



## MEMORANDUM

**To:** Mayor and City Council

**From:** Mindi Hurley, Director of Community Development

**Date:** January 14, 2025

**Reference:** CONTINUED PUBLIC HEARING: Consider approval of PD-319-SF-12, a zoning change request from SF-12 (Single-Family-12) to PD-319-SF-12 (Planned Development 319- Single-Family-12) to approve an existing carport encroaching within the required side setback, located at 552 Arbor Brook Lane.

**2040:** Create Business and Innovation Nodes

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### Introduction:

This item was continued at the December 10, 2024 City Council meeting. This is a Public Hearing to consider approval of PD-319-SF-12, a zoning change request from SF-12 (Single-Family-12) to PD-319-SF-12 (Planned Development 319- Single-Family-12) to approve an existing carport encroaching within the required side setback, located at 552 Arbor Brook Lane.

### Background:

The property is part of the North Lake subdivision and has SF-12 zoning. The home was constructed in 1978, and the applicant purchased the property in 2019. The carport was constructed sometime between May 27th of 2022 and October 7th of 2022 without benefit of permits or inspections. A variance request to allow the carport in its existing location went before the Board of Adjustments (BOA) on September 5, 2024, and was denied. A Planned Development Zoning request to allow the carport in its existing location went before the Planning and Zoning Commission on November 21, 2024, and was also recommended for denial (3-1). The applicant appealed the Planning and Zoning Commission's denial on November 25, 2024.

The existing house has an attached two-car garage with a front-access driveway. As mentioned above, the carport was constructed sometime between May 27, 2022, and October 7, 2022, without benefit of permits or inspections. The owner applied for a building permit for this property on August 28, 2023, after a visit from Code Compliance. The permit application included the carport and other items on the property that were done without a permit. As stated earlier, this constructed carport does not meet the requirements of the Zoning Ordinance and the permit, when it was applied for after construction, was denied. The applicant then pursued a variance from the Board of Adjustment (BOA) on September 5, 2024, to allow for the carport to remain in its current location. The carport sits roughly on the property line with the adjacent property at 548 Arbor Brook Lane. At the BOA hearing, the adjacent neighbor who is most impacted by the carport's location, opposed the request. The Board denied the request as there was no hardship found. The applicant chose not to appeal the request to District Court.

In preliminary discussions with Mr. Bonnot related to this Planned Development zoning request, staff indicated that each request is considered on its own merits and that staff would recommend denial of his request, as it does not meet the ordinance requirements, it is not a hardship, and has opposition from the affected neighbor. On November 21, 2024, the Planning and Zoning Commission denied (3-1) PD-319-SF-12.

**Benefit to the Community:**

N/A

**Legal Review:**

The City Attorney was present at the Board of Adjustment and the Planning and Zoning Commission Meeting.

**Fiscal Impact:**

None.

**Recommendation:**

The City Council **DENY** the PD request. If the City Council decides to approve the request, staff would request the following PD Conditions:

1. To allow the carport where it exists and cannot be expanded.

**Attachments:**

1. Appeal Letter
2. PZ Staff Report
3. Detail Site Plan
4. BOA Variance Memo
5. Building Permit Application
6. Floor Plan
7. Engineer's Letter
8. Site Photographs
9. Applicants Presentation
10. Petition