

**ATTACHMENT H
HEARING OFFICER ADDENDUM**

ZHO Addendum
Modification of HDP #6303 and associated Variance (800 Fairfield Circle)

August 15, 2017

I have reviewed the appeal of my determination disapproving HDP #6303 (900 Fairfield Circle).

The appeal offers two reasons for over-turning my determination:

- “The Hearing Officer relied on personal observations and information outside the record that was not disclosed until after the public hearing was closed.”

The appeal does not identify the “personal observations and information,” leading me to suspect that it concerns comments made during my deliberation at the public hearing. I would note, for the record, that I did visit this site in advance of the public hearing, as is my practice for all ZHO cases on my agenda. This is routine and appropriate conduct which better enables me to understand the application, the on-site development, and the surrounding community.

- “Further, the HO failed to consider and rely on substantial evidence in making the findings required under Zoning Code Section 17.29 and 17.61.”

The appeal does not identify the “substantial evidence” which I purportedly “failed to consider.” I reviewed the application package (application forms, plans, photographs), the staff report prepared by Planning staff, substantial correspondence (from the applicant and from several neighbors), and I also I conducted a site visit, in advance of the hearing. I considered all public testimony presented at the public hearing, both from those in support and those in opposition.

Zoning Code Section 17.29 proscribes development standards for homes in the Hillside Overlay District. These standards, along with Neighborhood Compatibility requirements, were analyzed in significant detail in the staff report. The appeal suggests that my determination ignored development standards, even though the request seeks approval for a home that is more than thirty-percent (30%) larger than what is permitted by the underlying zoning and associated standards. I would submit that the staff analysis, and the determination, reflect the letter and spirit of the Zoning Code substantially more than does the proposed project.

Zoning Code Section 17.61 identifies the requirements for approval/denial of variances (as well as other zoning approvals not at stake in this application). The original determination documents three findings (exceptional or extraordinary circumstances; detrimental or injurious to property or improvements in the vicinity; and cost to the applicant) which staff, and myself, could not be made, as required to approve the applicant’s request. The appeal offers no new information to suggest that these or other findings can be made in the affirmative.

Because there is no additional information presented in the appeal to justify overturning the disapproval, the appeal should be denied.