

STAFF REPORT

Application: Land Use Application to Keep Freezer and Fence in Right-of-Way

Applicant: Elaine Yablonsky

Agenda Item: 7(a)

Background Information: This is an after-the-fact permit needing approval by the Planning Commission. The applicant has constructed a cement slab containing a freezer, enclosed with fencing. The area adjacent to the cement slab contains a dumpster enclosed on three sides. Decorative fencing has been placed along the south border of the lot. The freezer, dumpster and fence are currently located in the right-of-way of Oriole Street.

The applicant is requesting to keep the above mentioned items where they currently sit until the business sells. It is currently listed for sale.

The property is located at 4386 Oriole Street in the Downtown Mized Use Zoning District, PID 29102002008Z009.

Applicable Regulations: Section 17-5.12 of the Ordinance contains the requirements for the Downtown Mixed Use (DMU) zone:

Setback, right of way, City road- feet, minimum	1
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D. Fences. Fences not exceeding 72 inches in height may be constructed. Fencing shall only be constructed closer than 10 feet from the surface of a public road with the permission of the Planning Commission and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is allowed only with the permission of the Planning Commission.

Planning Commission Direction: The Planning Commission can require these improvements be moved to resolve the current violation or construct findings of fact to allow the improvements to remain in their current location until the business sells, as the applicant is requesting.