

McCann Appeal:
208 Arreba Street Project

City Council Meeting

5.19.10

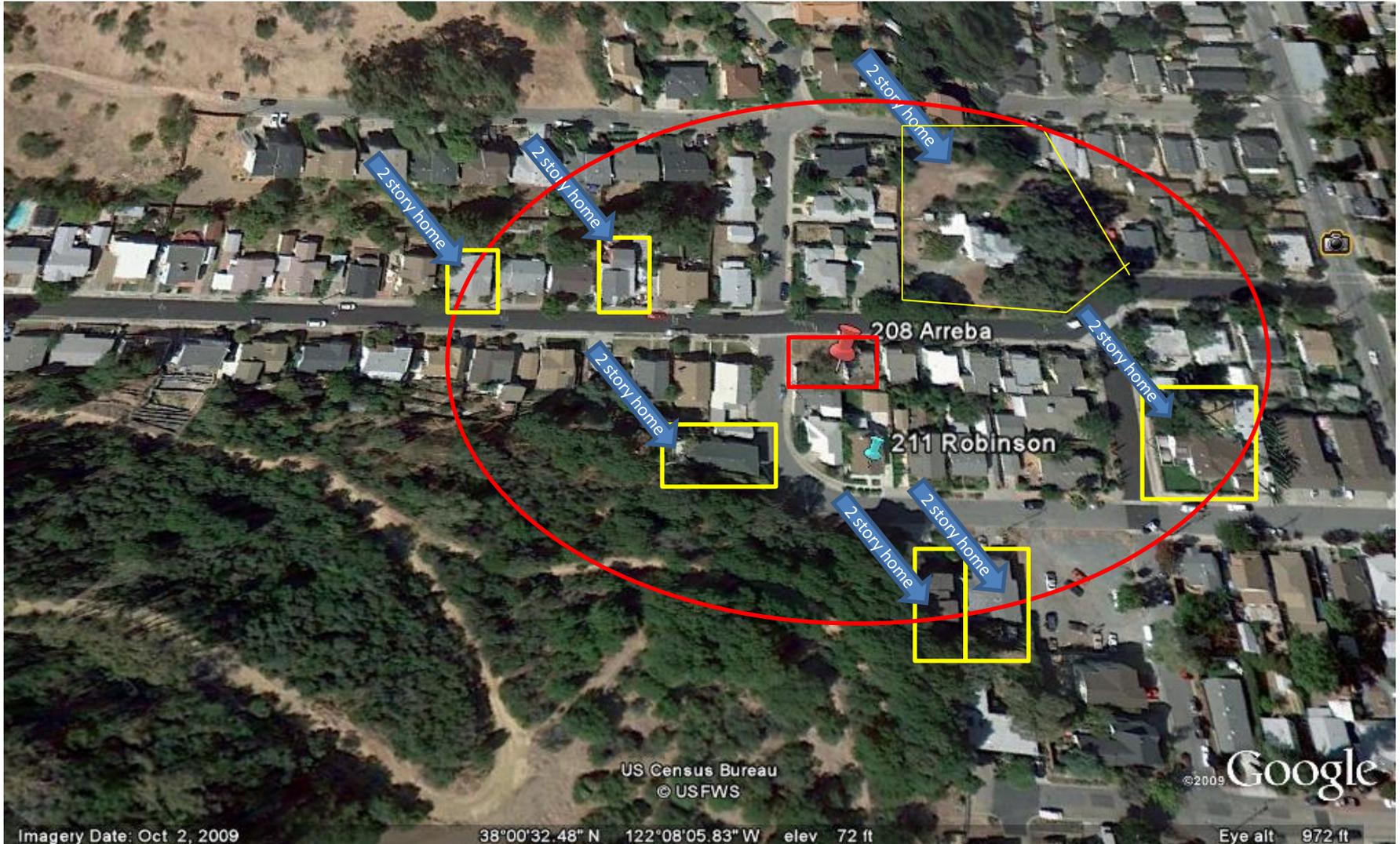
Neighbors who received notice of Public Hearing

For lack of any other definition being provided by planning or city staff, we will assume that the notification process itself implies that this is the neighboring area deemed potentially affected by the project. ** all property owners within 300 feet*



Neighbors Within This Notification Area With 2 Story Homes:

FACT: All 2 story homes back into wooded areas and/or have larger lots which precludes them from negatively impacting neighbors. The entire block that we sit on has one story homes only, they all range from roughly 700-1100 sq ft.



Facts, Understandings, and Viewpoints

Things We Understand

1. Applicant's lot is legal non conforming use. He would need a variance to do pretty much any remodel.
2. Having a 2nd floor is legal and he can move forward with plans to build one without any exceptions needed.
3. Remodeling the property would clean up an eyesore and improve the neighborhood.
4. Applicant claims he has been working on his plans for 15 years and coming to the city for counsel throughout, he suggests he was told to do a 2 story plan by the city planner. During our most recent meeting, on 4.6.10, applicant said he would be fine with a large 1 story but now he doesn't want to spend money on new plans.

Corresponding Facts and Viewpoints

1. Everyone on the block suffers the same hardship. Applicant is not special in having a legal non conforming use lot. We understand this issue in entirety.
2. A 2nd story is legal without exceptions needed only if it meets city code for setbacks, ie 25 feet for a 2nd story. By requesting exceptions for this project its clear that this is not the 2nd story option being presented so we aren't sure why this point keeps being brought up.
3. The property is an eyesore and we are not opposed to a remodel. We are opposed to **this** 2 story remodel that requires he meet variance and use permit standards
4. There is no evidence of this documented with the city No plans are on file prior to January 2010 . It is not our burden to bear if the applicant followed undocumented advice from a previous city planner, that is between the city and the applicant. Applicant is open to one story, we should be problem solving this to a workable solution. We are fine with a large one story and would support his project for a larger one story .

Facts, Understandings, and Viewpoints Continued

Things We Understand

1. Applicant and assistant city planner allege that the relatively flat topography of the site would preclude negative impact on neighbors in regards to view, light, air and privacy
2. Applicant lot size is 3700 sq ft. Proposed residence is 1957 sq ft. Proposed accessory structure is 1503 sq ft. Total sq ft proposed (garage and home is 3460). Sq ft of current structures are approximately 850 and 400, total of roughly 1250.

Corresponding Facts and Viewpoints

1. It is impossible to conclude that a structure 25 feet tall and four feet from our property line would not have a detrimental effect on all of these things : view, privacy, light and air. It must be proven that this project is not detrimental to the public's health, safety and welfare, and must not be materially injurious to properties in the vicinity. Terry Blount could not establish the finding that this was not detrimental, plans were not changed by applicant for PC approval. Our real estate broker has confirmed that we will have a difficult time selling our home in the future. He has confirmed that he would list our home today as having a view.
2. The proposed residence would be roughly **125% larger** than the current structure, well over double its current size. The proposed accessory structure would be roughly **275% larger**. Applicant is asking for an overall increase that is roughly 3X's larger than what he currently has. *The magnitude of this request is unquestionable.*

Facts, Understandings, and Viewpoints Continued

Things We Understand

1. Applicant and assistant city planner allege this projects fits in with neighborhood and is consistent with surrounding use.
2. Applicant has received support letters from neighbors.
3. To be approved for Variance and Use Permit exceptions **all** applicable findings must be made in the affirmative.
4. Applicant made a suggestion at a follow up meeting with the Assistant city manager that a portion of the 2nd floor be stepped in by about 8 feet, as opposed to original plan of 4 feet.

Associated Facts We Would Like Council to Know

1. There are no two story homes on the block, there are very few in the direct vicinity at all. This project site does not have the lot size that existing 2 stories in the surrounding neighborhoods have .Our block is very concentrated for space, the other blocks have more yard than we do. It is not our burden to bear that the applicant purchased a home on this tightly concentrated block that does not support large homes.
2. Applicant has received neighbor support for cleaning up a dilapidated structure. Almost all of these neighbors which provided letters do not live on the block and the project has no direct impact on their homes or lifestyles. One of them does not even live here anymore, he moved 3 years ago. Since we are the neighbors most directly impacted we have more to say about this than neighbors who have no direct impact. Our neighbor Gloria, who lives on our block, has also expressed her concern over the negative impact this would have on the view from her home.
3. Several findings have yet to be established to have allowed the PC approval of the use permit and variance request. The most notable of these findings is that the project NOT be detrimental to public health, safety, welfare or materially injurious. No changes to the plans were made upon submission by the applicant to the PC. It does not make sense that the PC approved the same plans that were originally denied by the ZA. While discussions on window changes were made during the PC, these were insignificant at best and the changes were suggested after the PC already provided their support for the project. The windows suggestions made do not improve any of our privacy concerns .
4. While we appreciate the attempt to concede 4 feet on part of the 2nd floor, unfortunately it does not make a difference to our line of site , view, privacy etc. The change does not address or correct our concerns.

Facts, Understandings, and Viewpoints Continued

Things We Understand

1. During our facilitated meeting on 4.6.10 the Assistant City Manager told us that 85-90% of the time the City Council will uphold the PC's decision.
2. During the PC meeting the commissioners indicated that the ZA had given "poor service" by even caring what "5 neighbors" had to say. During the PC meeting the commissioners indicated we "gave up our privacy" when we moved to the Bay Area. We were also told we had no view from people who have never been on our property.
3. The applicant is a merchant downtown, and has been for 23 years. This is something that has been referenced throughout several meetings.

Associated Facts We Would Like Council to Know

1. We are convinced that city staff and representatives have pre-biased points of view, we feel the deck is stacked against us. We are not involved in town politics and refuse to let our property be affected as part of any political issues the city may have within its committees. I did not ask the city manager for this information, but its clear to me why she made sure I heard it. Also, this meeting was supposed to be held at the property to review the actual site itself. This did not happen .In fact we learned that the Asst City manager and Anjana had met with the applicant at the site the day before to handle a site walk through.
2. PC appeared unprepared and unprofessional during our interactions. We also listened to the PC audio cd and we can hear them joking after we left about limiting discussions to 2 minutes for the next section of their meeting. We question the professionalism being applied to our issue. You will also note the written minutes carefully step around the actual discussions in the room, listening to the audio is necessary to understand how this meeting actual was run. The integrity of the process and the people making decisions is questionable after being at this meeting and throughout this ordeal. From our interactions with several city representatives we are effectively being told that we don't have a right to privacy, that we don't own our view, and basically that we don't really matter that much. We don't agree. We know that we bought the house with the view it has today, we are arguing that we have a right to maintain the property as we enjoy it today and we have a right to count, whether or not the city agrees with us.
3. To us it is not relevant to the facts of this case whether the applicant owns a business downtown or not. We won't be involved in the politics of this issue. We have taken excellent care of our property since we bought it in 2007. Special biases for applicant are apparent to us in this case and have not gone unnoticed from our points of view.

FACT: All applicable findings must be made to be able to approve both the Use Permit and Variance Request.

Zoning Administrator Hearing: The Zoning Administrator denied the applicant's request for a Use Permit and a Variance to allow reconstruction and renovation of a vacant single-family residence and garage at a publicly noticed hearing on February 17, 2010. The decision was based on the record as whole, including the information contained in the staff report and attachments, public testimony, and evidence submitted at the hearing. Both the request for a Use Permit for the garage/accessory structure and the Variances for the addition and alteration to the single-family residence requires that all applicable findings be made in the affirmative for approval. Since the finding that the project "will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity" could not be made the project was denied by the Zoning Administrator.



Appeal filed: The applicant submitted an appeal of the Zoning Administrator's decision on February 25, 2010 with an appeal letter, along with neighbor support letters (see attached). The applicant has provided plans of the proposed project for Planning Commission review (see exhibits). It should be noted that the applicant has chosen not to make any changes to the proposal since the Zoning Administrator's meeting and after hearing the public comments and concerns regarding the second story addition to the structures. The following bullet points address items from the applicant's appeal letter.

All Standards That Must be Met for Approval

Applicant is requesting 6 Variances and 2 Use Permit exceptions. He meets only 3 of the 11 code requirements for zoning compliance.

Variance Standards to be Met For Approval

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone.
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.
4. That the granting of the variance will not constitute the granting of a special privilege inconsistent with the limitations on other properties classified in the same zone.
5. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Permit Standards to be Met For Approval

1. The proposed location of the conditional use is in accordance with the objectives of this title and the purposes of the district in which the site is located.
2. The proposed location of the conditional use and the propose conditions under which it would be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.
3. The proposed conditional use will comply with each of the applicable provisions of this title.

Two 24'-3" building's????



We enjoy our view and feel we should continue to be able to enjoy our view



Proximity of the current structure



208 Arreba



Space between the property

211 Robinson

View from corner of
208 Arreba

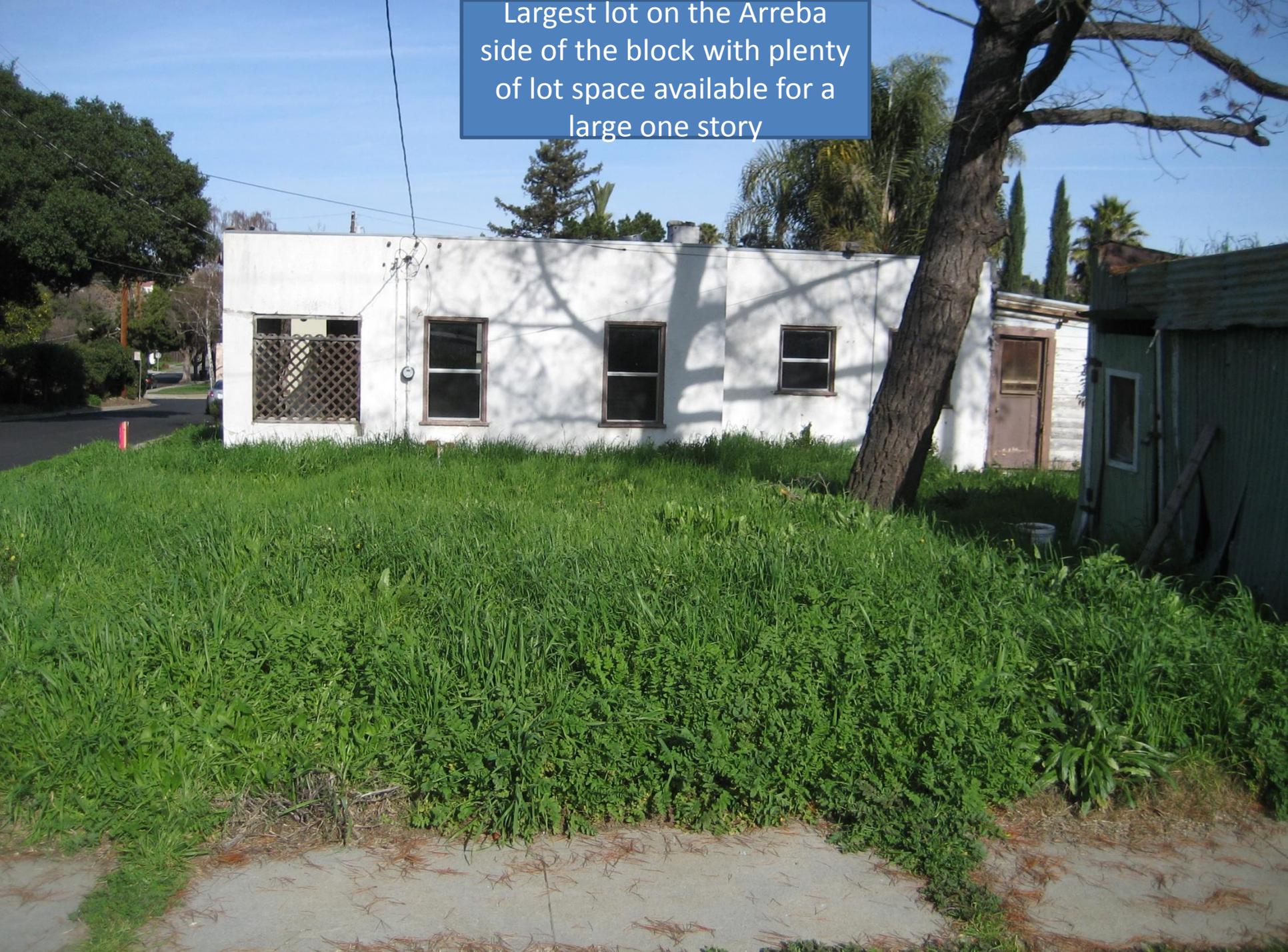


Current vacant home
on 208 Arreba





Largest lot on the Arriba side of the block with plenty of lot space available for a large one story





This is the current “garage”
made of corrugated metal



Summary and Recommendations

- ❑ We too would like the property remodeled.
- ❑ Our concern is that the 2nd floor is too close to our property line.
- ❑ We are open to a variety of options including :
 - ❖ One story home with the proposed two story accessory structure as is (as proposed we would not see it from our yard).
 - ❖ One story home which takes up more of the lot, we don't care if he covers the entire yard.
 - ❖ 2 story home that meets city setback requirements.



HOUSE FRONT (Arreba St.)

RECEIVED
MAY 11 2010
COMMUNITY DEV. DEPT.



GARAGE (ROBINSON ST.)

ATTACHMENT #13
Stahlberg Revision of Elevations

S-1

RECEIVED
MAY 11 2010
COMMUNITY DEV. DEPT.

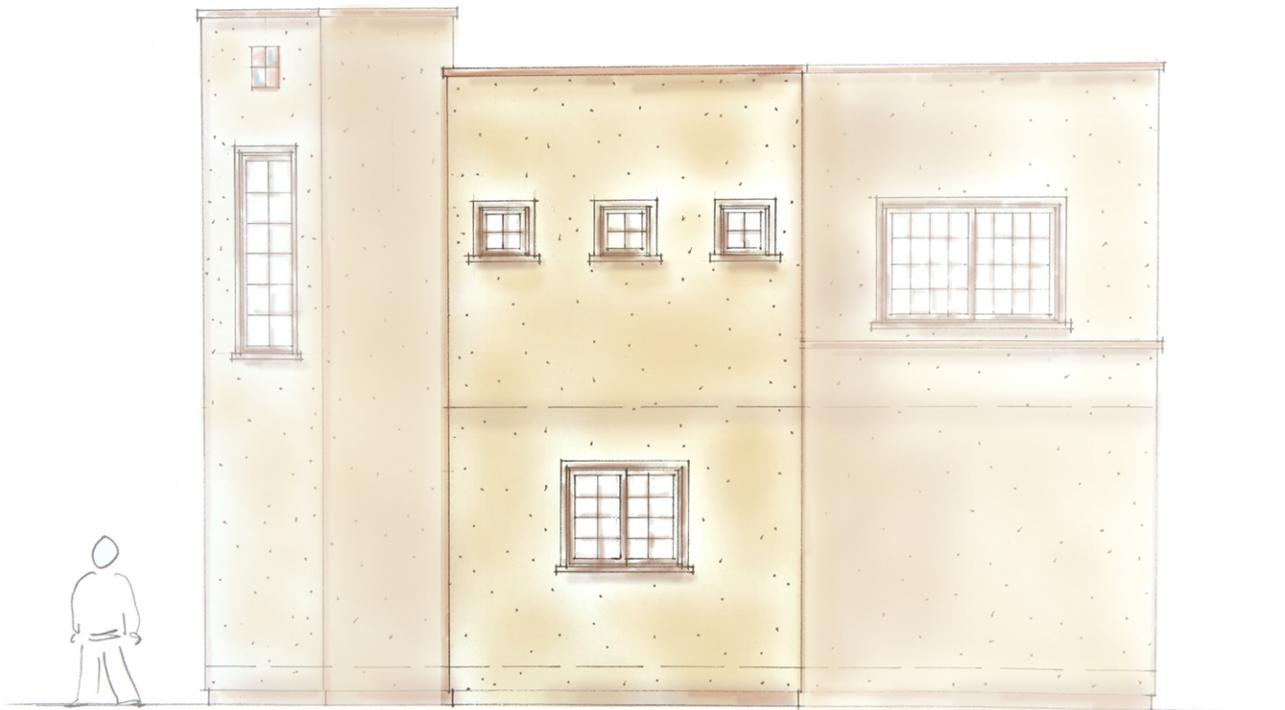


HOUSE - RIGHT
(view from Robinson Street)



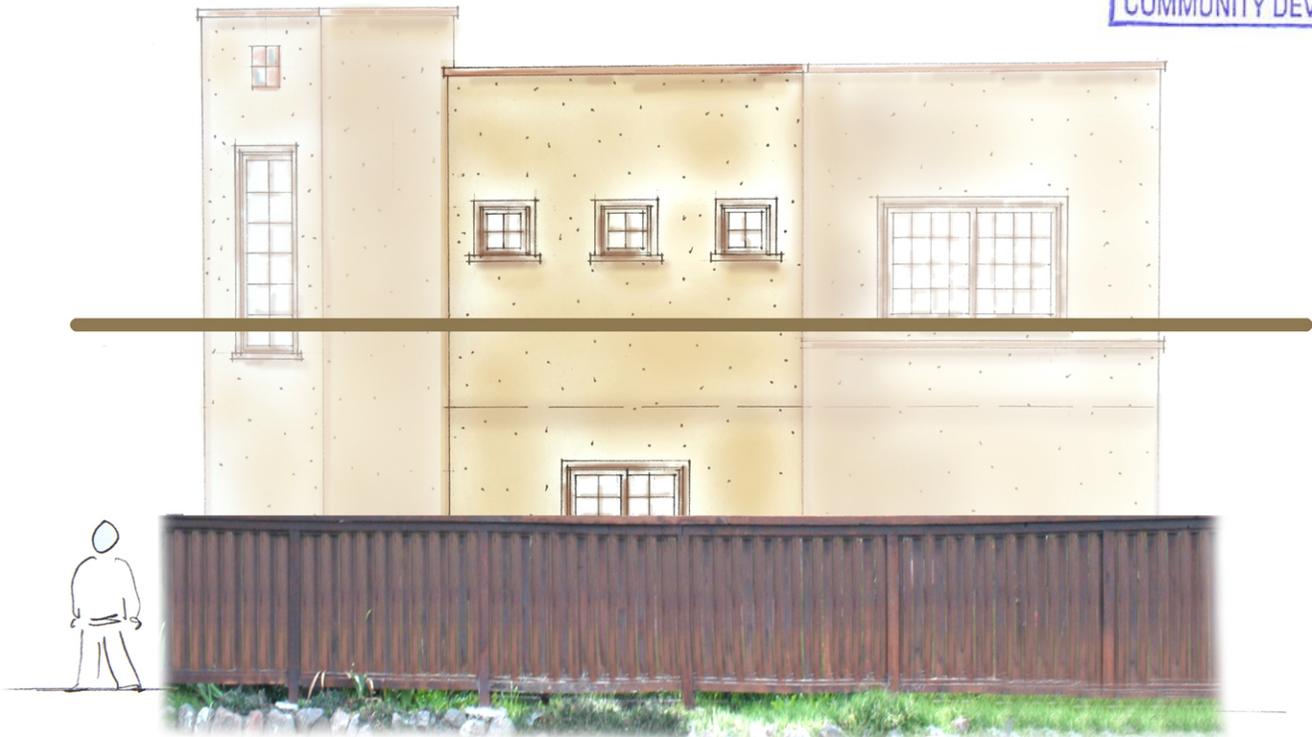
GARAGE (ROBINSON ST.)

Rear Elevation as it appears on the original plans



HOUSE REAR

RECEIVED
MAY 11 2010
COMMUNITY DEV. DEPT.

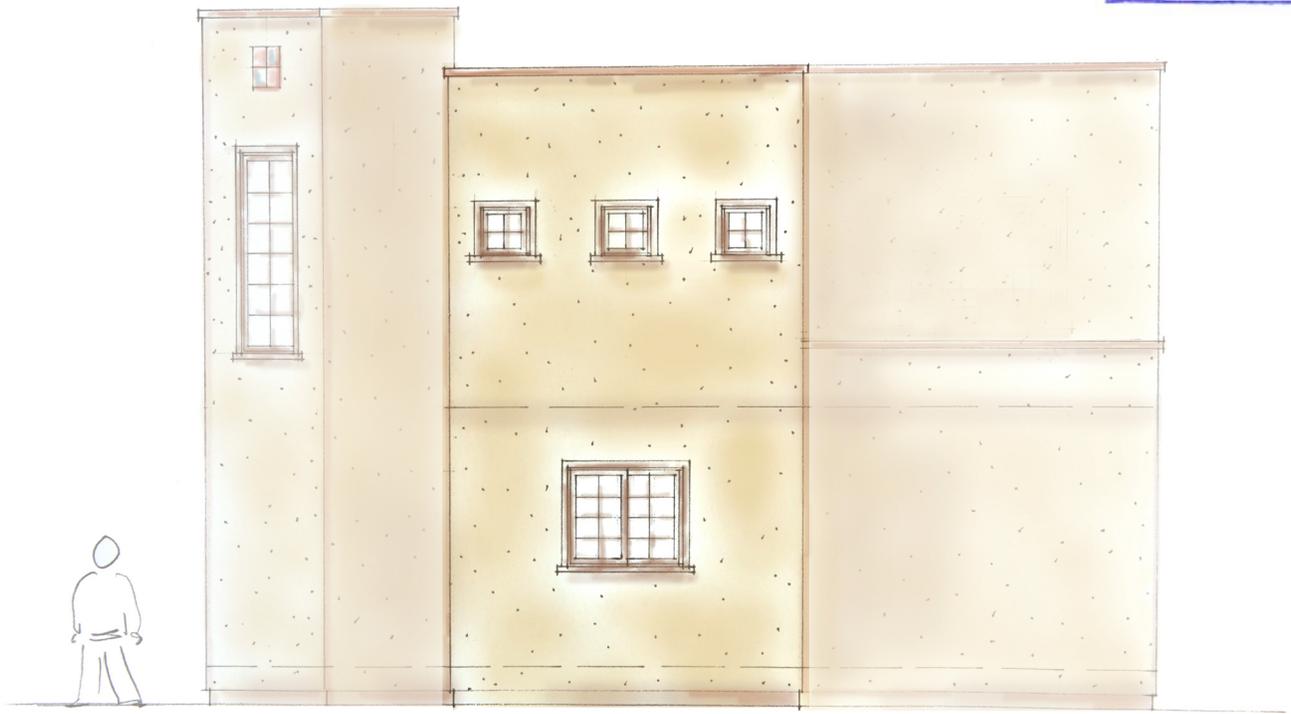


Rear Elevation as it appears on the original plans showing the fence and a line showing height of existing house.

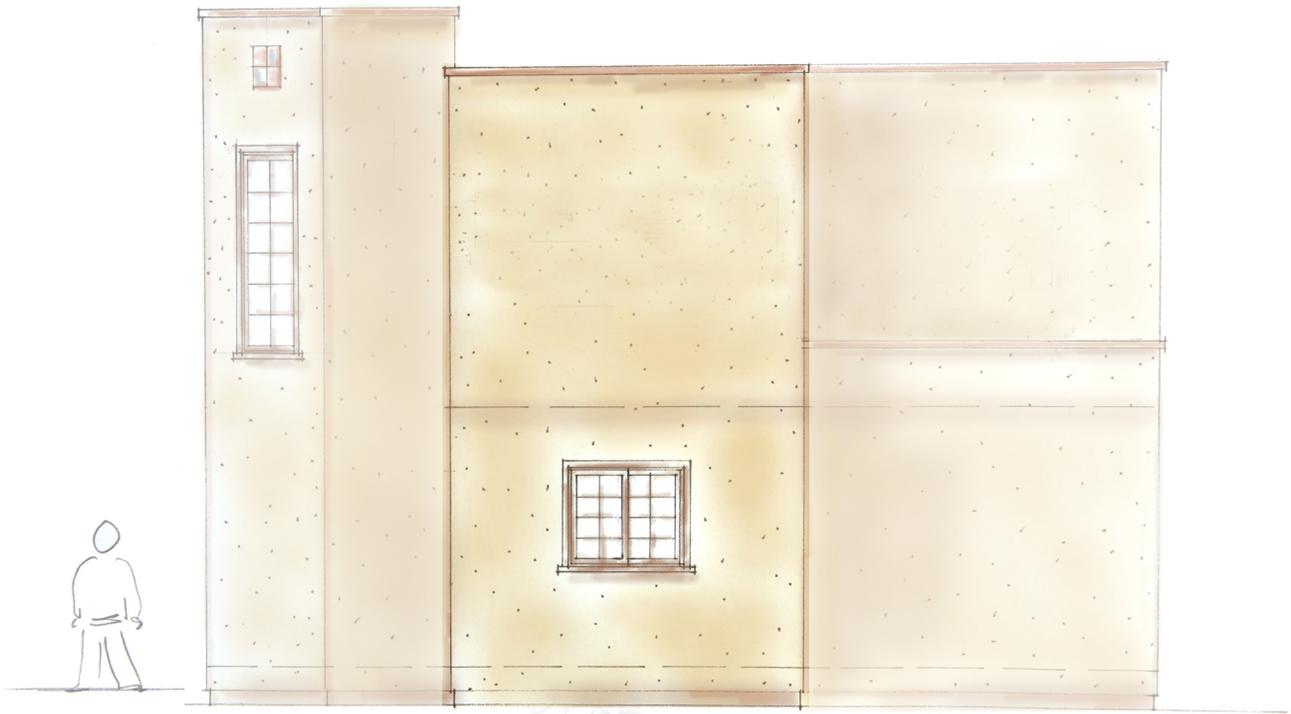
House - rear

With Bedroom window moved to left side

RECEIVED
MAY 11 2010
COMMUNITY DEV. DEPT.



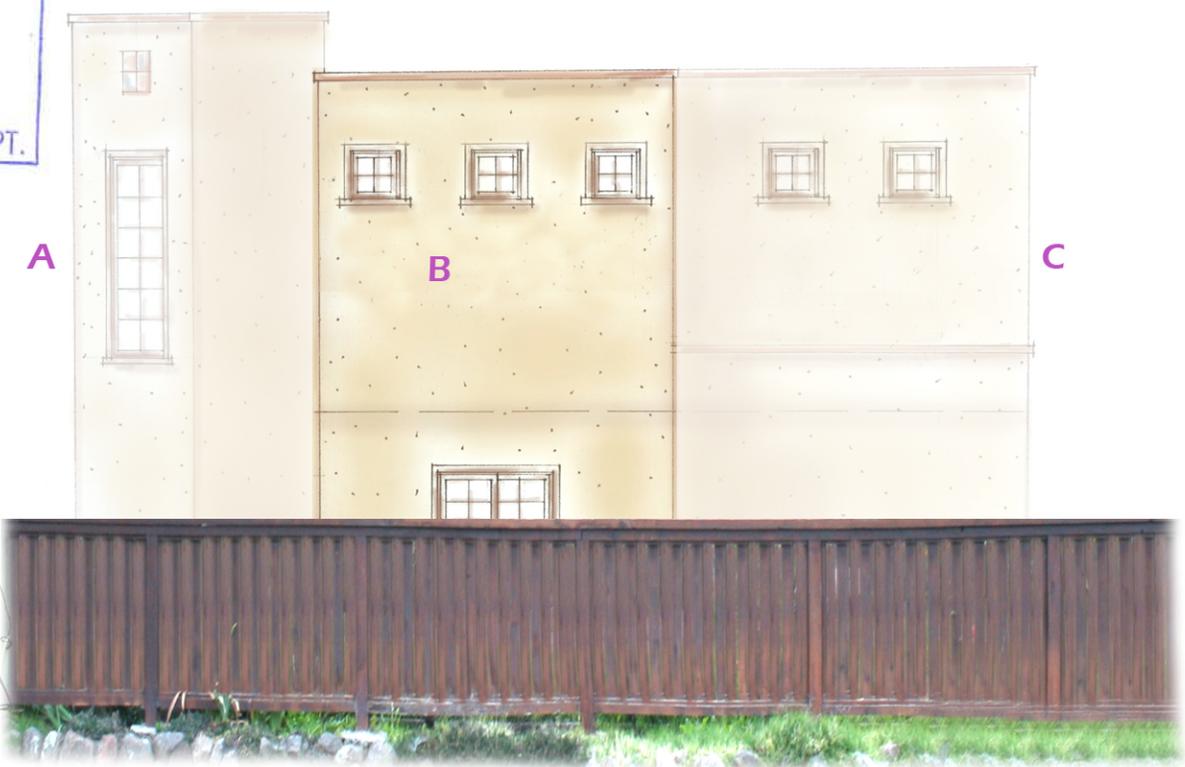
HOUSE REAR



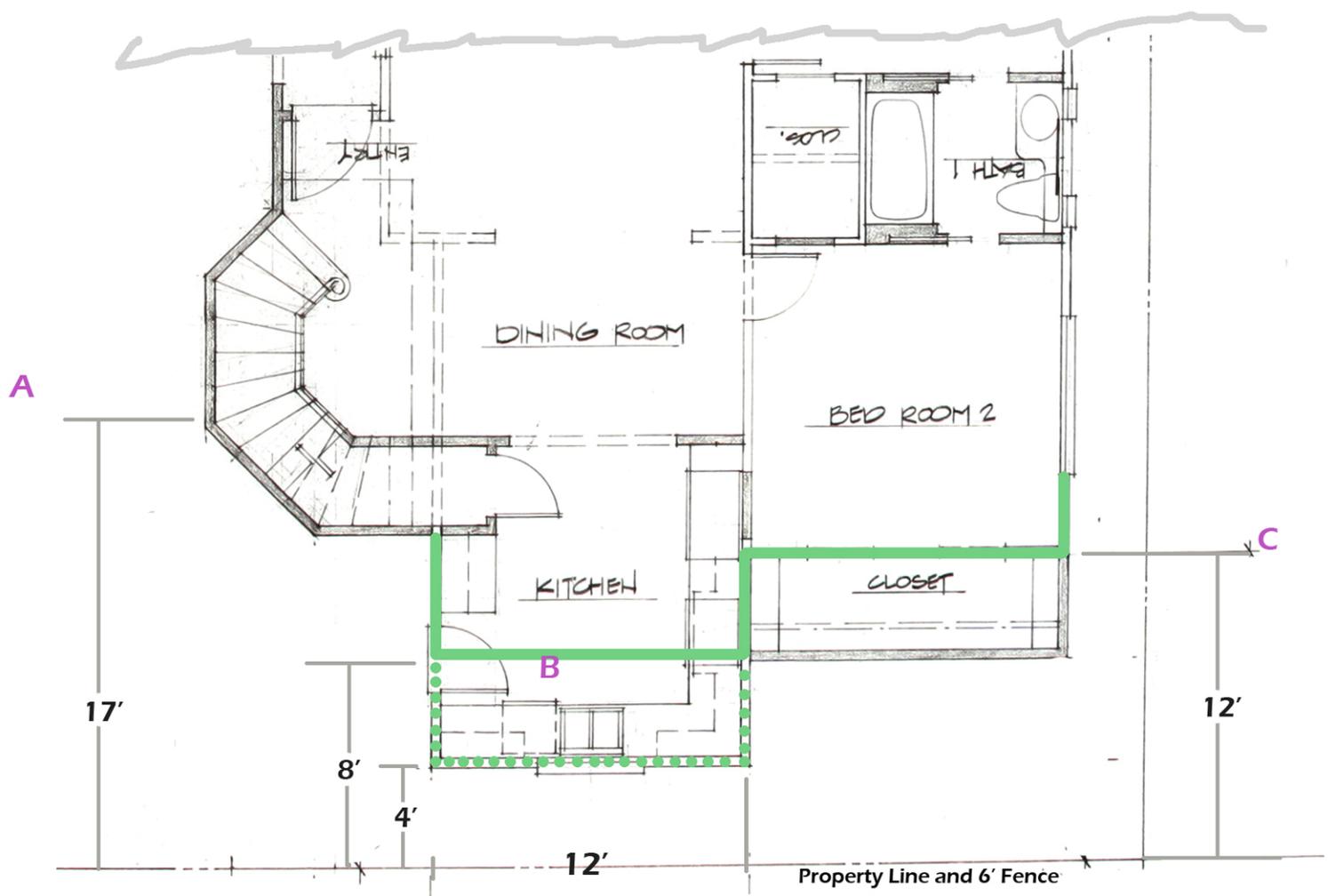
House -rear

With Bedroom and Family room windows moved to side

RECEIVED
MAY 11 2010
 COMMUNITY DEV. DEPT.



Rear Elevation Window Design recommended by the Planning Commission



Green dotted line ■■■■ = second story Footprint approved by the Planning Commission

Solid Green Line = 4' additional setback of second story footprint we are willing to do

RECEIVED
MAY 11 2010
COMMUNITY DEV. DEPT.



View of rear neighbor's yard from 2nd story bedroom

RECEIVED
MAY 11 2010
COMMUNITY DEV. DEPT.



RECEIVED
MAY 11 2010
COMMUNITY DEV. DEPT.



View from hill of 208 Arreba and 211 Robinson - (looking S.E.)

RECEIVED
MAY 11 2010
COMMUNITY DEV. DEPT.

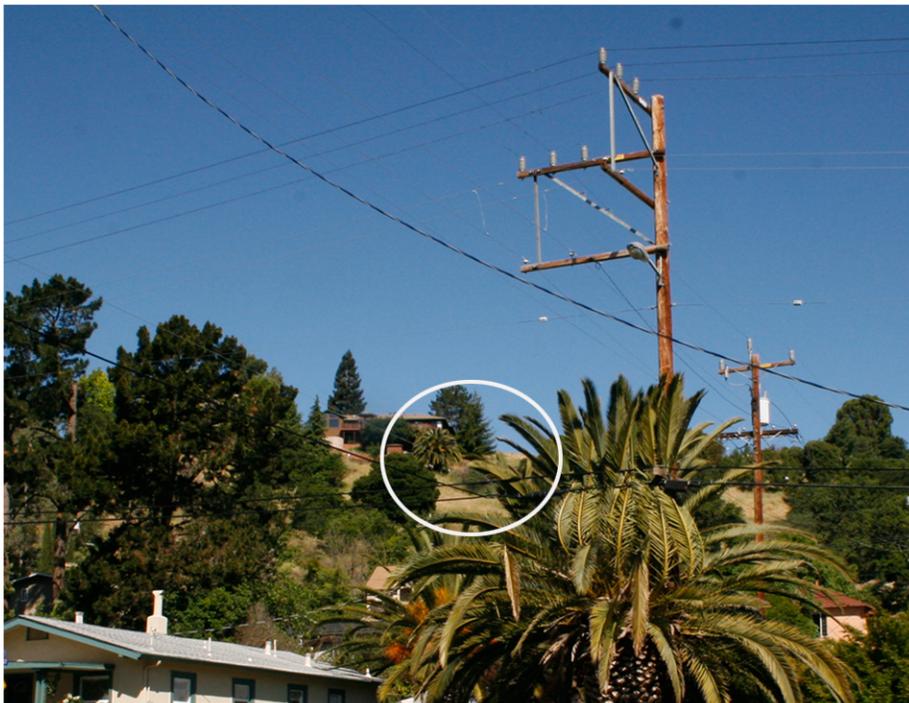


View from hill of 208 Arreba and 211 Robinson - (Close-Up view)



View of hill from fence of 208 Arreba

RECEIVED
MAY 11 2010
COMMUNITY DEV. DEPT.



Approximate view 211 Robinson currently has

S-10