

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

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:

VAR-24561 - VARIANCE - PUBLIC HEARING APPLICANT/OWNER: LOPEZ FAMILY TRUST - Request for a Variance To ALLOW A PROPOSED 2,160 SQUARE-FOOT DETACHED ACCESSORY STRUCTURE, CLASS I (GARAGE) WHERE 1,534 SQUARE FEET IS THE MAXIMUM ALLOWED AND TO ALLOW A HEIGHT OF 21 FEET WHERE 17 FEET IS THE MAXIMUM ALLOWED at 7800 West Rosada Way (APN 25-33-702-016), R-E (Residence Estates) Zone, Ward 4 (Brown)

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

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

Planning Commission Mtg.

City Council Meeting

City Council Meeting

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letters
6. Protest/support postcards and support letter
7. Submitted at meeting Protest/support postcards and revised supporting documentation

Motion made by DAVID STEINMAN 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.

DOUG RANKIN, Planning and Development Department, pointed out the applicant had submitted revised plans that provided a roof that will be more compatible with the home and surrounding structures. As the request remained a self-imposed hardship, he recommended



denial.

RUBEL and SHARONE LOPEZ were present. MRS. LOPEZ pointed out the requested structure was shorter than the main house and had incorrectly been noticed as being taller than the main dwelling. She also noted that the staff report erroneously indicated the proposed structure had a building permit for 5,000 square feet. MRS. LOPEZ stated similar structures had already been approved in her area and explained it was needed to store her family's recreational vehicles and other items. She pointed out the original metal building had been modified to accommodate a tile roof and submitted letters of support from adjacent neighbors. MRS. LOPEZ explained that they had not realized a variance was needed until after the building had been ordered and they had attempted to obtain building permits.

MR. RANKIN concurred that the height variance was not needed and that the staff report accurately reflected that fact.

GARY DALE and HOLLY DALE, 7812 Rosada Way, appeared in opposition. MR. DALE explained he had given a letter of support to MRS. LOPEZ without fully understanding the project, but now opposed the application because it would be unattractive and would negatively impact his property. MRS. DALE concurred.

TODD FARLOW, 240 North 19th Street, asked how the Code determines the size of an accessory structure. COMMISSIONER TRUESDELL explained the Code contained a formula for determining an accessory structure's maximum size. FARLOW also pointed out that other metal buildings had been permitted in the downtown area and were quite attractive.

MRS. LOPEZ explained that her family's experience with constructing steel buildings which was the reason they had selected that material. She stated that the structure would not impact her neighbors and a smaller structure would remain in the same location without providing the space needed.

COMMISSIONER STEINMAN noted his history of opposing large garages in backyards and stated he could not support this application as well.

MR. RANKIN informed COMMISSIONER STEINMAN that metal buildings are allowed in the applicant's neighborhood, but they are reviewed and regulated.

COMMISSIONER EVANS concurred with COMMISSIONER STEINMAN. He stated he could not support the request, especially given the neighbors' opposition.

In response to COMMISSIONER TRUESDELL'S inquiry, MR. RANKIN stated that if this metal structure met the Code, it would not be heard by the Commissioners.

COMMISSIONER TRUESDELL acknowledged that the structure is unduly large, but as it would be an improvement for the neighborhood, he encouraged the applicant to make it more compatible with the existing structure.

COMMISSIONER TRUESDELL declared the Public Hearing closed.

