



2924 Russell Street

Install an unclosed hot tub in the rear yard of a single-family lot

CITY COUNCIL APPEAL HEARING

ADMINISTRATIVE USE PERMIT APPLICATION (ZP#2023-0081)

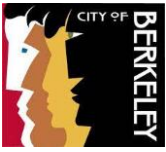
LAND USE PLANNING DIVISION

FEBRUARY 27, 2024

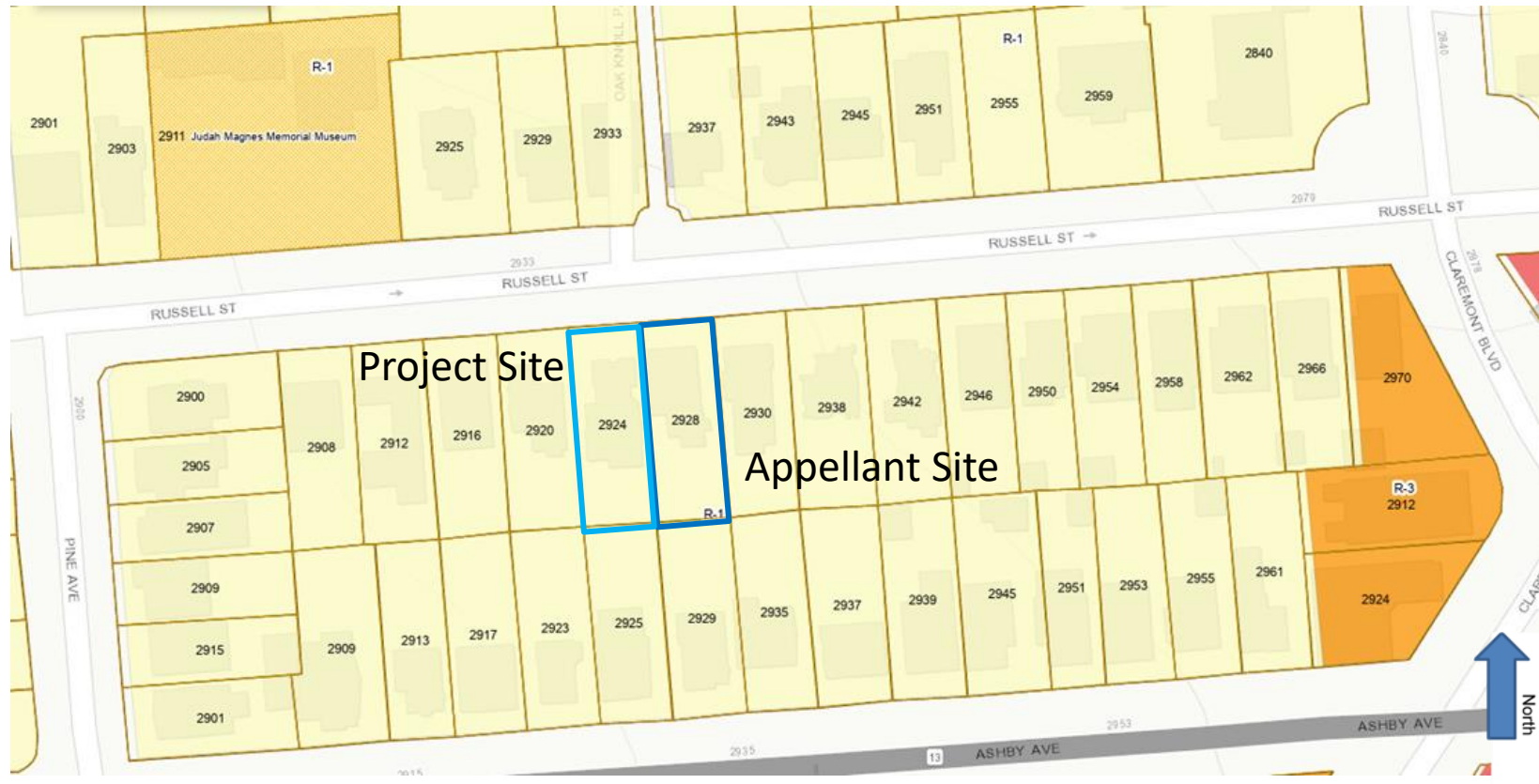


Outline

- Project location
- Project timeline
- Hot tub location and screening
- Appeal points
- Staff responses
- Staff recommendation



Project Location



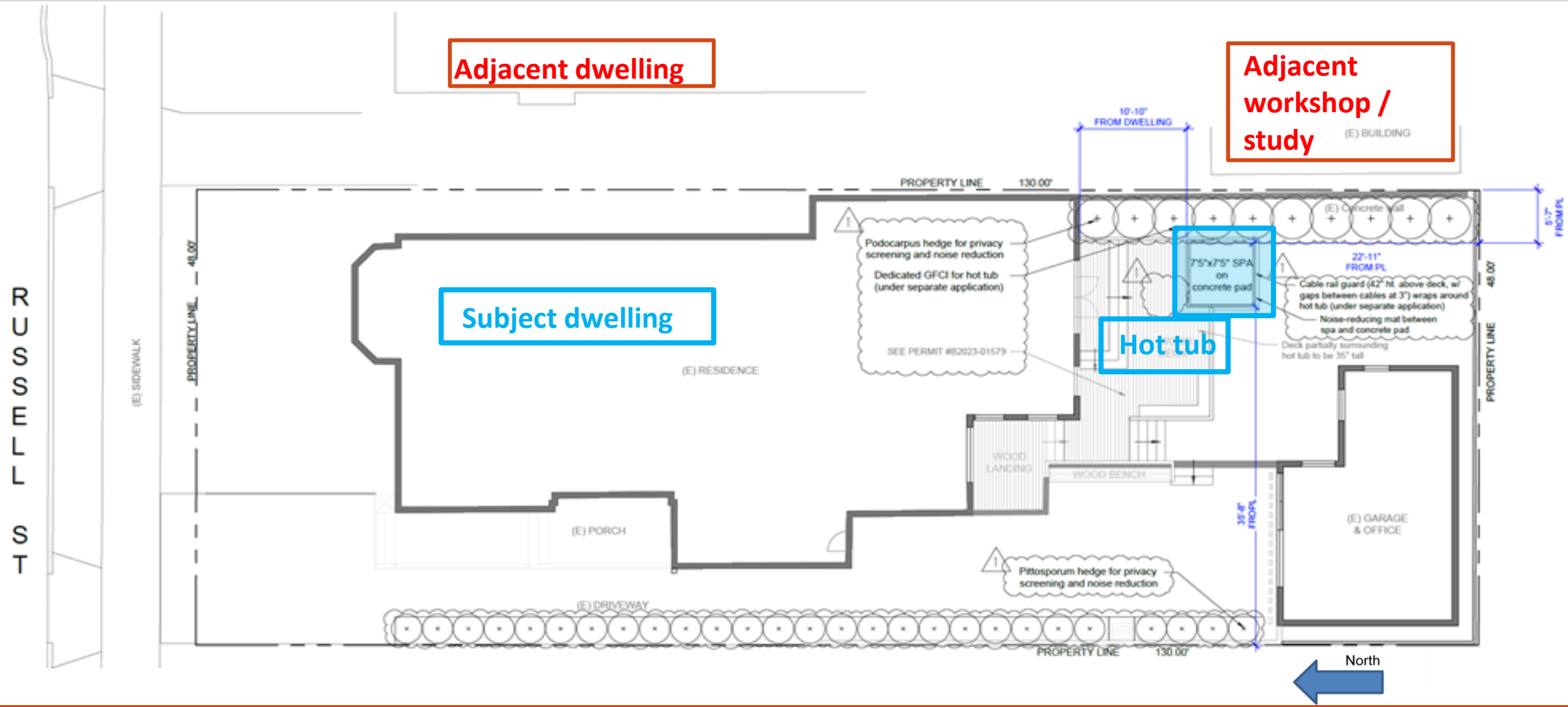


Project Timeline

Date	Action
June 2, 2023	AUP Application submitted
July 3, 2023	Application deemed complete
July 20, 2023	Notice of Administrative Decision posted
August 9, 2023	Appeal letter received
October 12, 2023	ZAB appeal hearing
October 17, 2023	Notice of Decision mailed
October 31, 2023	Appeal letter received
February 14, 2024	Public Hearing Notices mailed and posted
February 27, 2024	City Council appeal hearing



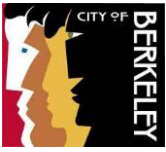
Site Plan





Site Photos

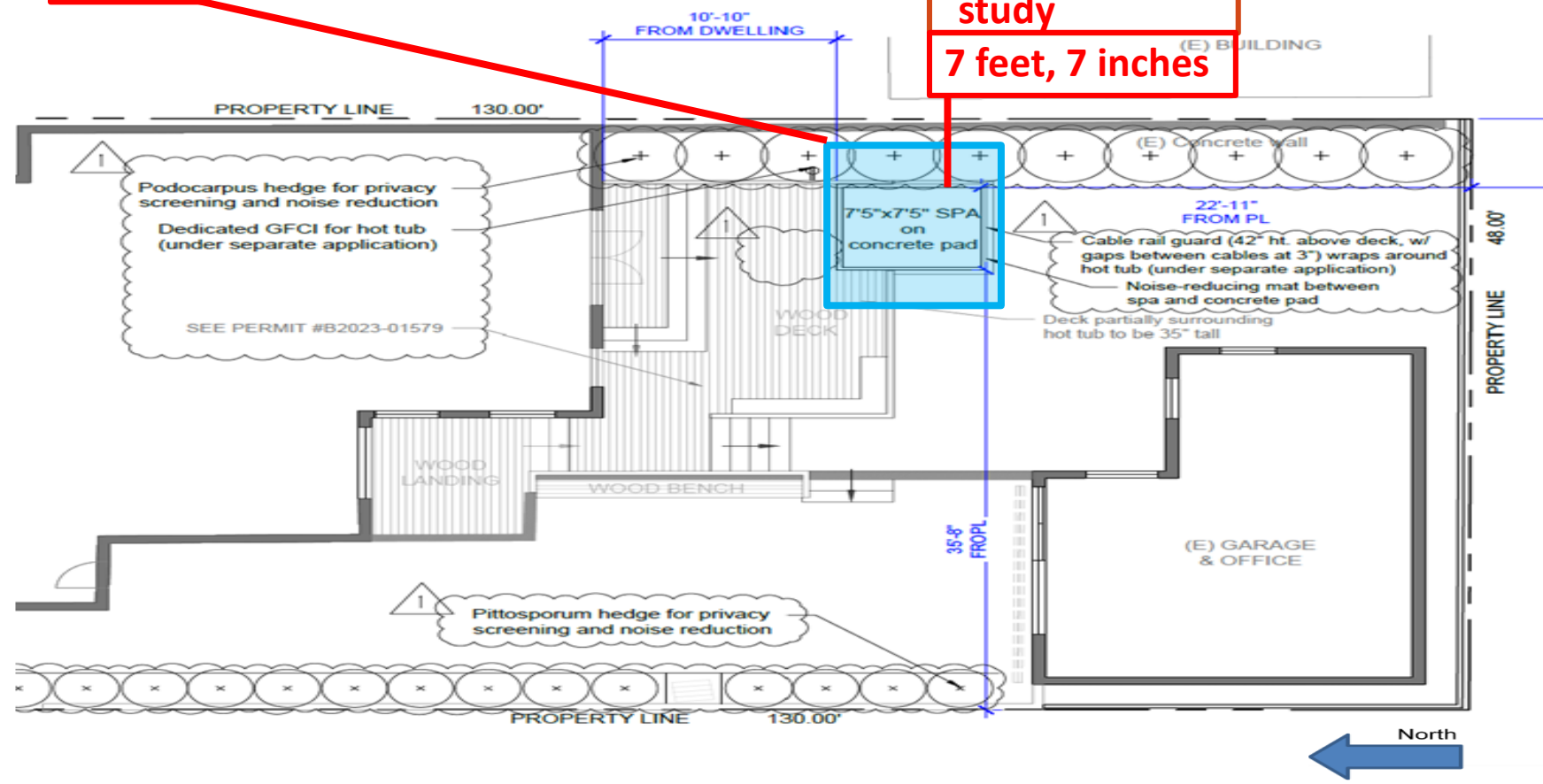




Hot Tub Location and Screening

Adjacent dwelling
25 feet

Adjacent workshop / study
7 feet, 7 inches





Appeal Issues

1. There is no evidence that the hot tub will meet the requirements of the City's Zoning Ordinance and Community Noise Ordinance
2. Location of hot tub relative to appellants' dwelling and accessory building
3. Neighborhood Notice process



Appeal Issue #1: Zoning and Community Noise Ordinances

- Located over 25 feet from neighboring dwellings
- Pumps must be mounted and enclosed
- Installation of hot tub on a sound-reducing mat and additional plantings
- Conditions of Approval
- Requirements in the Zoning Ordinance, Conditions of Approval, and Community Noise Ordinance are sufficient to address noise impacts



Appeal Issue #2: Hot tub location

- Location of hot tub was accurately shown in all plans
- More than 25 feet from neighboring dwellings, and 7 feet, 7 inches from accessory building on appellant's lot
- Hot tubs are a common feature and outdoor activity on a residential lot
- Sited in a manner that would not create detrimental impacts on neighboring properties.



Appeal Issue #3: Neighbor Notice Process

- Yellow Pre-Application Poster installed April 2023
- Agent gathered signatures on plans April 3-4, 2023
- Appellant signed plans on April 4, 2023 and noted “concerns about operational noise of tub and usage”
- The application contained the required information to confirm that the pre-application neighborhood contacts and notice had occurred prior to submittal.



Staff Recommendation

Adopt a resolution affirming the decision of the Zoning Adjustments Board to approve the Administrative Use Permit ZP2023-0081 to install an unenclosed hot tub in the rear yard, and dismiss the Appeal.