



Legislation Details (With Text)

File #: ABZA 11-2 **Version:** 2

Type: Appeal-BZA **Status:** Archived

In control: City Council

Final action: 4/6/2011

Title: Public hearing to consider the appeal of Tuan Joseph Pham to a decision of the Board of Zoning Appeals denying a variance of the River Corridor setback standards in order to allow an existing statue structure in the rear yard on the bluff side of the property at 231 Isabel Street West to remain.

Sponsors: Dave Thune

Indexes: Appeal

Code sections: Sec. 68.402. - Protection of shorelands, floodplains, wetlands and bluffs.

Attachments: 1. 231 Isabel.jpg, 2. 231 Isabel 1.jpg, 3. 231 Isabel 2.jpg, 4. 231 Isabel 3.jpg, 5. 231 Isabel 5.jpg, 6. 231 Isabel 4.jpg, 7. 231 Isabel variance application documents.pdf, 8. BZA staff report.pdf, 9. BZA minutes 1.pdf, 10. 231 Isabel deadline for action letter.pdf, 11. BZA minutes 2.pdf, 12. BZA Resolution.pdf, 13. 231 Isabel City Council appeal application docs.pdf, 14. 231 Isabel Public Hearing Notice.pdf, 15. ABZA 11-2 opposition letter.pdf, 16. ABZA 11-2 support letter.pdf

Date	Ver.	Action By	Action	Result
4/6/2011	2	City Council	Denied	Pass

Public hearing to consider the appeal of Tuan Joseph Pham to a decision of the Board of Zoning Appeals denying a variance of the River Corridor setback standards in order to allow an existing statue structure in the rear yard on the bluff side of the property at 231 Isabel Street West to remain.

In November of 2010, an inspector from the Department of Safety and Inspections (DSI) responded to a complaint regarding a structure built in the rear yard of this property. The inspector saw a structure, which can be best described as a statue, in the rear yard located within 40 feet of the bluffline. River Corridor setback standards require all development to take place at least 40 feet landward of the bluffline. The applicant subsequently contacted DSI and requested a meeting which was held on November 3, 2010. At the meeting the applicant was informed about the River Corridor setback standards and was given options to bring the property into compliance with the setback standards. Another inspection was done on November 8, 2010, by DSI inspectors along with the applicant. All concurred that the structure did not meet the bluffline setback requirements. On January 4, 2011, a letter was sent to the applicant ordering him to correct the violation by either moving the structure to meet the setback requirements or apply for a variance to allow the structure to remain at the current location. The applicant chose to apply for the variance. The initial public hearing was held on Monday, February 7, 2011. After hearing all testimonies, the BZA laid the matter over until March 7, 2011. On March 7, 2011, the BZA moved to deny the variance on a 7-0 vote.

The applicant is appealing the decision of the BZA on the grounds that:

- 1- The statue structure does not bring hazard to life or property and will not adversely affect the safety, use, or stability of a public way.
- 2- The proposed variance is in keeping with the spirit and intent of the code.

Does this issue fall within the 60 day rule? yes

If yes, when does the 60 days expire? March 13, 2011

Has an extension been granted? yes

If so, to what date? May 12, 2011.

Yaya Diatta 651-266-9080