

City Council of Peachtree City

Agenda

May 4, 2017

7:00 p.m.

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Announcements, Awards, Special Recognition**
 - Recognize Graduates of Citizens Police Academy**
 - Recognize Graduates of Community Emergency Relief Team (CERT) Training**
- IV. Public Comment**
- V. Agenda Changes**
- VI. Minutes**
 - April 20, 2017, Regular Meeting Minutes**
- VII. Consent Agenda**
 - 1. Consider New Alcohol License – Board & Brush, 277 N. Hwy 74, Ste. 204**
 - 2. Consider New Qualifying Location Permit – MOBA Soccer, 1000 Moba Drive**
 - 3. Consider Approval of Contract Assignment to United Pool Management of America, LLC**
 - 4. Consider Request to Allow Alcohol to be Served on Drake Field – Peachtree City Convention & Visitors Bureau (PTCCVB)**
 - 5. Consider FY 2017 Budget Amendment – Protective Inspections**
- VIII. Old Agenda Items**
 - 04-17-04 Consider Variance Request for Front Building Setback (Carport), 100 Doe Run**
(Mike Warrix)
Applicant requests continuance to May 18
- IX. New Agenda Items**
- X. Council/Staff Topics**
 - Proposed Modifications to Fee Schedule for Planning & Zoning and Engineering**
- XI. Executive Session**
- XII. Adjourn**

This agenda is subject to change at any time up to 24-hours prior to the scheduled meeting

City Council of Peachtree City
Meeting Minutes
April 20, 2017
7:00 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, April 20, 2017. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Others attending: Terry Ernst, Mike King, Kim Learnard, and Phil Prebor.

Announcements, Awards, Special Recognition

Mayor Fleisch recognized Jim O'Connell of the Recreation Department for 15 years of service. Anthony Stanley of the Fayette County Utility Coordinating Committee and City Engineer Dave Borkowski accepted the proclamation for Safe Digging Month. Tom Moen, also of the Recreation Department, was recognized as Employee of the Month.

Minutes

April 6, 2017, Regular Meeting Minutes

King moved to approve the April 6, 2017, regular meeting minutes as written. Ernst seconded. Motion carried unanimously.

Consent Agenda

- 1. Consider Acceptance of Donation from Coweta-Fayette EMC for CERT**
- 2. Consider Reimbursement Resolution [Georgia Transportation Infrastructure Bank (GTIB)]**
- 3. Consider Reimbursement Resolution [Georgia Environmental Finance Authority (GEFA)]**
- 4. Consider Cancellation of June 1 Meeting**
- 5. Consider Request to Apply/Accept Grant from Governor's Office of Highway Safety (GOHS)**
- 6. Consider Request to Apply/Accept Grant from GOHS/Metro Atlanta Traffic Enforcement Network (MATEN)**

Learnard moved to approve Consent Agenda items 1 – 6. Ernst seconded. Motion carried unanimously.

New Agenda Items

**04-17-04 Public Hearing – Consider Variance Request for Front Building Setback (Carport),
100 Doe Run**

Planning & Development Director Mike Warrix addressed Council regarding the variance request for the front building setback from Kevin and Janet Kerr in order to build a freestanding carport at 100 Doe Run. The home was located in an R-15 zoning district, which required a minimum 40-foot front building setback. The carport would encroach into the setback by approximately 13 feet, leaving a 27-foot front setback. It was a multiple frontage lot at the corner of Longer Drive/Doe Run. The application had included photos of a structure similar to what the Kerrs wanted to build, as well as letters of support for the request from adjoining property owners. After reviewing the application, staff's opinion was the request failed to meet the standards for consideration of a variance request.

Kevin Kerr said the carport would provide an open space with a gazebo-type structure, where they could put a picnic table. There was no other location for the carport or area where it would be as attractive or work as well. It would be similar to their home and shed. They had provided photos of an example of what they wanted to build with the application.

Fleisch asked the applicants if they would build the structure themselves. Mr. Kerr said it would be built by a contractor, the pillars would be on the ground, not the concrete, and it would have a metal roof instead of shingles, which would match the metal roof on part of the house.

Fleisch opened the public hearing.

Pamela Kemp asked where the front door of the home was located, asking the applicant if they planned to put down concrete for the structure. Janet Kerr noted the concrete for the pad was already in the yard. The remainder of Mrs. Kerr's comments were unintelligible since she did not speak into the microphone, as were comments made by Mr. Kerr.

No one else spoke. The public hearing closed.

King said he understood the structure would be similar to the example in the application, saying that he would need to see a diagram or a drawing of what the carport would look like against the house. Prebor said he would prefer to see an architectural rendition of how the structure would look too. Mr. Kerr said it would correspond with what was on the front of the house.

Ernst asked the Kerrs why they wanted carport. Mr. Kerr said it would protect the 1998 Mustang he was restoring, and it would serve as a place for the family and/or neighborhood to get together, especially if they needed shelter. Mrs. Kerr agreed.

Learnard asked for clarification on whether the carport would be freestanding or attached. Mr. Kerr confirmed it would be freestanding and located approximately 15 feet from the house.

Ernst noted he had gone to the site and the concrete pad was down, but no variance was needed for the pad. He asked Warrix to confirm that a variance was needed for the roof going over the pad. Warrix said the carport was a structure and required a variance. Ernst confirmed that cars would park on the concrete pad with or without the structure. Mr. Kerr said yes.

Learnard said the plan was not consistent with the neighborhood or the look and feel of the contiguous lots, so she would vote to deny the request.

Prebor said he had also visited the site, adding the location was too close to Longer Drive. The Kerrs had told him they would be glad to use foliage to help hide the carport. He would also like to see an architectural rendering of the carport. Mr. Kerr said he would speak to his contractor and see if he could get someone to draw a rendering. King reiterated he wanted to see a rendering, saying he would feel more comfortable since approval of the variance would establish a standard. Ernst said the applicant would have a better chance of approval with a rendering of what the structure would look like. Fleisch agreed.

Warrix pointed out the carport was considered an accessory structure, so there were standards to meet, including the accessory structure must blend in with the primary structure on the property.

Mr. Kerr asked if the agenda item could be rescheduled. Fleisch suggested continuing the item to May 4.

King moved to continue New Agenda Item 04-17-04, the consideration of the variance request for the front building setback at 100 Doe Run until May 4. Prebor seconded. Motion carried unanimously.

**04-17-05 Public Hearing – Consider Variance Request for Transitional Yard Reduction,
2584 Hwy 54 W**

The applicant requested this item be continued to the May 18, 2017, City Council meeting.

**04-17-06 Public Hearing – Consider Variance Request from Floodplain Ordinance (Pool),
114 Hilltop Drive**

Learnard recused herself from this agenda item, saying the applicants were her friends and neighbors. City Engineer Dave Borkowski addressed Council, noting the ordinances were very specific and prohibited any development in the floodplain. The property included the floodplain for Lake Peachtree, as well as an existing septic field. The front yard was the reserve area for the septic field, if needed.

Borkowski continued that the applicant, Ruthie Brown, planned to construct a pool in the rear of the property. Most of the pool work would be in floodplain and floodway. If the two conditions were adhered to, then there should be no impact to the floodplain.

Staff recommended approval of the variance request from Sections 1007.4.3(3) and 1007.4.5(1) of Article X of the Land Development Ordinance with the following conditions:

- 1. Install of the pool and associated grading all be performed in cut as stated in the application (no fill); and*
- 2. All electrical and pumping equipment be elevated at least three feet above the existing conditions flood elevation of 791.4.*

Fleisch noted the septic had failed on the lot in 2011, asking if the tank and the field had been replaced. Borkowski said that, per an e-mail from the Fayette County Health Department, the septic had been replaced, but he did not know if the entire system was replaced. All of the reserve area for the septic system was in the front yard.

Brad Barnard spoke on behalf of the applicant, saying his company had remodeled the home, and the original septic system had been in the vicinity of the pool, which had been for a two-bedroom home from what they could tell. The original septic system had been dug up and destroyed in 2011. The upgraded system was on the side of the house. The pool would have to sit in the location proposed because state regulations required it be 15 feet from the septic systems.

Fleisch opened the public hearing.

Ruthie Brown said her family loved their home and the City, and they had dreamed of building a pool since they moved into the house. They would work closely with the builder and the City to ensure all requirements were met. Their home was meticulously maintained, and the pool would be also. This was their "forever" home.

No one else spoke. Fleisch closed the public hearing.

Prebor asked Borkowski to confirm the pool would not affect the floodplain. Borkowski said it would not.

Ernst moved to approve New Agenda item 04-17-06, the variance request from the floodplain ordinance to build a pool with adherence to the two conditions. King seconded. Motion carried 4-0-1 (Learnard).

04-17-07 Consider Land-Lease at Riley Field with Verizon Wireless

City Attorney Ted Meeker said Verizon had approached the City, asking to locate a tower at the site. Negotiations ensued between the City's consultant, Allan Davis, and Verizon, and the lease was before Council.

King moved to approve New Agenda item 04-17-07, the land-lease at Riley Field with Verizon Wireless. Prebor seconded. Motion carried unanimously.

04-17-08 Consider Jobs Development Grant & Impact Fee Waiver for Rinnai

City Manager Jon Rorie said Council had the option to waive the development impact fees and provide a job development grant for Rinnai America Corporation. The proposal was consistent with the City ordinance that allowed the waiver of the impact fees, as well as being consistent with Council policy for job development grants. The purpose of the grant was to encourage retention of the City's existing businesses and to encourage economic re-development. Staff recommended Council waive approximately \$36,000 in development impact fees and approve the jobs development grant of \$26,500 over the next five-year period (creation of 53 new corporate jobs with average salary of \$78,000). Rinnai would have to hire the employees before they were eligible for the grant.

Learnard moved to approve the jobs development grant and impact fee waiver for Rinnai. Ernst seconded. Motion carried unanimously.

Council/Staff Topics

Rorie said he was going to make a trifecta for the Recreation and Special Events Department at this meeting, and he announced that Quinn Bledsoe, who had served as the Interim administrator, had been promoted to Recreation & Special Events Administrator on April 17.

Executive Session

Learnard moved to convene in executive session to discuss pending or threatened litigation at 7:32 p.m. Ernst seconded. Motion carried unanimously.

King moved to reconvene in regular session at 7:48 p.m. Learnard seconded. Motion carried unanimously.

There being no further business, King moved to adjourn. Learnard seconded. Motion carried unanimously. The meeting adjourned at 7:49 p.m.

Pamela Dufresne, Deputy City Clerk

Vanessa Fleisch, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Deputy City Clerk 

DATE: April 17, 2017

SUBJECT: Alcohol License – NEW – Board & Brush-PTC
May 4, 2017, Consent Agenda

Recommendation:

Staff recommends Council consider the attached application for a new alcohol license.

Discussion:

Board & Brush-PTC, 277 North Highway 74, Suite 204, has submitted a request for a new alcohol license. Mr. Donald Parson has requested he be appointed as the Licensee and as the License Representative.

Board & Brush is a studio where patrons make custom wood signage and other items.

Budgetary Impact:

The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee for the sale of beer and wine, which is \$1,350.

Attachments

Application For Alcoholic Beverage License

Business Name: BOARD & BRUSH - PTC	Business Location: 277 N. HWY 74 #204 PEACHTREE CITY, GA 30269	
Nature of Business: ART STUDIO	Mailing Address: 1091 SWEETBRIAR TRACE MADISON, GA 30650	Business Phone Number: 678-782-0993
Name of Licensee: DONALD PARSONS	Home Address: 1091 SWEETBRIAR TRACE MADISON, GA 30650	Home Phone Number: 678-782-0993
Name of License Representative: DONALD PARSONS	Home Address: 1091 SWEETBRIAR TRACE MADISON, GA 30650	Home Phone Number: 678-782-0993

Please indicate type of licenses applying for:

Retail Consumption Dealer		Retail Package Dealer		Wholesale Dealer	
☒	Malt Beverage	☐	Malt Beverage	☐	Malt Beverage
☒	Wine	☐	Wine	☐	Wine
☐	Distilled Spirits	☐	Distilled Spirits	☐	Distilled Spirits

Please complete information below (use separate sheet if necessary):

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
DONALD PARSONS	1091 SWEETBRIAR TRACE MADISON, GA 30650	678-782-0993
JULIE PARSONS	1091 SWEETBRIAR TRACE MADISON, GA 30650	678-782-0855

Is any person who owns an interest in the license an employee of the City of Peachtree City? YES NO

If YES, Please Provide Name of Employee: _____



CITY HALL
151 WILLOWBEND ROAD
PEACHTREE CITY, GA 30269
PHONE: 770-487-7657
FAX: 770-631-2505
WWW.PEACHTREE-CITY.ORG

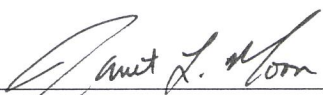
State of Georgia

City of Peachtree City

I, Janet Moon, Chief of Police for the City of Peachtree City, do hereby certify that:

Donald Parsons
1091 Sweetbriar Trace
Madison, GA 30650

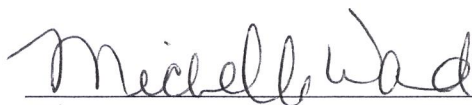
has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal narcotics or drugs within five (5) years prior to the date of the application for this license.



Janet L. Moon
Chief of Police

4/14/17

Date



Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Deputy City Clerk 

DATE: April 17, 2017

SUBJECT: Alcohol – New Qualifying Location – MOBA Soccer
May 4, 2017, Consent Agenda

Recommendation:

Staff recommends Council consider the attached application for a new qualifying location permit.

Discussion:

MOBA Soccer Academy, LLC, 1000 MOBA Drive, has submitted a request for a qualifying location permit. Mr. Thompson Deaver has requested he be appointed as the Licensee and as the License Representative.

MOBA Soccer Academy will contract with Fayette County restaurants to provide concessions for their games.

Budgetary Impact:

The budgetary impact of the qualifying location permit will be positive. The applicant will be required to pay the annual fee of \$150 for the permit. The contractors will be required to pay \$25 per soccer game for an alcohol special event permit.

Attachments

Application for Qualifying Location Permit

Name: MOBA Soccer Academy LLC		Location: 1000 Moba Dr., Peachtree City, GA 30269	
Mailing Address: 180 Walter Way, Ste 102 Fayetteville, GA 30214		Business Telephone: 678-817-9646 / 404-992-4928	
Name of Licensee: Thompson Deaver	Home Address: 101 Lake Forest Drive Peachtree City, GA 30269		Home Phone Number: 404-992-4928
Name of License Representative: Thompson Deaver	Home Address: 101 Lake Forest Dr. Peachtree City, GA 30269		Home Phone Number: 404-992-4928
Please indicate the type of permit you are applying for:			
☒	Malt Beverage		
☒	Wine		
☐	Distilled Spirits (Includes Malt Beverage and Wine)		
NAME <i>Individual Owner's Name, Partners' Names, Corporation Name and the name of a Contact Person regarding License changes, taxes, etc.:</i>		ADDRESS <i>Please provide Home Addresses for the individuals listed:</i>	TELEPHONE <i>Please provide Home and Business Numbers for individuals listed:</i>
Volker Harms		430 Burbury Close, Fayetteville 30215	678-817-9646
Jutta Harms		430 Burbury Close, Fayetteville, 30215	678-817-9646
Thompson Deaver - Representative			404-992-4928
Stephanie McBride - Acctg / Taxes / Changes			770-231-7917

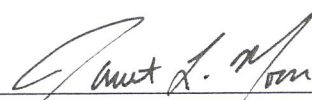
State of Georgia

City of Peachtree City

I, Janet Moon, Chief of Police for the City of Peachtree City, do hereby certify that:

Thompson Deaver
101 Lake Forest Dr.
Peachtree City, GA 30269

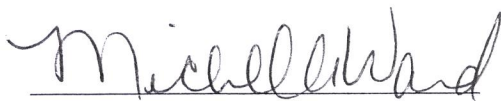
has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal narcotics or drugs within five (5) years prior to the date of the application for this license.



Janet L. Moon
Chief of Police

4/14/17

Date



Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Jonathan N. Rorie, City Manager
Paul Salvatore, Finance Director *P.S.*
Quinn Bledsoe, Recreation Administrator *QB*

FROM: Angela Egan, Purchasing Agent *Angela*

DATE: 24 April 2017

SUBJECT: Approval of contract assignment to United Pool Management of America, LLC
4 May 2017, City Council Meeting

Recommendation:

Staff recommends that Council approve contract assignment from United Pool Management, Inc. to United Pool Management of America, LLC.

Discussion:

United Pool Management, Inc. has filed a Notice of Dissolution with the Georgia Secretary of State. They are now doing business as United Pool Management of America, LLC. The City Attorney has approved an amendment to the City's current agreement for pool management services to assign the contract to the new entity name – United Pool Management of America, LLC.

Budget Impact:

This assignment should have no budgetary impact.

ASSIGNMENT OF CONTRACT

FOR VALUE RECEIVED, the undersigned United Pool Management, Inc. ("Assignor") hereby sets over, transfers and assigns unto United Pool Management of America, LLC, a Georgia limited liability company, all of its right, title and interest in and to that certain agreement dated 15, August, 2010, by and between USA Pools of Georgia, Inc. and the City of Peachtree City, Georgia (hereinafter the "Agreement"), which agreement was assigned to United Pool Management, Inc. on 15, May, 2015 (date).

By virtue of this assignment, United Pool Management of America, LLC shall assume all rights, duties and obligations under the terms of the Agreement, and shall indemnify, hold harmless and defend Peachtree City, Georgia from any and all claims that may arise from this assignment or actions taken pursuant thereto from United Pool Management, Inc.

Peachtree City, Georgia consents to such assignment subject to the terms of the Agreement, the performance of the rights, duties and obligations of said Agreement by United Pool Management of America, LLC, and in particular the indemnification of the City by United Pool Management, Inc. and United Pool Management of America, LLC as set forth in the Agreement and in this Assignment.

ASSIGNOR:

United Pool Management, Inc.

By: _____
Name:
Title:
Date:

Attest: _____

(SEAL)

ASSIGNEE:

**United Pool Management of America, LLC, a Georgia
limited liability company**

By: _____
Name:
Title:
Date:

(SEAL)

(Signatures continued on next page)

Agreed and consented to by:

CITY OF PEACHTREE CITY, GEORGIA

Vanessa Fleisch, Mayor

ATTEST:

Betsy Tyler, City Clerk

(SEAL)

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 

FROM: Deputy City Clerk 

DATE: April 24, 2017

SUBJECT: Permission to serve alcohol for PTCCVB/Zac Brown Southern Ground/Georgia State Film FAM event on June 13
May 4, 2017, City Council Consent Agenda

Recommendation:

Staff recommends that Council approve the Peachtree City Convention & Visitors Bureau (PTCCVB) request to serve alcohol at the Southern Ground/PTCCVB/Georgia Film familiarization (FAM) event dinner at Drake Field on Tuesday, June 13.

Discussion:

The day time event "Southern Ground Family Day" will be open to all with kids' activities, vendors, food, and Southern Ground games and shopping. No alcohol will be available during the daytime activities (approximately 12:00 – 4:00 p.m.).

The evening film FAM event, 7:00 – 10:00 p.m., will be a small (100-130 people) invitation-only event for dignitaries, those in the film industry, City Council, company heads, PTCCVB staff, County and City leaders (PTC/Fayetteville etc.), state employees with economic development & tourism, and other film-related invitees. The only alcohol served will be Zac Brown's "Uncaged" Wine which has been donated to the event by Southern Ground. It will be served at dinner and cocktail hour.

Police will be present and though the park will be open to the public, this event will be sectioned off. No one under 21 will be invited.

Drake Field was approved as a qualifying location in 2009 by the City Council. However, Council at that time reserved the right to approve events that serve alcohol. The special event permit for the alcohol is approved by the City Clerk.

Budget Impact:

There will be no impact on the City budget. Southern Ground is providing the dinner, and PTCCVB will co-host. The PTCCVB will share in the cost of the event from its "promotional events" budget.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Jonathan N. Rorie, City Manager *JN*

FROM: Paul J. Salvatore, Financial Services Director *P.J.S.*
Kelly Bush, Assistant Finance Director *KB*

DATE: April 27, 2017

SUBJECT: Budget Amendments – Protective Inspections
May 4, 2017 City Council Consent Agenda

Recommendation:

It is Staff's recommendation that City Council approve the attached budget amendment to amend the 2017 budget resolution by increasing the general fund budget revenues by \$50,000 and the general fund budget expenditures by \$50,000.

Discussion:

Attached please find the budget amendment for fiscal year FY17 submitted for your approval.

The requested amendment increases both the revenue and the expenditures for building permits. The City has a contract with Safe Built Georgia, Inc. for certain Building Department Services. This contract outlines the services provided and the payment for those services are based on 75% of the collected permit fees. To date revenues and expenditures are exceeding the budget. The request for a budget increase in revenues of \$50,000 and a budget increase in expenditures of \$50,000 is based on prior and current year-to-date activity.

Budget Impact:

The proposed budget amendment will increase both the revenues and the expenditures in the General Fund by \$50,000 amending the Fiscal Year 2016 Budget Resolution.

Attachments
Budget Amendment

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

17-010

05/04/2017

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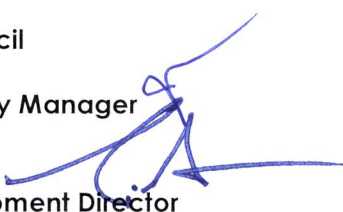
Budget Amendment to increase revenues and expenses for building permit collections	

STAFF REPORT

CITY COUNCIL

TO: Mayor and City Council

VIA: Jonathan N. Rorie, City Manager

FROM: Michael Warrix, AICP
Planning and Development Director 

DATE: April 27, 2017

SUBJECT: Public Hearing: Consider Variance Request, R-15 Zoning Front Setback Requirement, 100 Doe Run
May 4, 2017 City Council Meeting (Continued from April 20, 2017 Council Meeting)

Case Number:	PV17-0002
Request:	Variance from Section 1001.4 (g), Zoning Ordinance
Property Location:	100 Doe Run, Lot 27 Spooner Ridge
Current Zoning:	R-15, One Family Residential
Parcel Size:	0.46 Acres
Property Owner:	Kevin & Janet Kerr
Applicant:	Kevin & Janet Kerr

Continuance

At the April 20, 2017 City Council meeting, Council voted to continue this agenda item to the May 4, 2017 City Council meeting in order to provide the Applicant with sufficient time to produce architectural renderings of the proposed carport structure. Staff contacted the Applicant on April 27, 2017 and was informed that the requested renderings would be provided to staff for City Council distribution by May 2, 2017.

Request

The Applicant is requesting relief in the form of a variance from the front setback requirement [Section 1001.4(g)] of the R-15, One-Family Residential zoning district which requires a minimum front building setback of 40 feet. The Applicant proposes to construct a carport, encroaching into the front setback by approximately 13.5 feet. The existing home is in compliance with other R-15 setbacks.

As part of the application, the Applicant has included a justification narrative, site plans/ plat showing the proposed improvement in relation to the front property line, example carports, and letters from adjacent property owners.

Subject Property

The subject property has property frontage on both Doe Run and Longer Drive, giving this lot two (2) front yards. It is generally flat to gently sloping and square-shaped. The existing home is generally centered on the lot.

100 Doe Run Variance Request

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The current driveway is located on the side of the house and has parking for two vehicles. The proposed carport will not be constructed over the driveway, but in front of the house. This will create new parking areas in addition to where cars park today.

Variance Consideration

In accordance with Section 1202 of the Zoning Ordinance, variances shall only be granted if:

- (a) *The request is in harmony with the intent of the zoning ordinance*
- (b) *The application of front setbacks on this property would create a hardship. There must be some extraordinary conditions on this property (such as size, shape, or topography) that similarly zoned properties do not have to contend with.*

Variance Criteria

Section 1207 of the Peachtree City Zoning Ordinance states the City Council shall not grant a variance unless all of the following findings can be made

- (a) *There are special circumstances applicable to the property, including location, shape, size, surroundings, or topography so that the strict application of this ordinance denies the property of privileges enjoyed by other property in the vicinity and under identical zoning district classification;*

Staff Comment: There are no special circumstances are applicable to the property. The City has many corner lots that must meet the front setback requirements.

- (b) *The strict or literal interpretation and application of this ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Ordinance, or would deprive the Applicant of privileges granted to others in similar circumstances;*

Staff Comment: No evidence of practical difficulties or unnecessary hardship was presented as part of the application. Relocating the carport over the existing parking pad would meet the front setback requirements.

- (c) *There are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property which preclude the applicant from complying with this ordinance and that do not apply generally to other property in the same zoning district and which prevent the applicant from complying with existing regulations;*

Staff Comment: There are no exceptional or extraordinary circumstances on the property that don't also apply to other corner lots zoned R-15. There are over 50 corner lots zoned R-15 within a quarter mile of this property.

- (d) *The granting of such variance will not constitute the granting of special privileges inconsistent with the limitations on other property in the same zoning district;*

Staff Comment: Granting this variance would constitute the granting of a special privilege inconsistent with the setback requirements on other property in the same zoning district.

100 Doe Run Variance Request

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- (e) *The granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located; and*

Staff Comment: Granting of a variance in this case would not be detrimental to public health, safety, or general welfare. The applicant has the support of adjoining property owners that would be most impacted should the addition be constructed as proposed.

- (f) *The granting of such variance will not create inconsistencies with any objective of the Comprehensive Plan.*

Staff Comment: Granting of the variance would not create any significant inconsistencies with the Comprehensive Plan, which encourages the protection of the character of existing neighborhoods as well as the redevelopment and reinvestment within neighborhoods.

Recommendation

Staff is of the opinion that the request for variance does not meet the standards required in the City ordinance and recommends denial. Should Council choose to approve the variance request, staff recommends the following conditions:

1. Following completion of construction and prior to issuance of the Certificate of Occupancy, the Applicant shall provide a Foundation Survey to the Building Official that identifies the location of new construction. The purpose of this survey is to ensure the new construction does not encroach any further into the front setback than permitted by this variance.

ATTACHMENTS