

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, November 26, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider the request of Brenan Clark for an Interim Use Permit and a Variance Adjustment Permit to have an outside storage unit in a B-3 General Business District at 1507 East College Drive
Background Information:	<p>This is a request for an interim use permit for one storage unit (a semi-trailer) in a B-3 General business district in accordance with Section 86-248 (f), which allows one unit, provided it is painted to match the building and does not have any signage. That section also requires that such unit is not placed in the front yard. In this case, the unit is located behind the building, but the lot is a double frontage lot, meaning that it faces streets on two non-adjacent sides, which means that the storage unit is indeed located in the front yard. Consequently, a variance is required prior to an interim use permit approval.</p> <p>Granting of a variance may be permitted only if the request meets the three pronged “practical difficulties” test, which requires that proposed use is reasonable (it is); the problem is caused by the conditions unique to this property and not created by the landowner (it is unique because it is a double frontage lot, with one of the streets effectively serving mostly as a service road; however, this uniqueness would be applicable to all lots between East College Drive and McLaughlin Drive); and that granting the variance will not change the character of the area (this condition is met if we take into account that this trailer has been there for a very long time and is not visible from East College Drive). A variance may be approved (but doesn’t have to be) if all three conditions are met.</p> <p>Two separate motions are required since there are two separate requests: for a variance and for an interim use permit. If a variance is not approved, an interim use permit cannot be approved either. Please see Findings of Fact for more information. An aerial photo is attached.</p> <p>The Planning Commission conducted a public hearing on November 13, 2024, and unanimously recommended approval.</p>
Fiscal Impact:	N/A
Alternative/ Variations:	Deny the request
Recommendations:	<p><u>Recommendation No. 1</u> Planning Commission and staff recommend a <u>motion</u> to approve the request for a Variance Adjustment Permit for a storage unit (semi-trailer) to be located in the front yard between McLaughlin Drive and the building, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. That the regulations, standards, and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with. 2. That the City reserves the right to revoke the Variance Adjustment Permit in the event that any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to cure any such default. <p><u>Recommendation No. 2</u> Planning Commission and staff recommend a <u>motion</u> to approve the request for an Interim Use Permit for a storage unit (semi-trailer), subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The semi-trailer shall be painted to match the building and should not have any signage or writing. 2. The semi-trailer should have current registration tabs. 3. This Interim use permit expires when the property is sold or changes the ownership in any way.