

**HEARING OFFICER –Kelly Conference Room #155
January 3, 2024 @ 2:00 p.m. - Record of Meeting**

The Hearing Officer meeting was held on Wednesday, January 3, 2024 in the Kelly Conference Room #155 and on Zoom. Hearing Officer present: Ryan Robling

REPORTS RESOLUTIONS AND COMMUNICATIONS:

PETITIONS:

CU-39-23 Tracy Gates
401 S. Woodlawn Avenue
Parcel: 53-08-04-104-019.000-009
Request: Conditional use approval to allow an existing restaurant use in an existing building in the Residential High-Density Multifamily (RH) zoning district.
Case Manager: Gabriel Holbrow

Gabriel Holbrow, Case Manager, presented the staff report. Staff is recommending the Hearing Officer adopt the proposed findings and approve CU-39-23 with the following conditions:

1. This conditional use approval is limited to the “restaurant” use in the tenant space identified in the submitted materials.
2. This conditional use approval shall continue, regardless of any changes in ownership or name of business, as long as the use continues to meet the UDO definition of the “restaurant” use in the identified tenant space.

Tracy Gates, petitioner, didn’t have any additional information to add, but wanted the signage to blend with the building and the environment.

Robling made a motion to adopt the *Proposed Findings of Fact* and approve CU-39-23 including the conditions listed in the staff report.

V-41-23 Strauser Build + Design, LLC
511 & 515 N. Grant Street
Parcel: 53-05-33-300-057.000-005
Request: Variance from rear and side yard building setback standards for two existing buildings in the Residential Multifamily (RM) zoning district.
Case Manager: Eric Greulich

Eric Greulich, Case Manager, presented the staff report. Staff is recommending the Hearing Officer adopt the proposed findings and approve V-41-23 with the following conditions:

1. This approval is for the submitted site plan only.

Matt Ellenwood, petitioner, didn’t have anything to add but happy to answer any questions.

Robling believed the condition is unnecessary since an existing building, regardless of a site plan, would need to request a variance if any developments were to happen. The condition will be removed from the approval.

Robling made a motion to adopt *Amended Findings of Fact* and approve V-41-23 with the condition listed in the staff report.

1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

PROPOSED FINDING: The granting of the variance to allow the reduced side setbacks will not be injurious to the public health, safety, morals, or general welfare of the community. The two buildings have existed for several decades with no known negative 20 impacts. Both structures with the portions of the building that do not meet the required setbacks are adjacent to platted alleys, which reduces any impact of their presence within the required setback

3) The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.

PROPOSED FINDING: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property as it would require the buildings to be completely removed in order to meet setback requirements in order to allow any new construction on the property as there is not a practical manner to only remove a portion of the building to meet the required setbacks. The property is peculiar in that there are platted alleys along both the west and south sides of the site that provide the light and open space that would be achieved with the required setbacks. The granting of the variance to allow the buildings to remain will allow the construction of a new residential building on the site and increase the number of dwelling units within the community.

Meeting adjourned 2:21 P.M.