

# SULTAN CITY COUNCIL

## AGENDA ITEM COVER SHEET

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**ITEM NO:** Closed Record Hearing and A-2

**DATE:** August 23, 2007

**SUBJECT:** **CLOSED RECORD HEARING**  
Hearing Examiner's Recommendation:  
Frank Jones Front Yard Variance - 802 Dyer Road

**CONTACT PERSON:** Rick Cisar, Director of Community Development

**SUMMARY:**

**THIS IS A CLOSED RECORD HEARING. CITY COUNCIL'S DECISION IS BASED ON THE OPEN HEARING RECORD. NO NEW TESTIMONY OR INFORMATION IS PERMITTED.**

The Hearing Examiner held an Open Record Hearing on June 13, 2007 to consider a request from Frank H. Jones for a front yard variance from 20' to 0' for the property located at 802 Dyer Road File Number VAR07-001. Based on the Findings of Fact, Principles of Law, Discussion, and Conclusions, the testimony and evidence submitted at the Hearing, and the Hearing Examiner's site visit, the Hearing Examiner **RECOMMENDS** Approval of the Variance from SMC 16.12.020 to relax the required front yard setback on Lot 2 of the replat of Dyer Addition subject to the 2 Conditions on Page 9 of the attached Recommendation.

**ISSUES:**

**HEARING EXAMINER:**

Do the application meet applicable criteria for approval of the Request Variance? (Examiner on page 6, Conclusion 1). The above Findings of Fact, especially those in Finding 4, demonstrate compliance with applicable variance criteria.

**CITIZENS:**

Two citizens who testified during the Hearing (Willet and Storm) Willet owner of Lot 1 support the approval of the requested setback variance. Storm concerned about connection of Dyer Road with west end of Skywall Drive. Hearing Examiner indicated (footnote 5 page 4) if it ever happened, would not generate any additional traffic in the vicinity of Lot 2.

Letter from Gibson's, Exhibit 2 submitted into record, indicated other permits and variances have been denied. Neither Jones, City Staff or the Hearing Examiner are aware of any setback variances requests on Dyer Road that have been denied.

**FISCAL IMPACT:**

None. Applicant has paid all processing and review fees.

**RECOMMENDATION:**

Close Closed Record Hearing and thereafter consider Acceptance of Hearing Examiner's Report and Approval under Action Item A-4.

**ACTIONS AND MOTIONS:**

Under Action Item A-4, Motion to adopt Resolution 07-15 approving Variance from Sultan Municipal Code 16.12.020 to reduce the required front yard setback from 20 feet to zero feet with two conditions.

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**COUNCIL ACTION:**

**DATE:**

**ATTACHMENTS:**

1. Hearing Examiner's Recommendation dated June 21, 2007
2. Staff Report VAR07-001 dated May 31, 2007
3. Resolution No. 07-15