

To: Mayor and Ross Town Council
From: Elise Semonian, Senior Planner
Re: Kristoff Extension of Time Application, File Variance 1599
Date: June 7, 2007

I. Project Summary

Owner: Robert and Kim Kristoff
Location: 20 Winding Way
A.P. Numbers: 72-112-07 & 72-112-16
Zoning: R-1:B-A (Single Family Residence, One Acre Minimum)
General Plan: Very Low Density (.1-1 Unit per Acre)
FIRM Designation: Zone C (Area of minimal flooding)

II. Project Description

A one-year time extension to July 13, 2008, for a variance and design review application approved on July 13, 2006, to allow renovation of and additions to an existing two-story residence, demolition of a carport, construction of a 454 square foot attached two-car garage within the front yard setback (25 feet required, 4.5 feet proposed) and 34 linear feet of new retaining walls with a maximum height of 7 feet.

Lot area	28,042	square feet
Existing Floor Area Ratio	12.5%	
Approved Floor Area Ratio	15.0%	(15% permitted)
Existing Lot Coverage	9.3%	
Approved Lot Coverage	10.3%	(15% permitted)

The existing carport is nonconforming in setbacks.

III. Discussion

The applicants request a one-year extension of the expiration date for the Council approval of the project to July 13, 2008. The applicants request the extension to allow additional time to complete the architectural and structural engineering drawings.

A variance and design review approval expires one year from the date of approval if an applicant does not secure a building permit or commence construction. The zoning ordinance provides that the Town Council may grant a one-year extension of the approval if they determine that the findings made in the original approval remain valid. As required by the zoning ordinance, the applicants requested the extension prior to the expiration of the original approval (see attached letter.)

The minutes of the July 13, 2006 Council meeting, with the findings made to approve this application, are attached. Staff is aware of no circumstances that would invalidate the findings made for this project. Staff recommends additional conditions to address concerns that have arisen in the review of projects since this was approved.

Staff has no objection to the requested time extension. The applicants and future owners should be aware that they may request only one additional one-year extension of the approval.

IV. Recommendation, Findings, & Conditions

Staff recommends approval of the requested time extension with the findings of the original approval and the following conditions:

Conditions

1. Prior to project final, the applicant shall file an application for a voluntary merger with the planning department and submit material as required by staff to document this is a single lot of record.
2. A tree protection plan prepared by a certified arborist shall be submitted to the town planner prior to issuance of the building permit. Tree protection measures shall be followed during all phases of construction.
3. Prior to pouring the foundation, the applicant shall provide sufficient information to determine the location of the property line between 20 and 30 Winding Way so that staff may confirm the required setback for the approved garage.
4. Plans submitted with the building permit application shall be fully dimensioned (showing measurements at exterior walls) so that staff may confirm the project complies with the approved floor area.
5. Except as specifically amended here, all conditions of this project's July 13, 2006 approval shall remain in full force and effect.
6. Failure to secure required building permits and begin construction by July 13, 2008 will cause this approval to lapse without further notice.
7. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense, however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.