



# CITY COUNCIL MEETING MEMORANDUM

<b>ITEM:</b> Ordinance 2018-43; 903 E. Center St., Variance Request	<b>DEPARTMENT:</b> City Administration
<b>AGENDA SECTION:</b> New Business	<b>SUBMITTED BY:</b> Callie Jo McFarland, Community Development Director
<b>ATTACHMENTS:</b> (X) ORDINANCE (X) OTHER SUPPORTING DOCUMENTS	<b>DATE:</b> October 16, 2018

**BACKGROUND:**

Applicant- Seth & Julie Melton, owners of the single family residence at 903 E. Center St. (RD)

Seth & Julie Melton own the single family residence at 903 E. Center Street, Monticello, zoned Urban Residential (RD). The property is a corner lot, with two front yards, and while the west front yard faces a right-of-way, that right-of-way is used locally only by Mr. Melton and two adjacent properties. In May, Mr. Melton received a permit to construct a detached garage on the property where a garage had been at one time. The permit was based upon the plans submitted, which show the west face of the garage in line with the west face of the house. It was brought to Staff’s attention in July, that the garage constructed extended into the front yard and setback, and upon further investigation, the garage also encroached into the separation distance between a main and accessory structure.

§153.020 of the Monticello Municipal Code Zoning Ordinance states no detached accessory building shall be in a front yard. Additionally, the garage sits on the property line, which encroaches into the required front yard setback, and does not meet the separation distance requirement of 10’ between an accessory structure and main structure. Upon communication with Mr. Melton, the property lines were located to identify the appropriate setback necessary, and any potential encroachment. It was determined that the garage is located within 1’ from the west front yard property line. Mr. & Mrs. Melton are applying for a variance to allow an accessory structure in the front yard, reduce the front yard setback to 0’, and reduce the separation distance between the main structure and accessory structure to 7’, in order to bring their project into compliance.

A public notice was published in the September 26, 2018 edition of the Piatt County Journal Republican, and adjacent property owners were notified as per state statute. The Planning & Zoning Board held a public hearing at the October 15<sup>th</sup> Planning & Zoning Board meeting. An adjacent property owner to the southwest spoke in opposition of granting the variances because of parking interference with their access to the property and rewarding bad behavior. Another member of the public warned against showing favoritism and the precedence with previous projects where construction commenced prior to approval. After discussion and consideration, the Planning & Zoning Board voted to recommended approval 4-2-1.

**RECOMMENDED ACTION:**

It is recommended that the City Council discuss, waive the 2<sup>nd</sup> reading and vote on Ordinance 2018-43; or discuss and postpone the vote for Ordinance 2018-43 until the November 13<sup>th</sup>, 2018 City Council meeting.