



TOWN OF FAIRFAX

STAFF REPORT

November 6, 2013

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*
Jim Moore, Director of Planning and Building Services
Linda Neal, Principal Planner

SUBJECT: Discussion/consideration of the 76 Spruce Road regarding compliance with Town Code and site maintenance issues

RECOMMENDATION

Direct staff to continue: a) working with the applicant to complete his Residential Second Unit Use Permit application and b) monitoring the property for compliance with Town code.

DISCUSSION

The Council requested this item be agendaized for discussion based on comments received from a neighbor at the October Council meeting. The neighbor that requested this item filed a code enforcement complaint on 8/4/12 citing an illegal second unit, issues with a barking dog, drumming, operation of a drum business and drumming lessons, and miscellaneous garbage strewn around the property.

In a letter dated 8/16/12, staff requested the owners arrange a time for staff to inspect the property to determine if any code violations existed. Staff inspected on 8/5/12 and determined that there is an illegal residential second unit in the garage/workshop accessory structure. In a letter dated 9/15/12, the owners were advised that the site needed to be cleaned up and the unit needed to be abated or be legalized.

Staff has been in communication since that time with the owner who has retained a surveyor and completed a survey of the property. This is typically the most costly portion of the application process. He is also working on having drawings done and plans to submit his application for a second unit shortly.

Staff has re-inspected the site several times and does not believe that the debris or items being stored there have reached a level where the property constitutes a health hazard or danger to the residents or neighbors.

FISCAL IMPACT

16 hours of staff time at a cost of \$2,215.00 to date.

ATTACHMENT

Exhibit A - e-mail from owner of 74 Spruce Road

AGENDA ITEM # 17

Linda Neal

From: Gabriel Harris, [REDACTED]
Sent: Wednesday, October 30, 2013 3:37 PM
To: Linda Neal
Subject: Linda, if it's not too late, please add notes

Linda, if it's not too late, please add these to the notes for upcoming town meeting:

Additional notes regarding 76 Spruce Road:

1. Owners fully intend to legalize unit, and have already spent \$2,500 on a land survey. We are waiting for additional funding from refinance, which is approved and scheduled to fund in November.

2. Letter from our adjacent neighbor @ 74 Spruce:

To whom it may concern. I live at 74 Spruce road but am unable to make the town meeting. Gabe and Pam are good neighbors who are always willing to help. When problems arise they are very open to hearing concerns and trying to make a situation better. I have never had a problem with noise from them. They did have a dog that barked often but she has passed away.
Lance Martinez

I have not contacted other neighbors as of yet, but I have never received noise complaints other than dog issues, which ceased over a year ago when Samba passed away.

Thank you,
Gabe

Gabriel Harris
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[REDACTED]
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