ITY OF UKIAH  
ZONING ADMINISTRATOR MINUTES  
Conference Room #3  
300 Seminary Avenue  
Ukiah, CA 95482  
May 1, 2018  
2:00 p.m.

STAFF PRESENT  
Craig Schlatter, Zoning Administrator  
Julie Price, Project Planner  
Cathy Elawadly, Recording Secretary

OTHERS PRESENT  
Sean White

1. CALL TO ORDER  
The Zoning Administrator called the meeting to order at 2:00 p.m. in Conference Room No. 3, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

Zoning Administrator Craig Schlatter presiding.

2. SITE VISIT VERIFICATION  
Staff confirmed.

3. APPROVAL OF MINUTES  
Zoning Administrator Craig Schlatter approved the Minutes of March 13, 2018, as submitted.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS  
No public comment was received.

5. APPEAL PROCESS  
Note: For matters heard at this meeting the final date to appeal is May 11, 2018 at 5:00 p.m.

6. VERIFICATION OF NOTICE  
Staff confirmed.

7. PUBLIC HEARING  
a. Request for Minor Variance to reduce the side-yard setback from 5 feet to 3 feet and to extend the length of an existing non-conforming 5-foot setback an additional 18 feet to allow for the construction of a 486 sf carport at 530 S. Dora Street. APN 001-291-10; File No.: 18-3455.

Presenter: Julie Price, Project Planner gave a staff report as provided for on pages 1-5 of the staff report and site plan.

Zoning Administrator Craig Schlatter reviewed staff’s analysis of the proposed Variance Findings as provided for on pages 3 and 4 of the staff report and determined the Findings to substantiate approval have been appropriately met.

PUBLIC HEARING OPENED: 2:12 P.M.

Public Comments: Sean White.
Minutes of the Zoning Administrator, May 01, 2018 Continued:

Zoning Administrator Craig Schlatter requested a discussion regarding applicant Sean White’s letter to him dated April 25, 2018 in reference to possible elimination of Condition of Approval #10.

Staff discussion followed concerning applicant Sean White’s request for elimination of Condition of Approval #10.

Zoning Administrator Craig Schlatter requested clarification of staff’s analysis regarding the rear yard setback as provided for on page 3 of the staff report as it relates to an increase in the non-conformity of the rear yard setback.

Project Planner Julie Price explained:
- The garage is situated five feet from the rear (west) property line, which is non-conforming to the 10-foot rear yard setback requirement. The proposed carport would be constructed on the south side of the garage, with the west side of the structure in alignment with the west side of the garage, thereby extending the nonconforming setback an additional 18 feet, for a total of 39 feet. If the carport were situated 10 feet from the rear property line, offset from the garage, it would increase the nonconformity of the side yard setback to less than the proposed 3 feet due to an angled south property line, which results in the setback becoming increasingly smaller towards the east end of the structure. As the land use adjacent to the rear property line is a parking lot and driveway, increasing the nonconformity by 18 feet would not be detrimental to surrounding property owners.

Project Planner Julie Price noted a typographical error on the Draft Variance Findings, item 3(c).

PUBLIC HEARING CLOSED: 2:17 P.M.

Zoning Administrator Craig Schlatter modified Condition of Approval #10 to state: ‘All driveway and parking areas shall be paved with asphaltic concrete, concrete, or other alternatives, subject to approval by the City Engineer.

Zoning Administrator Craig Schlatter approved Minor Variance Permit to reduce the side yard setback from 5 feet to 3 feet and to extend the length of an existing non-conforming 5-foot rear yard setback an additional 18 feet to allow for the construction of a 486 sf carport at 530 S. Dora Street with the Findings as modified above in Attachment 1 of the staff report and subject to the Conditions of Approval in Attachment 2 of the staff report with modification to Condition of Approval #10.

b. ADJOURNMENT
There being no further business, the meeting adjourned at 2:36 p.m.

Cathy Elawadly, Recording Secretary
ATTACHMENT 1

FINAL VARIANCE FINDINGS TO ALLOW A REDUCTION IN THE SIDE-YARD SETBACK FROM 5 FEET TO 3 FEET AND TO EXTEND THE LENGTH OF AN EXISTING NON-CONFORMING 5-FOOT REAR-YARD SETBACK AN ADDITIONAL 18 FEET TO ALLOW FOR THE CONSTRUCTION OF A 486-SF CARPORT.

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

1. The following special circumstances apply to the subject property; therefore the strict application of the code will deprive the property owner privileges enjoyed by other properties within the (CN) Neighborhood Commercial zoning district.
   a. The subject property is located on an average sized city lot with an existing residence, garage and mature trees limiting developable areas. Mature trees are an asset to the neighborhood, and provide valuable shade and habitat for local wildlife. The carport requires access from the driveway, making the only available site on the south side of the existing garage.

2. The issuance of this variance will not constitute a grant of special privilege based on the following:
   a. Other properties within this neighborhood, within the CN zoning district, and having the same setback requirements, have reduced setbacks that do not comply with current zoning ordinance regulations.

3. The granting of this variance will not be detrimental to the surrounding property owners based on the following:
   a. The land adjacent to the proposed carport is comprised of commercial driveways and a parking lot and will not therefore not compromise the privacy of residential neighbors.
   b. The carport will not have adverse aesthetic impacts on residential neighbors because it will be of similar scale and color as the existing garage and will be partially screened by an existing fence and hedge.
   c. A building permit is required for the carport, ensuring that it will be constructed and will be in compliance with Building and Fire Code requirements.

4. The proposed project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15305, Class 5(a) minor alterations in land use limitations based on the following.
   a. The project involves minor alterations in land use limitations in an area of slopes less than 1 percent, which do not result in any changes in land use or density; specifically this project involves a variance from side and rear yard setbacks.
FINAL VARIANCE CONDITIONS OF APPROVAL TO ALLOW A REDUCTION IN THE SIDE-YARD SETBACK FROM 5 FEET TO 3 FEET AND TO EXTEND THE LENGTH OF AN EXISTING NON-CONFORMING 5-FOOT REAR-YARD SETBACK AN ADDITIONAL 18 FEET TO ALLOW FOR THE CONSTRUCTION OF A 486-SF CARPORT.

1. Variance approval is granted for a 486 sf carport within the side and rear yard setback of 530 S Dora Street; APN 001-291-10, as shown on the site plan submitted to the Department of Planning and Community Development, submitted February 18, 2018.

2. The carport shall be the same color as the existing garage.

3. Except as otherwise specifically noted, this variance shall be granted only for the specific purposes stated in the action approving the variance and shall not be construed as eliminating or modifying any building, use, zoning or other requirements except as to such specific purposes.

4. This approved variance may be revoked through the City’s revocation process if the approved project related to the Permit is not being conducted in compliance with the stipulations and conditions of approval; or, if the project is not established within two (2) years of the effective date of approval; or, if the established and use for which the permit was granted has ceased or has been suspended for twenty-four (24) consecutive months.

5. No permit or entitlement shall be deemed effective unless and until all fees and charges applicable to this application and these conditions of approval have been paid in full.

6. The property owner shall obtain and maintain any permit or approval required by law, regulation, specification or ordinance of the City of Ukiah and other Local, State, or Federal agencies as applicable. All construction shall comply with all fire, building, electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect at the time the Building Permit is approved and issued.

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.
From Public Works:

8. If the building permit value of work exceeds $123,679 (amount adjusted annually), the existing sanitary sewer lateral shall be tested in accordance with City of Ukiah Ordinance No. 1105, and repaired or replaced if required.

9. If the building permit value is equal to or greater than one-third of the value of the existing structure, the construction, repair or upgrade of curb, gutter, and sidewalk to meet current ADA standards, and addition of street trees, along the subject property street frontages, may be required pursuant to Section 9181 of the Ukiah City Code and to the satisfaction of the City Engineer.

10. All driveway and parking areas shall be paved with asphaltic concrete, concrete, or other alternatives, subject to approval by the City Engineer.