

8. PROPOSED GARAGE ENCROACHING ON LEGAL ROAD OUTSIDE 280 MAIN ROAD

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
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PURPOSE OF REPORT

1. This report is to seek the Board's approval for a single garage wholly on legal road and is outside 280 Main Road. The location of the structure is as indicated on the attached plan.

EXECUTIVE SUMMARY

2. Mr Guthrie of 278 Main Road applied to Council to construct a garage outside 280 Main Road.
3. The proposed garage is between two existing garages and is in front of a newly built vehicle ramp serving 280 Main Road. The gap between the two garages is 5.3m and is only capable of accommodating a single garage.
4. The owner on 280 Main Road has consented to this proposal.
5. The property at 278 Main Road is a lease-hold property jointly owned by two owners and is capable of accommodating two dwelling units.
6. There is already a double garage in front of this property serving an existing dwelling. In August 1993 the Board approved a double garage adjacent to the existing garage and is along the property frontage.
7. The approval in 1993 is subject to a proposed new dwelling and that the resource and building consents be obtained at the same time. This condition was to ensure that garaging on road space are managed consistently with City Plan requirement. This approval has lapsed.
8. In September 1994 the half undivided share of the property was transferred to Mr Ensor. Mr Guthrie also requested that the garage which he occupied be transferred to Mr Ensor and all subsequent payments of the licence fees were paid by him. Hence leaving the existing dwelling which is owned by Mr Guthrie without a garage.
9. Mr Ensor does not live in the area and further investigation is required to ascertain whether breach of licence agreement has occurred.
10. To date there is no indication to Council for the timing of an additional dwelling being built on site.
11. In June 2003 the Board approved the construction of a vehicle ramp to serve the property at 280 Main Road. This ramp occupied the space for the previously approved (but now lapsed) garage.

FINANCIAL AND LEGAL CONSIDERATIONS

12. The Board has the delegated power to approve the building of this garage on the road.
13. At present with only a dwelling on site the requirement for garaging has been satisfied and is consistent with the City Plan. But in reality the existing garage is serving a vacant building site.
14. The management of this garage will be by way of Deed of Licence with the occupier and will incur a document fee of \$150 and an annum current fee of \$100.

OPTIONS

15. Status Quo ie the disapproval of the structure will result in Mr Guthrie's vehicle continuing to be parked on the road side.

16. Cancel the existing Deed of Licence of the existing garage occupied by Mr Ensor (the other owner of the half undivided share of the site). This action requires six months termination notice being served on Mr Ensor and then transfer the licence to Mr Guthrie. This may result in a long drawn legal process between the two owners. This option will result in Mr Ensor applying to Council for a garage site on road for his new dwelling.
17. Approving the application will satisfy Mr Guthrie's needs (note the owner of 280 Main Road has already consented to the proposal).

STAFF RECOMMENDATIONS

It is recommended that the Board:

- (a) Approve the application for a single garage wholly on legal road and the road land available is 4x6m².
- (b) That the final plan for the structure be approved by the Manager of Transport and City Streets Unit prior to Resource and Building consents being issued.

CHAIRPERSON'S RECOMMENDATION

For discussion.