted, it was determined that setback issues were appropriately addressed as variances and not deviations.

COMMISSIONER EVANS encouraged the applicant to seriously consider the Commissioners' comments and avoid future variance applications. He stated he could support the variance if it would not create a public safety hazard and was only needed for one lot.

COMMISSIONER TRUESDELL noted that the numerous deviations and this variance application indicated that the applicant did not take the setback requirements seriously and suggested the applicant take the time and effort to develop a product that would meet the City's standards. MR. TEMPLE explained that his variance was the only solution to the problem and emphasized the applicant's desire to move forward on this project.

COMMISSIONER STEINMAN acknowledged that this was the development's only variance application, but pointed out it was merely the most visible problem in a development with over 70 setback deviations.

MARGO WHEELER, Director of the Planning and Development Department, explained that the deviations pertained to changes in the design guidelines and land use designations. She clarified that this application pertained to a single lot and was being appropriately addressed as a variance, pointing out the only issue before the Commissioners for consideration was the proposed structures inability to meet the setback requirements and whether or not a variance would be appropriate.

COMMISSIONER TROWBRIDGE suggested the applicant inform potential buyers that they are buying homes with compromised setbacks and MR. TEMPLE expressed the applicant's willingness to accept a condition requiring such notification.

COMMISSIONER TRUESDELL declared the Public Hearing closed.