



DATE: March 11, 2013

TO: Leah Messner, Assistant City Attorney

FROM: Jane Hudson, Principal Planner

SUBJECT: Consent to Encroach - EN-1213-5
Lot 12, Block 9, Manor College Addition
1400 Spruce Drive

The applicant originally submitted a consent to encroach request on a utility easement in November of 2012. This consent to encroach was for the location of a new storage building. However, the applicant needed to apply to the Board of Adjustment for a variance to locate the proposed storage building in the area of a platted 20' side yard setback. Planning staff requested the applicant postpone this encroachment request until an application to the Board of Adjustment could be processed. The applicant agreed to postpone the consent and submitted an application to the Board of Adjustment on January 25, 2013.

On February 27, 2013 the Board of Adjustment approved a variance of approximately 10' to the platted 20' side yard setback (east side) for construction of a shop building, with the condition that the variance is valid only for the life of that building, and a condition that the fence not be relocated any closer to the property line.

With approval from the Board of Adjustment the application for consent to encroach can now move forward.

Planning and Community Development Staff does not oppose the requested consent to encroach the utility easement with the new storage building.

Reviewed by: Susan Connors, AICP
Director of Planning and Community Development

cc: Brenda Hall, City Clerk

office memorandum