

Land Division Appeal

REQUEST	Land Division Appeal
APPLICANT	John Lipka
LOCATION	3079 Eastwood Drive
PARCEL NO.	15-31-128-023
ZONING	R-4 One-Family Residential
STAFF	Kristen Kapelanski, AICP, Manager of Planning

Summary

Per Section 122-30 of the City Code, the Planning Commission shall hold a public hearing and make a recommendation for any land division appeal prior to consideration by the City Council for a final decision. In this case, the applicant filed for a Land Division of their 0.95-acre property at 3079 Eastwood. The divided parcel, if approved, will result in two properties that are 0.475 acres each.

The Building, Assessing, Public Services, and Planning/Economic Development departments reviewed the proposed land division. The Planning/Economic Development and Building Departments recommended denial and cited the ordinance sub-sections Section 122-28(b)(2) and 138-5.100-101 which requires the land division to be in compliance with the applicable requirements of the zoning ordinance. While the proposed application results in lots that are consistent with the minimum width and area requirements, the existing house to remain on Parcel 1 would be setback 8.7 feet from the proposed parcel line, where a 10 foot side yard setback is required.



This request for recommendation from the Planning Commission and ultimate approval to the City Council is being submitted on behalf of the applicant. An applicant may appeal an administrative denial per Section 122-30(e) below.

Appeal and review. Any applicant who is aggrieved by any denial or other action may appeal to the city council. The council shall thereafter review the decision or action of any department and may reverse, modify or affirm such decision in whole or in part.

Motion to Recommend Approval

MOTION by _____, seconded by _____, in the matter of the requested land division for 3079 Eastwood Drive, the Planning Commission recommends **approval** with the following findings as noted in Section 122-30(c) of the City Code.

Findings

1. The division or partition will result in lots or parcels of land having a size and shape consistent and harmonious with that of other parcels in the immediate area.
2. There has been compliance with the requirements of this article and the other applicable provisions, standards, rules and regulations of this Code.
3. The provisions for any private road shall be in compliance with Section 122-31 and shall not be injurious to the public health, safety and welfare and shall be generally compatible with the surrounding land use and development.
4. The division or partition and the ability to develop buildable sites on resultant parcels will not unreasonably disturb wetlands, floodplains or other natural features of the land or that any disturbance to these areas is permitted pursuant to a wetland and/or floodplain permit issued by the city.
5. The nature and location of vehicular ingress and egress will not unreasonably interfere with or hinder appropriate development and use of adjacent land or unreasonably impair the value thereof or cause a nuisance thereto.
6. The location, size and layout of resultant parcels will not be unreasonably detrimental to nearby residences because of noise, fumes, lights or other nuisances nor will it interfere with any adequate supply of light and air or otherwise endanger public health, welfare and safety.
7. Adequate access to roads and utilities is provided for each resultant parcel which is otherwise a buildable site.

Motion to Recommend Denial

MOTION by _____, seconded by _____, in the matter of the requested land division for 3079 York Road, the Planning Commission recommends **denial** with the following findings.

Findings

1. The proposed land division results in a deficient side yard setback for the existing home.
2. The proposed land division does not otherwise comply with the standards of Section 122-30(c) of the City Code.

Attachments: Planning Department memo dated 7/10/18; Survey; Applicant request letter; Building Department memo dated 7/3/18; Public Hearing Notice.

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