



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