

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

COMMISSIONERS: Brett Taylor, Liz Wynn, Chris Gomez, Marvin Hansen, Sarrah Peariso

MONDAY, AUGUST 13, 2018; 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 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.
 - Request to initiate a General Plan Air Quality Element Amendment (GPA), and Zoning Text Amendment (ZTA) to address revisions to the Indirect Source Review (ISR) Rule 9510 administered by the San Joaquin Valley Air Pollution Control District (SJVAPCD).
 - Time Extension for Conditional Use Permit No. 2007-17.
5. PUBLIC HEARING – Brandon Smith
Tentative Parcel Map No. 2018-03: A request by Westgate Construction and Development, Inc. to subdivide a 17.49-acre parcel into two parcels to separate commercial and residential land uses on property containing Mixed Use Commercial (CMU) and Multi-Family Residential (R-M-2 and R-M-3) zoning designations. The project site is located on the northeast corner of Dinuba Boulevard (State Route 63) and Shannon Parkway (APN: 079-071-029). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2018-44.
6. PUBLIC HEARING – Brandon Smith
Variance No. 2018-08: A request by San Joaquin Valley Homes to allow a variance to the minimum front and/or rear yard setbacks associated with three new single-family residences in the Pine River Ranch Estates Subdivision located within the R-1-5 (Single-Family Residential, 5,000 square foot minimum lot size) Zone. The sites are located at 2239 E. Delta Court, 2226 and 2227 E. Woodsville Court (APNs: 098-420-047, 050; 098-510-036). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2018-43.

7. PUBLIC HEARING – Andrew Chamberlain

Variance No. 2018-06: A request by United Signs to amend the sign program for the Country Club Plaza Shopping Center, to allow two monument signs for the Chevron gas station and convenience store in the Neighborhood Commercial (NC) zone. The site is located at 1330 N. Demaree Street (APN: 089-490-029). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2018-38.

8. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

- Update on the Mobile Food Truck Ordinance
- Update on the Micro-brewery/winery Ordinance
- Update on Assistant/Associate Planner Position

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 Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

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, AUGUST 23, 2018 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, AUGUST 27, 2018



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: August 13, 2018

PROJECT PLANNER: Brandon Smith, Senior Planner
Phone No.: 713-4636, Email: brandon.smith@visalia.city

SUBJECT: Variance No. 2018-08: A request by San Joaquin Valley Homes to allow a variance to the minimum front and/or rear yard setbacks associated with three new single-family residences in the Pine River Ranch Estates Subdivision located within the R-1-5 (Single-Family Residential, 5,000 square foot minimum lot size) Zone. The sites are located at 2239 E. Delta Court, 2226 and 2227 E. Woodsville Court. (APNs: 098-420-047, 050; 098-510-036)

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Variance No. 2018-08 based upon the findings and conditions in Resolution No. 2018-34. 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. 2018-08, based on the findings and conditions in Resolution No. 2018-34.

PROJECT DESCRIPTION

The proposed request is a variance to the front and/or rear yard setback requirements for new single-family dwellings on cul-de-sac lots in the R-1-5 zone. The variance request pertains to three non-contiguous lots with similar shapes and setback requests (illustrated in Exhibits "A", "B", and "C") all located within the same developing subdivision, Pine River Ranch Estates.

Each subject site shares similar characteristics of being a "pie-shaped" cul-de-sac lot with a short curvilinear frontage, wide rear yard, and shallow lot depth. An identical floor plan (see Exhibit "D") for a one-story with 1,440 square feet of floor area will be used on each lot.

The R-1-5 zone requires a minimum building setback of 20 feet for a front-loading garage on a cul-de-sac lot with a curvilinear front, whereas a non-cul-de-sac lot requires a setback of 22-feet for front-loading garages. Lot 27 (2239 E. Delta Ct.) and Lot 87 (2226 E. Woodsville Ct) are proposing front-loading garage setbacks of 18-ft, 7-in. and 18-ft, 8-in., whereas Lot 90 (2227 E. Woodsville Ct.) meets the minimum setback of 20-ft for a curvilinear lot.

The R-1-5 zone also requires a minimum building setback of 25-feet in the rear yard. However, this can be reduced to 20-feet when the residence is one-story, and at least 1,500 square feet of usable rear yard area is maintained. The applicant, per Exhibits "A", "B" and "C", depicts portions of the single-family dwellings encroaching into the required rear yard setback. In all cases, a corner of the residence ranging from 29 to 151 square feet in floor area encroaches at a diagonal angle into the required rear yard area resulting in reduced rear yard setbacks for all three lots.

The front and rear yard setbacks being requested on the three lots are listed in the following table, along with the minimum depth and the total area for each lot.

Address	Garage (20' min)	Rear (20' min)	Lot Depth	Lot Size
Lot 27: 2239 E. Delta C.	18'-7"	10'-6"	73.34'	6,661 sq ft.
Lot 87: 2226 E. Woodsville Ct.	18'-8"	13'-1"	76.84'	6,312 sq ft.
Lot 90: 2227 E. Woodsville Ct.	20'-0"	14'-8"	75.23'	7,527 sq ft.

Each of the lots complies with the R-1-5 zone's front yard setback requirement of 15-feet to habitable space and the 5-foot side yard setback requirement.

The applicant has prepared responses to the five required variance findings to support their request, which are included as Exhibit "E". The applicant's findings explain that the lots are not as deep as a typical R-1-5 zoned lot. On a rectangular lot meeting the minimum lot size of 5,000 square feet and the minimum lot width of 50 feet, the depth would be at least 100 feet. Because of the reduced lot depth, even the smallest floor plans offered by the builder for the Pine River Ranch Estates subdivision cannot fit on these lots.

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 (For Lot 87: Quasi-Public / St. Johns River trail) South: R-1-5 / Single Family Residential (For Lot 27: R-M-2 / Vacant lot) East: R-1-5 / Single Family Residential West: R-1-5 / Single Family Residential
Environmental Review	Categorical Exemption No. 2018-43
Special District	None
Site Plan Review	N/A

RELATED PLANS & POLICIES

Please see attached summary of related plans and policies. The proposed project is consistent with applicable plans and policies.

RELATED PROJECTS

The Planning Commission approved the Pine River Ranch Estates Tentative Subdivision Map No. 5546 on July 8, 2013. The subdivision was a request to divide 37 acres into 144 single-family lots. All lots in the subdivision have been established through final maps recorded on August 26, 2016 and June 28, 2017. As of April 27, 2018, there have been 73 permits issued for new single-family residences within the subdivision.

PROJECT EVALUATION

Staff supports the variance to front-loading garage and rear yard setbacks to facilitate construction of new residences on the three lots identified within the Pine River Ranch Estates Tentative Subdivision. This is based on the unusual circumstance of the lot depths, shapes and responses to the required findings (see Exhibit "E" and staff analysis below).

Front Loading Garage Setback Requirements & Lot Depth

The three lots have depths that are less than the typical lot depth associated with a lot meeting the minimum standards for lot size and width. Specifically, a rectangular lot meeting the minimum 5,000 square foot lot size and 50-foot minimum width would have a depth of at least 100-feet.

The reduced depth for these three lots is attributed to the cul-de-sac bulb, which makes the subject site lots between 73 and 77 feet deep. If the standard setback requirements were applied to these lots, the building footprint required for of the three lots would need to be designed with a depth between 33 and 37 feet. The depth of the proposed building footprint for these lots is 45-ft, 8-in. (see floor plan in Exhibit "D"). This is the smallest building footprint provided in the subdivision.

Rear Yard

In the R-1-5 zone, the required rear yard setback is 25-feet. However, the main structure (i.e. single-family dwelling) may encroach up to five-feet into the required rear yard provided that such encroachment does not exceed one-story and that a usable, open, rear yard area of at least 1,500 sq. ft. is maintained.

The usable, open, rear yard area criteria is complied with for all three lots. The three site plans indicate open rear yard areas of 1,973 sq. ft. for Lot 27 (see Exhibit "A"), 1,962 sq. ft. for Lot 87 (see Exhibit "B") and 3,008 sq. ft. for Lot 90 (see Exhibit "C").

On Lots 27 and 87, the rear yards back onto block walls and major streets (i.e., Houston Ave. and St. Johns Pkwy). On Lot 90 the rear yard backs onto another single-family residential lot that is under construction. Of the three lots, the house on Lot 90 provides the greatest minimum setback (14'-8") and the smallest amount of building encroachment (29 square feet) into the rear yard setback area.

Staff is recommending approval of the reduction in setbacks based on the lots having an unusually shallow depth, the lots having more than adequate open rear yard area to make up for the additional encroachment, limiting the lots to single-story units, and no significant impact to surrounding uses.

On Lots 27 and 87, staff supports the garage setbacks being less than 20 feet. Staff concludes the driveway area provided for these two lots would allow vehicles to park in the driveway without blocking the adjacent sidewalk. The angled driveways for these two lots provide a greater depth for a parked vehicle than the shortest distance between the garage door and property line.

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 and staff has included the analysis for each finding below. The applicant's responses to the variance findings are also included in Exhibit "E".

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's Findings: The shape of these cul-de-sac lots present a practical difficulty and make it impossible to meet the zoning regulations for R-1-5 because the lots are not as deep as a typical R-1-5 lot.

Analysis: Concur with applicant. The shape of the lots makes it impossible to place a house – even the smallest floor plan offered for this subdivision – onto the lot.

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's Findings: These lots are located in two different cul-de-sacs and the resulting lot shapes present extraordinary circumstances which are not present in a normally configured rectangular lot. Even when using the smallest floor plan offered for this subdivision, the homes go beyond the buildable limits outlined in the zoning regulations, thus requiring a variance from these regulations.

Analysis: Concur with applicant. The lots meet the standard minimum lot size and lot width, but unlike other cul-de-sac lots that typically measure 80 feet or more at their shortest depth these lots measure between 73 and 77 feet deep.

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's Findings: Strict enforcement of the zoning regulations would make these lots unusable and would deprive [the applicant] of the privileges enjoyed by other similar residential properties.

Analysis: Concur with applicant. All other properties in the subdivision have the ability to fit even the smallest floor plan offered for this subdivision.

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's Findings: The granting of this variance enables [the applicant] to produce a marketable product that is consistent with other properties in the area and would not be considered the granting of a special privilege.

Analysis: Concur with applicant. The variance would allow these properties to be constructed with single-family residences, have an adequate amount of open rear yard area, and provide sufficient spacing between other residences, similar to other properties in the subdivision.

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's Findings: Again, by granting this request, these properties would be consistent with those in the surrounding development and would not be detrimental to the public health, safety or welfare of others, nor would it be materially injurious to properties in the vicinity.

Analysis: Concur with applicant. 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.

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. 2018-43). This exemption is based on the project being characterized as a variance, which is a minor alteration to land use limitations that does not result in changes in land use or density.

RECOMMENDED 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;*

The shape of these cul-de-sac lots present a practical difficulty and make it impossible to meet the zoning regulations for R-1-5 because the lots are not as deep as a typical R-1-5 lot.

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;*

These lots are located in two different cul-de-sacs and the resulting lot shapes present extraordinary circumstances which are not present in a normally configured rectangular lot. Even when using the smallest floor plan offered for this subdivision, the homes go beyond the buildable limits outlined in the zoning regulations, thus requiring a variance from these regulations.

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;*

Strict enforcement of the zoning regulations would make these lots unusable and would deprive the applicant of the privileges enjoyed by other similar residential properties.

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;*

The granting of this variance enables the applicant to produce a marketable product that is consistent with other properties in the area and would not be considered the granting of a special privilege.

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.*

By granting this request, these properties would be consistent with those in the surrounding development and would not be detrimental to the public health, safety or welfare of others, nor would it be materially injurious to properties in the vicinity.

6. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2018-43).

RECOMMENDED CONDITIONS OF APPROVAL

1. That Variance No. 2018-08 shall allow single-story single-family residences to be developed on Lots 27, 87, and 90 of the Pine River Ranch Estates subdivision, consistent with the garage and rear yard setbacks shown in the site plans included as Exhibits "A", "B", and "C".
2. That no additions shall be permitted within the required rear yard area, except for accessory structures meeting City regulations as specified in Municipal Code Section 17.12.100 for rear yards.
3. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.

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. 2018-34
- Exhibit "A" – Proposed Site Plan, Lot 27 / 2239 E. Delta Court
- Exhibit "B" – Proposed Site Plan, Lot 87 / 2226 E. Woodsville Court
- Exhibit "C" – Proposed Site Plan, Lot 90 / 2227 E. Woodsville Court
- Exhibit "D" – Proposed Floor Plan
- Exhibit "E" – Variance Findings Prepared by Applicant
- Exhibit "F" – Letter of Request
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Sketch

RELATED PLANS AND POLICIES

Zoning Ordinance Chapter 17.12: SINGLE-FAMILY RESIDENTIAL ZONE

17.12.080 Front yard.

A. The minimum front yard shall be as follows:

<u>Zone</u>	<u>Minimum Front Yard</u>
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. (Ord. 2017-01 (part), 2017: Ord. 2004-20 (part), 2004: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7277)

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.

Zoning Ordinance Chapter 17.42: VARIANCES

17.42.010 Variance purposes.

The city planning commission may grant variances in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this title. A practical difficulty or unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population densities, street locations or traffic conditions in the immediate vicinity. The power to grant variances does not extend to use regulations, because the flexibility necessary to avoid results inconsistent with the objectives of the zoning ordinance is provided by the conditional use provisions of this title.

17.42.020 [Reserved]

17.42.030 Variance powers of city planning commission.

The city planning commission may grant variances to the regulations prescribed by this title with respect to fences and walls, site area, width, frontage coverage, front yard, rear yard, side yards, height of structures, distance between structures, off-street parking facilities, accessory dwelling unit standards pursuant to Sections 17.12.140 through 17.12.200, and downtown building design criteria pursuant to Section 17.58.082 through 17.58.088; in accordance with the procedures prescribed in this chapter.

17.42.040 [Reserved]

17.42.050 Application procedures.

A. Application for a variance or exception shall be made to the city planning commission on a form prescribed by the commission and shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property, is the authorized agent of the owners, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. Statement of the precise nature of the variance or exception requested and the hardship or practical difficulty that would result from the strict interpretation and enforcement of this title;
5. The application shall be accompanied by such sketches or drawings that may be necessary to clearly show applicant's proposal;
6. Additional information as required by the historic preservation advisory board;
7. When reviewing requests for an exception associated with a request for density bonus as provided in Chapter 17.32, Article 2, the applicant shall submit copies of the comprehensive development plan, sketches and plans indicating the nature of the request and written justification that the requested modifications result in identifiable cost reductions required for project to reach target affordability.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

17.42.060 Hearing and notice.

A. The city planning commission shall hold a public hearing on an application for a variance.

B. Notice of a public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing.

17.42.070 Investigation and report.

The city planning staff shall make an investigation of the application and shall prepare a report thereon that shall be submitted to the city planning commission.

17.42.080 Public hearing procedure.

At a public hearing the city planning commission shall review the application and the statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 17.42.090.

17.42.090 Variance action of the city planning commission.

A. The city planning commission may grant a variance to a regulation prescribed by this title with respect to fences and walls, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distances between structures or landscaped areas or in modified form if, on the basis of the application, the report of the city planning staff or the evidence submitted, the commission makes the following 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;
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;
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;
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;
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.

B. The city planning commission may grant a variance to a regulation prescribed by this title with respect to off-street parking facilities, if, on the basis of the application, the report of the city planner or the evidence submitted the commission makes the findings prescribed in subsection (A)(1) of this section and that the granting of the variance will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

C. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe.

D. The city planning commission may deny a variance application.

17.42.100 [Reserved]

17.42.110 Appeal to city council.

The decision of the city planning commission on a variance or exception application shall be subject to the appeal provisions of Section 17.02.145.

17.42.120 Lapse of variance.

A variance shall lapse and become void one year following the date on which the variance became effective, unless prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion on the site that was the subject of the variance application, or a certificate of occupancy is issued by the building official for the site or structure that was the subject of the variance application. A variance may be renewed for an additional period of one year; provided, that prior to the expiration of one year from the date when the variance became effective, an application for renewal of the variance is made to the commission. The commission may grant or deny an application for renewal of a variance.

17.42.130 Revocation.

A variance granted subject to a condition or conditions shall be revoked by the city planning commission if the condition or conditions are not complied with.

17.42.140 New application.

Following the denial of a variance application or the revocation of a variance, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial of the variance application or revocation of the variance.

RESOLUTION NO. 2018-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2018-08, A REQUEST BY SAN JOAQUIN VALLEY HOMES TO ALLOW A VARIANCE TO THE MINIMUM FRONT AND/OR REAR YARD SETBACKS ASSOCIATED WITH THREE NEW SINGLE-FAMILY RESIDENCES IN THE PINE RIVER RANCH ESTATES SUBDIVISION LOCATED WITHIN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL, 5,000 SQUARE FOOT MINIMUM LOT SIZE) ZONE. THE SITES ARE LOCATED AT 2239 E. DELTA COURT, 2226 AND 2227 E. WOODSVILLE COURT. (APNS: 098-420-047, 050; 098-510-036)

WHEREAS, Variance No. 2018-08 is a request by San Joaquin Valley Homes to allow a variance to the minimum front and/or rear yard setbacks associated with three new single-family residences in the Pine River Ranch Estates Subdivision located within the R-1-5 (Single-Family Residential, 5,000 square foot minimum lot size) Zone. The sites are located at 2239 E. Delta Court, 2226 and 2227 E. Woodsville Court. (APNs: 098-420-047, 050; 098-510-036); and

WHEREAS, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on August 13, 2018; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2018-08, 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;*

The shape of these cul-de-sac lots present a practical difficulty and make it impossible to meet the zoning regulations for R-1-5 because the lots are not as deep as a typical R-1-5 lot.

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;*

These lots are located in two different cul-de-sacs and the resulting lot shapes present extraordinary circumstances which are not present in a normally configured rectangular lot. Even when using the smallest floor plan offered for this subdivision, the homes go beyond the buildable limits outlined in the zoning regulations, thus requiring a variance from these regulations.

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;

Strict enforcement of the zoning regulations would make these lots unusable and would deprive the applicant of the privileges enjoyed by other similar residential properties.

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;

The granting of this variance enables the applicant to produce a marketable product that is consistent with other properties in the area and would not be considered the granting of a special privilege.

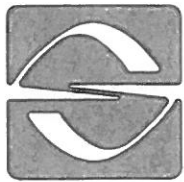
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

By granting this request, these properties would be consistent with those in the surrounding development and would not be detrimental to the public health, safety or welfare of others, nor would it be materially injurious to properties in the vicinity.

6. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2018-43).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Variance No. 2018-08, 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 Variance No. 2018-08 shall allow single-story single-family residences to be developed on Lots 27, 87, and 90 of the Pine River Ranch Estates subdivision, consistent with the garage and rear yard setbacks shown in the site plans included as Exhibits "A", "B", and "C".
2. That no additions shall be permitted within the required rear yard area, except for accessory structures meeting City regulations as specified in Municipal Code Section 17.12.100 for rear yards.
3. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.



San Joaquin Valley HOMES

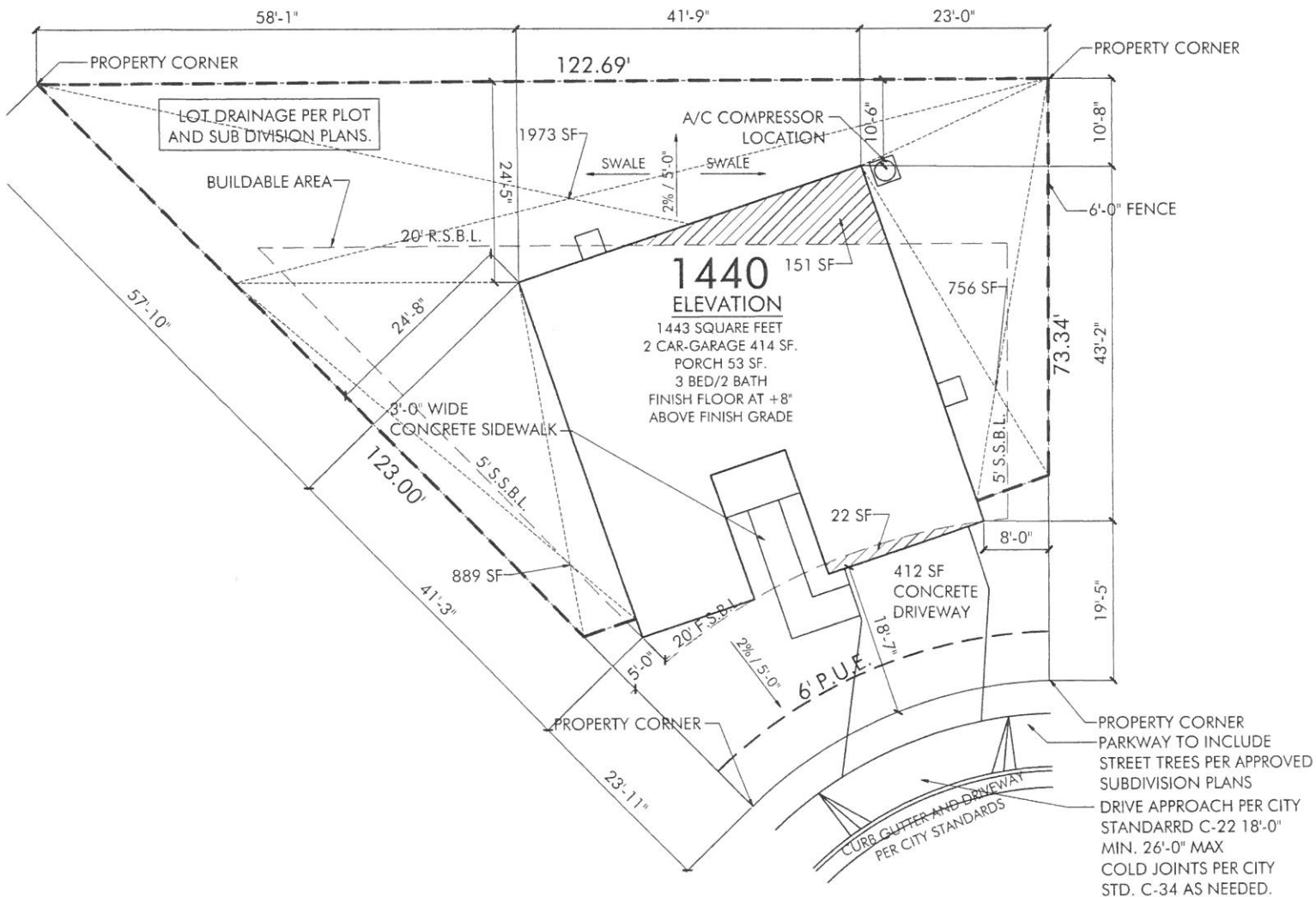
5607 Avenida de los Robles
Visalia, California 93291
Voice 559-732-2660

LANDSCAPING REQUIREMENTS:

1. 6 CUBIC YARDS 3" THICK LAYER OF LANDSCAPE MULCH
2. 25% WITH MAXIMUM 500 SQ. FT. WARM SEASON BERMUDA GRASS TURF

I AGREE TO COMPLY WITH THE MWEO PRESCRIPTIVE COMPLIANCE OPTION

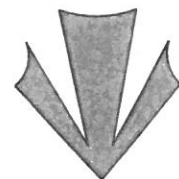
- 782 SF FRONT YARD LANDSCAPE - TURF NOT TO EXCEED 196 SF
- 408 SF FRONT YARD HARDSCAPE



SITE PLAN

2239 E. DELTA COURT

APN: 098-510-036



NORTH
1" = 20'-0"

LOT: 27

PINE RIVER RANCH 1

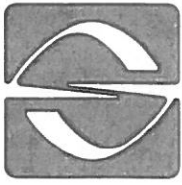
VISALIA

ALL DIMENSIONS SHOWN ARE WITHIN +/- 3%

BUYERS SIGNATURE _____

APPROVAL DATE _____

Exhibit "A"



San Joaquin Valley HOMES

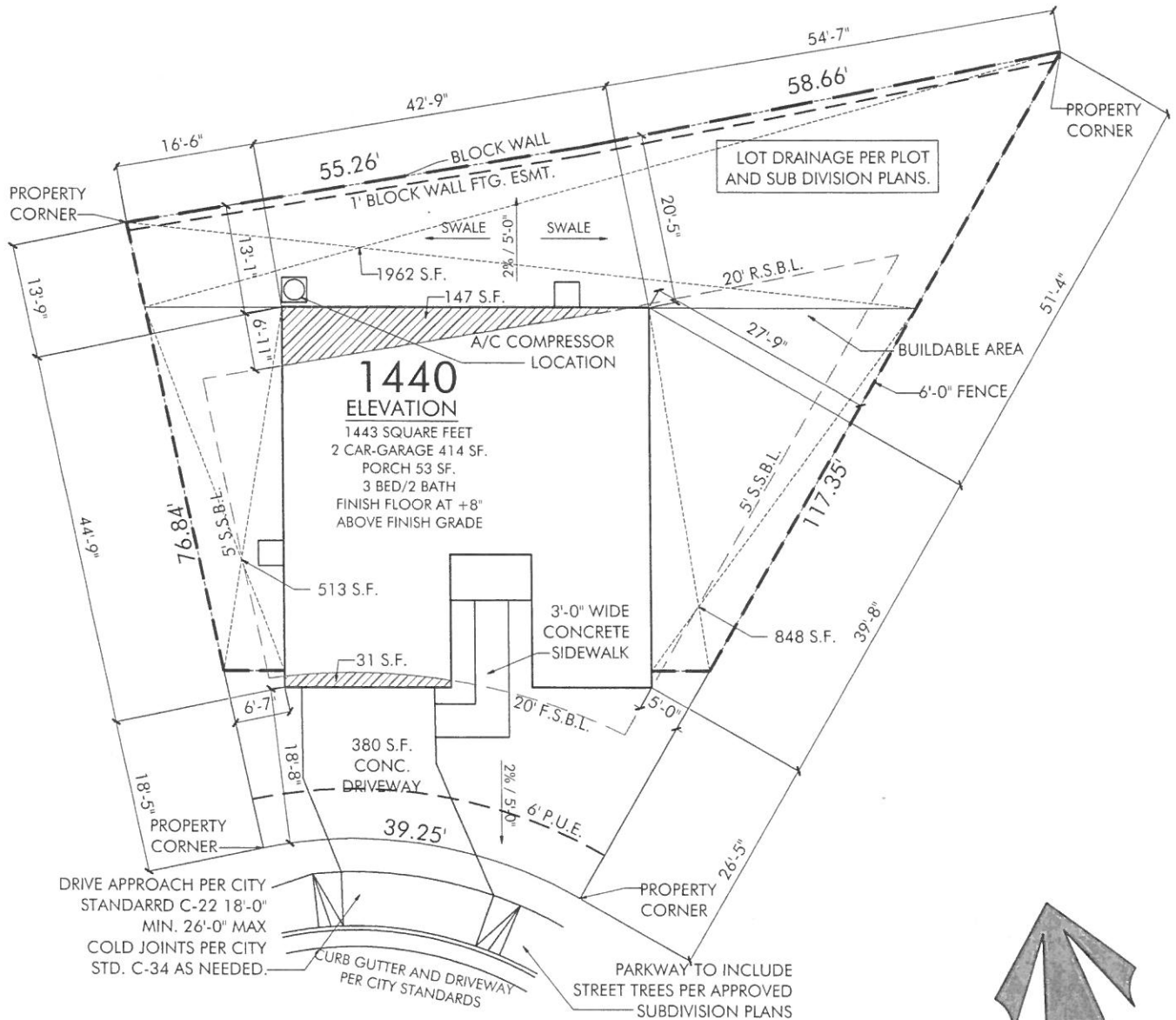
5607 Avenida de los Robles
Visalia, California 93291
Voice 559-732-2660

LANDSCAPING REQUIREMENTS:

1. 6 CUBIC YARDS 3" THICK LAYER OF LANDSCAPE MULCH
2. 25% WITH MAXIMUM 500 SQ. FT. WARM SEASON BERMUDA GRASS TURF

I AGREE TO COMPLY WITH THE MWEO PRESCRIPTIVE COMPLIANCE OPTION

- 717 SF FRONT YARD LANDSCAPE - TURF NOT TO EXCEED 180 SF
- 393 SF FRONT YARD HARDSCAPE



SITE PLAN

2226 W. WOODSVILLE COURT

APN: 098-420-047

NORTH
1" = 20'-0"

LOT: 87

PINE RIVER RANCH II

VISALIA

ALL DIMENSIONS SHOWN ARE WITHIN +/- 3%

BUYERS SIGNATURE _____

APPROVAL DATE _____

Exhibit "B"

July 12, 2018

City of Visalia
Planning Department
315 E. Acequia Avenue
Visalia, CA 93291

Attn: Mr. Paul Bernal, City Planner

Re: Request for Variances, Lots 27, 87 and 90
Pine River Estates Subdivision

Dear Mr. Bernal,

San Joaquin Valley Homes (SJVH) would like to request variances for the placement of new homes on the following lots, 27, 87 and 90, in the Pine River Estates Subdivision. Please find following the findings as related to this request.

- 1) The shape of these cul-de-sac lots present a practical difficulty and make it impossible to meet the zoning regulations for R-1-5 because the lots are not as deep as a typical R-1-5 lot.
- 2) These lots are located in two different cul-de-dacs and the resulting lot shapes present extraordinary circumstances which are not present in a normally configured rectangular lot. Even when using the smallest floor plan for this subdivision, the homes go beyond the buildable limits outlined in the zoning regulations, thus requiring a variance from those regulations.
- 3) Strict enforcement of the zoning regulations would make these lots unusable and would deprive SJVH of the privileges enjoyed by other similar residential properties.
- 4) The granting of this variance enables SJVH to produce a marketable product that is consistent with other properties in the area and would not be considered the granting of a special privilege.
- 5) Again, by granting this request, these properties would be consistent with those in the surrounding development and would not be detrimental to the public health, safety or welfare of others, nor would it be materially injurious to properties in the vicinity.

Therefore SJVH requests that the site plans be approved as shown in the attachments.

Thank you for your help in this request.

Sincerely,



Ken Kross
Land Development Project Manager
San Joaquin Valley Homes

559.732.2660
5607 Avenida de los Robles
Visalia · CA · 93291

July 12, 2018

City of Visalia
Planning Department
315 E. Acequia Avenue
Visalia, CA 93291

Attn: Mr. Paul Bernal, City Planner

Re: Request for Variances, Lots 27, 87 and 90
Pine River Estates Subdivision

Dear Mr. Bernal,

San Joaquin Valley Homes (SJVH) would like to request variances for the placement of new homes on the following lots 27, 87 and 90 in the Pine River Estates Subdivision. Due to the irregular shapes of these lots and the fact that they are much shallower than the typical R-1-5 lot, it is not practical or possible to fit the smallest house plan offered by our company on these lots. These extraordinary circumstances make it impossible to fit homes in like manner as other lots in the neighborhood. By allowing this variance it would enable SJVH to provide its product consistent with other properties in the same area and would not be seen as a special privilege compared to other properties. This request is not detrimental to public health, safety or welfare, or materially injurious to other property owners in the area. These lots all exceed the minimum areas required in the R-1-5 zoning. The lot shapes actually result in larger yard areas when the useable side yard areas are included. Therefore we request that the site plans be approved as shown in the attachments.

Thank you for your help in this request.

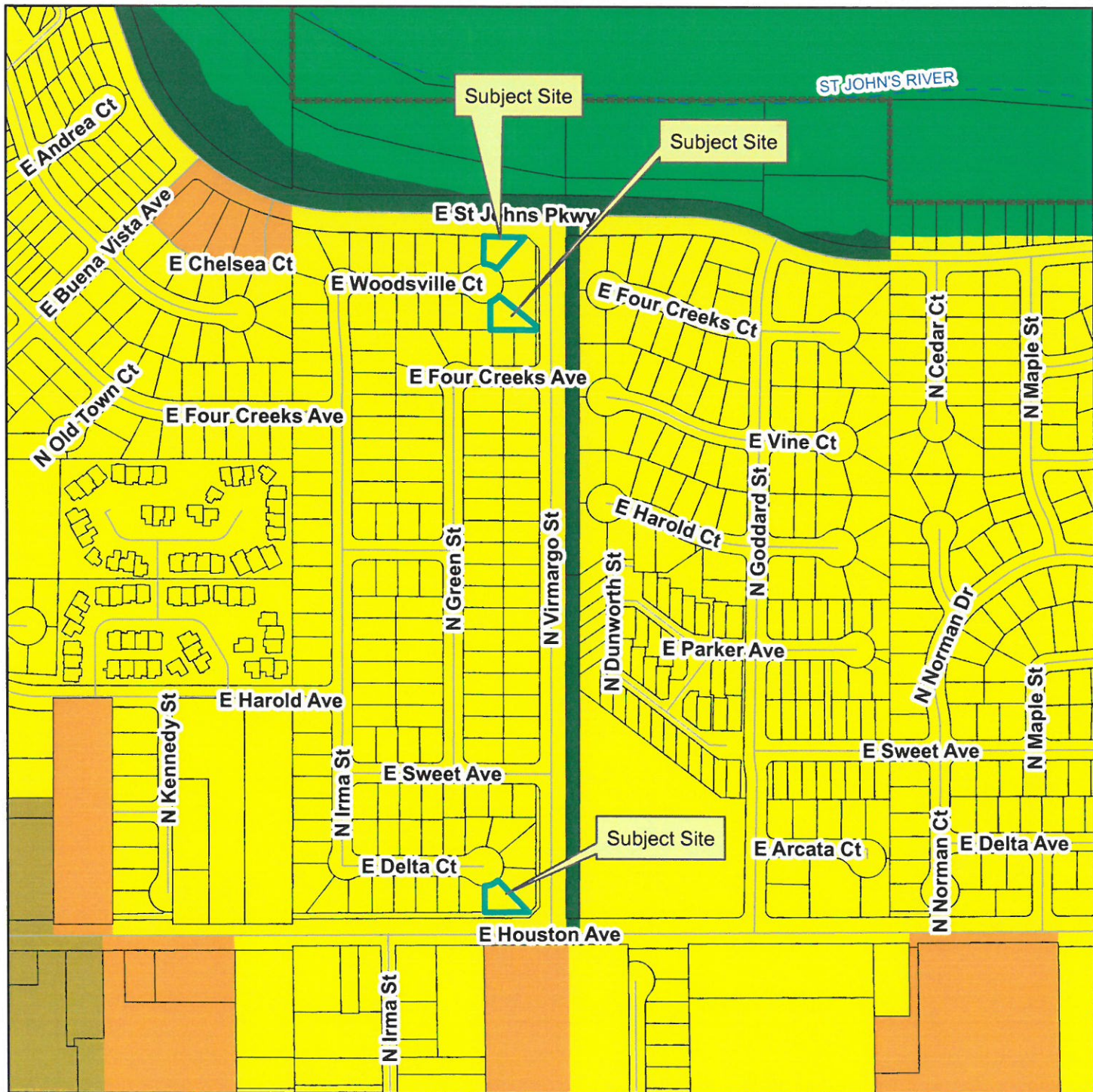
Sincerely,



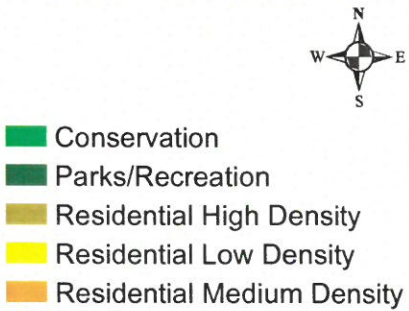
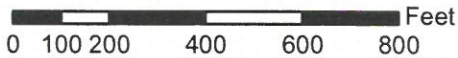
Ken Kross,
Land Development Project Manager
San Joaquin Valley Homes

Variance No. 2018-08

The sites are located at 2239 E. Delta Court, 2226 and 2227 E. Woodville Court. (APNs: 098-420-047, 050; 098-510-036)

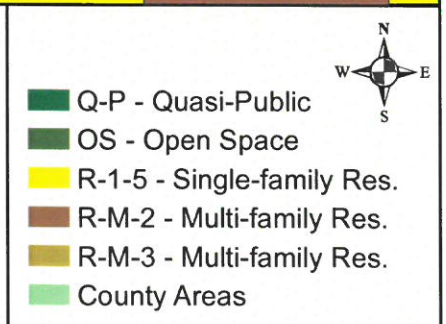
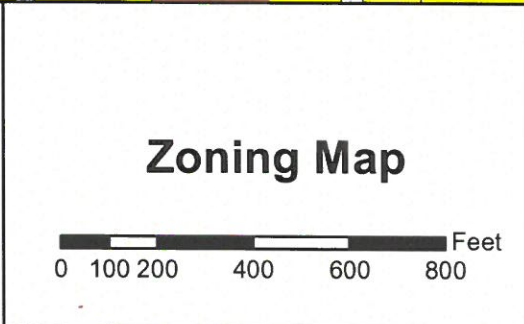
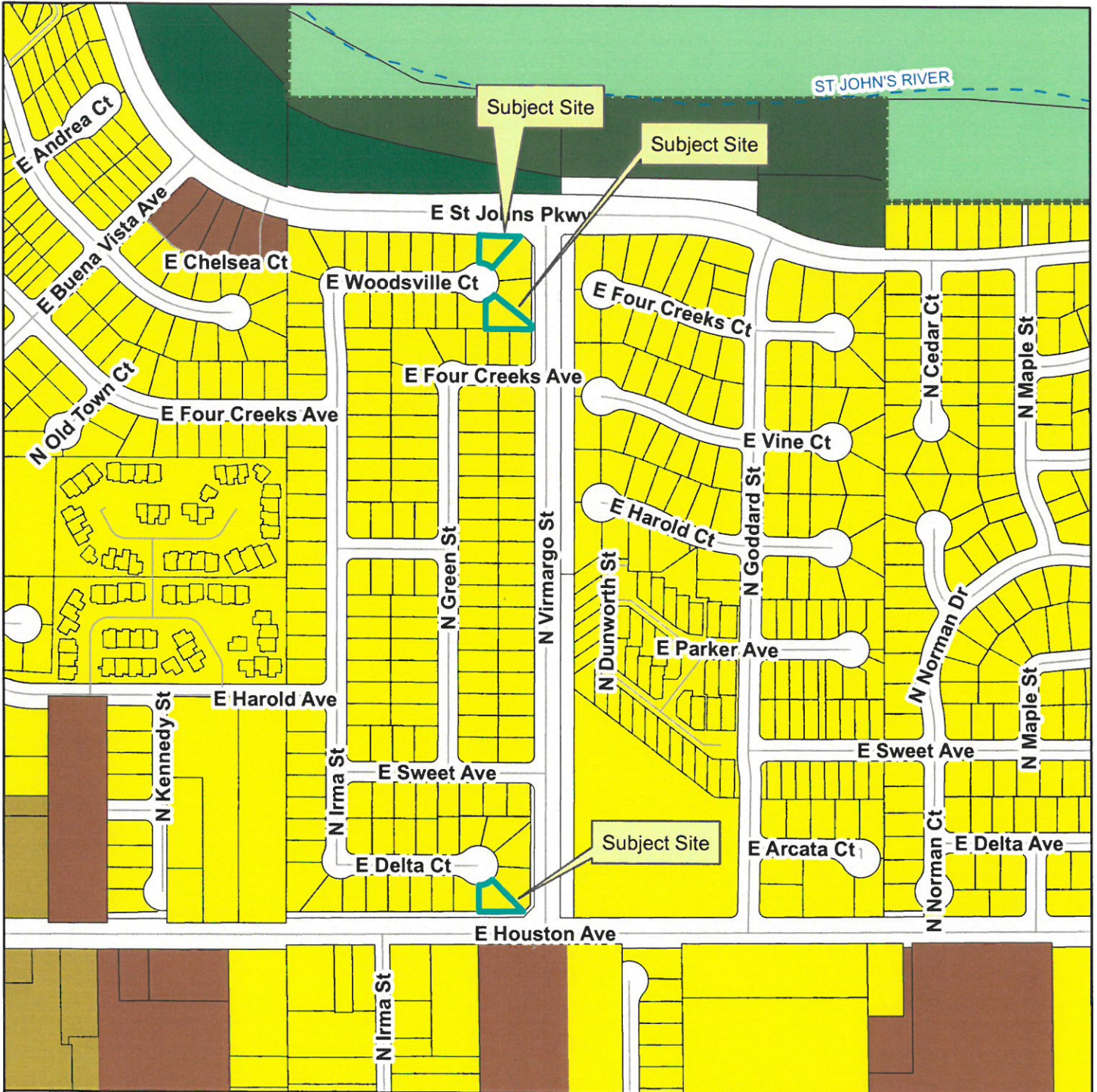


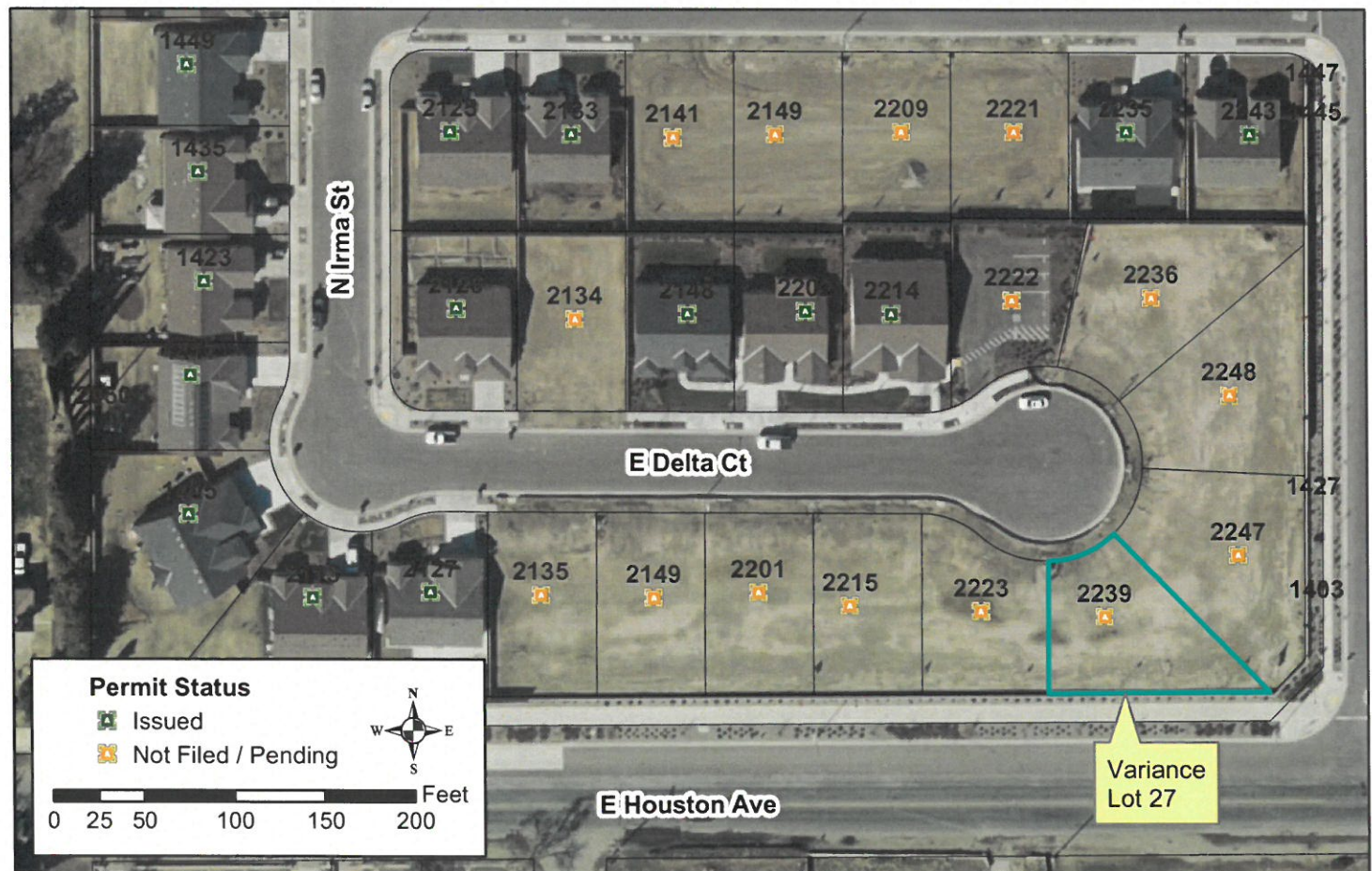
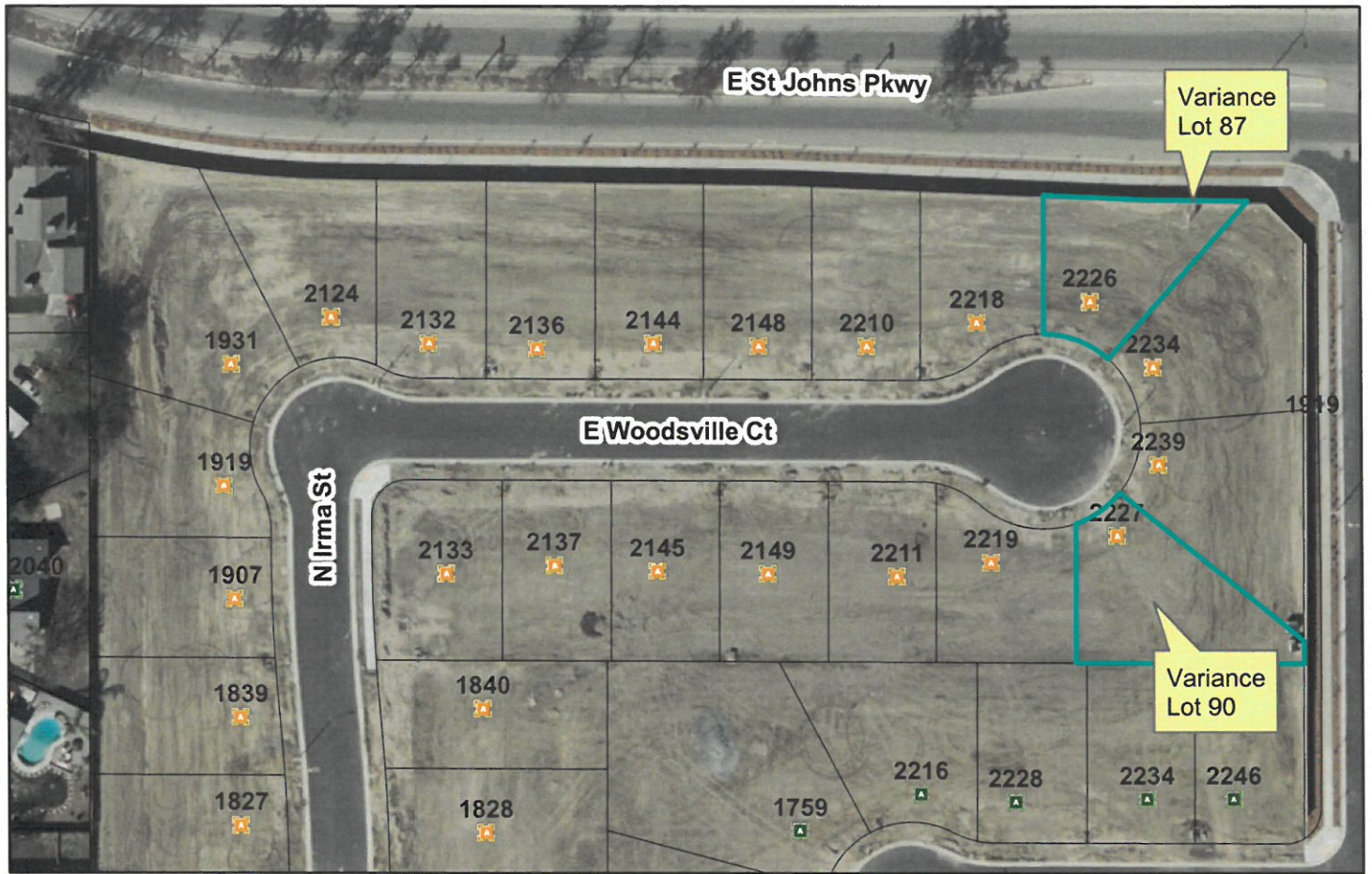
General Plan Land Use Map



Variance No. 2018-08

The sites are located at 2239 E. Delta Court, 2226 and 2227 E. Woodville Court. (APNs: 098-420-047, 050; 098-510-036)





Variance No. 2018-08

The sites are located at 2239 E. Delta Court, 2226 and 2227 E. Woodville Court. (APNs: 098-420-047, 050; 098-510-036)



Zoning Map

Photo Taken March 2018

0 100 200 400 600 800 Feet

- WATERWAYS
- + RAILROADS
- CITY LIMITS
- PARCELS

Variance No. 2018-08

The sites are located at 2239 E. Delta Court, 2226 and 2227 E. Woodsville Court. (APNs: 098-420-047, 050; 098-510-036)

