




AGENDA SECTION	PUBLIC HEARING
MEETING DATE	NOVEMBER 9, 2020

### CITY OF COLUMBIA HEIGHTS - COUNCIL LETTER

ITEM:	A resolution approving a Variance for the property located at 1329 41 <sup>st</sup> Ave NE		
DEPARTMENT: Community Development		CITY MANAGER'S APPROVAL:	
BY/DATE: Elizabeth Hammond, 11/5/20		BY/DATE: 	11/6/20
CITY STRATEGY:		#6: Excellent Housing/Neighborhoods	
Additional Strategy?		#3: Affordability	
SHORT TERM GOAL (IF APPLICABLE): N/A			
Additional Goal?		N/A	

#### BACKGROUND:

The property owner at 1329 41<sup>st</sup> Ave NE has requested a Variance to standards of the Zoning Code to allow for the construction of an attached two car garage. The property owner has submitted a survey and site pictures illustrating the proposed location of the garage and a narrative for your consideration. Staff has attached the planning report for your review which details the findings of fact that the council must make in considering variance requests. The applicant seeks the following:

1. Variance to allow the accessory structure to be 19.95 feet wide. City Code Section 9.106 (C) (1) (m) requires that "Accessory structures shall be no less than 20 by 20 in size"
2. Variance to allow the garage to be within 0 feet from the property line. City code section 9.109 (C) requires that the minimum required setback is 5 feet (based on the R2A district standards).

The Planning Commission held a public hearing on this item on November 4<sup>th</sup>, 2020 and voted unanimously (two members were absent from the meeting), to recommend approval of the variance. At the meeting there was some discussion of changing the first variance request on the resolution to read "Variance to allow the accessory structure to be less than 20 feet wide", rather than specifically staying "19.95 feet", this is in part because the applicant is still working on the final design and will be engaging an architect to help with his construction plans, and that there may be a chance it would be designed even slightly narrower. However, the Planning Commission never actually voted to recommend that change to the resolution and realized this after some of the commissioners had already left and the meeting had ended. Staff would like the council to consider changing the resolution to offer some flexibility in the actual width of the garage design, in the event the property owner has to make it narrower.

#### STAFF RECOMMENDATION:

Staff recommends approval of the variances for the property at 1329 41<sup>st</sup> Ave NE.

#### RECOMMENDED MOTION(S):

**Motion:** Move to waive the reading of Resolution No. 2020-96, there being ample copies available to the public.

**Motion:** Move to adopt Resolution No. 2020-96, approving the variances for the property located at 1329 41<sup>st</sup> Ave NE

**ATTACHMENTS:**

Planning report

Resolution

Application/Narrative

Pictures

Survey and Elevation Drawing

Building Official Report dated, October 23, 2020

Assistant City Engineer Report dated, October 29, 2020

Email from Neighbor dated, October 19, 2020