



Legislation Details (With Text)

**File #:** 22-00827      **Version:** 1      **Name:**

**Type:** Legislative Action Item      **Status:** Passed

**File created:** 8/5/2022      **In control:** City Council Special Meeting

**On agenda:** 8/8/2022      **Final action:** 8/8/2022

**Enactment date:**      **Enactment #:**

**Title:** CLARIFICATION OF INTENT REGARDING COUNCIL’S DECISION RELATED TO 313 EAST JACKSON STREET - REQUEST TO KEEP UNAPPROVED ROOFING

**Sponsors:** Ann Hill

**Indexes:**

**Code sections:**

**Attachments:** 1. Proposed Deed Restriction

Date	Ver.	Action By	Action	Result
8/8/2022	1	City Council Special Meeting	Approved	Pass

**LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council President Ann Hill

**SUBJECT:**

CLARIFICATION OF INTENT REGARDING COUNCIL’S DECISION RELATED TO 313 EAST JACKSON STREET - REQUEST TO KEEP UNAPPROVED ROOFING

**RECOMMENDATION:**

That City Council clarify their intent regarding their decision related to 313 East Jackson Street regarding the request to keep unapproved roofing.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

On May 19, 2022, the Architectural Review Board (ARB) considered a request for approval to Keep Unapproved Roofing at 313 E. Jackson St.

After presentation by the applicant and discussion by the board, a properly made motion to deny the request was made and the motion passed 5-0.

Section 12-12-3(13) of the City Code states:

Any person or entity whose property interests are substantially affected by a decision of the board may within fifteen (15) days thereafter, apply to the city council for review of the board’s decision. A

written notice shall be filed with the city clerk requesting the council to review said decision. If the applicant obtains a building permit within the fifteen-day time period specified for review of a board decision, said permit may be subject to revocation and any work undertaken in accordance with said permit may be required to be removed. The appellant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

In accordance with Sec. 12-12-3(13) a notice of appeal was timely filed.

On June 22, 2022, a Quasi-Judicial hearing was held regarding this request.

At the conclusion of the presentation of evidence and discussion, the following properly formed motion was made and seconded:

That City Council affirm the Architectural Review Board's denial (during the May 19, 2022, ARB meeting) of the appeal of Ms. Chandler (applicant). However, to allow Ms. Chandler a Certificate of Occupancy subject to her agreement to a deed restriction, to be recorded in the public records, the terms of which would require her to replace the (R-Panel) roof with the compliant (Standing Seam) roof, so she can get clear title to sell the property to the next property owner.

The motion passed 4-1.

A deed restriction was prepared by the City Attorney's Office using what was believed to be City Council's intent during their discussion. The Applicant (Ms. Chandler) does not agree with certain terms within the restriction as not being consistent with Council's intent.

The purpose of this Special Meeting is to get clarification from City Council as to their desired intent, so that the requisite deed restriction may be prepared.

**PRIOR ACTION:**

June 22, 2022 - City Council rendered a decision during a Quasi-Judicial Hearing regarding the review of an Architectural Review Board Decision related to 313 E. Jackson Street - Request to Keep Unapproved Roofing

May 29, 2022 - Notice of Appeal - 313 E. Jackson St. - Timely filed

May 19, 2022 - ARB Meeting regarding this request

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Proposed Deed Restriction

**PRESENTATION:** No