

Ms. Bakman stated that if the accommodation for her and her mother cannot be obtained that they will relocate to another property where they can both be comfortably accommodated. The Hearing Officer reiterated to Ms. Bakman that the accommodation is for the mother and not for her or the caregivers. Ms. Bakman described a proposed future change to the floor area to add an elevator or wheel chair lift within the breezeway. A conceptual floor plan was distributed at the meeting which also showed a new bathtub.

The Hearing Officer asked about the dimensions of the existing ground floor bathroom (not the new breezeway bathroom). The Hearing Officer asked the architect if the existing ground floor can be reconfigured to provide a wheel chair accessible bathroom within the existing building.

The Hearing Officer asked the applicant to confirm they would move if the building expansion could not be approved as requested. The Hearing Officer stated that the portions of the home are currently exposed because the construction stopped which has a negative effect on the longevity of the building.

The Hearing Officer stated that the issue is "how can the City adjust its standards to allow the disabled person to occupy the house utilizing the concept of Reasonable Accommodation".

The Hearing Officer opened the public hearing.

John Neel, property owner of 221 Diamond Avenue to the north, stated that he wanted construction to commence but he opposed the reasonable accommodation to allow the floor area to exceed the limit of the Zoning District. He is also opposed to enclosing the breezeway since it will adversely affect the air circulation to his property and other properties have similar breezeways.

The Hearing Officer stated that he observed several properties that have similar building configurations as the subject proposal. He further stated that other jurisdictions have zoning laws similar to the City. He acknowledged the frustration that the applicant has expressed with regard to the process that she has pursued.

Jim Moser, resident, expressed his understanding that the issue of whether or not the additional floor area is medically necessary to accommodate the disabled person and he agrees to defer the decision to the Hearing Officer.

Javier Garcia, Senior Planner, asked the applicant to elaborate on the future elevator or wheelchair lift that could affect the rear dwelling unit and may result in a reduction in floor area. He further inquired about the worsening medical condition stated by a cardiologist who had not commented previously on the medical needs of the disabled person.

The Hearing Officer inquired on the confidentiality request for the medical needs letter and offered that she may waive the confidentiality and he will comment on the letter as presented. Ms. Bakman requested to maintain the confidentiality of the letter.

A letter was presented to the Hearing Officer from Stephen Torrey, Jr., 217 Diamond Avenue, the neighbor to the south of the subject property.

The Hearing Officer announced that he will take all the information under submission and will render a written decision that will be presented in the near future. He also stated that there is an appeal process available to the applicant if she so wishes to pursue. He asked if there is anything else to be presented by Ms. Bakman on behalf of the application.

Ms. Bakman stated she had two comments, first, that she wishes her mother to have her dignity and graciousness preserved and secondly that the Hearing Officer decision is not based on emotion.

Seeing that no one from the public wished to comment the public hearing was closed.

Action: Decision Deferred

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

ADJOURNMENT

The hearing was adjourned at 4:13 p.m.

The agenda for the Hearing Officer was posted on May 24, 2013, at 4:30 p.m. on the City Hall Bulletin Board located in the entrance of the Council Chambers at 100 Civic Center Drive and on the City's website on May 24, 2013, 2013, at 4:55 p.m.



Brenda Wisneski, AICP, Deputy Director

Minutes reflect discussion of meeting but were not reviewed or approved by the Hearing Officer.