

June 9, 2021

MEMORANDUM

TO: Mayor and City Council

FROM: Alan Tiefenbach, Associate City Planner

CC: Legal and Clerk

RE: City Council Review of Director's Determination Regarding a Reduced Side Setback to Construct a New Accessory Structure (CR-2021-0003)

Mayor and City Council,

A Certificate of Zoning Compliance (CZC) and Design Review approval was issued on May 5, 2021 to allow a mobile dispatch service to operate in the Limited Office Zoning District (L-O) located at 2560 S. Meridian Rd (Speedy Quick CZC, DES A-2020-0135) consistent with the conditional use permit approval in 2017 (H-2017-0031). The project includes an exterior facade improvement to an existing 1,700 sq. ft. residential structure, a new 27 space parking lot, outdoor storage yard, required landscaping and new 2,500 sq. ft. storage building.

During the review of the CZC'DES submittal, staff informed the applicant that the side setback for the new 2,500 sq. ft. storage building must comply with the 10' interior side setback per the dimensional standards of the L-O zone district rather than the 5' setback as is shown on the site plan. However, the applicant asserted that the 5' setback as shown is correct. The applicant's explanation for this setback reduction is that UDC Table 11-2B-3 in the commercial district (regarding dimensional standards), has the interior side setback in the L-O zoning district shown as "10/5" with a note below which states "minimum setback only allowed with reuse of existing residential structure." The applicant contends that because the project involves the reuse of the existing residential structure at the southwestern portion of the property (adjacent to S. Meridian Rd), all new structures on the property are also entitled to this reduced setback.

The applicant requested a Director's Determination regarding this matter, and in a letter dated May 5, 2021 the Director agreed with staff's interpretation of this standard. The letter explains the 5' setback allowance in UDC 11-2B-3 is to address the existing homes that may convert to office uses. In most of the residential districts, a typical side yard setback is 5 feet, therefore the reduced setback only applies to an existing structure to avoid creating non-conforming structures and does not extend to new structures that may be constructed on the property. Subsequently, the CZC was approved with a condition that the side setback of the accessory building be increased to 10'.

Pursuant to UDC 11-5A-7, the applicant requests City Council review of the decision of the Director to require a 10' side setback. By a simple majority vote, the City Council may uphold or overrule the decision.

ATTACHMENTS

Approved Certificate of Zoning Compliance.

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230280&dbid=0&repo=MeridianCity>

Director's Determination Letter

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230115&dbid=0&repo=MeridianCity>

Applicants Narrative for Appeal to Council

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=230116&dbid=0&repo=MeridianCity>