



## Legislation Text

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File #: 23-0671, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Concur with the Petitioner's request to extend the effective date of ordinance 21-056 (506 Spring Avenue) for a one-year period - PZC 21-1-031

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, AICP, Community Planner

#### **BOARD/COMMISSION REVIEW:**

N/A

#### **BACKGROUND:**

On May 18, 2021, the City Council passed an ordinance approving variances to various sections of the Municipal Code in order to allow for modifications to a detached garage located at 506 Spring Avenue (Ordinance 21-056). This ordinance was executed on May 19, 2021.

The provisions stipulate that no variance shall be valid for a period longer than two years from the date of the ordinance granting the variance unless a building permit is obtained within such period and the erection or alteration of a building or structure is started or the use is commenced within such period (Section 6-3-6:4).

To date, the Property Owners, Mark and Kimberly Jahnke, have not submitted a building permit and no work on the detached garage has commenced.

#### **DISCUSSION:**

Section 6-3-6:4 (Effective Period of a Variance) allows for a one-year extension of an authorized variance within one year prior to expiration of said variance upon request by the Property Owners and subject to City Council review and approval.

The Property Owners contacted staff requesting an extension to the effective period of the variance on May 17, 2023 which is prior to the expiration of the ordinance approving the variances and within the one year period (see attached letter).

The Property Owners have indicated that they acquired architectural drawings and began to search for a contractor to complete the work. However, due to the pandemic and the lack of labor and building materials, they were not able to start the project during the two-year period.

Staff is supportive of the request to extend the effective period of the ordinance for an additional year. Should the City Council approve the one-year extension request, the ordinance would be effective

until June 6, 2024.

**FISCAL IMPACT:**

N/A