

TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of March 10, 2026

The City Received an application for building permit at 9057 Sunset Strip for interior remodel, fireplace, deck, and porch.

The dwelling at 9057 Sunset Strip was constructed in 1985. The lot contains a bluff. Approximately 50% of the dwelling and the entire deck are within the 30 foot Bluff setback. Because of the encroachment the structure is considered a legal nonconforming use.

§ 153.007 NON-CONFORMING USES.

Except as otherwise provided by law, any structure or use lawfully existing before the effective date of related controls under this Ordinance and which does not conform to the provisions of the Ordinance may be continued subject to the following:

(A) No such use shall be expanded or enlarged except in conformity with the provisions of this chapter. The existing nonconformity may be continued, including through repair, replacement, maintenance or improvement, but not including expansion, enlargement or intensification of use, unless:

The building permit was approved for the interior work – but the enclosed porch under the deck was not approved because it was considered an expansion, enlargement, or intensification.

We have consulted the City Attorney about the porch addition. The attorney has advised that the issue is not completely clear but there is a good argument that it constitutes a prohibited expansion.

The homeowner is asking for further consideration.

We would appreciate any guidance that the Commission can give.