

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: DECEMBER 20, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
VAR-2549 - VARIANCE PUBLIC HEARING - APPLICANT/OWNER: HANER FAMILY TRUST - Request for a Variance To ALLOW A 14-FOOT TALL PATIO COVER WHERE 12 FEET IS ALLOWED on 0.44 acres at 201 Patricia Avenue (APN 138-01-711-004), R-7 (Residential Single-Family) Zone, Ward 6 (Rosa)

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

PROTESTS RECEIVED BEFORE: **APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.	24	Planning Commission Mtg.	2
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:
DENIAL

BACKGROUND DOCUMENTATION:

1. Location and Aerial Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Petition, Protest Letter and Protest/Support Postcards
7. Submitted after final agenda/Protest Postcard, Protest Letter with photos and Protest Petition
8. Submitted at meeting/Protest Letter, Protest Postcard, Protest Petition and Photos

Motion made by GLENN TROWBRIDGE to Deny

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
GLENN TROWBRIDGE, DAVID STEINMAN, BYRON GOYNES, STEVEN EVANS, SAM DUNNAM; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-RICHARD TRUESDELL)

Minutes:
ACTING CHAIRMAN GOYNES declared the Public Hearing open.

ANDY REED, Planning and Development Department, stated the request is a self-imposed hardship which could have been avoided if the applicant had obtained the proper permits. He recommended denial.

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KEVIN HANER was present. He explained that he had fully intended to obtain the permits and pointed out he had requested the necessary permits. He stated his intention was to keep his crew busy and noted that everything that needed to be inspected was still visible and available for inspection. MR. HANER explained that the structure would shade his pool, was not visible from the street and did not encroach into any setbacks.

ALICE ROBINS, 5117 Patricia Avenue, appeared in opposition. She stated the applicant has constructed a two-story deck and not a shade structure. She displayed and submitted photographs of the structure as viewed from her home and also submitted a protest petition.

BEVERLY VAN WIE, 5117 Patricia Avenue, appeared in opposition and stated the structure was destroying her privacy.

MR. HANER stated his project was a shade structure, but acknowledged his neighbors' concerns and expressed his willingness to remove the stairs.

COMMISSIONER DONNAM observed that the applicant did not appear to be getting along with his neighbors. He expressed his opposition because many of the homes in the neighborhood were single-story and the structure would not be compatible. He also indicated that MR. HANER did not appear to be complying with the city regulations regarding general contractors conducting business out of their homes and noted the numerous complaints regarding this property.

COMMISSIONER STEINMAN expressed his opposition. He stated the structure is clearly visible to surrounding streets and that as a general contractor, MR. HANER knows that permits should be obtained prior to any construction.

COMMISSIONER TROWBRIDGE expressed his opposition. He stated MR. HANER had been cited in September and, in October, had obtained a permit for a sun deck with spiral staircase, pointing out the permit request was very different from the variance request before the Commissioners. He echoed COMMISSIONER STEINMAN'S statements that as a general contractor, MR. HANER was aware of the permitting process.

ACTING CHAIRMAN GOYNES declared the Public Hearing closed.