

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Scott Gustin
DATE: February 1, 2022
RE: ZAP-21-11 & ZAP-21-21; 164 North Willard Street

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Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RL Ward: 1E

Owner/Appellant: Luke Purvis

Request: Appeal of administrative zoning denial of zoning application 21-0749FC to install a fence and related gates. Also, appeal of adverse determination as to pre-existing nonconforming status of gravel area on south side of paved driveway.

Overview:

The appellant is seeking approval to install a fence. The zoning application (21-0749FC) for the requested fence was denied and has been appealed.

On a related matter, the appellant is seeking recognition of an unpermitted parking area – a ~ 2' wide strip of gravel along the southern edge of the paved driveway on his property – as a pre-existing nonconformity. An adverse administrative determination (ZP-21-560) was issued, following reconsideration, November 12, 2021. That determination has been appealed.

The fence appeal has been pending since June 4, 2021 and was initially scheduled for DRB hearing July 20, 2021. In an effort to resolve the underlying matter as to the permit denial, the appellant requested deferral of the hearing in order to obtain an administrative determination as to the pre-existing nonconforming status of the gravel strip along the southern edge of the paved driveway. Much of the time since the July deferral was spent working on the determination, which was administratively issued November 12, 2021.

The appellant sought and received a 3-month extension for the fence appeal hearing on December 21, 2021. That extension will expire shortly, and the appellant is seeking a second extension.

The related appeal for the adverse determination was filed November 29, 2021 and does not require a time extension for deferral yet.

Recommendation: Grant the time extension for the fence appeal and include the determination appeal in the deferral based on the following findings:

I. Findings:

Time extension for fence appeal:

Sec. 3.2.5, Completeness of Submission, Administrator's Action:

This section allows deferral of action on complete applications for up to six months. For items subject to DRB review, the six month time limit may be extended up to two times. Each extension is limited to three months. As noted above the fence appeal was completed June 4, 2021. The appellant requested and received extension in December, 2021.

Since the initial 3-month extension was granted, the appellant has worked with the city attorney towards a settlement. Work has progressed but remains ongoing.

A second and final 3-month extension may be granted if progress has been made during the initial extension. Such is the case here. Staff supports a second and final 3-month extension for the fence appeal.

II. Recommended Motion:

Grant the requested extension for the fence denial appeal and include the related determination appeal in the deferral. Deferral to a date certain is recommended.