

MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, SEPTEMBER 12, 2017
5:30 P.M.
AUSTIN CITY COUNCIL CHAMBERS

MEMBERS PRESENT: Megan Burroughs, Steve Kime, Jim Mino, Troy Nelson and Michael Postma

OTHERS PRESENT: Holly Wallace and Kelly Rush

Commissioner Kime called the meeting to order at 5:30 p.m. Commissioner Mino made a motion to approve the August 15, 2017 Planning Commission Meeting minutes as written. Commissioner Nelson seconded the motion. All were in favor and the motion was carried.

OPEN PUBLIC HEARING: To consider a request from Patrick Bradley, Grove Street LLC, to approve a CIC plat of its properties located at and near 113 2nd Ave NE. Said action is pursuant to Austin City Code Section 13.10.

Grove Street LLC owns the corner property at 2nd Avenue NE and Main Street. The surrounding area is zoned “B-3” Central Business District. The petitioner is requesting a Common Interest Community (CIC) plat to be compliant with City and State Fire codes.

Property 111 2nd Avenue NE, the former “Mickey’s”, was combined with 113 2nd Avenue NE, the “Bakery”, to create a larger “Bakery”. A wall was removed between the two units to complete the expansion. The construction of the property is classified as type 5-B, which is built with combustible materials that are not rated fire resistant. The properties have a common sprinkler and need to be re-platted as a single (condominium) unit. This requires approval from the Planning Commission and City of Austin.

Staff Recommendation for Plat:

The plat is consistent with the City’s requirements relating to code compliance. Should the Planning Commission recommend approval of the final plat staff recommends the following conditions:

1. The CIC declaration be executed and recorded with the Plat, as required.
2. No changes to the plat are made that would result in code violations.

Notices are not customarily sent regarding platting and the action does not have an impact on the surrounding properties. However, there has not been any comments of feedback about the re-platting of the properties.

Commissioner Mino moved to approve the re-platting request, including the two Staff Recommendations. Commissioner Burroughs seconded the motion. Motion was carried.

OPEN PUBLIC HEARING: To consider an application from Jay Lutz, 1209 20th Street NE, Austin, MN, for a three-foot variance from the required 25-foot front yard setback, pursuant to Austin City Zoning Code Section 11.30, Subd. 5 (A) for properties in an “R-1” Residential District.

Staff Report:

The petitioner wishes to use part of the existing garage area for kitchen expansion and make up the lost garage space by expanding it toward the front of the lot. The lot is situated on a corner and the house layout would require a complete renovation in order to expand to the North. All surrounding properties are zoned "R-1" Residential.

The proposed variance requested is three feet, the setback would be at 22 feet, instead of the mandated 25 feet. The proposed variance would not increase or cause obstruction of traffic sight lines.

The lot coverage 27.8%, under the required 40% coverage limit.

Staff

Recommendations: If the Planning Commission chooses to recommend the approval of this requested variance, it should consider:

The location of the structure, the permanence of the structure, the purpose of setbacks (health and safety-air and open space, protection of other structures).

The Planning Commission and City Council must decide if the variance requested meets the statutory requirements for granting a variance which are:

1. *The variance is in harmony with the general purposes and intent of the zoning code.*
2. *The variance is consistent with the comprehensive plan.*
3. *The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision.*
 - *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*
 - *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*
 - *The variance will not alter the essential character of the surrounding area.*

NOTE: Economic considerations alone shall not constitute an undue hardship, if a reasonable use of the property exists under the terms of the ordinance.

All neighboring property owners were notified and no comments have been received. Commissioner Postma questioned if the remaining length of the driveway would accommodate a vehicle without sticking over. Co-property owner Kelly Rush stated that at 22 feet, it was.

Commissioner Postma moved to approve the variance request, including Staff Recommendations. Commissioner Mina seconded the motion. Motion was carried.

ADJOURN

Commissioner Nelson moved to adjourn the meeting and Commissioner Postma seconded the motion. The motion passed and the meeting was adjourned at 5:45 p.m.