

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

COMMISSIONERS: Adam Peck, Brett Taylor, Liz Wynn, Marvin Hansen, Chris Gomez

MONDAY, MAY 8, 2017; 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and providing your street name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. CHANGES OR COMMENTS TO THE AGENDA–
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - Finding of Consistency 2017-02: A request by Lennar Homes of California, Inc., to revise the Eagle Meadows of Visalia 20 Vesting Tentative Subdivision Map No. 5512 by increasing the local interior street widths from 52-feet to 56-feet, revise side yard setbacks and increase the lot count from 94-lots to 95-lots. The approved subdivision is located on the east side of North Mooney Boulevard between West Ferguson and West Riggan Avenues (APN: 090-010-008).
5. PUBLIC HEARING – Brandon Smith
Conditional Use Permit No. 2017-12: A request by Firas Jobran (Yezn Jobran, property owner), to allow a convenience store and sandwich shop within a 1,602 square foot suite in the C-N (Neighborhood Commercial) zone. The project site is located at 1531 S. Court Street, on the northwest corner of Court Street and Paradise Avenue. (APN: 097-312-019)
The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2017-20.
6. PUBLIC HEARING – Andy Chamberlain
Variance No. 2017-07: A request by Jerry Weatherford to allow a variance to reduce the side yard setback from five feet to three feet/three inches for 14 square feet of an existing accessory structure, and to increase the allowed height for the roof peak from 12 feet to 13 feet/five inches, in the Low Density Residential (R-1-5) Zone. The site is located at 3745 W. Monte Vista. (APN: 119-261-023). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-26.

7. PUBLIC HEARING – Paul Bernal
 Conditional Use Permit No. 2017-10: A request by Elodina Dominquez to establish a new pre-school by converting an existing 2,680 square foot single-family residential dwelling unit in the R-1-20 (Single-Family Residential) zone. The site is located at 413 North Crenshaw Street (APN: 085-170-009). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2017-24.

8. PUBLIC HEARING – Paul Bernal
 Conditional Use Permit No. 2017-13: A request by Doc's Market to establish a convenience store and deli in a 1,800 square foot tenant space located at 110 West Main Street in the D-MU (Downtown Mixed Use) zone (APN: 094-324-003). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2017-28.

9. PUBLIC HEARING – Andy Chamberlain
 Conditional Use Permit No. 2017-11: A request by Kristen Thompson to establish a Brain Balance facility providing holistic educational and behavioral programs for children, in the Neighborhood Commercial (NC) zone. The subject site is located at 5123 W. Walnut Avenue (APN: 119-650-001, 002, 003, 004, 005, 006, 007). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-19.

10. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, MAY 18, 2017 BEFORE 5 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, MAY 22, 2017



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: May 8, 2017

PROJECT PLANNER: Andrew Chamberlain
Senior Planner (713-4003)

SUBJECT: Variance No. 2017-07: A request by Jerry Weatherford to allow a variance to reduce the side yard setback from five feet to three feet/three inches for 14 square feet of an existing accessory structure, and to increase the allowed height for the roof peak from 12 feet to 13 feet/five inches, in the Low Density Residential (R-1-5) Zone. The site is located at 3745 W. Monte Vista. (APN: 119-261-023).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Variance No. 2017-07 based upon the conditions and findings in Resolution No. 2017-26. Staff's recommendation is based on the required variance findings and the project's consistency with the policies and intent of the City's General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Variance No. 2017-07, based on the findings and conditions in Resolution No. 2017-26.

PROJECT DESCRIPTION

The applicant is requesting a variance to the five-foot side yard requirement to allow an eight-foot section of an existing metal accessory building to have a three-foot three-inch setback as illustrated in Exhibit "A". The applicant is also requesting a variance to the 12-foot maximum height limit in the rear yard to allow the peak of the existing building to remain at 13 feet/5 inches.

The metal accessory building was constructed in 2008, with the property owner unaware that a permit was required. As shown in Exhibit "A", the building is in the rear yard area of the lot, but a portion of the building is within the "buildable area" of the lot which requires a five-foot setback. It is only this portion of the building that requires a setback variance, the balance of the building which lies in the rear yard as described by code (last 25 feet) exceeds the minimum three-foot setback. The result is an area of approximately 14 sq. ft. which is out of compliance. Exhibit "B" illustrates the 25-foot rear yard line cutting through the bottom third of the building. This 25-foot line is the separation between setbacks for the dwelling unit, and setbacks for accessory structures in the rear yard.

Likewise, the peak of the roof exceeds the 12-foot height limit in the rear yard by one-foot/five inches. The photos in Exhibit "C" show the building elevations and the low sloped roof line.

The applicant has included variance findings in Exhibit "D". The findings point to the minor nature of the variance and that the roof could be done as an administrative adjustment, and that the side yard setback is only for 14 sq. ft. of building area.

BACKGROUND INFORMATION

General Plan Land Use Designation	Low Density Residential
Zoning	R-1-5 Single Family Residential
Surrounding Zoning and Land Use	North: R-1-5 – Single Family Residential South: R-1-5 – Single Family Residential East: R-1-5 – Single Family Residential West: R-1-5 – Single Family Residential
Environmental Review	Categorical Exemption No. 2017-26
Special District	None
Site Plan Review	N/A

PROJECT EVALUATION

Staff supports the variance to reduce the side yard setback from five feet to three feet/three inches, and allow the maximum height to the existing roof peak at 13 feet/five inches.

Yard Requirements

Side Yard Setback: The side yard setback transitions from 5 feet to 3 feet at the 25-foot line that defines the rear yard. Approximately 22 feet of the structure meets the minimum 3-foot setback along the north property line. The eight-foot long portion of the structure which extends into the “buildable area” is considered a minor encroachment by staff, which does not have any associated issues of access or safety on the site.

Building Height: The maximum building height transitions from 35 feet to 12 feet at the 25-foot rear yard line. The portion of the accessory structure in the rear yard is one-foot five inches over the height requirement.

Administrative Adjustments

The Zoning Ordinance allows for the City Planner to grant minor deviations from the required setback and height standards. The adjustment may not exceed a 20% increase or reduction in the standard. The City Planner approves 20-30 administrative adjustments annually for similar minor deviations. The most common administrative adjustments are to allow an increase in the roof height at the peak, and minor setback deviations to help site new residential units on irregular lots.

Side Yard Setback: The existing three-foot/three inch setback results in a one-foot nine inch reduction, which exceeds the 20% which would be one-foot, and is therefore not eligible for an administrative adjustment. The area out of compliance is approximately 14 sq. ft. as shown in Exhibits “A” and “B”.



Building Height: The existing 13-foot five inch building height results in a one-foot five inch area over the height limit, which is less than 20% which would be 14 feet.

Code Compliance: The property owner was recently notified by the City due to a complaint, that the structure was not permitted and that the setback and height were not compliant with codes. Staff chose to include the roof height request in with the variance to the side yard setback due to the action beginning as a code compliance complaint.

Adjacent Improvements

The non-conforming structure is along the north property line of the site, which is adjacent to a neighborhood sidewalk corridor joining two cul-de-sacs. The sidewalk corridor is 20 feet wide, with another residential side yard. The subject structure is visible from the sidewalk corridor, and exhibits similar visual characteristics to primary and accessory structures which may be located within three to five feet of the side yard property line. The visual character of the proposed minor deviations from setback and height standards did not cause staff to determine that mitigation measures would be needed, or that the variance request should be denied.

Required Variance Findings

The Planning Commission is required to make five findings before a variance can be granted. The applicant has provided response to the variance findings in Exhibit "C", which are included as the *Applicant Analysis* below and in the resolution.

Staff support of the requested variance is based upon the minor nature of the deviations from standards. The roof height could be approved by the City Planner similar to other roof height administrative adjustment requests. The side yard setback is only nine inches beyond the allowances for an administrative adjustment, which could be considered for approval by the City Planner.

Applicant Variance Findings

1. *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;*

Applicant Finding: I was unaware and not informed by my contractor of any zoning ordinance requirements with respect to the erection of my metal storage structure when it was built in 2008.

The minor encroachment for the height at the peak of the roof from 12 feet to 13 feet, 5 inches is less than the 20% administrative adjustment allowance, which is frequently approved by the City for Accessory structure roof peaks in the back yard. The building also encroaches into the required side yard by 14 Sq. Ft. To lower the peak and modify the building to meet the required side yard requirements would practically require the building to be totally removed and rebuilt.

Staff Analysis: Staff finds that the strict interpretation of the setback and height codes would constitute a practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance. The minor nature of the requested variances to setback and height standards are within or close to administrative adjustments and minor variances which have been granted for similar situations or circumstances, for existing and new accessory structures.

2. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;*

Applicant Findings: I was unaware that my storage building/shop would fall into a category of exceptional or extraordinary circumstances or conditions when it was built. Had I known that the peak of my building was 1 foot 5" too tall and that it was encroaching into side yard setbacks (1'-9" x 8' for a total of 14 sq. ft.). that could've easily been corrected prior to construction.

Staff Analysis: Staff finds that the minor deviation from setback and height codes for small portions of the existing metal accessory structure, requiring significant changes due to the building type, constitutes exceptional circumstances.

3. *That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;*

Applicant Findings: I was unaware of this ordinance that would deprive me of privileges enjoyed by the owners of other properties in the same zone. The height and setback requirements if I had known prior to construction, would have been corrected. In order to correct these, I would have to remove the building and start over.

Staff Analysis: Staff finds that the minor deviation from setback and height codes for small portions of the existing metal accessory structure, requiring significant changes or removal of the building due to the building type deprives the applicant of privileges enjoyed by the owners of other properties classified in the same zone that have received administrative adjustments and variances for similar minor deviations.

4. *That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;*

Applicant Finding: The variance request for the side yard setback and height to the roof peak will not be detrimental in any way to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity. It will be consistent with the surrounding properties.

Staff Analysis: Staff finds that granting the minor deviation from setback and height codes for small portions of the existing metal accessory structure will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone.

5. *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

Applicant Finding: The granting of a variance to setbacks is not considered detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. This request is consistent with other existing non-conforming setbacks in the neighborhood.

Staff Analysis: Staff finds that granting the minor deviation from setback and height codes for small portions of the existing metal accessory structure will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Environmental Review

The project is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2017-26).

RECOMMENDED FINDINGS

Variances are intended to prevent unnecessary hardships resulting from strict or literal interpretation of regulations while not granting a special privilege to the applicant. The Planning Commission has the power to grant variances to regulations prescribed in the Zoning Ordinance.

1. *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;*

Finding: That the strict interpretation of the setback and height codes would constitute a practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance. The minor nature of the requested variances to setback and height standards are within or close to administrative adjustments and minor variances which have been granted for similar situations or circumstances, for existing and new accessory structures.

The minor encroachment for the height at the peak of the roof from 12 feet to 13 feet, 5 inches is less than the 20% administrative adjustment allowance, which is frequently approved by the City for Accessory structure roof peaks in the back yard. The building also encroaches into the required side yard by 14 Sq. Ft. To lower the peak and modify the building to meet the required side yard requirements would practically require the building to be totally removed and rebuilt.

2. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;*

Finding: That the minor deviation from setback and height codes for small portions of the existing metal accessory structure, requiring significant changes due to the building type, constitutes exceptional circumstances

3. *That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;*

Finding: That the minor deviation from setback and height codes for small portions of the existing metal accessory structure, requiring significant changes or removal of the building due to the building type deprives the applicant of privileges enjoyed by the owners of other properties classified in the same zone that have received administrative adjustments and variances for similar minor deviations

4. *That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;*

Finding: That the granting the minor deviation from setback and height codes for small portions of the existing metal accessory structure will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone. The variance request for the side yard setback and height to the roof peak will not be detrimental in any way

to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity. It will be consistent with the surrounding properties.

5. *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

Finding: That the granting the minor deviation from setback and height codes for small portions of the existing metal accessory structure will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. This request is consistent with other existing non-conforming setbacks in the City.

6. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2017-26).

RECOMMENDED CONDITIONS OF APPROVAL

1. That building permits be obtained for the non-permitted accessory structure.
2. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.
3. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Variance No. 2017-07, prior to the issuance of a building permit for the accessory structure.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

Attachments:

- Related Plans and Policies
- Resolution No. 2017-26
- Exhibit "A" – Site Plan
- Exhibit "B" – Site Plan Detail
- Exhibit "C" – Variance Findings
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Sketch

RELATED PLANS AND POLICIES

Chapter 17.12 SINGLE-FAMILY RESIDENTIAL ZONE

Article 1. General

17.12.010 Purpose and intent.

In the R-1 single-family residential zones (R-1-5, R-1-12.5, and R-1-20), the purpose and intent is to provide living area within the city where development is limited to low density concentrations of one-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions that require a residential environment; to minimize traffic congestion and to avoid an overload of utilities designed to service only low density residential use.

17.12.015 Applicability.

The requirements in this chapter shall apply to all property within R-1 zone districts.

17.12.020 Permitted uses.

In the R-1 single-family residential zones, the following uses shall be permitted by right:

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vegetables and horticultural specialties;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house, storehouses, garden structures, green houses, recreation room and hobby shops;
- D. Swimming pools used solely by persons resident on the site and their guests; provided, that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family;
- G. Twenty-four (24) hour residential care facilities or foster homes, for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provisions of Chapter 17.48;
- I. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;
- J. Accessory dwelling units as specified in Sections 17.12.140 through 17.12.200;
- K. Adult day care up to twelve (12) persons in addition to the residing family;
- L. Other uses similar in nature and intensity as determined by the city planner;
- M. Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070.
- N. Transitional or supportive housing for six (6) or fewer resident/clients.
- O. In the R-1-20 zone only, the breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters, other small animals and fowl, on a domestic noncommercial scale, provided that there shall not be less than one thousand (1,000) square feet of site area for each fowl or animal and provided that no structure housing poultry or small animals shall be closer than fifty (50) feet to any property line, closer than twenty-five (25) feet to any dwelling on the site, or closer than fifty (50) feet to any other dwelling;
- P. In the R-1-20 zone only, the raising of livestock, except pigs of any kind, subject to the exception of not more than two cows, two horses, four sheep or four goats for each site, shall be permitted; provided, that there be no limitation on the number of livestock permitted on a site with an area of ten

acres or more and provided that no stable be located closer than fifty (50) feet to any dwelling on the site or closer than one hundred (100) feet to any other dwelling;

17.12.030 Accessory uses.

In the R-1 single-family residential zone, the following accessory uses shall be permitted, subject to specified provisions:

- A. Home occupations subject to the provisions of Section 17.32.030;
- B. Accessory buildings subject to the provisions of Section 17.12.100(B).
- C. Cottage Food Operations subject to the provisions of Health and Safety Code 113758 and Section 17.32.035.

17.12.040 Conditional uses.

In the R-1 single-family residential zone, the following conditional uses may be permitted in accordance with the provisions of Chapter 17.38:

- A. Planned development subject to the provisions of Chapter 17.26;
- B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;
- C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;
- D. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;
- E. Electric distribution substations;
- F. Gas regulator stations;
- G. Public service pumping stations, i.e., community water service wells;
- H. Communications equipment buildings;
- I. Planned neighborhood commercial center subject to the provisions of Chapter 17.26;
- J. Residential development specifically designed for senior housing;
- K. Mobile home parks in conformance with Section 17.32.040;
- L. [Reserved.] M. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this article and in which the private streets are designed and constructed to meet or exceed public street standards;
- N. Adult day care in excess of twelve (12) persons;
- O. Duplexes on corner lots;
- P. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;
- Q. Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;
- R. Other uses similar in nature and intensity as determined by the city planner.
- S. Transitional or supportive housing for seven (7) or more resident/clients.

17.12.050 Site area.

The minimum site area shall be as follows:

Zone	Minimum Site Area
R-1-5	5,000 square feet

R-1-12.5 12,500 square feet

R-1-20 20,000 square feet

A. Each site shall have not less than forty (40) feet of frontage on the public street. The minimum width shall be as follows:

Zone	Interior Lot	Corner Lot
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R-1-5 50 feet 60 feet

R-1-12.5 90 feet 100 feet

R-1-20 100 feet 110 feet

B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet, when there is no landscape lot between the corner lot and the right of way.

17.12.060 One dwelling unit per site.

In the R-1 single-family residential zone, not more than one dwelling unit shall be located on each site, with the exception to Section 17.12.020(J).

17.12.070 Replacement and expansion of legally existing multiple family units.

In accordance with Sections 17.12.020 legally existing multiple family units may be expanded or replaced if destroyed by fire or other disaster subject to the following criteria:

A. A site plan review permit as provided in Chapter 17.28 is required for all expansions or replacements.

B. Replacement/expansion of unit(s) shall be designed and constructed in an architectural style compatible with the existing single-family units in the neighborhood. Review of elevations for replacement/expansion shall occur through the site plan review process. Appeals to architectural requirements of the site plan review committee shall be subject to the appeals process set forth in Chapter 17.28.050.

C. Setbacks and related development standards shall be consistent with existing single-family units in the neighborhood.

D. Parking requirements set forth in Section 17.34.020 and landscaping requirements shall meet current city standards and shall apply to the entire site(s), not just the replacement unit(s) or expanded area, which may result in the reduction of the number of units on the site.

E. The number of multiple family units on the site shall not be increased.

F. All rights established under Sections 17.12.020 and 17.12.070 shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a site plan review permit does not constitute compliance with this requirement.

17.12.080 Front yard.

A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
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R-1-5 Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochere. A Porte Cochere with less than twenty-two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.

R-1-12.5 Thirty (30) feet

R-1-20 Thirty-five (35) feet

B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.

C. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front

yard setback shall be no less than fifteen (15) feet for living space and side-loading garages and twenty (20) feet for front-loading garages.

17.12.090 Side yards.

A. The minimum side yard shall be five feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cocheres.

B. The minimum side yard shall be ten feet in the R-1-20 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than twenty (20) feet.

C. On a reversed corner lot the side yard adjoining the street shall be not less than ten feet.

D. On corner lots, all front-loading garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

E. Side yard requirements may be zero feet on one side of a lot if two or more consecutive lots are approved for a zero lot line development by the site plan review committee.

F. The placement of any mechanical equipment, including but not limited to, pool/spa equipment and evaporative coolers shall not be permitted in the five-foot side yard within the buildable area of the lot, or within five feet of rear/side property lines that are adjacent to the required side yard on adjoining lots. This provision shall not apply to street side yards on corner lots, nor shall it prohibit the surface mounting of utility meters and/or the placement of fixtures and utility lines as approved by the building and planning divisions.

17.12.100 Rear yard.

In the R-1 single-family residential zones, the minimum yard shall be twenty-five (25) feet, subject to the following exceptions:

A. On a corner or reverse corner lot the rear yard shall be twenty-five (25) feet on the narrow side or twenty (20) feet on the long side of the lot. The decision as to whether the short side or long side is used as the rear yard area shall be left to the applicant's discretion as long as a minimum area of one thousand five hundred (1,500) square feet of usable rear yard area is maintained. The remaining side yard to be a minimum of five feet.

B. Accessory structures not exceeding twelve (12) feet may be located in the required rear yard but not closer than three feet to any lot line provided that not more than twenty (20) percent of the area of the required rear yard shall be covered by structures enclosed on more than one side and not more than forty (40) percent may be covered by structures enclosed on only one side. On a reverse corner lot an accessory structure shall not be located closer to the rear property line than the required side yard on the adjoining key lot. An accessory structure shall not be closer to a side property line adjoining key lot and not closer to a side property line adjoining the street than the required front yard on the adjoining key lot.

C. Main structures may encroach up to five feet into a required rear yard area provided that such encroachment does not exceed one story and that a usable, open, rear yard area of at least one thousand five hundred (1,500) square feet shall be maintained. Such encroachment and rear yard area shall be approved by the city planner prior to issuing building permits.

17.12.110 Height of structures.

In the R-1 single-family residential zone, the maximum height of a permitted use shall be thirty-five (35) feet, with the exception of structures specified in Section 17.12.100(B).

17.12.120 Off-street parking.

In the R-1 single-family residential zone, subject to the provisions of Chapter 17.34.

17.12.130 Fences, walls and hedges.

In the R-1 single-family residential zone, fences, walls and hedges are subject to the provisions of Section 17.36.030.

17.12.135 Lot area less than 5,000 square feet.

A. Notwithstanding Section 17.12.050, lots in the R-1-5 zone may have a lot area of between 3,600 and 4,999 square feet if all of the following standards are met:

1. The Planning Commission finds that the development's overall density is consistent with the General Plan.
2. The maximum number of lots less than 5,000 square feet that may be approved by a tentative subdivision map shall be fifty (50) percent or less of the total lots.
3. Streets shall be constructed to public street standards.
4. Each subdivision with at least 15 lots that are less than 5,000 square feet in size shall make available to buyers at least three (3) different small lot floor plans with at least four (4) available elevation designs for each floor plan to construct on those lots.
5. The primary frontage of the dwelling unit shall face a public street, primary entryway, circulation walkway, or open space with sidewalks that provide delineated paths of travel.
6. The primary frontage of the dwelling unit shall include the primary entrance and at least one window.
7. Required covered parking spaces shall be in garages. Carports are prohibited.
8. The width of the garage shall not be greater than fifty (50) percent of the width of the dwelling unit.
9. The garage shall not extend beyond the front building facade (living area.)
10. All dwelling units shall include a covered front porch at least four (4) feet deep and six (6) feet wide or an uncovered front courtyard at least five (5) feet wide and five (5) feet deep that is surrounded on four sides by the dwelling unit or a wall or fence between three (3) and four (4) feet high with a pedestrian gate or entryway.
11. The building official shall not approve a building permit for a new dwelling unit on a lot with a lot area less than 5,000 square feet until the city planner, or designee, has determined that the standards identified in this section are met.
12. The subdivision shall provide a common, usable open space area of a minimum 3,000 square feet or two hundred fifty (250) square feet per lot under 5,000 square feet, whichever is greater. The area shall be landscaped and maintained with funding from either a homeowner's association or a landscape and lighting act district.

B. Notwithstanding this Chapter, lots with less than five thousand (5,000) square feet shall have the following minimum dimensions and building setback areas, unless they were approved with a planned development permit:

1. The minimum lot depth shall be seventy (70) feet.
2. The minimum lot width shall be forty-six (46) feet for interior lots and fifty-one (51) feet for corner lots.
3. The minimum front building setback area shall be twelve (12) feet for livable space and twenty (20) feet for garages.
4. The minimum rear yard building setback area shall be fifteen (15) feet.
5. The minimum interior side yard building setback area shall be five (5) feet.
6. The minimum corner side yard building setback area shall be ten (10) feet.
7. The maximum building height shall be thirty-five (35) feet.
8. Lots shall provide for a usable open space area of a minimum three hundred (300) square feet. The open space shall be a minimum fifteen (15) feet wide.

C. Lots less having a lot area of 3,600 square feet, or lots that do not meet the standards in this section may be approved through the planned development permit process per Chapter 17.26.

RESOLUTION NO. 2017-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2017-07: A REQUEST BY JERRY WEATHERFORD TO ALLOW A VARIANCE TO REDUCE THE SIDE YARD SETBACK FROM FIVE FEET TO THREE FEET/THREE INCHES FOR 14 SQUARE FEET OF AN EXISTING ACCESSORY STRUCTURE, AND TO INCREASE THE ALLOWED HEIGHT FOR THE ROOF PEAK FROM 13 FEET TO 14 FEET/FIVE INCHES, IN THE LOW DENSITY RESIDENTIAL (R-1-5) ZONE. THE SITE IS LOCATED AT 3745 W. MONTE VISTA. (APN: 119-261-023)

WHEREAS, Variance No. 2017-07 is a request by Jerry Weatherford to allow a variance to reduce the side yard setback from five feet to three feet/three inches for 14 square feet of an existing accessory structure, and to increase the allowed height for the roof peak from 13 feet to 14 feet/five inches, in the Low Density Residential (R-1-5) Zone. The site is located at 3745 W. Monte Vista. (APN: 119-261-023); and

WHEREAS, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on May 8, 2017; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2017-07, as conditioned by staff, to be in accordance with Chapter 17.42 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission of the City of Visalia finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15305.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia makes the following specific finding based on the evidence presented:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;

Finding: That the strict interpretation of the setback and height codes would constitute a practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance. The minor nature of the requested variances to setback and height standards are within or close to administrative adjustments and minor variances which have been granted for similar situations or circumstances, for existing and new accessory structures.

The minor encroachment for the height at the peak of the roof from 12 feet to 13 feet, 5 inches is less than the 20% administrative adjustment allowance, which is frequently approved by the City for Accessory structure roof peaks in the back yard. The building also encroaches into the required side yard by 14 Sq. Ft. To lower the peak and modify the building to meet the required side yard requirements would practically require the building to be totally removed and rebuilt.

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;

Finding: That the minor deviation from setback and height codes for small portions of the existing metal accessory structure, requiring significant changes due to the building type, constitutes exceptional circumstances

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;

Finding: That the minor deviation from setback and height codes for small portions of the existing metal accessory structure, requiring significant changes or removal of the building due to the building type deprives the applicant of privileges enjoyed by the owners of other properties classified in the same zone that have received administrative adjustments and variances for similar minor deviations

4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;

Finding: That the granting the minor deviation from setback and height codes for small portions of the existing metal accessory structure will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone. The variance request for the side yard setback and height to the roof peak will not be detrimental in any way to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity. It will be consistent with the surrounding properties.

5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Finding: That the granting the minor deviation from setback and height codes for small portions of the existing metal accessory structure will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. This request is consistent with other existing non-conforming setbacks in the City.

6. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2017-26).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Variance No. 2017-07, as conditioned, on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.42.090 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That building permits be obtained for the non-permitted accessory structure.
2. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.
3. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Variance No. 2017-07, prior to the issuance of a building permit for the accessory structure.

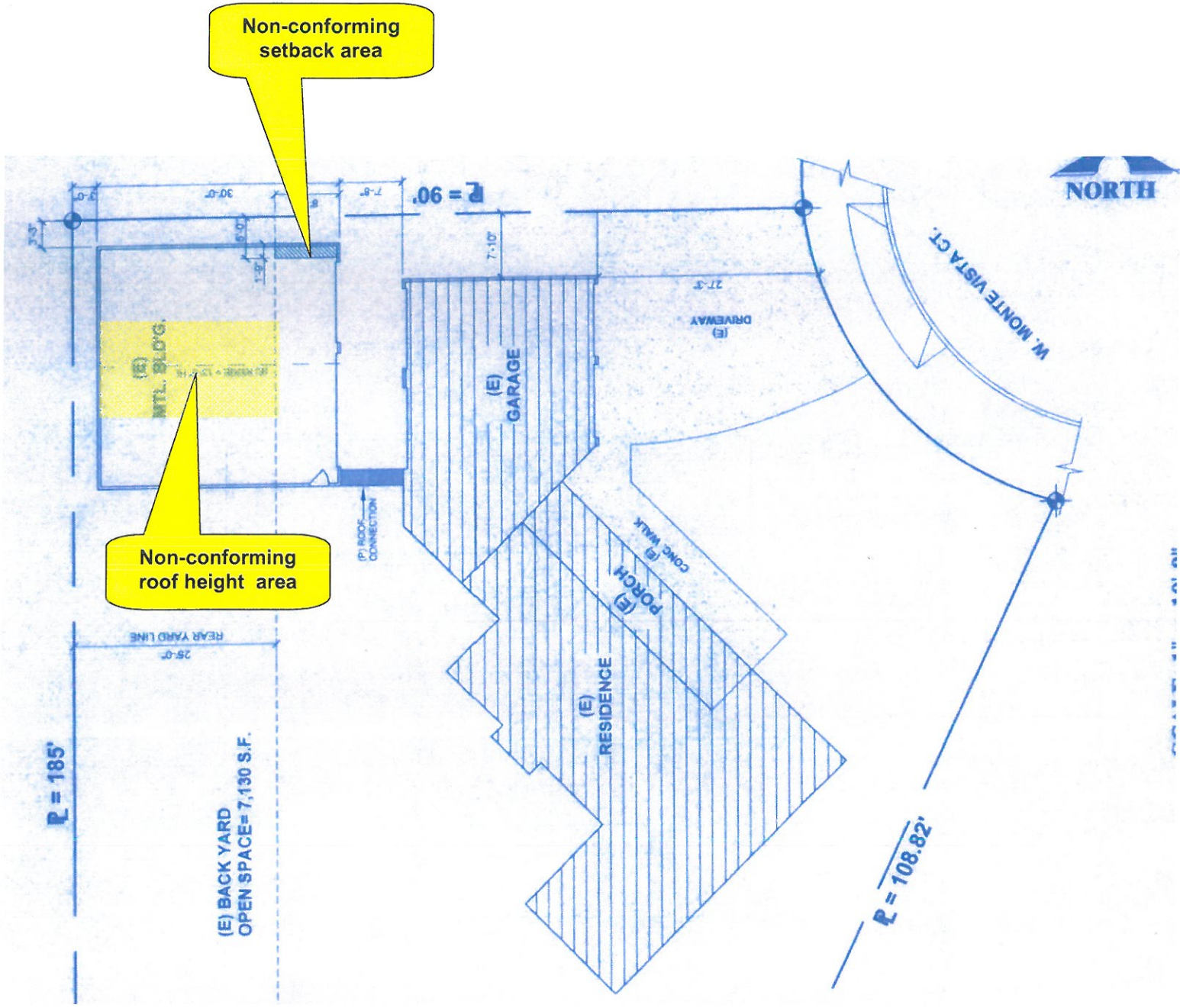


Exhibit A – Site Plan

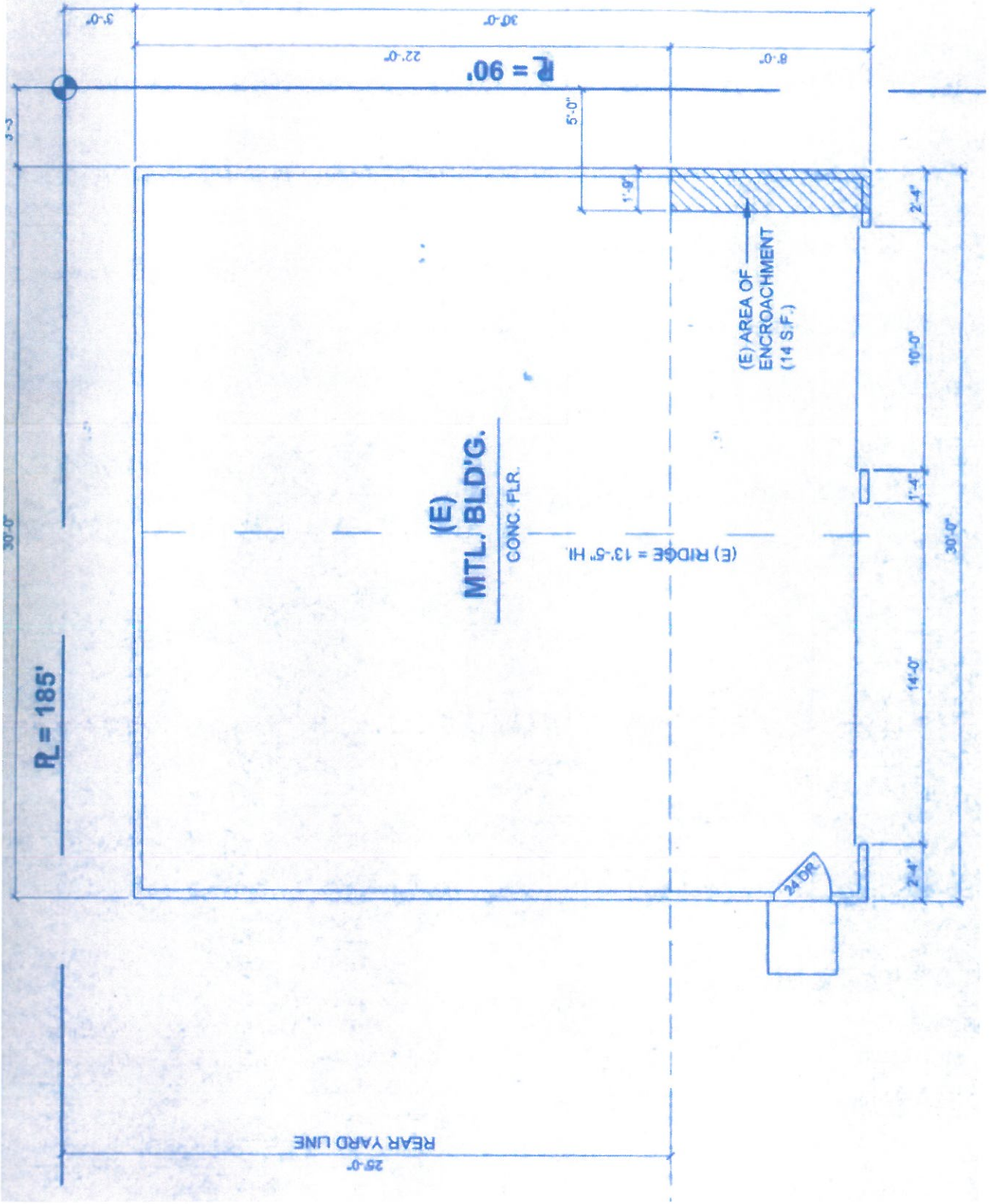


Exhibit B – Site Plan Detail

Findings for a Variance

Re: Variance Request for Jerry Weatherford, 3745 W. Monte Vista Ct.

Required Findings:

1. That strict or literal interpretation and enforcement of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance:

I was unaware and not informed by my contractor of any zoning ordinance requirements with respect to the erection of my metal storage structure when it was built in 2008.

The minor encroachment for the height at the peak of the roof from 12 feet to 13 feet, 5 inches is less than the 20% administrative adjustment allowance, which is frequently approved by the City for Accessory structure roof peaks in the back yard. The building also encroaches into the required side yard by 14 Sq. Ft. To lower the peak and modify the building to meet the required side yard requirements would practically require the building to be totally removed and rebuilt.

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended use of the property, which do not apply to other properties classified in the same zone.

I was unaware that my storage building/shop would fall into a category of exceptional or extraordinary circumstances or conditions when it was built. Had I known that the peak of my building was 1 foot 5" too tall and that it was encroaching into side yard setbacks (1'-9" x 8' for a total of 14 sq. ft.). that could've easily been corrected prior to construction.

3. That strict or literal interpretation and enforcement of the ordinance would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.

I was unaware of this ordinance that would deprive me of privileges enjoyed by the owners of other properties in the same zone. The height and setback requirements if I had know prior to construction, would have been corrected. In order to correct these, I would have to remove the building and start over.

4. That the granting of the variances would not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zone.

The requested variance is a minor encroachment of 14 square feet which would be allowed in the rear yard, but not in the buildable area of the lot where a portion of the accessory structure is located. The minor encroachment for the height at the peak of the roof from 12 feet to 13 feet, 5 inches is less than the 20% administrative adjustment allowance, which is frequently approved by the City for accessory structure roof peak in the back yard. This will not be a grant of special privilege inconsistency with the surrounding properties. I am asking that I would be allowed to do as they have done.

5. That the granting of the variance will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

The variance request for the side yard setback and height to the roof peak will not be detrimental in any way to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity. It will be consistent with the surrounding properties.

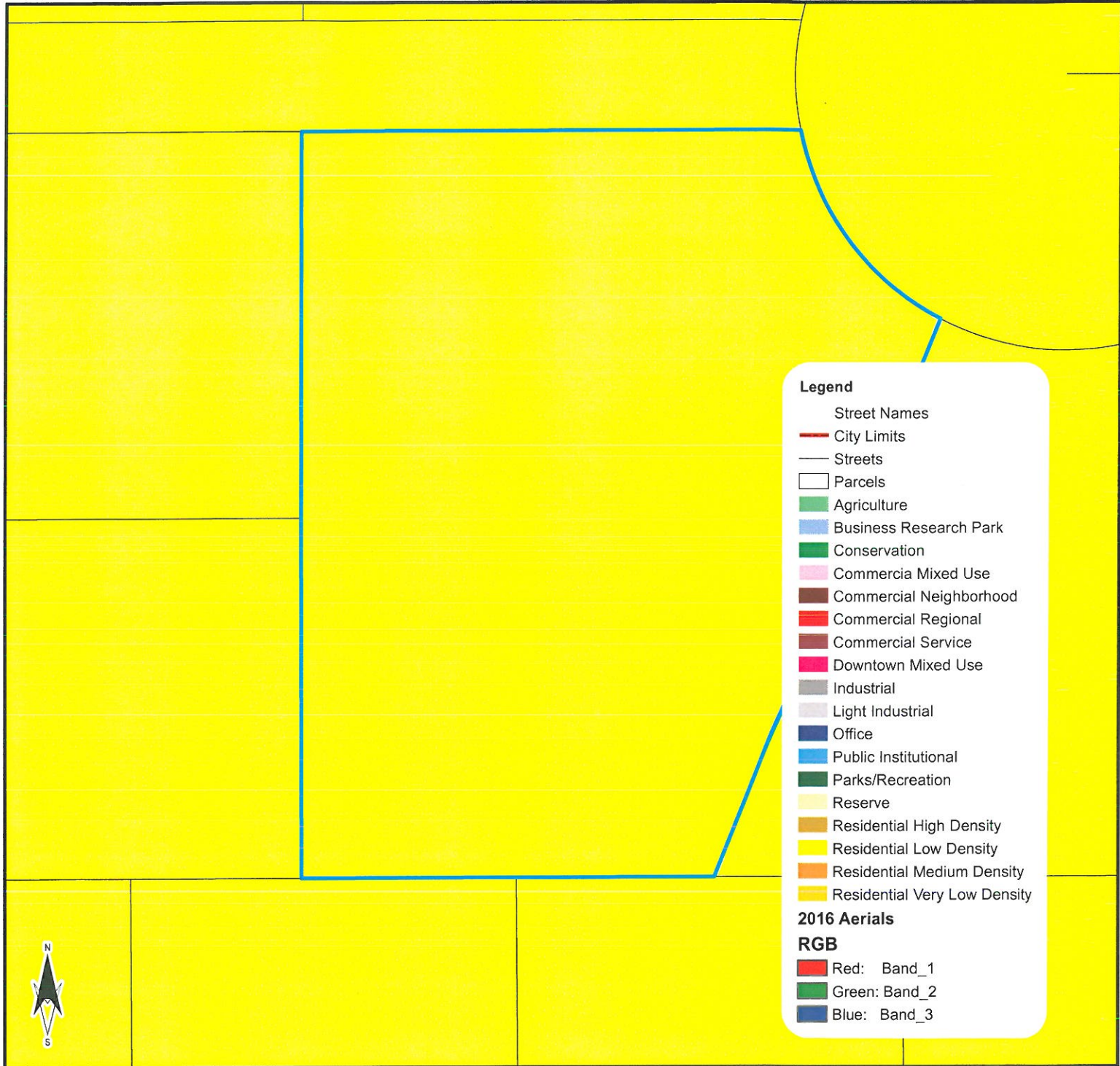
Thank You for your consideration,

Jerry Weatherford

Owner

EXHIBIT "C"

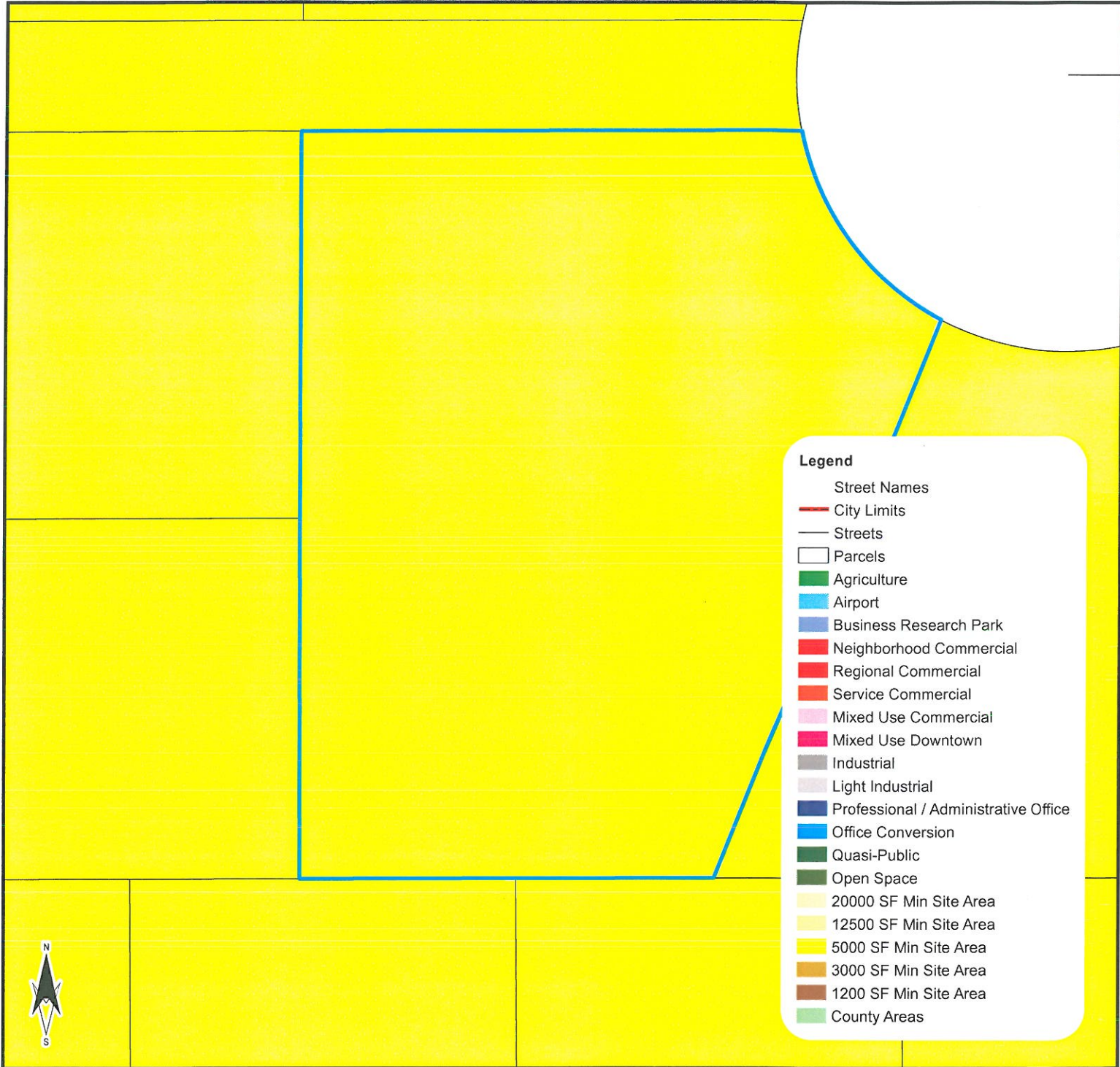
City of Visalia



Land Use Designations



City of Visalia



Zoning Designations



City of Visalia



Aerial Photo

0 5 10 20 30 40 Feet