



## Legislation Text

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**File #:** 21-257, **Version:** 1

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**To:** Mark Hafner, City Manager

**From:** Julie Smith, Community Development Director

**Subject:**

PUBLIC HEARING: Consider two Specific Use Permits (SUP) to allow the use of an approximately 1,794 square-foot detached garage, on an approximately 1.22-acres, located on the east side of Hillside Drive, approximately 100 feet northwest of the Hillside Drive and Bancroft Road intersection, located at 1000 Hillside Drive, legally described as BARCROFT, DANIEL SURVEY Abstract 141 Tract 12015 AKA TR 27 and zoned Single-Family 36,000 square-foot lots or greater (SF-36). Michael Short owner/applicant. (SUP-21-0007)

**Background:**

The applicant is proposing to construct a 1,794 square-foot detached garage behind the existing residence.

The Applicant applied for a building permit on September 11th, 2020. However, the building permit was denied for several reasons including the need to obtain two SUPs for the size and height of the structure. The structure exceeds the maximum size of 1,200 square-feet (1,794 square feet proposed) and the average height of 15' (15' 10" inches average height proposed).

The property is currently not platted, but the Applicant has already submitted a plat for review and is going through the requisite processes. The Applicant is required to plat before a building permit may be issued. If the applicant wishes to keep the proposed doors in excess of 144 square-feet he will need to obtain a variance from the City Council.

**Building Size:**

UDC Section 8.03 (C)(2)(g)(2) restricts the maximum square footage of a detached accessory building to 1,200 square feet unless approved by a SUP. The applicant is proposing an approximately 1,794 square-foot detached garage.

**Building Location:**

The structure is proposed to be located northeast of the residential home at the east end of the driveway.

**Building Exterior:**

The UDC Section 8.10 (B)(4) states accessory buildings shall be constructed from the same materials as the main building.

The applicant proposes the detached garage be constructed from the same materials as the main

building and be 95% masonry. The proposed building will be complimentary to the main structure's design and style and present a matching set.

**Building Height:**

UDC Section 8.10 (A)(9) states the maximum height of the building shall not exceed an average of 15 feet unless approved by a SUP. The proposed structure averages 15' 10" in height.

**Zoning Regulations:**

The lot setbacks are determined by SF-36 zoning district standards in UDC Section 8.03 (C)(4). The minimum front-yard building setback is 60 feet for a SF-36 lot on a thoroughfare. The side-yard setback is to be 10% of the lot width, but no more than 15 feet. The minimum rear-yard setback is 15 feet.

The proposed structure will meet all the setback requirements.

**Citizen Input:**

On April 1, 2021, the City mailed out 23 Letters of Notification 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 April 26, 2021, Staff has received two letters in support from the public.

**Planning and Zoning Recommendation:**

On April 13, 2021, the Planning and Zoning Commission voted to unanimously recommend approval of the item as presented.

**Summary:**

Section 8.02 (F)(2)(a) of the UDC states that when considering an 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.

**Alternatives:**

The City Council has the following options when considering a Specific Use Permit:

- Approve as recommended by the Planning and Zoning Commission.
- Approve with modified or additional condition(s).
- Table the agenda item to a specific date with clarification of intent and purpose.

- Deny.