



MINUTES OF THE ARCHITECTURAL REVIEW BOARD

February 20, 2020

Item 6
Variance

314 S. Alcaniz Street

PHD
HC-1 / Wood Cottages

Action taken: Denied

Scott Holland is seeking a Variance to increase the minimum rear yard setback from twenty (20) feet to twelve (12) feet, six (6) inches to accommodate a new two-story single family residence. This item is in consideration with Item 7.

Mr. Holland presented to the Board and advised the existing building is 10' from the rear property line, and after removing the residence, he proposed to pull it back 12.5'. He advised there were no objections to the variance, but the neighbor at the rear wanted to ensure the shortcut to the Dharma Blue would remain. Board Member Mead was concerned that this was a 40% variance and was not sure the other elements of the hardship could be met. Assistant City Attorney Lindsay asked if he had looked at the information provided, and he confirmed he did but was uncertain that this would preclude them from building on this lot. He noted there were buildings being constructed on small lots and was not sure how this presented a hardship. Chairperson Quina pointed out he was only asking for the same consideration as the neighbors on both sides, and he was staying further away from the setback than the neighbors had; it also was not creating a special circumstance. Staff advised the requested variance would not increase the non-conformity of what was already existing; the structure to the north was a contributing structure. It was also clarified that when a structure was torn down, it was replaced with a structure which was up to present day Code and not non-conforming, however it could be repaired or extended, and a variance would not be needed. It was also noted the variance would save two heritage trees.

Mr. Fluegge explained that variances caused him heartburn and where does it stop with variances getting larger and setbacks getting smaller; he and his neighbors were concerned with the larger projects, and granting variances was a slippery slope. He emphasized the downtown area was a prized jewel and needed care and protection at all costs.

Board Member Mead was amenable to the property owner's desire but needed the criteria to be met on evidence presented. This was new construction and not preserving a historical structure or preserving some item of uniqueness which is the function of the Board. Chairperson Quina offered that the applicant was indicating without the setback, the site was unbuildable in the remaining footprint for a marketable house. **With other Board members agreeing, Board Member Villegas made a motion to deny because**

of a lack of hardship, seconded by Board Member Mead, and it carried unanimously.
Chairperson Quina informed the applicant that he could approach the Council on this matter.

**Item 7
New Construction**

314 S. Alcaniz Street

**PHD
HC-1 / Wood Cottages**

Action taken: Withdrawn.

Scott Holland is seeking *CONCEPTUAL* approval for a new two-story single family residence.