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**Minutes
Zoning Administrator Meeting
December 21, 2010**

Staff Present

Charley Stump, Zoning Administrator
Jennifer Faso, Associate Planner

Others Present

Sidney Harper

1. CALL TO ORDER

Zoning Administrator Stump called the meeting to order at 11:05 p.m. in Conference Room No. 1, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

2. SITE VISIT VERIFICATION

Zoning Administrator Stump confirmed the site visit for item 6A.

3. APPROVAL OF MINUTES: September 2, 2010

Zoning Administrator Stump approved the minutes for September 2, 2010, as submitted.

4. APPEAL PROCESS

Zoning Administrator Stump read the appeal process. For matters heard at this meeting, the final date to appeal is January 3, 2011.

5. VERIFICATION OF NOTICE

Associate Planner Faso confirmed Minor Variance 10-16 VAR-ZA was legally noticed in accordance with the provisions of the Ukiah Municipal Code.

6. PUBLIC HEARINGS

- A. Minor Variance 10-16 VAR-ZA, 315 W. Church Street.** Request for approval of a variance to allow a portion of a fence located in the front setback to be taller than three feet in height.

Zoning Administrator Stump dispensed with the staff report and noted the only person in attendance is the applicant.

PUBLIC HEARING OPENED: 11:10 a.m.

Sidney Harper, applicant:

- Has reviewed the staff report and does not have any questions.

PUBLIC HEARING CLOSED: 11:12 a.m.

Zoning Administrator question to staff:

Q1 - How did this project come to us?

Q2 - Did the person that originally complained have comments based on the public notice?

Associate Planner Faso response:

Q1- The Planning Department received a complaint that a fence was being built within the front setback that is taller than three feet.

Q2 – No public comments were received as a result of the public notice. The person that made the original complaint received notice of the meeting.

Zoning Administrator Stump:

- 1 • Added property examples to project finding 2a.
- 2 o 204 Oak Street
- 3 o 423 W. Church Street
- 4 o 475 W. Church Street
- 5 o 204 Bush Street
- 6 o 214 Bush Street
- 7 o 400 Stephenson Street
- 8 o 390 Stephenson Street
- 9 o 306 Pine Street
- 10 o 390 Clay Street

11
12 **Zoning Administrator Stump** has visited the site, supports approval of the project, agrees with
13 staff's findings and project conditions and approved Minor Variance 10-16 VAR-ZA with Findings
14 1-5 and Conditions of Approval 1-7.

15
16 **MINOR VARIANCE FINDINGS TO APPROVE A REQUEST TO ALLOW A FENCE TALLER**
17 **THAN THREE FEET TO BE LOCATED WITHIN THE FRONT YARD SETBACK AT 315 WEST**
18 **CHURCH STREET, APN 002-256-01**
19

20 The following findings are supported by and based on information contained in the staff report,
21 the application materials, and the public record.

- 22
23 1. See General Plan and Zoning Section of the staff report.
- 24
25 2. The following special circumstances apply to the subject property; therefore the strict
26 application of the code will deprive the property owner privileges enjoyed by other
properties within the R-1 zone.
 - 27 a. The subject property is a small corner lot that is half the size of other lots in
28 this district for example 204 Oak Street, 423 West Church, 475 West Church,
29 204 Bush, 214 Bush, 400 Stephenson Street, 390 Stephenson, 306 Pine and
30 390 Clay. Given that the subject property is a corner, by definition it has two
31 fronts and therefore the property owner is limited to a (3) three foot tall fence
32 along the entire frontage and one side of this property. Furthermore because
33 the lot is small, useable private front yard space for this particular lot is
34 limited.
 - 35 b. Due to the slope of Church Street the lot is not completely level and therefor
36 portions of the fence are slightly taller on one side then the other.
- 37
38 3. The granting of this variance will not constitute a grant of special privilege because other
39 properties within this neighborhood and within the C-N zoning district are able to enclose
40 their side yards and utilize more of their property because their properties do not have
multiple fronts.
- 41
42 4. The granting of this variance will not be detrimental to the surrounding property owners
based on the following:
 - 43 a. The proposed fence would not block or change the pedestrian or vehicle
44 circulation within the neighborhood.
 - 45 b. The project is required to comply with all applicable local, state and federal
46 regulations.

- 1 c. The proposed fence design will be similar to other wood fences in the
2 neighborhood.
- 3 d. The granting of this variance will not change the existing footprint of the primary
4 structure. Therefore the privacy of the neighbors will not be compromised.
- 5 5. The proposed project is exempt from the provisions of CEQA pursuant to CEQA
6 Guidelines Section 15303, Class 5(a) which allows minor alterations in land use
7 limitations including set back variances based on the following:
- 8 a. The proposed fence will be located within the required ten (10) front setback.
9 Only a portion of the fence will exceed the permitted three feet height. A new
10 parcel will not be created.
- 11 b. The project is not located within an environmentally sensitive area in that the
12 project is located on a developed residential lot. No water courses, wildlife, wildlife
13 habitat, floodway or floodplain or other environmentally sensitive areas are present.

14 **MINOR VARIANCE CONDITIONS OF APPROVAL TO ALLOW A FENCE TALLER THAN**
15 **THREE FEET TO BE LOCATED WITHIN THE FRONT YARD SETBACK AT 315 WEST**
16 **CHURCH STREET, APN 002-256-01**
17

- 18 1. Variance approval is granted for a portion of a perimeter fence located in the front yard
19 setback to be taller than three feet in height. The highest point of the fence shall be four
20 feet one inch (4' 1") as shown on the plans and project description submitted to the
21 Community Development and Planning Department and date stamped August 24, 2010
22 except as modified by the following conditions of approval.
- 23 2. Except as otherwise specifically noted, this variance shall be granted only for the specific
24 purposes stated in the action approving the variance and shall not be construed as
25 eliminating or modifying any building, use, zoning or other requirements except as to
26 such specific purposes.
- 27 3. This approved variance may be revoked through the City's revocation process if the
28 approved project related to the Permit is not being conducted in compliance with the
29 stipulations and conditions of approval; or if the project is not established within two years
30 of the effective date of approval; or if the established and use for which the permit was
31 granted has ceased or has been suspended for twenty-four (24) consecutive months.
32

33 **Standard City Conditions of Approval**
34

- 35 4. No permit or entitlement shall be deemed effective unless and until all fees and charges
36 applicable to this application and these conditions of approval have been paid in full.
- 37 6. The property owner shall obtain and maintain any permit or approval required by law,
38 regulation, specification or ordinance of the City of Ukiah and other Local, State, or
39 Federal agencies as applicable. All construction shall comply with all fire, building,
40 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect
41 at the time the Building Permit is approved and issued.

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7. This approval is contingent upon agreement of the applicant and property owner and their agents, successors and heirs to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City. If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:20 p.m.

Charley Stump, Zoning Administrator

Jennifer Faso, Recording Secretary