PLANNING COMMISSION MINUTES OF 04/11/05

2005-0145: Application for a modification to a previously approved Special Development Permit on a 3,692 square-foot site to allow a 69 square-foot addition to an existing house. The property is located at **392 Waverly Street** (W Iowa Ave) in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District. (APN: 165-12-097) JM

Gerri Caruso, Principal Planner, presented the staff report. Applicant is proposing to build a single-story 200 square-foot addition to the rear of a house located at 392 Waverly Street that would result in a 10 foot rear yard setback where an 18 foot setback currently exists. This house is a rear unit of a four lot subdivision, and the modification would increase the floor area beyond what was originally approved for the subdivision as a whole. The site has a shared driveway and already has reduced front and rear yard setbacks. The only open space for an addition is in the rear of the site. Staff is recommending the application be approved, subject to conditions. An approval would apply to this lot only and would not be a blanket modification to the original Special Development Permit for the subdivision. Any future modifications within the subdivision would need to be approved on a case by case basis.

Chair Moylan opened the public hearing.

Clarence Dailey, Contractor with Daileyworks Construction, stated that this addition would add approximately 200 square feet to the rear of the site. This modification would result in a Floor Area Ratio that would be about 2% over the current requirement and he expressed that hopefully this wouldn't be a hindrance to anyone else in the area.

Chair Moylan closed the public hearing.

Comm. Simons made a motion on Item 2005-0145 to approve the proposed Special Development Permit. Comm. Fussell seconded.

Comm. Simons will be supporting approval of this application as the additional 200 square-foot project is consistent with a number of nearby sites in the neighborhood and it would be of minimal impact to grant the modification.

Comm. Babcock will not be supporting the motion and would like to see the application denied as she feels it is setting a dangerous precedent. Previous Commissioners put conditions of approval into the Special Development Permits as protections. It is important to observe these restrictions as applications are

proposed and to be careful about developing projects to the maximum of their site. This site has very minimal open space.

Comm. Sulser will not supporting the motion as he is concerned that it would be undoing a past political compromise and he is uncomfortable with the amount of impervious surface in this project.

Chair Moylan expressed that on his site visit, it appeared that the building in back of this site was about as far away from the fence as this existing building is away from the fence. Extending part of this building closer to the fence would be uneven and not what had been originally planned. Though it is a small change being requested, he shares Comm. Babcock's concern about the example being set by undoing the conditions of the Special Development Permit originally set for this site.

Comm. Simons commented that decisions for projects should be based on a site by site consideration. Sometimes commissioners are more flexible and should be careful about having periods of excess flexibility. Providing flexibility to some and not to others might make some feel their projects are being looked at a little more harshly. He will be supporting the approval of this project.

Motion failed, 2-5, Chair Moylan, Comm. Hungerford, Comm. Babcock, Comm. Klein and Comm. Sulser dissenting.

Comm. Babcock moved for Alternative 3 to deny the proposed Special Development Permit, Comm. Sulser seconded.

Final Motion:

Comm. Babcock made a motion on Item 2005-0145 for Alternative 3, to deny the proposed Special Development Permit. Comm. Sulser seconded.

Motion carried, 6-1, Comm. Simons dissenting.

Ms. Ryan stated that the decision is final unless appealed to the City Council with a payment of the appeal fee within the 15-day appeal period.