

Appeal (APL2020-0002)

Appeal of Planning Commission approval of two
Variances for a deck to encroach into the rear and side
yard setbacks at 946 Crescent Drive

Melkon Avakyan, Appellant

December 1, 2020

City Council



Background



Timeline

- **May 26, 2020 – Complaint received for unpermitted construction; Stop Work Order issued**
- **May – August, 2020 – Planning and Building Division staff work with property owner of 946 Crescent Dr.; staff continues communication with neighbor at 951 Hillcrest Blvd.**
- **June 2020 – Code Enforcement Case opened**
- **July 2020 - Site inspection of subject property w/ Planning and Building staff; property owner advised of Variance process**
- **August 26, 2020 – Development Review Committee Advisory Review**
- **October 14, 2020 – Planning Commission Approval of two Variances**
- **October 26, 2020 – Appeal Received**

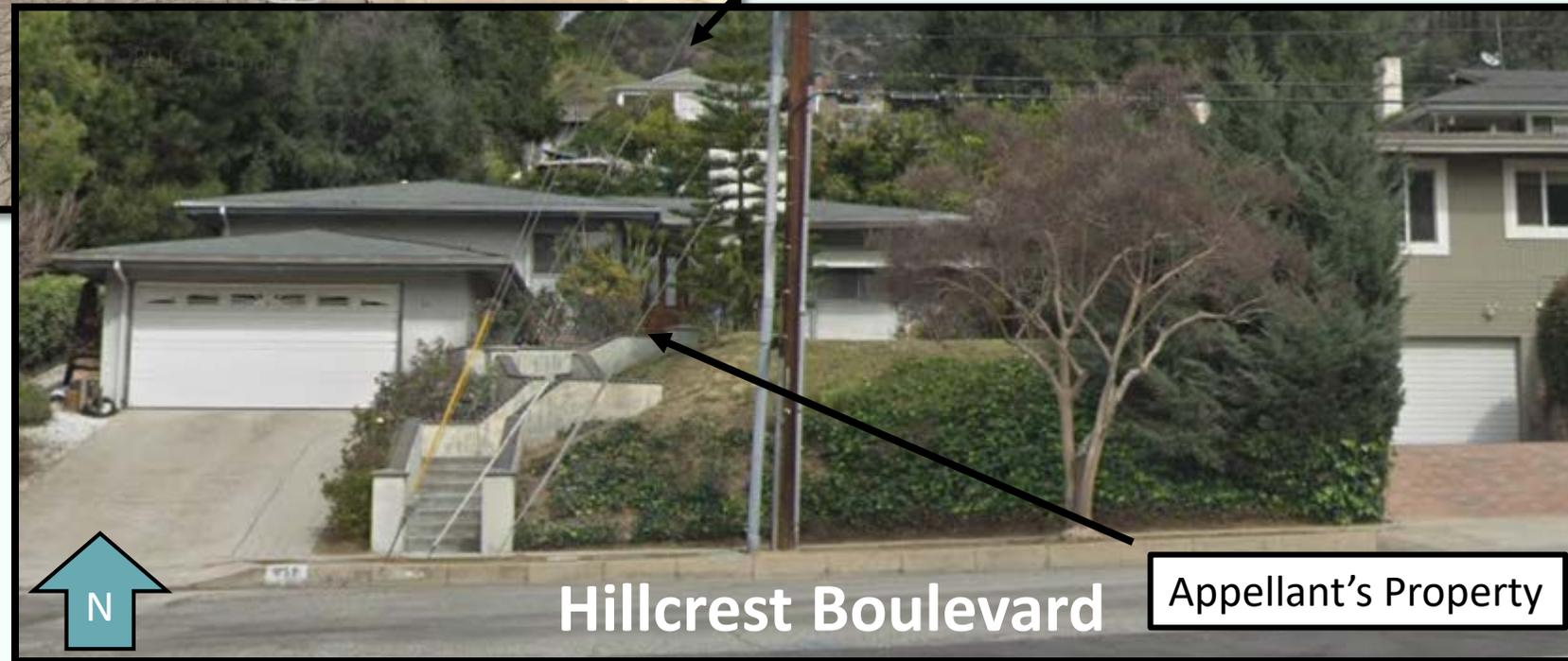
Location



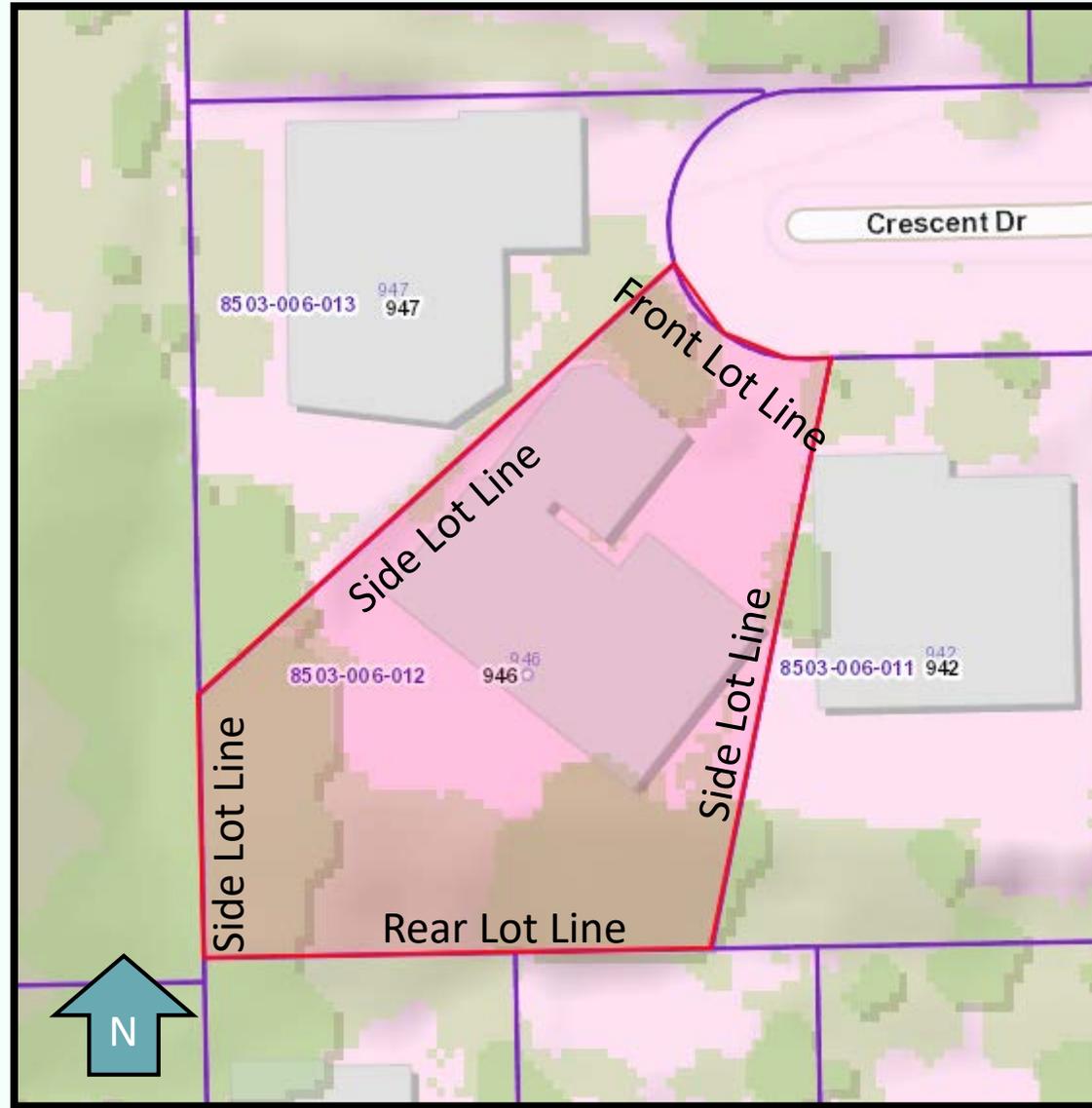
Zoning



Existing Neighborhood Conditions



Existing Site Conditions – Lot Shape

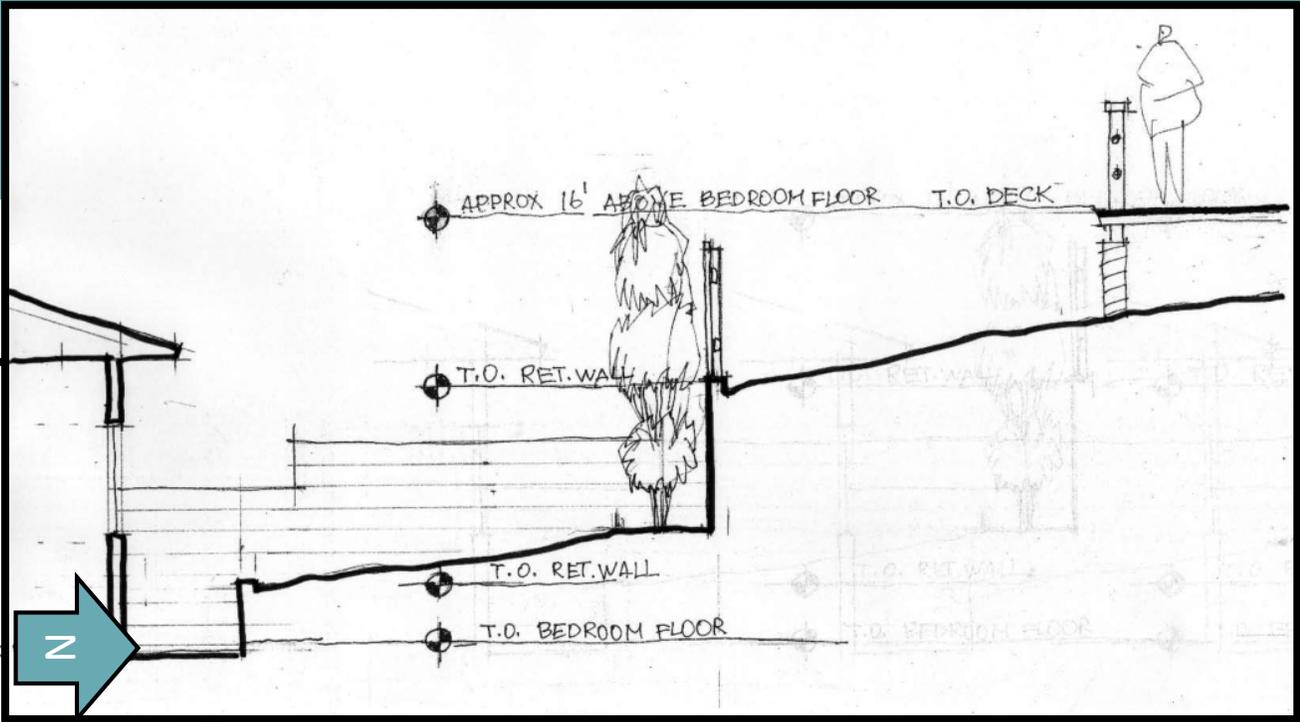
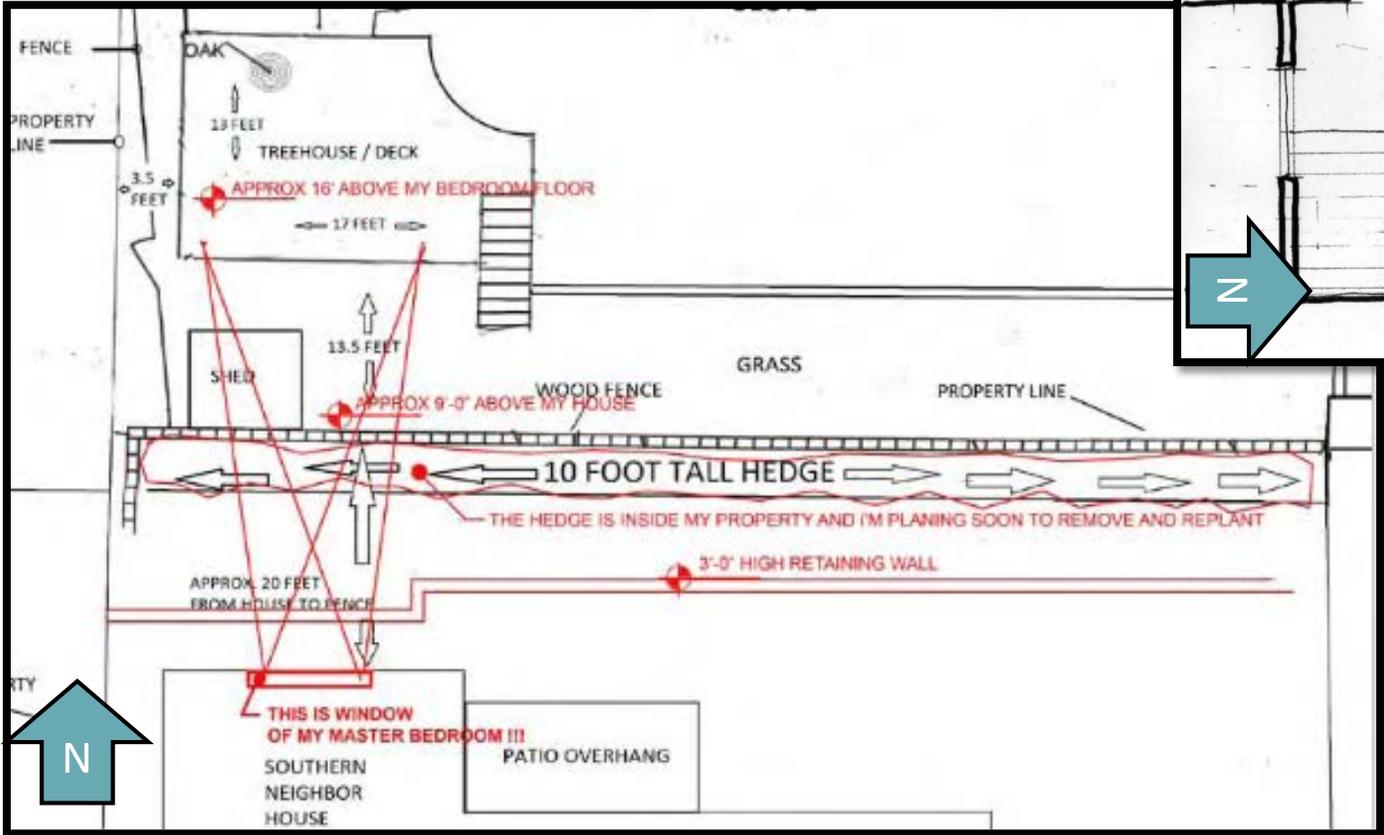


Subject Parcel

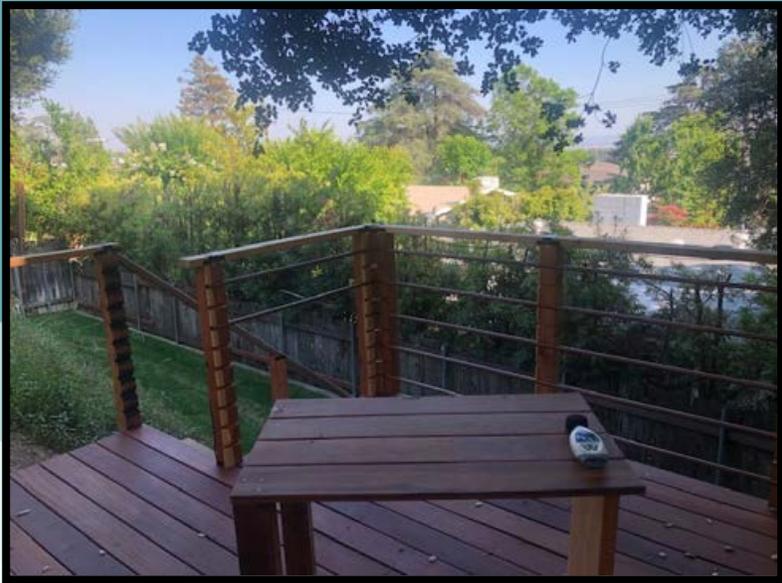
Existing Site Conditions - Slope



Neighbor Feedback



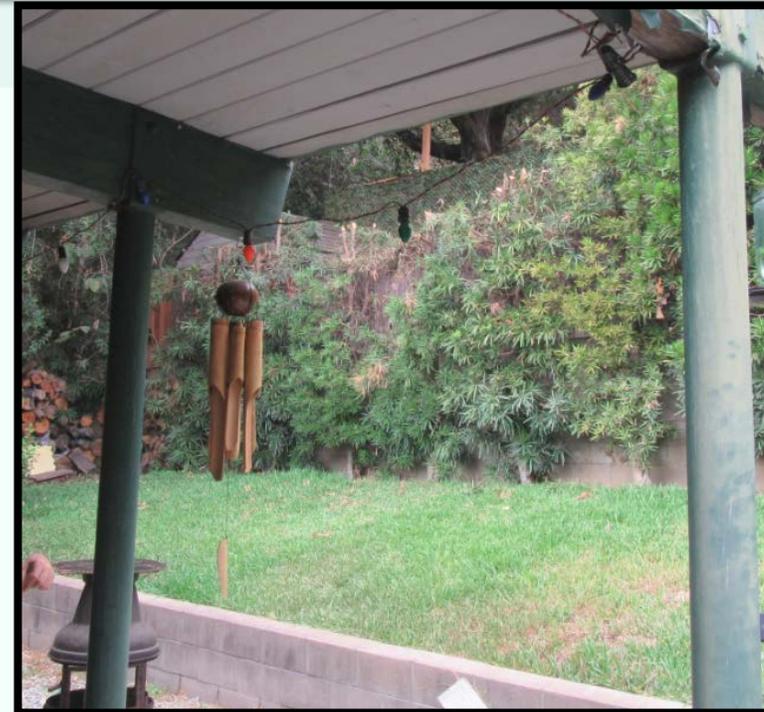
Visual Impact Analysis – Looking South



Photos Submitted by Appellant



Photos Taken by City staff



Variance Findings

- Special circumstances applicable to this property related to the size, shape, topography, location, surroundings, or configuration of the property make strict application of the Zoning Ordinance a deprivation of privileges enjoyed by other property owners in the vicinity and same zone.
- Conditions have been imposed to assure that granting the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- The proposed development is expressly authorized by the zoning regulation governing the parcel of property.

Recommendation

- Affirm the findings of approval contained in Resolution No. 2020-78 to deny the appeal, thereby upholding the decision of the Planning Commission.
- Affirm the findings of approval contained in Resolution No. 2020-78 to deny the appeal and thereby uphold the decision of the Planning Commission with additional conditions of approval imposed on Variances V2020-0001 and V2020-0002 to further mitigate sight line and privacy impacts.
- If the Council decides the findings cannot be made, continue the Public Hearing to the City Council meeting of December 15, 2020 and thereby direct Staff to provide findings for denial of the Variances which would require the property owner to remove the raised deck that was constructed without permits.