

## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2022-DV3-049 (Amended)  
**Address:** 2315 North Spencer Avenue (approximate address)  
**Location:** Warren Township, Council District #13  
**Zoning:** I-2  
**Petitioner:** Jaspal S Athwal, by David Kingen & Emily Duncan  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide five shade trees (ten shade trees required) and to legally establish a zero-foot northern side yard setback (10-foot side setback required); a six-foot tall fence within the front yards of Spencer Avenue and 23<sup>rd</sup> Street being within the clear sight triangle of a street and alley (front yard fence height limited to 3.5-feet, not permitted in the clear sight triangle); with a dumpster in the front yard of Spencer Avenue (not permitted).

This petition was continued from the December 20, 2022 hearing to the January 17, 2023 hearing to allow the petitioner additional time to provide new information for review and amend the request.

An amended site plan was submitted January 9, 2023, which did not allow staff sufficient time for review. Therefore, this petition was continued from the January 17, 2023 hearing to the February 21, 2023 hearing to allow staff additional time to review the new information and amend the request.

The petition was amended and published, but the petitioner submitted a request to **withdraw** this petition. This would require the Board's acknowledgement.

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