

To: Mayor, Ross Town Council, and Council-elect
From: Elise Semonian, Senior Planner
Re: Almond, 15 Fernhill Avenue, Nuisance abatement order
Date: July 2, 2010

I. Project Summary

Owner: Charles Almond
Location: 15 Fernhill Avenue
A.P. Number: 73-091-36
Zoning: R-1:B-20 (Single Family Residential, 20,000 sq. ft. min. lot size)
General Plan: Low Density (1-3 Units/Acre)
Flood Zone: Zone X (outside 1-percent annual chance floodplain),
southeast corner within Zone A (1-percent annual chance floodplain)

Town Council consideration of a nuisance abatement order to cause the story poles (which have been in place since 2009) and visible mechanical equipment (installed by a prior owner) within a side yard setback to be abated or removed.

II. Background and Discussion

The Advisory Design Review Group and the Town Council considered plans for a remodel and addition to the residence in October 2009 (see minutes attached). The majority of the Town Council was not in favor of the project, which included a request for a variance for a second floor addition within the west side yard setback. The Council continued the item to allow the applicant to redesign the project. The applicant developed revised plans and revised the story poles. However, the applicant never submitted the plans for Council review and never removed the story poles.

Any building or structure erected, altered, repaired, or used in violation of any of the provisions of the zoning code is a public nuisance. (Ross Municipal Code Section 18.64.040). The property owner has been notified in writing and by a posted notice that the Town considers the story poles, which have been in place since 2009, and the visible mechanical equipment on the garage roof, which were installed by a prior owner without permits, to be a nuisance within the definition of the Ross Municipal Code. The poles and mechanical equipment violate the setback provisions of the code. The Town has demanded abatement of the nuisance by removing the story poles and mechanical equipment by July 5, 2010.

The owner contacted staff soon after the notice and demand to abate the nuisance was posted. The owner indicates that he will submit plans for the August 2010 Town Council meeting and does not wish to incur the expense of removing and re-installing the story poles.

Staff recommends that, that the Council determine that the story poles and mechanical equipment are a nuisance and order the property owner to remove the poles and

mechanical equipment within 10 days of the August Council meeting. This will allow the applicant to request approval of the revised design.

III. Recommendation

That the Town Council determine that the story poles and mechanical equipment are a nuisance. That the Town Council order staff to cause the poles and mechanical equipment to be removed, and to pursue any other available remedies, if the property owner does not comply as follows:

1. By July 19, 2010, if the owner does not file a complete application by that date for the project that is reflected by the story poles.
2. By August 22, 2010, if the owner does not comply by:
 - a.) removing the poles and equipment; or
 - b.) removing the poles and receiving Town approval of permits to retain the mechanical equipment within the side yard setback.