Memorandum

TO:	City Council
FROM:	Allison Eddins , Senior planner
DATE:	June 2, 2025
SUBJECT:	Conditional Use Permit - 4376 Vivian Avenue - Duan Trinh
ITEM NUMBER:	8.k
SECTION:	CONSENT AGENDA

REQUESTED MOTION

To adopt Resolution No. 25-38, approving a conditional use permit to allow a 288 square foot accessory building at 4376 Vivian Avenue, subject to the following conditions:

1. This project must be completed in accordance with the plans submitted as part of the Conditional Use Permit application. Any significant change to these plans, as determined by city staff, will require review and approval by the planning commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the accessory building.
3. The building shall be used for the storage of personal property and other garage related purposes.
4. The building shall not be used for livable or habitable space.
5. The building shall not be used in any way for commercial purposes.
6. A building permit and erosion control permit, if required, must be issued before any construction activity begins.

INTRODUCTION

Duan Trinh, the property owner at 4376 Vivian Avenue, submitted a conditional use permit application to construct a 288 square foot detached garage on his property.

DISCUSSION

Site Characteristics

The property is located in the Victoria Hills Subdivision and zoned R-1 Detached Residential zoning district. The lot sits on the corner of Vivian Avenue to the west and Amble Road to the north and is a little over 16,000 square feet (0.37 acres). The house is oriented toward and gains access from Vivian Avenue. The western portion of the lot is relatively steep but begins to level out toward the east. The property has a single-family home and 600 square foot attached garage.

Project Description

The property owner is requesting a conditional use permit to construct a 288 square foot detached garage in his backyard. The garage would have access onto Amble Road and, if approved, the project will require a right-of-way permit from the city to permit a new curb cut. The detached garage would meet the height restriction of 18 feet, the wall height restriction of

10 feet, and the setback requirement of 30 feet along Amble Road and 10 feet along the rear lot line. The garage will have a gabled roof and siding that matches the house.

Development Code Requirements
Table 107-67 of the Development Code requires accessory buildings over 200 square feet to receive an approved conditional use permit on lots under .5 acres.

Applicant Statement
The applicant states that the garage will be used primarily for the storage of recreational equipment. The existing garage has a steep slope that is difficult for his children to ride their up and down. The new garage and driveway will have a more gentle slope that will make accessing recreational equipment easier.

Staff Review
Staff has reviewed the proposal in accordance with the standards and criteria specified in the Development Code for the conditional use permit. The proposed detached garage does comply with all the conditional use permit standards. Staff determined that the proposed use is in harmony with the general purpose and intent of the Development Code.

Public Comment
Property owners within 350' were notified of the request. At the time of this staff report no public comments have been received.

Agency Comment
The new driveway along Amble Road would need to be designed to meet the street at a 90 degree angle, in accordance with Section 34-51(4). Driveway installation should not impact the utility pole nearby and the applicant should determine the extent of grading work that will be required and submit for a land disturbance permit if the thresholds are exceeded or alters the historical drainage patterns.

Planning Commission Review
The planning commission held a public hearing on May 27, 2025 to review the conditional use permit application. The commission unanimously recommended approval of the conditional use permit and adoption of Resolution No. 25-38.

RECOMMENDATION
Staff recommends that the city council approve the conditional use permit request submitted by Duan Trinh for a 288 square foot detached garage at 4376 Vivian Avenue, subject to the following conditions:

1. This project must be completed in accordance with the plans submitted as part of the Conditional Use Permit application. Any significant change to these plans, as determined by city staff, will require review and approval by the planning commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the detached accessory building.
3. The building shall be used for the storage of personal property and other garage related purposes.
4. The building shall not be used for livable or habitable space.
5. The building shall not be used in any way for commercial purposes.
6. A building permit and erosion control permit must be issued before any construction

activity begins.

ATTACHMENTS

Location Map
Site Plan, Elevation Drawings and Narrative
Resolution 25-38