



Legislation Details (With Text)

**File #:** 17-00105      **Version:** 1      **Name:**

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

**File created:** 1/31/2017      **In control:** City Council

**On agenda:** 2/9/2017      **Final action:** 2/9/2017

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

**Title:** Request for Legal Opinion - Reconstruction of Nonconforming Structures at 1812 and 1814 E. Lakeview

**Sponsors:** Brian Spencer

**Indexes:**

**Code sections:**

**Attachments:** 1. 1812-1814 E. Lakeview, 2. 1812 E Lakeview July 26,2007, 3. 1812 E Lakeview\_E3AD7, 4. F-2 NON-CONFORMING #1 - 1812 & 1814 E. Lakeview, 5. LAKEVIEW\_FLOOR PLANS (1), 6. LAKEVIEW\_FRONT ELEVATIONS, 7. LAKEVIEW\_SIDE ELEVATIONS, 8. EMAIL FROM CITY ATTORNEY\_LAKEVIEW AVENUE.pdf

Date	Ver.	Action By	Action	Result
2/9/2017	1	City Council	approved	Pass
2/6/2017	1	Agenda Conference	Placed on Regular Agenda	Pass

**LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council President Brian Spencer

**SUBJECT:**

Request for Legal Opinion - Reconstruction of Nonconforming Structures at 1812 and 1814 E. Lakeview

**RECOMMENDATION:**

That City Council request a legal opinion from the City Attorney, regarding reconstruction of nonconforming structures at 1812 and 1814 E. Lakeview Avenue.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

Properties at 1812 and 1814 East Lakeview Avenue, four multi-family residential structures, were heavily damaged during Hurricane Ivan.

In accordance with the Land Development Code, reconstruction of nonconforming structures that have been destroyed to the extent of more than seventy-five (75) percent of their value by fire, explosion, or other casualty, or act of God or the public enemy, may take place with approval of City Council.

The buildings were considered nonconforming land use because the R-1AAA zoning district in which the property is located is a single-family zoning district which does not allow multi-family development.

In July 2007, a Public Hearing was held to consider the owner's request to reconstruct four new buildings within the same footprint that will contain eight (8) condominium units. This request was approved by City Council.

Currently there is a request to build single family residential, another nonconforming use.

The question being presented to the City Attorney, is what flexibility does the current City Council have, given the actions of the previous City Council, in considering another nonconforming use request.

**PRIOR ACTION:**

June 28, 2007 - City Council Action  
July 26, 2007 - Public Hearing

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) 1812-1814 E. Lakeview
- 2) 1812 E Lakeview July 26, 2007
- 3) 1812 E Lakeview\_E3AD7
- 4) F-2 NON-CONFORMING #1 - 1812 & 1814 E. Lakeview

**PRESENTATION:** No