

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: OCTOBER 11, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:

VAR-23403 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: MANUEL FIGUEROA AND SANDRA LUCAS Request for a Variance TO ALLOW AN EXISTING CLASS II ACCESSORY STRUCTURE (SHED) TO BE LOCATED FROM THE PRIMARY STRUCTURE WHERE THERE IS THE MINIMUM SEPARATION REQUIRED on 0.13 acres at 1912 Silver Birch Lane (APN 167-01-711-002) R-1 (Single-Family Residential) Zone, Ward 3 (Reese)

IF APPROVED, C.C.: 11/07/2007

IF DENIED, C.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 Letter
6. Submitted after final agenda protest/support post cards

Motion made by DAVID STEINMAN to Withdraw without prejudice

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2
STEVEN EVANS, SAM DUNNAM, LEO DAVENPORT, BYRON GOYNES, DAVID STEINMAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-GLENN TROWBRIDGE, RICHARD TRUESDELL)

Minutes:

CHAIRMAN DAVENPORT declared the Public Hearing open.

ANDY REED, Planning and Development Department, stated the request is a self-imposed hardship and recommended denial.



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TIM AYALA, 4670 Sunset Road, appeared on behalf of the applicants. He explained that when the owners purchased the property, it was in poor condition. In an attempt to make improvements, they started with painting the exterior of the house only to have their efforts halted because there were no permits for the existing carport and shed.

CHAIRMAN DAVENPORT explained that this hearing before the Planning Commission only addresses the shed which is located close to the carport.

TODD FARLOW, 240 North 19th Street, commended the efforts of Code Enforcement. He expressed that the problems existed when the property was purchased, therefore the applicants should have taken care of it. He stated the City is not responsible for resolving the applicants' problems.

CHAIRMAN DAVENPORT read staff's recommendation that the shed be moved two feet to the north. DOUG RANKIN, Planning and Development Department, explained that the Site Plan indicates seven feet between the shed and the northern boundary. By pushing the shed two feet back, they would meet the setback. MR. AYALA stated the distance of the shed from the block wall will only meet setback requirements of one foot.

COMMISSIONER EVANS read the list of citations issued by Code Enforcement which included people living in a shed located four feet from an existing family dwelling and the existence of an air conditioning unit mounted in the window of the shed. He stated that the City cannot condone these types of infractions because they subject the adjacent residents to fire hazards and insurance issues.

Hearing MR. AYALA describe the shed as a playhouse for the owner's children, COMMISSIONER EVANS remarked that is even more dangerous and suggested the application be withdrawn.

CHAIRMAN DAVENPORT stated that the electrical installed in the shed does not meet the Code and would be handled by Code Enforcement because it is a potential fire hazard. MR. AYALA replied that he would obtain the necessary permits and have the shed moved.

MARGO WHEELER, Director of the Planning and Development Department, clarified that with the withdrawal, the applicant would have to submit plans that meet all building requirements.

COMMISSIONER GOYNES commented that Code Enforcement Officers and Marshals are trained to recognize infractions and took exception to MR. AYALA'S casual reference that the shed is a playhouse.

CHAIRMAN DAVENPORT declared the Public Hearing closed.