



**Council
Communication**
Office of the City Manager

Date

April 10, 2006

Agenda Item No. 71

Roll Call No. 06-

Communication No. 06-210

Submitted by: Larry Hulse
Community Development Director

AGENDA HEADING:

Review of the March 22, 2006 decision of the Board of Adjustment to approve a use variance for Sonja Roberts (owner) to continue a professional office use for an interior design and property management business at 696 18th Street in the “R-HD” Residential Historic District.

SYNOPSIS:

On March 22, 2006 the Board of Adjustment voted 5-1 (Belken opposed, Clarke absent) to approve a use variance to allow continued use of the property as a professional office for an interior design and property management business subject to the following conditions:

1. The variances and exceptions are restricted to the operation of the subject business by the appellant.
2. The variance of the principle permitted use in the “R-HD” District is limited to the existing interior design and property management business. Any change in the existing operation would be subject to review and approval by the Zoning Board of Adjustment.
3. The Board reserves jurisdiction to review and revoke the variances and exceptions if it is found that the business is no longer keeping within the essential character of the neighborhood.

Staff recommends that the City Council receive and file the Board’s decision and not ask the Board to reconsider.

FISCAL IMPACT:

Amount: NA

Funding Source: NA

ADDITIONAL INFORMATION:

Business Design 1 and Perennial Properties Management are businesses currently operated by the property owner at 696 18th Street based on an expired Board of Adjustment action originally taken in 1992, and renewed for 5 additional years on May 28, 1997 by Docket No. 14-97-1.144. The owner does not reside at the subject property. Therefore, the business does not qualify as a home occupation and is subject to a variance to the list of permitted uses (a use variance) in the “R-HD”, Residential Historic District. The appellant’s office is located in a unit on the first floor. Three dwelling units total exist on the second and third floors. Multi-family residential is a permitted use in the “R-HD” District.

Staff is not aware of any complaints made by neighbors regarding the business use during the 15 years of its’ existence. Staff believes that the appellant has a proven track record of operating within the character of the neighborhood. Staff recommended to the Board of Adjustment that the a new use variance be granted for an indefinite time period subject to the conditions noted in the synopsis section of this report.

The Board’s decision was filed on March 28, 2006. Because this decision was regarding a use variance, pursuant to Section 134-65 of the City Code, the City Council shall review the Board’s decision within 30 days after the decision is filed. After such review, the City Council may remand the decision to the board for further study. If the City Council does not act to review the decision within 30 days after it is filed, the Board’s decision shall become effective on the 31st day (April 28, 2006). If the City Council declines to remand a decision, the Board’s decision shall become final on the date of the City Council’s action (April 10, 2006).

PREVIOUS COUNCIL ACTION(S): NONE

Date:

Roll Call Number:

Action:

BOARD/COMMISSION ACTION(S):

Date: March 22, 2006

Docket Number: ZON2006-00016.

Action: Board of Adjustment voted 5-1 (Belken opposed, Clarke absent) to approve a use variance to allow continued use of the property as a professional office for an interior design and property management business subject to conditions.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE