



## Legislation Details (With Text)

<b>File #:</b>	20-476	<b>Version:</b>	1
<b>Type:</b>	New Business	<b>Status:</b>	Agenda Ready
<b>File created:</b>	10/21/2020	<b>In control:</b>	Planning & Zoning Commission
<b>On agenda:</b>	10/27/2020	<b>Final action:</b>	
<b>Title:</b>	PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) for an approximately 2,000 square-foot accessory building to be utilized as a barn, on an approximately 10.02 -acre property, located on the east side Rufe Snow Drive, approximately 350 feet southeast of the intersection of Clearwater Lane and Rufe Snow Drive, being Block 1, Lot 1A, William Slaughter Addition, zoned Single-Family 36,000 square-foot lots (SF-36), located at 833 Rufe Snow. Series 833, A Series of Steadfast Properties LLC, owner. Jeff Abate, applicant. (SUP-20-0019)		
<b>Attachments:</b>	1. 102720_833RufeSnow_SUP-20-0019_Maps, 2. 102720_833RufeSnow_SUP-20-0019_ExhibitA, 3. 102720_833RufeSnow_SUP-20-0019_SupportingDocumentation, 4. 102720_833RufeSnow_SUP-20-0019_Support, 5. 102720_833RufeSnow_SUP-20-0019_WithdrawnSupport, 6. 102720_833RufeSnow_SUP-20-0019_Opposition, 7. 102720_833RufeSnow_SUP-20-0019_StaffPhotos		

Date	Ver.	Action By	Action	Result
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**To:** Planning and Zoning Commission

**From:** Matthew Cyr, Planner I

### Subject:

PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) for an approximately 2,000 square-foot accessory building to be utilized as a barn, on an approximately 10.02 -acre property, located on the east side Rufe Snow Drive, approximately 350 feet southeast of the intersection of Clearwater Lane and Rufe Snow Drive, being Block 1, Lot 1A, William Slaughter Addition, zoned Single-Family 36,000 square-foot lots (SF-36), located at 833 Rufe Snow. Series 833, A Series of Steadfast Properties LLC, owner. Jeff Abate, applicant. (SUP-20-0019)

### Background:

- On August 3, 2020, Staff was notified of a potential code violation pertaining to the applicant's property at 833 Rufe Snow. Upon investigation by Code Compliance, staff found the applicant had built a 2,000-square-foot barn without the requisite building permit. Code Compliance also noted that there were more than the allowable two accessory structures on the site.
- In late August, the applicant did meet with Staff to discuss the proper process for bringing the structure into compliance. Staff explained that in order to be able to apply for a building permit, the applicant would first need to obtain a SUP from the Planning and Zoning Commission and the City Council for a structure in excess of 1,200 square feet. Staff asked for and was granted access to the site on September 15<sup>th</sup> to verify the details of the work done. (Please see "Staff Photos" for additional detail.) Staff noted that at this time, the applicant had removed all the accessory structures but for the well house and the barn.

- During the site visit, the building was verified to be 2,000 square-feet. The height of the roof was also verified to be an average of 14' 2" and met UDC standards. However, when looking in the well house, staff discovered kitchen cabinets stored in the structure. The applicant then admitted he was also remodeling the house (without a permit) and invited staff inside the home. The home was stripped to studs. Staff explained that the applicant must apply for a building permit and that no work could continue on the home until the permit was obtained. The permit was issued on September 18, 2020, with the caveat that no inspections would occur until the violation related to the barn was resolved.
- It was also found the applicant notified Tri-County to run a service line out to the barn to eventually provide electricity to the structure. This resulted in a ditch on the property and has been covered back up. However, there is no electricity at the moment since the meter has not been set up yet. If the SUP application and building permit are approved, the applicant will work with the City to establish electricity.
- The applicant is seeking an SUP to allow the 2,000 square-foot barn to remain. He proposes to utilize the space as a barn to store hay, feed, and tractors.

### **Summary:**

Section 8.02 (F)(2) of the UDC states that when considering a SUP request, the Planning and Zoning Commission and City Council shall consider the following factors:

- 1) The use is harmonious and compatible with surrounding existing uses or proposed uses;
- 2) The activities requested by the applicant are normally associated with the permitted uses in the base district;
- 3) The nature of the use is reasonable and appropriate in the immediate area;
- 4) Any negative impact on the surrounding area has been mitigated; and
- 5) That any additional conditions specified ensure that the intent of the district purposes are being upheld.

### **Citizen Input:**

On October 15, 2020, the City mailed out 62 letters of Notifications for this Public Hearing to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was also posted on the site.

As of October 20, 2020, Staff received one support letter and a support petition from the applicant containing 16 signatures. Staff has also received one letter in opposition as well. However, Staff has also received several phone calls from people who signed the petition but said they were told it was a "300 square-foot barn" and would not support a 2,000 square-foot barn. Staff does anticipate a petition in opposition to be filed by the time of the Planning and Zoning Commission meeting.

### **Alternatives:**

The Planning and Zoning Commission has the following options when considering an SUP application:

- Recommend approval as submitted.
- Recommend approval with modified or additional condition(s).
- Table the agenda item to a specific date with clarification of intent and purpose.
- Recommend denial.

**City Council Action:**

If the Planning and Zoning Commission takes action and makes a recommendation on this agenda item, then this SUP application will be scheduled for City Council action on November 17, 2020.

**Supporting Documents:**

- Aerial and Zoning Maps
- Exhibit A - Application and Narrative Letter
- Supporting Documentation
- Support Petition
- Opposition Letter
- Withdrawn Support
- Staff Attachment- Photos