

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Mary Beatie

COMMISSIONERS: Marvin Hansen, Chris Tavarez, Bill Davis, Mary Beatie, Adam Peck

**MONDAY, JULY 24, 2023**

**VISALIA COUNCIL CHAMBERS**

**LOCATED AT 707 W. ACEQUIA AVENUE, VISALIA, CA**

**MEETING TIME: 7:00 PM**

1. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. 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. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.  
  
The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
4. CHANGES TO THE AGENDA –
5. 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.
  - No Items on the Consent Calendar
6. PUBLIC HEARING – Paul Bernal, Director / City Planner
  - a. Vesting Tentative Parcel Map No. 2023-05: A request by 4Creeks, Inc. to subdivide one 16.03-acre parcel of C-MU (Commercial Mixed Use), R-M-2 (Multi-Family Residential 3,000 square feet per unit) and R-M-3 (Multi-Family Residential 1,500 square feet per unit) zoned property into four parcels for financing purposes. The 16.03-acre site is located on the south side of West Glendale Avenue between North Dinuba Boulevard and future North Santa Fe Street (APN: 079-071-030). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2023-24.

- b. Conditional Use Permit No. 2023-17: A request by 4Creeks, Inc. to establish a parcel with less than the minimum five-acre requirement for a C-MU (Commercial Mixed Use) zoned parcel associated with Tentative Parcel Map No. 2023-05. The C-MU zoned parcels are located on the south side of West Glendale Avenue between North Dinuba Boulevard and North Court Street (APN: 079-071-030). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2023-24.
- 7. PUBLIC HEARING – Josh Dan, Senior Planner  
Variance No. 2023-02: A request by Caliber Collision to allow a variance to the maximum fence height limit of seven feet to eight-feet along the perimeter of a service commercial site in the C-S (Service Commercial) Zone District. The project site is located at 243 South Cotta Court (APNs: 094-212-042, 094-212-041). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2023-27.
- 8. PUBLIC HEARING – Josh Dan, Senior Planner  
Conditional Use Permit 2022-20: A request by Robert Gaalswyk to construct a new 22,500 square foot building for use as a retail gun store and indoor shooting range facility within the Village at Willow Creek Specific Plan, located in the C-MU (Mixed Use Commercial) zone. The property is located on the southside of West Flagstaff Avenue between North Demaree Street and North Leila Street (Address: not yet assigned) (APN: 078-210-023). An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant, and that Mitigated Negative Declaration No. 2022-47 be adopted (SCH 2023-060762).
- 9. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –
  - a. Pending updates: Annexations, SB 1186, Housing Element

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 4, 2023, 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 93291. 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](http://www.visalia.city) or from the City Clerk.

#### **THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, AUGUST 7, 2023**



# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** July 24, 2023

**PROJECT PLANNER:** Josh Dan, Senior Planner  
Phone:(559) 713-4003  
E-mail: [josh.dan@visalia.city](mailto:josh.dan@visalia.city)

**SUBJECT: Variance No. 2023-02:** A request by Caliber Collision to allow a variance to the maximum fence height limit of seven feet to eight-feet along the perimeter of a service commercial site in the C-S (Service Commercial) Zone District. The project site is located at 243 South Cotta Court (APNs: 094-212-042 & 094-212-041).

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Variance No. 2023-02 based upon the findings and conditions in Resolution No. 2023-27. 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.

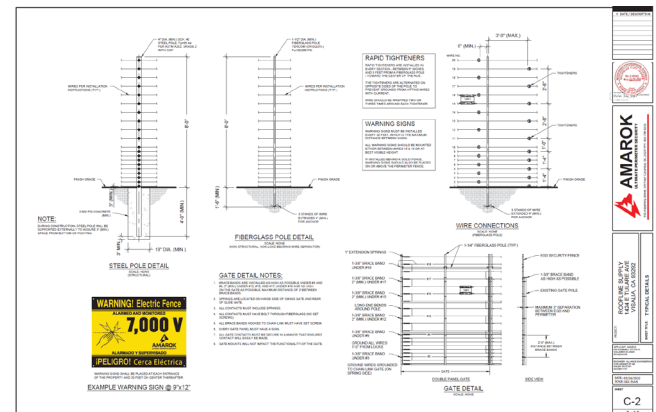
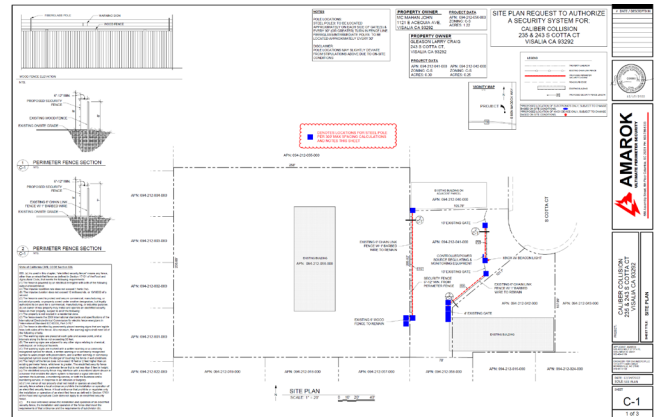
## RECOMMENDED MOTION

I move to approve Variance No. 2023-02, based on the findings and conditions in Resolution No. 2023-27.

## PROJECT DESCRIPTION

The proponent is requesting to erect an electrified eight-foot-tall fence behind portions of existing chain link and wood fences that encompasses the Caliber Collision facility open storage yard located at 243 S. Cotta Street (see Exhibit "A"). The applicant states that the taller electrified fence is necessary to preclude illegal entry onto the site during non-business hours.

The proposed installation consists of placing the electrified fence behind the existing fence material at a spacing of six to 12-inches. The new electrified fence will have a height of eight feet and would rise approximately one to two feet above the top of the existing six- to seven-foot-tall fencing. The site plan identifies an existing chain link and wood fencing with six-foot heights around the perimeter; however, a field visit to the site identified that barbed wire and razor wire are installed along the top of the fences resulting in an overall fence height of eight feet. Additional improvements include yellow-colored 9-inch by 12-inch warning signs placed at 30-foot intervals along the full length of the electrified fence.



Entrance ways and gates along Cotta Court are proposed to remain the same.

The issue that precipitates the Variance request is the City's application of Zoning Ordinance Section 17.36.070. The existing chain link fence utilizes barbed along a majority of the site's perimeter which results in the overall existing fence exceeding the seven-foot height limit. In addition, the applicant's request to install an eight-foot-tall electric fence results in additional fencing exceeding the height limits along the property lines.

In addition, the City has strictly applied to all zone districts the specific prohibition on electrified fences and barbed wire that are applied to residential zones, as cited in Section 17.36.010. However, the request for electrified fences has, in recent years, been approved by the Planning Commission and the City Council. Most recently, the Planning Commission received a request for an electrified fence around the perimeter of roofing company and an equipment rental yard, both in the industrial zones.

The applicant has prepared responses to the five required variance findings to support their request. The applicant's responses to the variance findings are included as Exhibit "C". The applicant's findings are centered on the need for this system to deter extensive illegal entry and theft that other security measures have failed to curb.

## **BACKGROUND INFORMATION**

General Plan Land Use Designation	CS (Service Commercial)
Zoning	C-S (Service Commercial)
Surrounding Zoning and Land Use	North: C-S (Service Commercial) / Safelite AutoGlass South: C-S (Service Commercial) / Multi-family Res. East: C-S (Service Commercial) / Various Commercial Uses West: C-MU (Mixed-Use Commercial) / Auto Repair
Environmental Review	Categorical Exemption No. 2023-24
Special District	None
Site Plan Review	N/A

### **RELATED PLANS & POLICIES**

Please see attached summary of related plans and policies pertaining to Fences, Walls, and Hedges.

### **RELATED PROJECTS**

**Variance No. 2022-03**, a request to install an electrified fence measuring 8-feet along the full perimeter of an industrial facility in the I-L (Light Industrial) Zone District, was approved by the Planning Commission on September 12, 2022. Address: 1424 East Tulare Avenue.

**Variance No. 2021-02**, a request to install an electrified fence measuring 8-feet along the full perimeter of a rental facility yard in the I (Industrial) Zone District, was approved by the Planning Commission on July 26, 2021. Address: 1220 North Century Street.

**Variance No. 2019-05**, a request to install an electrified fence measuring 8-½ feet along the full perimeter of a rental facility yard in the C-S (Service Commercial) Zone District, was denied by the Planning Commission on June 24, 2019. The denial was appealed by the applicant to the

City Council. On August 19, 2019, the City Council voted to uphold the appellant's request and approve the electrified fence as requested. Address: 925 North Ben Maddox Way.

## **PROJECT EVALUATION**

Staff's determination is that the findings to justify the Variance satisfy the general requirement that the site or the circumstances regarding its use are unique to the extent that the Zoning Code can support its necessity, and therefore compel the City to grant the Variance.

### **Background on Previous Electrified Fence Requests**

The proponent requesting the installation of an electric fence also requested approvals of electric fences in 2019 at the United Rentals site at 925 North Ben Maddox Way, in 2021 at the Sunbelt Rentals site at 1220 North Century Street, and in 2022 at Roofline Supply site at 1424 East Tulare Avenue. A synopsis of the three projects, staff's position, and how the Commission voted are provided below.

#### **2019 Request:**

At the meeting, staff had recommended denial of Variance No. 2019-05 and the Planning Commission supported the recommendation and denied the variance. The applicant filed an appeal, and the City Council subsequently overturned the denial and approved the use of an electric fence at 8-½ feet height as requested by the applicant. The City Council's decision to approve the use of an electric fence was a result of the applicant demonstrating the need to use this measure because of the constant theft of equipment that was occurring at the United Rental site, and due to the design and low visibility of the electric fence that was placed behind the existing fence. The City Council also stated in their decision to approve this request that they did not wish to create a policy change that would consent to the use of electric fences in specific zones. The City Council discussion on this matter favored giving consideration on a case-by-case basis, resulting in individual requests being heard and reviewed by the Planning Commission first.

#### **2021 Request:**

At the meeting, staff recommended denial of Variance No. 2021-02, but also offered an alternative motion in-lieu of the staff recommendation to approve the placement and use of an electrified fence for the Planning Commission's consideration. During the meeting, the Planning Commission heard the presentation from staff detailing the previous denial and appeal to Council, as well as testimony from the applicant. Based on the information contained in the report and presented during the public hearing, the Planning Commission voted to approve the item as detailed in the alternative motion subject to the recommended conditions for the approval as provided in the staff report.

#### **2022 Request:**

At the meeting, staff recommended approval of Variance No. 2022-03. During the meeting, the Planning Commission heard the presentation from staff detailing the previous denial requests which were denied and appeal to Council, as well as approved with an alternative recommendation. Based on the information contained in the report and presented during the public hearing, the Planning Commission voted to approve the item as conditioned for the approval as provided in the staff report.

### **Infrastructure and Site Improvement**

Unlike the other sites which have requested variances for electric fences, this site is unimproved. The site has a curb cut allowing vehicles to drive onto the site but lacks a city

standard driveway apron at the approach and also lacks sidewalk / street frontage landscaping. Staff has added Condition No. 4, requiring the applicant to pave the site and improve the drive approach to city standard, which would include paving, sidewalk, and frontage landscaping, as this would be keeping with city practice requiring paving lots used for outdoor storage.

### **Required Variance Findings**

The Planning Commission is required to make five findings before a variance can be granted. The applicant has provided responses to the variance findings (included in Exhibit "C") and staff has included the analysis for each finding below.

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:**

Caliber Collision has incurred substantial financial loss from theft and resultant damage to their tools and equipment, perimeter fencing, and customer vehicles. At present, Caliber Collision's perimeter fence is insufficient to deter and prevent criminals from breaking in, trespassing onto the property, and stealing valuable equipment and tools stored onsite. Existing fences with barbed wire, security cameras, and IR intrusion detection systems have proven ineffective to deter criminal activity. AMAROK, LLC is a national security partner for Caliber Collision, and this local facility is requesting the proposed security technology to solve their crime and theft problems.

Most significantly, Caliber Collision has incurred practical difficulties in being able to serve its customers when customer vehicles are stolen and/or damaged due to criminal activity. This not only creates an unnecessary financial hardship for Caliber Collision (replacement, repairs, and associated labor hours), but also has the ripple effect of impacting its customers' financial well-being as well. One singular event of theft has a cascading affect, creating hardships beyond just those of Caliber Collision. And finally, there are the intangible hardships of Caliber Collision's reputation being damaged from being unable to secure customer vehicles, and the degradation of employee morale. Caliber Collision employs residents of Visalia, and the feeling of a safe and secure workplace is essential.

Chapter 17.36.010 lists electric charged fences are specifically prohibited in any R-1 or R-M zone. The parcel for the variance is zoned Service Commercial (C-S).

#### **Staff Analysis:**

Staff concurs with the applicant's request for an electrified fence that an electrified fence, beyond the setback, is the optimal solution to preventing illegal entry into this particular yard. Additionally, the applicant provides substantial evidence to support their contention that the electric fence is the optimal security solution. Further, the City finds that the proposed use of an electrified fence is consistent to findings made by the Council in 2019 regarding a similar request at a similar equipment storage.

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:**

Caliber Collision is a reputable company and is one of the West Coast's largest collision repair companies with 313 locations in California, and several other locations throughout the West Coast. The exceptional circumstance for their operation is that more than 75% of their

customer vehicles must be stored in an outdoor yard, thereby fully exposed to criminals. The ongoing criminal target is catalytic converters.

Extraordinary conditions unique to the property are:

- a. **Parcel Shape/Configuration:** Parcel is square-shaped, with one street frontage access point along S. Cotta Ct. The non-street facing sides abut existing low-lit parking areas which providing concealment for criminals to break into the property. Additionally, the subject site is at the end of a cul de sac, so there are no vehicular and pedestrian through traffic. These portions of the property abut neighboring unsecured properties, providing thieves easy access to the site unforeseen by anyone driving down S. Cotta Ct.



(Multiple areas of the property boundary are breached through the existing fence)

- b. **High Value of Inventory:** the inventory of high-value vehicles, equipment and tools need to be secured behind a secure perimeter barrier. Most customer vehicles **must** be stored/parked in the outdoor yard and cannot be stored inside the shop.
- c. **Locational Contributing Factors to Crime:** More than half of the perimeter is not accessible via road frontage and is surrounded by multiple businesses. It is very easy to trespass and breach the existing perimeter barrier without being seen because of the low trafficked location during the evening and early morning hours.

Staff Analysis:

The City finds that there are exceptional or extraordinary circumstances or conditions associated with this site in comparison to other similar zoned or situated sites in Visalia. Staff concurs with the applicant that the western and southeastern perimeters, which do not have street visibility, are the most likely illegal entry points onto the site. Additionally, findings were made that the area's poorly lit streets produced an additional burden to the property owner by which the electric fence and its signage would deter trespass onto the site without the need for additional measures to be accounted for.

- 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:

This variance is essential for preserving substantial property rights possessed by other properties in the area. First and foremost, the right to protect and secure property and, most importantly, the safety and interests of employees (employment, personal vehicles, etc.) As experienced, this property has incurred excessive theft and associated losses from the same. Caliber Collision is in dire need to improve the security of this property with the proposed AMAROK security system which effectively deters criminal trespass and theft.

Finally, this variance is justified to preserve the substantial property right to reasonably use this property for its intended zoned use – the outdoor storage/parking of vehicles and equipment. Caliber Collision has no option other than to store its valuable assets in their outdoor storage / parking area.

Staff Analysis:

The applicant is being deprived of property rights already being enjoyed by other similar properties and uses in the city that store materials in an open yard setting, wherein the installation of a non-electrified fence represents vulnerability for criminal trespass and theft of property. Furthermore, the auto body repair type of business, which is permitted in the C-S zone, requires vehicles to be kept on site for several days, and so therefore outdoor storage is a necessity for the business.

- 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 the variance will not constitute a grant of *special privilege* inconsistent with the limitation on other properties or improvements in the area. Security is universal, and Caliber Collision's need to enhance its perimeter security has been clearly evidenced – it is essential to its viability and operability as business in Visalia. Security is not only fundamental, but it is a business's obligation to its customers and employees. This variance



is the necessary mechanism to relieve a practical difficulty and resultant hardship that is being experienced by Caliber Collision.

Much more effective and reliable than other forms of security, AMAROK will provide Caliber Collision with an affordable solution to protect their assets and employees. In turn, this will allow them to invest financial resources into further growth, continued employment, and an increased tax base for the community as a whole. With Caliber Collision's extensive theft and loss history, they require our effective security system immediately to remain a viable business serving the community of Visalia. The business is a reputable business, located in appropriate zoning and complies with all other local ordinances.

#### Staff Analysis:

Staff concurs that the applicant is being deprived of property rights already being enjoyed by other similar properties and uses in the city that store materials in an open yard setting, wherein the installation of a non-electrified fence represents vulnerability for criminal trespass and theft of property.

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:

The proposed amendment will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. First, the proposed perimeter security system is installed entirely on the interior of the property and behind the property's existing non-electrified perimeter fence. Furthermore, it is only operated during non-business hours. Therefore, the security system is not exposed to the public. To make contact with the security system, a criminal would have to make a concerted effort to trespass by disregarding the prominent warning signage and then breaching through or scaling over the existing perimeter fence.

Next, the security system is a crime prevention tool that secures local businesses from random and targeted criminal activity. This enables limited police resources to redirect their time and energy toward more serious crime or community needs. The variance will promote the best long-term interests of the nearby community by deterring criminal activity at Caliber Collision and, most importantly, enhancing the livability and vitality of surrounding properties through crime prevention.

Candidly speaking, criminals "window shop" during the daytime, and then return during non-business hours to conduct their actual business (theft). The deterrent nature of this perimeter security system will effectively remove Caliber Collision as a burglary target, and surrounding properties will benefit due to the absence of the criminal element "visiting" the area. Most thefts are crimes of opportunity, so removing a criminal's "opportunity" (target) also benefits the surrounding properties from being secondary targets and/or utilized as gateway entry points.

#### Staff Analysis:

Staff agrees with the applicant's claim that the electric fence will not be materially detrimental to the general public or to properties in the area. As noted in Findings 1, 2, and 3, the taller electrified fence, along with very prominently displayed warning signs would prevent purposeful illegal entry onto the site, while precluding inadvertent contact with the electrified portion of the fence.

## **Environmental Review**

The project is considered Categorical Exempt under Section 15311 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2023-24). However, projects that are denied are not subject to CEQA.

### **RECOMMENDED FINDINGS**

1. That strict or literal interpretation and enforcement of the specified regulation would not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance.

The City finds that an electrified fence, beyond the setback, is the optimal solution to preventing illegal entry into this particular yard. Additionally, the applicant provides substantial evidence to support their contention that the electric fence is the optimal security solution. Further, the City finds that the proposed use of an electrified fence is consistent to findings made by the Council in 2019 regarding a similar request at a similar equipment storage, however this property's zoning, C-S (Service Commercial), would most appropriately support the request and would not incur similar concerns of blight and safety to pedestrians, as the area is not heavily trafficked by pedestrians or along a major throughfare.

2. That there are not 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.

The City finds is that there are exceptional or extraordinary circumstances or conditions associated with this site in comparison to other similar zoned or situated sites in Visalia. Staff does concur with the applicant that the eastern and southern perimeters, which do not have street visibility, are the most likely illegal entry points onto the site. Additionally, findings were made that the area's poorly lit streets produced an additional burden to the property owner by which the electric fence and its signage would deter trespass onto the site without the need for additional measures to be accounted for.

3. That strict or literal interpretation and enforcement of the specified regulation would not deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.

The applicant is being deprived of property rights already being enjoyed by other similar properties and uses in the city that store materials in an open yard setting, wherein the installation of a non-electrified fence represents vulnerability for criminal trespass and theft of property.

4. That the granting of the variance will constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone.

The City makes this finding for the same reasons explained in Finding No. 3.

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.

The City agrees with the applicant's claim that the electric fence will not be materially detrimental to the general public or to properties in the area. As noted in Findings 1, 2, and 3, the taller electrified fence, along with very prominently displayed warning signs would prevent purposeful illegal entry onto the site, while precluding inadvertent contact with the electrified portion of the fence.

6. That the project is considered Categorical Exempt under Section 15311 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2023-24).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. That Variance No. 2023-02 shall be developed consistent with the site plan and fencing details included as Exhibits "A" and "B".
2. That any change to the electric fence design will require staff review and may require a subsequent review and approval by the Planning Commission for consistency.
3. That the existing, non-conforming razor wire be removed from the entire perimeter fencing.
4. That a City Standard driveway apron, sidewalk, and landscaping be installed, and that the storage yard lot be paved to meet the requirement of improved surfaces for storage yards.
5. If the site/building are vacant for more than 180 days, the electric fence shall be removed by the property owner.
6. 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 93291. 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](http://www.visalia.city) or from the City Clerk.

### **Attachments:**

- Related Plans and Policies
- Resolution No. 2023-27
- Exhibit "A" – Site Plan
- Exhibit "B" – Fence Details
- Exhibit "C" – Variance/Exception Findings submitted by applicant
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Sketch

## RELATED PLANS AND POLICIES

### Zoning Ordinance

#### Chapter 17.18 Commercial Zones

##### 17.18.080 Development standards in the C-S zone.

The following development standards shall apply to property located in the C-S zone:

- A. Minimum site area: five thousand (5,000) square feet.
- B. Maximum building height: sixty (60) feet.
- C. Minimum required yards (building setbacks):
  1. Front: ten (10) feet;
  2. Rear: zero (0) feet;
  3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
  4. Side: zero (0) feet;
  5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
  6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
  1. Front: ten (10) feet;
  2. Rear: five (5) feet (except where a building is located on side property line);
  3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
  4. Side: five (5) feet (except where a building is located on side property line);
  5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
  6. Street side on corner lot: ten (10) feet. (Ord. 2017-01 (part), 2017)

#### Chapter 17.36

#### FENCES, WALLS AND HEDGES

##### 17.36.010 Purpose.

The purpose of this chapter is to control location and height of fences as may be required by city laws, rules and regulations to safeguard life or limb, property and public welfare. Fences may be constructed of any generally acceptable material except that barbed wire and electric charged fences are specifically prohibited in any R-1 or R-M zone.

##### 17.36.015 Fence, wall or hedge height measurement.

The height of a fence or wall shall be measured from the adjacent finished grade, excluding raised planters or berms, to the top of the fence, wall or hedge.

##### 17.36.070 Planned industrial.

The following standards shall apply to sites within an I-L or I zone:

- A. Where a site within an I-L or I zone adjoins an R-A, R-1 or R-M zone a concrete block or masonry wall not less than seven feet in height shall be located on the property line except in a required front yard and suitably maintained.
- B. A use not conducted entirely within an enclosed structure, on a site across a street or alley from an R-A, R-1 or R-M zone shall be screened by a concrete block or masonry wall not less than seven feet in height, if the site plan review committee finds said use to be unsightly.
- C. Open storage of materials and equipment shall be permitted only within an area screened by a concrete block or masonry wall not less than six feet in height, which is adjacent to a public street or a residence provided that no materials or equipment shall be stored to a height greater than that of the wall or fence.
- D. No fence or wall shall exceed seven feet in height if located in a required side or rear yard or three feet in height if located in a required front yard. A fence or wall may be allowed to a height of four feet; provided, that the additional one-foot height is not of a solid material.
- E. Exceptions may be granted in accordance with Chapter 17.42.

## Chapter 17.42

### VARIANCES AND EXCEPTIONS

#### 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. 2023-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2023-02, A REQUEST TO ALLOW A VARIANCE TO THE MAXIMUM FENCE HEIGHT LIMIT OF SEVEN FEET TO 8- FEET ALONG THE PERIMETER OF A SERVICE COMMERCIAL SITE IN THE C-S (SERVICE COMMERCIAL) ZONE DISTRICT. THE PROJECT SITE IS LOCATED AT 243 SOUTH COTTA COURT (APNS: 094-212-042 & 094-212-041).

**WHEREAS**, Variance No. 2023-02 is a request by Caliber Collision to allow a variance to the maximum fence height limit of seven feet to eight-feet along the perimeter of a service commercial site in the C-S (Service Commercial) Zone District. The project site is located at 243 South Cotta Court (APNs: 094-212-042 & 094-212-041); and,

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice held a public hearing on July 24, 2023; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Variance No. 2023-02, as conditioned by staff, to be in accordance with Chapter 17.42.080 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 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 15311.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That strict or literal interpretation and enforcement of the specified regulation would not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance.

The City finds that an electrified fence, beyond the setback, is the optimal solution to preventing illegal entry into this particular yard. Additionally, the applicant provides substantial evidence to support their contention that the electric fence is the optimal security solution. Further, the City finds that the proposed use of an electrified fence is consistent to findings made by the Council in 2019 regarding a similar request at a similar equipment storage, however this property's zoning, C-S (Service Commercial), would most appropriately support the request and would not incur similar concerns of blight and safety to pedestrians, as the area is not heavily trafficked by pedestrians or along a major throughfare.

2. That there are not 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.



The City finds is that there are exceptional or extraordinary circumstances or conditions associated with this site in comparison to other similar zoned or situated sites in Visalia. Staff does concur with the applicant that the eastern and southern perimeters, which do not have street visibility, are the most likely illegal entry points onto the site. Additionally, findings were made that the area's poorly lit streets produced an additional burden to the property owner by which the electric fence and its signage would deter trespass onto the site without the need for additional measures to be accounted for.

3. That strict or literal interpretation and enforcement of the specified regulation would not deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.

The applicant is being deprived of property rights already being enjoyed by other similar properties and uses in the city that store materials in an open yard setting, wherein the installation of a non-electrified fence represents vulnerability for criminal trespass and theft of property.

4. That the granting of the variance will constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone.

The City makes this finding for the same reasons explained in Finding No. 3.

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.

The City agrees with the applicant's claim that the electric fence will not be materially detrimental to the general public or to properties in the area. As noted in Findings 1, 2, and 3, the taller electrified fence, along with very prominently displayed warning signs would prevent purposeful illegal entry onto the site, while precluding inadvertent contact with the electrified portion of the fence.

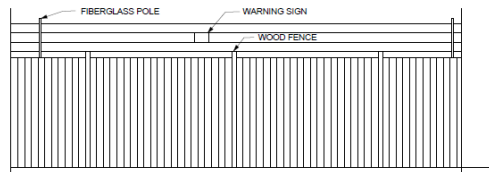
6. That the project is considered Categorically Exempt under Section 15311 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2023-24).

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the Variance on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.42.090 of the Ordinance Code of the City of Visalia, subject to the following conditions:

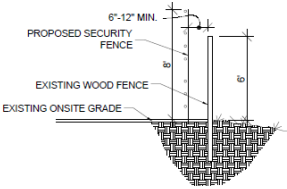
1. That Variance No. 2023-02 shall be developed consistent with the site plan and fencing details included as Exhibits "A" and "B".
2. That any change to the electric fence design will require staff review and may require a subsequent review and approval by the Planning Commission for consistency.
3. That the existing, non-conforming razor wire be removed from the entire perimeter fencing.
4. That a City Standard driveway apron, sidewalk and landscaping be installed; and, that the storage yard lot be paved to meet the requirement of improved surfaces for storage yards.

5. If the site/building are vacant for more than 180 days, the electric fence shall be removed by the property owner.
6. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.

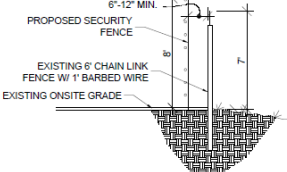
# EXHIBIT "A"



WOOD FENCE ELEVATION  
NTS.



1 PERIMETER FENCE SECTION  
C-1 NTS.



2 PERIMETER FENCE SECTION  
C-1 NTS.

**State of California CIVIL CODE Section 835**

835. (a) As used in this chapter, "electrified security fence" means any fence, other than an electrified fence as defined in Section 17151 of the Food and Agricultural Code, that meets the following requirements:

(1) The fence is powered by an electrical energizer with both of the following output characteristics:

(A) The impulse repetition rate does not exceed 1 hertz (Hz).

(B) The impulse duration does not exceed 10 milliseconds, or 10/100000 of a second.

(2) The fence is used to protect and secure commercial, manufacturing, or industrial property, or property zoned under another designation, but legally authorized to be used for a commercial, manufacturing, or industrial purpose.

(b) An owner of real property may install and operate an electrified security fence on their property, subject to all of the following:

(1) The property is not located in a residential zone.

(2) The fence meets the 2006 international standards and specifications of the International Electrotechnical Commission for electric fence energizers in "International Standard IEC 60335, Part 2-76."

(3) The fence is identified by prominently placed warning signs that are legible from both sides of the fence. At a minimum, the warning signs shall meet all of the following criteria:

(A) The warning signs are placed at each gate and access point, and at intervals along the fence not exceeding 30 feet.

(B) The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.

(C) The warning signs are marked with a written warning or a commonly recognized symbol for shock, a written warning or a commonly recognized symbol to warn people with pacemakers, and a written warning or commonly recognized symbol about the danger of touching the fence in wet conditions.

(d) The height of the fence does not exceed 10 feet or 2 feet higher than an existing perimeter fence, whichever is greater. The electrified security fence shall be located behind a perimeter fence that is not less than 5 feet in height.

(e) The electrified security fence may interface with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to summon the business, a monitoring service, or both the business and a monitoring service, in response to an intrusion or burglary.

(f) (1) An owner of real property shall not install or operate an electrified security fence where a local ordinance prohibits the installation or operation of an electrified security fence. A local ordinance that prohibits or regulates only the installation or operation of an electrified fence as defined in Section 17151 of the Food and Agricultural Code does not apply to an electrified security fence.

(2) If a local ordinance allows the installation and operation of an electrified security fence, the installation and operation of the fence shall meet the requirements of that ordinance and the requirements of subdivision (b).

**NOTES**

POLE LOCATIONS:  
STEEL POLES: TO BE LOCATED APPROXIMATELY ON EACH SIDE OF GATE(S) & EVERY 90' (OR GREATER) TURN IN FENCE LINE. FIBERGLASS/INTERMEDIATE POLES: TO BE LOCATED APPROXIMATELY EVERY 30'

DISCLAIMER:  
POLE LOCATIONS MAY SLIGHTLY DEVIATE FROM STIPULATIONS ABOVE DUE TO ON-SITE CONDITIONS

**PROPERTY OWNER**  
MC MAHAN JOHN  
1121 E ACEQUIA AVE,  
VISALIA CA 93292

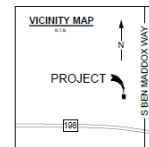
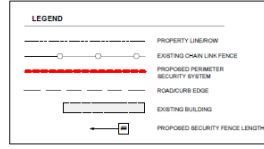
**PROJECT DATA**  
APN: 094-212-056-000  
ZONING: C-S  
ACRES: 1.22

**PROPERTY OWNER**  
GLEASON LARRY CRAIG  
243 S COTTA CT,  
VISALIA CA 93292

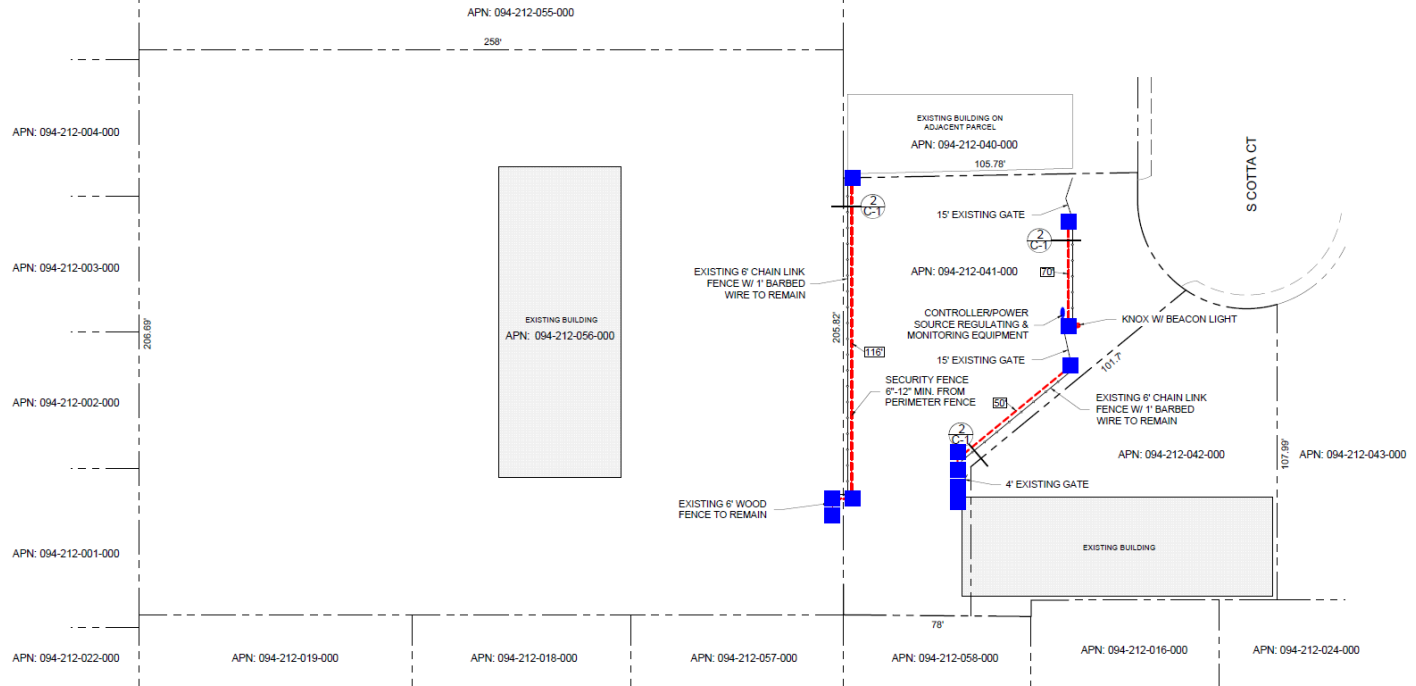
**PROJECT DATA**  
APN: 094-212-041-000  
ZONING: C-S  
ACRES: 0.30

APN: 094-212-042-000  
ZONING: C-S  
ACRES: 0.25

**SITE PLAN REQUEST TO AUTHORIZE A SECURITY SYSTEM FOR:**  
**CALIBER COLLISION**  
235 & 243 S COTTA CT  
VISALIA CA 93292

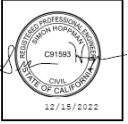


■ DENOTES LOCATIONS FOR STEEL POLE PER 300' MAX SPACING CALCULATIONS AND NOTES THIS SHEET



**SITE PLAN**  
SCALE: 1" = 20'  
0 10' 20' 40'

#	DATE / DESCRIPTION



**AMAROK**  
ULTIMATE PERIMETER SECURITY

507 Assembly Street, 5th Floor, Columbia, SC 29201 | PH: 803-756-0333

PROJECT: **CALIBER COLLISION**  
235 & 243 S COTTA CT  
VISALIA CA 93292

SHEET TITLE: **SITE PLAN**

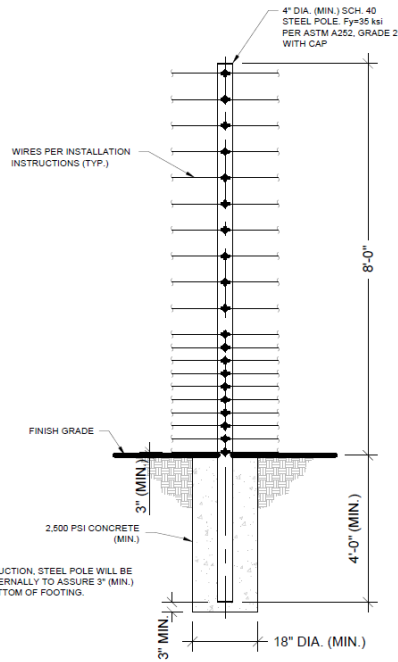
APPLICANT: AMAROK  
555 ASSEMBLY ST 5TH FL  
COLUMBIA, SC 29201  
803-756-0333

ENGINEER: FOR ENGINEERS PLLC  
121 CITY HARBOR DRIVE  
MORRISVILLE, NC 27560  
770-871-6100

DATE: 12/14/2022  
SCALE: SEE PLAN

SHEET  
**C-1**  
1 of 3

# EXHIBIT "B"

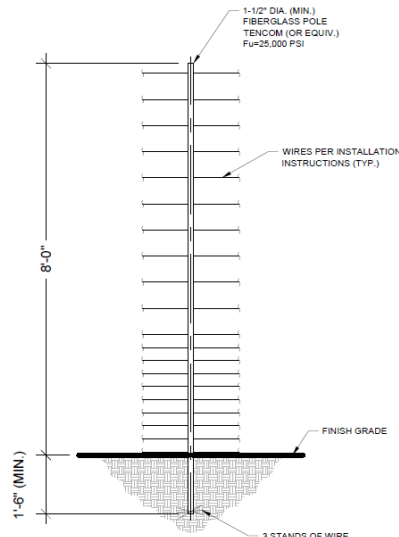


**STEEL POLE DETAIL**  
SCALE: NONE (STRUCTURAL)

**NOTE:**  
DURING CONSTRUCTION, STEEL POLE WILL BE SUPPORTED EXTERNALLY TO ASSURE 3" (MIN.) SPACE FROM BOTTOM OF FOOTING.



WARNING SIGNS SHALL BE PLACED AT EACH ENTRANCE OF THE PROPERTY AND 30 FEET ON CENTER THEREAFTER  
**EXAMPLE WARNING SIGN @ 9"x12"**



**FIBERGLASS POLE DETAIL**  
SCALE: NONE (NON-STRUCTURAL, NON-LOAD BEARING WIRE SEPARATOR)

**GATE DETAIL NOTES:**

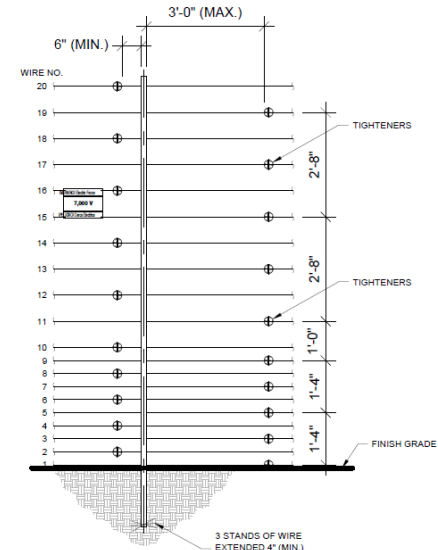
- BRACE BANDS ARE INSTALLED AS HIGH AS POSSIBLE UNDER #3 AND #6, 2" (MIN.) UNDER #12, #15, AND #17, UNDER #19 AND AS HIGH ON THE GATE AS POSSIBLE. MAXIMUM DISTANCE OF 2" BETWEEN BRACE BANDS.
- SPRINGS ARE LOCATED ON HINGE SIDE OF SWING GATE AND REAR OF SLIDE GATE.
- ALL CONTACTS MUST INCLUDE SPRINGS.
- ALL CONTACTS MUST HAVE BOLT THROUGH FIBERGLASS (NO SET SCREWS).
- ALL BRACE BANDS HOOKED TO CHAIN LINK MUST HAVE SET SCREW.
- EVERY GATE PANEL MUST HAVE A SIGN.
- ALL GATE CONTACTS MUST BE SECURE IN A MANNER THAT ENSURES CONTACT WILL EASILY BE MADE.
- GATE MOUNTS WILL NOT IMPACT THE FUNCTIONALITY OF THE GATE.

**RAPID TIGHTENERS**

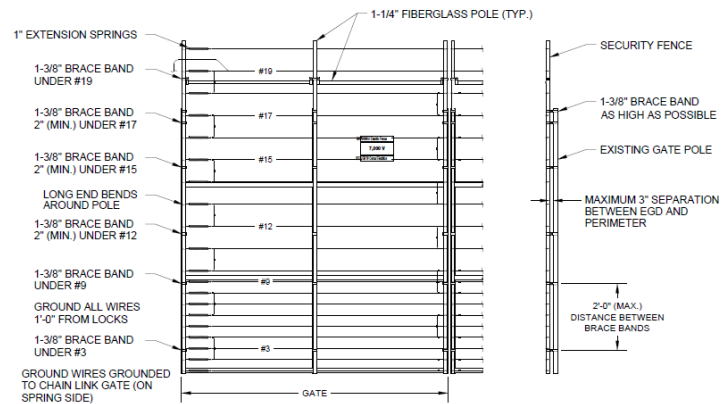
RAPID TIGHTENERS ARE INSTALLED IN EVERY SECTION - BETWEEN 6" INCHES AND 3 FEET FROM A FIBERGLASS POLE - TOWARD THE CENTER OF THE RUN.  
THE TIGHTENERS ARE ALTERNATED ON OPPOSITE SIDES OF THE POLE TO PREVENT GROUNDS FROM HITTING WIRES WITH CURRENT.  
WIRE SHOULD BE WRAPPED TWO OR THREE TIMES AROUND EACH TIGHTENER.

**WARNING SIGNS**

WARNING SIGNS MUST BE INSTALLED EVERY 30 FEET, WHICH IS THE MAXIMUM DISTANCE BETWEEN SIGNS.  
ALL WARNING SIGNS SHOULD BE MOUNTED EITHER BETWEEN WIRES 15 & 16 OR AT BEST VISIBLE HEIGHT.  
IF INSTALLED BEHIND A SOLID FENCE, WARNING SIGNS SHOULD ALSO BE PLACED ON OR ABOVE THE PERIMETER FENCE.

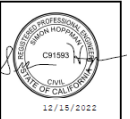


**WIRE CONNECTIONS**  
SCALE: NONE (FIBERGLASS POLE)



**GATE DETAIL**  
SCALE: NONE

#	DATE / DESCRIPTION



**AMAROK**  
ULTIMATE PERIMETER SECURITY  
500 Assembly Street, 5th Floor Columbia, SC 29201 PH: 803-794-4333

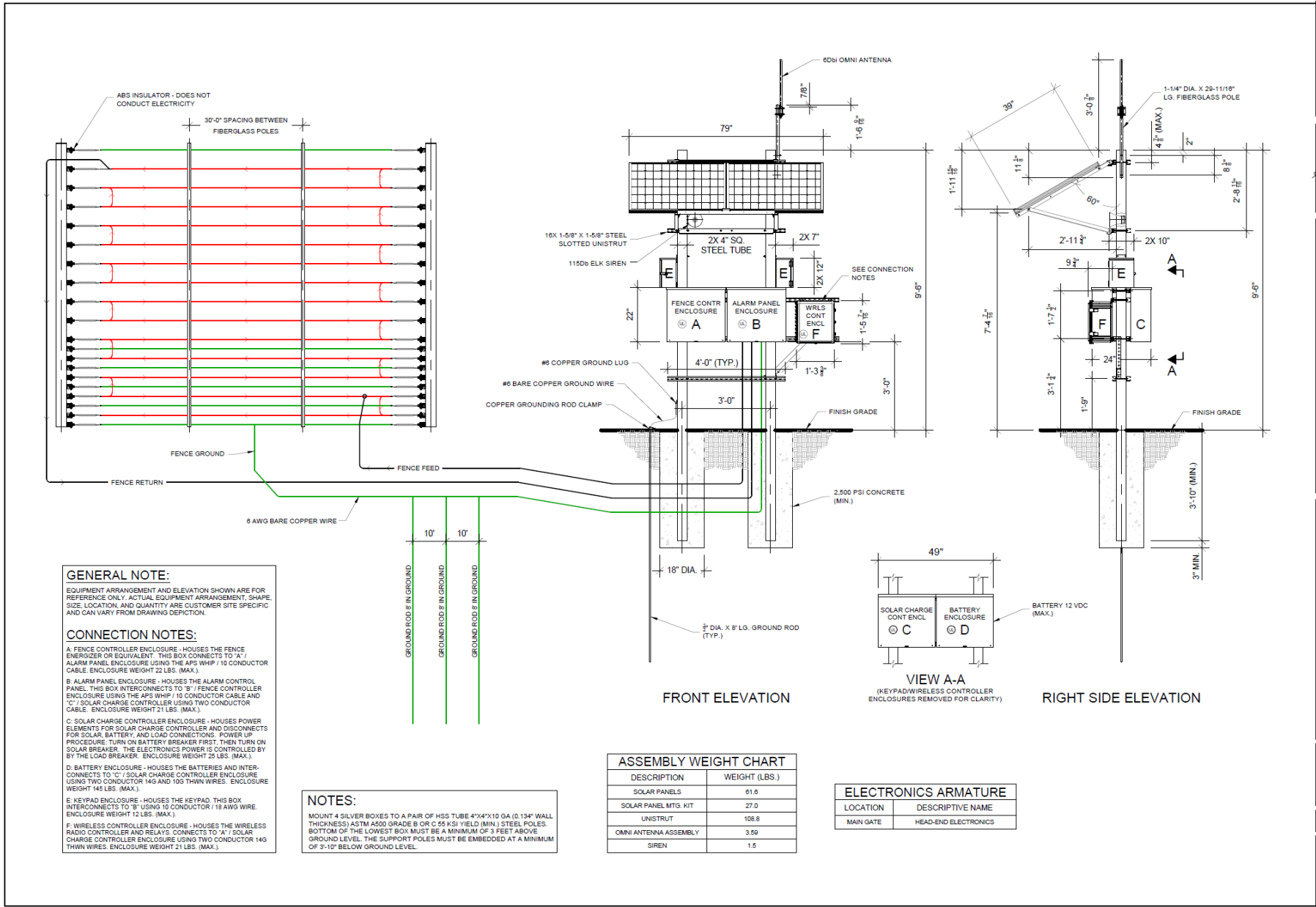
PROJECT: CALIBER COLLISION  
235 & 243 S COTTA CT  
VISALIA CA 93282  
SHEET TITLE: TYPICAL DETAILS

APPLICANT: AMAROK  
SEE ASSEMBLY BY 5TH FL  
COLUMBIA, SC 29201  
803-404-4189

ENGINEER: FOR ENGINEERS PLLC  
12147T HAWK DRIVE  
MORRISVILLE, NC 27650  
919-967-6100

DATE: 12/14/2022  
SCALE: SEE PLAN  
SHEET  
**C-2**  
2 of 3

# EXHIBIT "B"



**GENERAL NOTE:**  
EQUIPMENT ARRANGEMENT AND ELEVATION SHOWN ARE FOR REFERENCE ONLY. ACTUAL EQUIPMENT ARRANGEMENT, SHAPE, SIZE, LOCATION, AND QUANTITY ARE CUSTOMER SITE SPECIFIC AND CAN VARY FROM DRAWING DEPICTION.

**CONNECTION NOTES:**  
A. FENCE CONTROLLER ENCLOSURE - HOUSES THE FENCE ENERGIZER OR EQUIVALENT. THIS BOX CONNECTS TO 14' ALARM PANEL ENCLOSURE USING THE APS WHIP / 10 CONDUCTOR CABLE. ENCLOSURE WEIGHT 22 LBS. (MAX.)  
B. ALARM PANEL ENCLOSURE - HOUSES THE ALARM CONTROL PANEL. THIS BOX INTERCONNECTS TO 'A' / FENCE CONTROLLER ENCLOSURE USING THE APS WHIP / 10 CONDUCTOR CABLE AND 'C' / SOLAR CHARGE CONTROLLER USING TWO CONDUCTOR CABLE. ENCLOSURE WEIGHT 21 LBS. (MAX.)  
C. SOLAR CHARGE CONTROLLER ENCLOSURE - HOUSES POWER ELEMENTS FOR SOLAR CHARGE CONTROLLER AND DISCONNECTS FOR SOLAR, BATTERY, AND LOAD CONNECTIONS. POWER UP PROCEDURE: TURN ON BATTERY BREAKER FIRST, THEN TURN ON SOLAR BREAKER. THE ELECTRONICS POWER IS CONTROLLED BY THE LOAD BREAKER. ENCLOSURE WEIGHT 28 LBS. (MAX.)  
D. BATTERY ENCLOSURE - HOUSES THE BATTERIES AND INTERCONNECTS TO 'C' / SOLAR CHARGE CONTROLLER ENCLOSURE USING TWO CONDUCTOR 14G AND 10G THWN WIRES. ENCLOSURE WEIGHT 145 LBS. (MAX.)  
E. KEYPAD ENCLOSURE - HOUSES THE KEYPAD. THIS BOX INTERCONNECTS TO 'B' USING 10 CONDUCTOR / 18 AWG WIRE. ENCLOSURE WEIGHT 12 LBS. (MAX.)  
F. WIRELESS CONTROLLER ENCLOSURE - HOUSES THE WIRELESS RADIO CONTROLLER AND RELAYS. CONNECTS TO 'A' / SOLAR CHARGE CONTROLLER ENCLOSURE USING TWO CONDUCTOR 14G THWN WIRES. ENCLOSURE WEIGHT 21 LBS. (MAX.)

**NOTES:**  
MOUNT 4 SILVER BOXES TO A PAIR OF HSS TUBE 4"x4"x10 GA (0.134" WALL THICKNESS) ASTM A500 GRADE B OR C 55 KSI YIELD (MIN.) STEEL POLES. BOTTOM OF THE LOWEST BOX MUST BE A MINIMUM OF 3 FEET ABOVE GROUND LEVEL. THE SUPPORT POLES MUST BE EMBEDDED AT A MINIMUM OF 3'-10" BELOW GROUND LEVEL.

**ASSEMBLY WEIGHT CHART**

DESCRIPTION	WEIGHT (LBS.)
SOLAR PANELS	61.0
SOLAR PANEL MTKG KIT	27.0
UNISTRUT	108.8
OMNI ANTENNA ASSEMBLY	3.50
SIREN	1.5

**ELECTRONICS ARMATURE**

LOCATION	DESCRIPTIVE NAME
MAIN GATE	HEAD-END ELECTRONICS

#	DATE / DESCRIPTION



**AMAROK**  
ULTIMATE PERIMETER SECURITY

500 Assembly Street, 3th Floor Columbia, SC 29001 PH: 803-784-6333

PROJECT:  
CALIBER COLLISION  
235 & 243 S COTTA CT  
VISALIA CA 93292

SHEET TITLE: TYPICAL DETAILS

APPLICANT: AMAROK  
566 ASSEMBLY ST 3TH FL  
COLUMBIA SC 29201  
803-404-8189

ENGINEER: FOR ENGINEER'S PLCC  
12147T HANK DENIG  
MORRISVILLE, NC 27650  
919-967-6100

DATE: 12/14/2022  
SCALE: SEE PLAN

SHEET  
**C-3**  
3 of 3

---

**Justification for Variance Approval (Electrified Security Fence)**  
**235 S COTTA CT – CALIBER COLLISION**

AMAROK, LLC (AMAROK) on behalf of Caliber Collision, seeks to install a low voltage, battery powered (12V DC) 8' tall perimeter security fence (i.e. electrified security fence) per CA Civil Code Section 835, which will be safely located inside of the existing 6'-0" and 7'-0" tall chain link fence, to secure the property during non-business hours. The AMAROK system consists of the aforementioned security system and has proven to be the most effective theft and crime deterrent for businesses across the country such as Caliber Collision. Even in cases where businesses were experiencing frequent theft and loss, the installation of this security system immediately results in the prevention of any further attempted break-ins and theft by criminals.

Summary of Variance Proposal

- Proposed electrified security fence to be located running concurrent with the existing perimeter barrier (6-12-inch separation between perimeter fence and electrified security fence)
- Proposed electrified security fence height to be 8' tall inside of the existing perimeter fence.
- Chapter 17.36.010 is being used as the basis for the variance. Electric charged fences are specifically prohibited in any R-1 or R-M zone. The parcel for the variance is zoned Service Commercial C-S.

Below are statements justifying the need for this Variance and how the findings have been met:

- (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.***

Caliber Collision has incurred substantial financial loss from theft and resultant damage to their tools and equipment, perimeter fencing, and customer vehicles. At present, Caliber Collision's perimeter fence is insufficient to deter and prevent criminals from breaking in, trespassing onto the property, and stealing valuable equipment and tools stored onsite. Existing fences with barbed wire, security cameras, and IR intrusion detection systems have proven ineffective to deter criminal activity. AMAROK, LLC is a national security partner for Caliber Collision, and this local facility is requesting the proposed security technology to solve their crime and theft problems.

Most significantly, Caliber Collision has incurred practical difficulties in being able to serve its customers when customer vehicles are stolen and/or damaged due to criminal activity. This not only creates an unnecessary financial hardship for Caliber Collision (replacement, repairs, and associated labor hours), but also has the ripple effect of

impacting its customers' financial well-being as well. One singular event of theft has a cascading affect, creating hardships beyond just those of Caliber Collision. And finally, there are the intangible hardships of Caliber Collision's reputation being damaged from being unable to secure customer vehicles, and the degradation of employee morale. Caliber Collision employs residents of Visalia, and the feeling of a safe and secure workplace is essential.

Chapter 17.36.010 lists electric charged fences are specifically prohibited in any R-1 or R-M zone. The parcel for the variance is zoned Service Commercial C-S.

- (2) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zone.**

Caliber Collision is a reputable company and is one of the West Coast's largest collision repair companies with 313 locations in California, and several other locations throughout the West Coast. The exceptional circumstance for their operation is that more than 75% of their customer vehicles must be stored in an outdoor yard, thereby fully exposed to criminals. The ongoing criminal target is catalytic converters.

Extraordinary conditions unique to the property are:

- a. **Parcel Shape/Configuration:** Parcel is square-shaped, with one street frontage access point along S. Cotta Ct. The non-street facing sides abut existing low-lit parking areas which providing concealment for criminals to break into the property. Additionally, the subject site is at the end of a cul de sac, so there are no vehicular and pedestrian through traffic. These portions of the property abut neighboring unsecured properties, providing thieves easy access to the site unforeseen by anyone driving down S. Cotta Ct.



---

**Below are statements justifying the need for this Variance and how the findings have been met:**

- (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.**

RoofLine Supply has incurred substantial financial loss from theft and resultant damage to their tools and equipment, perimeter fencing, and building materials. At present, RoofLine Supply's perimeter fence is insufficient to deter and prevent criminals from breaking in, trespassing onto the property, and stealing or vandalizing valuable equipment, tools, and materials stored onsite. Existing fences with barbed wire, security cameras, and IR intrusion detection systems have proven ineffective to deter criminal activity. AMAROK, LLC is a national security partner for RoofLine Supply, and this local facility is requesting the proposed security technology to solve their crime and theft problems.

Most significantly, RoofLine Supply has incurred practical difficulties in being able to serve its customers when contracted building materials, equipment and tools are stolen and/or damaged due to criminal activity. This not only creates an unnecessary financial hardship (replacement, repairs, and associated labor hours), but also has the ripple effect of impacting its customers' construction schedules as well. One singular event of theft has a cascading affect, creating hardships beyond just those of RoofLine Supply. And finally, there are the intangible hardships of RoofLine Supply's reputation being damaged from being unable to deliver building materials, equipment and tools, and the degradation of employee morale. RoofLine Supply employs residents of Visalia, and the feeling of a safe and secure workplace is essential.

Chapter 17.36.010 lists electric charged fences are specifically prohibited in any R-1 or R-M zone. The parcel for the variance is zoned Light Industrial (I-L).



Multiple cuts and secondary repairs/reinforcements are constantly required





(Multiple areas of the property boundary are breached through the existing fence)

- b. **High Value of Inventory:** the inventory of high-value vehicles, equipment and tools need to be secured behind a secure perimeter barrier. Most customer vehicles **must** be stored/parked in the outdoor yard and cannot be stored inside the shop.
- c. **Locational Contributing Factors to Crime:** More than half of the perimeter is not accessible via road frontage and is surrounded by multiple businesses. It is very easy to trespass and breach the existing perimeter barrier without being seen because of the low trafficked location during the evening and early morning hours.

- (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.**

This variance is essential for preserving substantial property rights possessed by other properties in the area. First and foremost, the right to protect and secure property and, most importantly, the safety and interests of employees (employment, personal vehicles, etc.) As experienced, this property has incurred excessive theft and associated losses from the same. Caliber Collision is in dire need to improve the security of this property with the proposed AMAROK security system which effectively deters criminal trespass and theft.

Finally, this variance is justified to preserve the substantial property right to reasonably use this property for its intended zoned use – the outdoor storage/parking of vehicles and equipment. Caliber Collision has no option other than to store its valuable assets in their outdoor storage / parking area.

- (4) That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties or improvements in the vicinity.**

The granting of the variance will not constitute a grant of *special privilege* inconsistent with the limitation on other properties or improvements in the area. Security is universal, and Caliber Collision's need to enhance its perimeter security has been clearly evidenced – it is essential to its viability and operability as business in Visalia. Security is not only fundamental, but it is a business's obligation to its customers and employees. This variance is the necessary mechanism to relieve a practical difficulty and resultant hardship that is being experienced by Caliber Collision.

Much more effective and reliable than other forms of security, AMAROK will provide Caliber Collision with an affordable solution to protect their assets and employees. In turn, this will allow them to invest financial resources into further growth, continued employment, and an increased tax base for the community as a whole. With Caliber Collision's extensive theft and loss history, they require our effective security system immediately to remain a viable business serving the community of Visalia. The business is a reputable business, located in appropriate zoning and complies with all other local ordinances.

- (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.**

The proposed amendment will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

First, the proposed perimeter security system is installed entirely on the interior of the property and behind the property's existing non-electrified perimeter fence. Furthermore, it is only operated during non-business hours. Therefore, the security system is not

exposed to the public. To make contact with the security system, a criminal would have to make a concerted effort to trespass by disregarding the prominent warning signage and then breaching through or scaling over the existing perimeter fence.

Next, the security system is a crime prevention tool that secures local businesses from random and targeted criminal activity. This enables limited police resources to redirect their time and energy toward more serious crime or community needs. The variance will promote the best long-term interests of the nearby community by deterring criminal activity at Caliber Collision and, most importantly, enhancing the livability and vitality of surrounding properties through crime prevention.

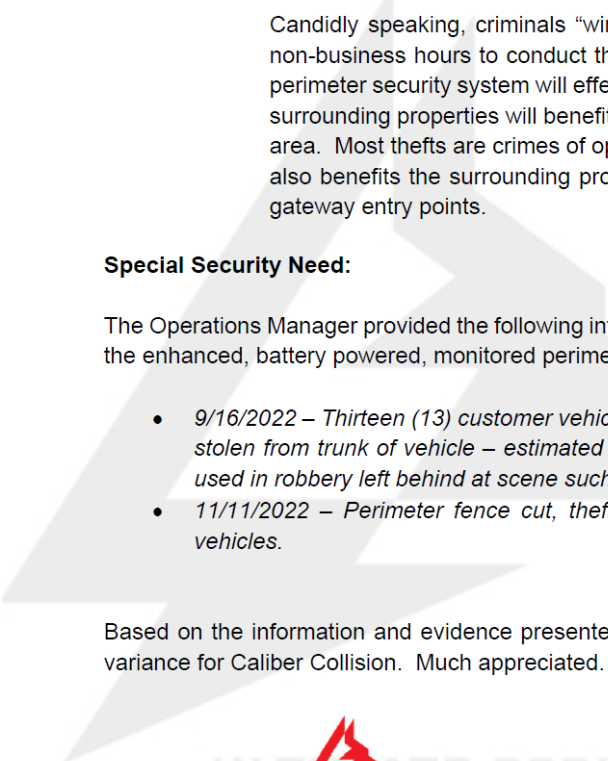
Candidly speaking, criminals "window shop" during the daytime, and then return during non-business hours to conduct their actual business (theft). The deterrent nature of this perimeter security system will effectively remove Caliber Collision as a burglary target, and surrounding properties will benefit due to the absence of the criminal element "visiting" the area. Most thefts are crimes of opportunity, so removing a criminal's "opportunity" (target) also benefits the surrounding properties from being secondary targets and/or utilized as gateway entry points.



**Special Security Need:**

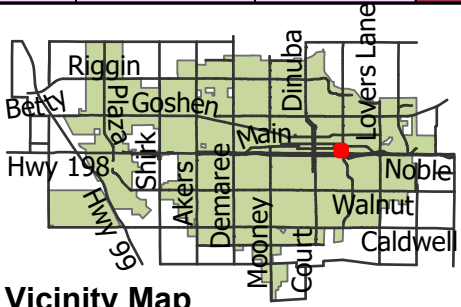
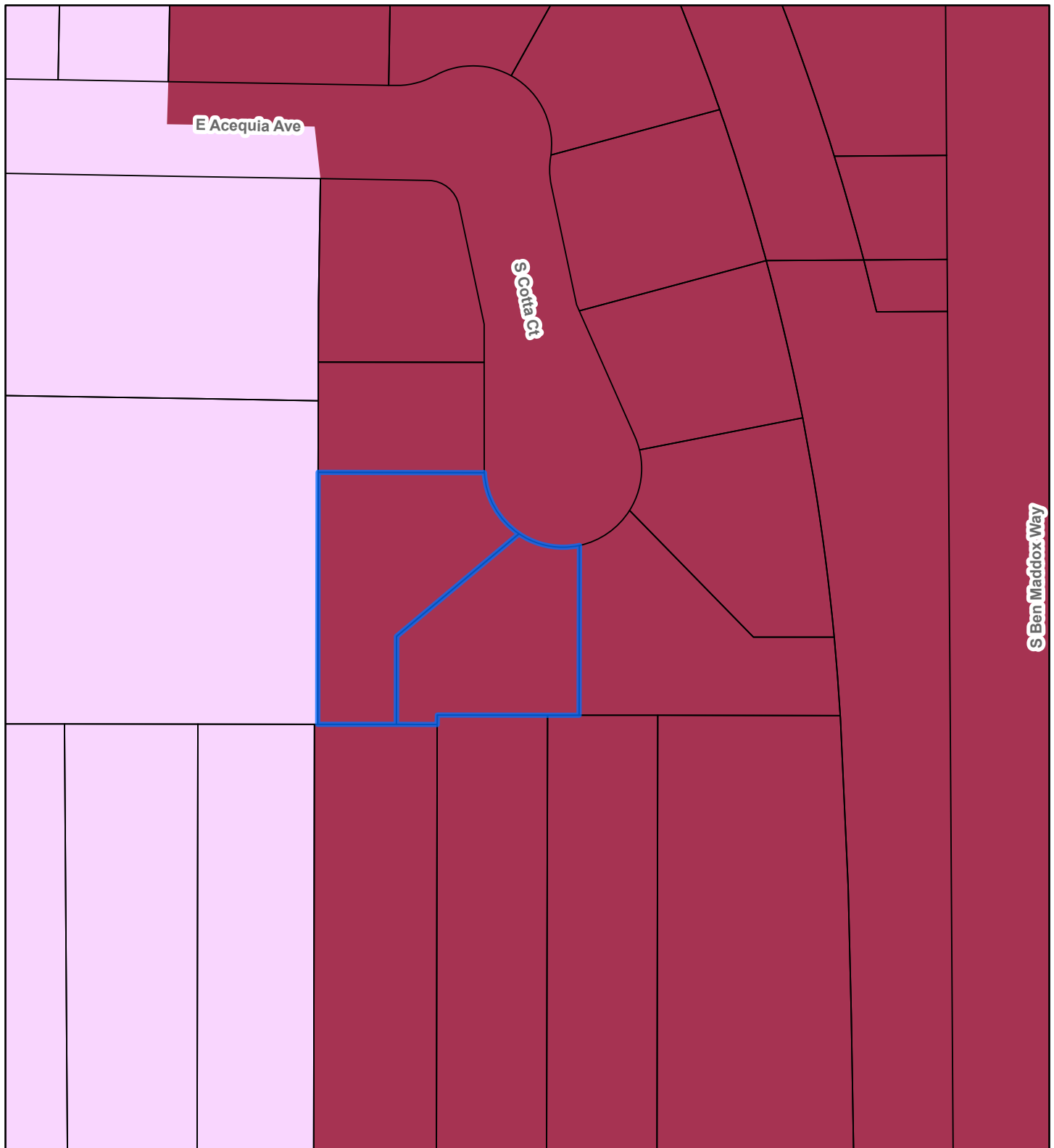
The Operations Manager provided the following information about recent incidents, evidencing the need for the enhanced, battery powered, monitored perimeter security system.

- 9/16/2022 – Thirteen (13) customer vehicles broken into - 12-inc sub along with amp radio system stolen from trunk of vehicle – estimated value \$600.00. Multiple catalytic converter thefts. Tools used in robbery left behind at scene such as Dewalt, edge saw blades, and vehicle jacks.
- 11/11/2022 – Perimeter fence cut, theft of two Catalytic Converters/Damage to six customer vehicles.

Based on the information and evidence presented above, we respectfully request the granting of this variance for Caliber Collision. Much appreciated.

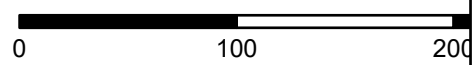


 <b>AMAROK</b> ULTIMATE PERIMETER SECURITY <b>Keith Kaneko</b> Director, Government Relations AMAROK, LLC Mobile: (916) 532-6012 <a href="mailto:kkaneko@amarok.com">kkaneko@amarok.com</a> <a href="http://www.AMAROK.com">www.AMAROK.com</a>	 <b>AMAROK</b> ULTIMATE PERIMETER SECURITY <b>Hannah Robinson</b> Compliance Manager AMAROK, LLC Cell: 803-920-9628 <a href="mailto:hrobinson@amarok.com">hrobinson@amarok.com</a> <a href="http://www.AMAROK.com">www.AMAROK.com</a>
---	--

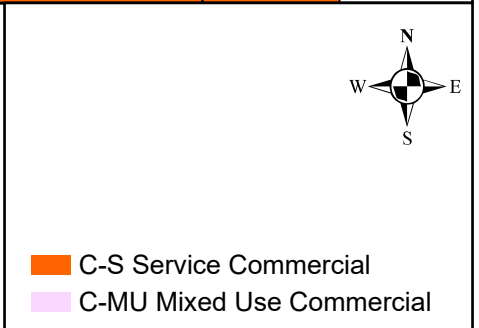
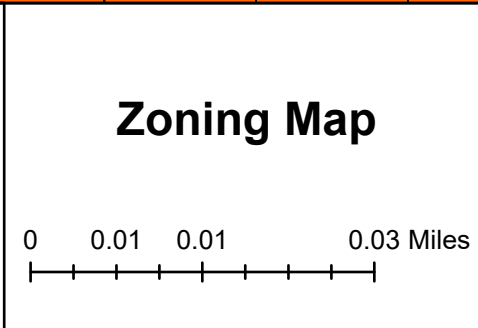
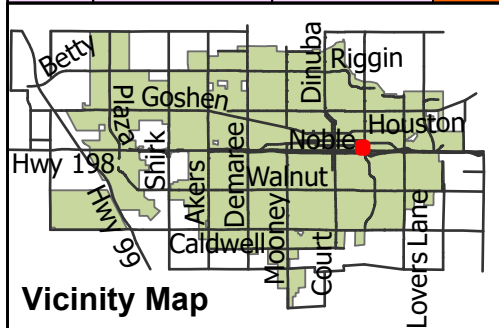
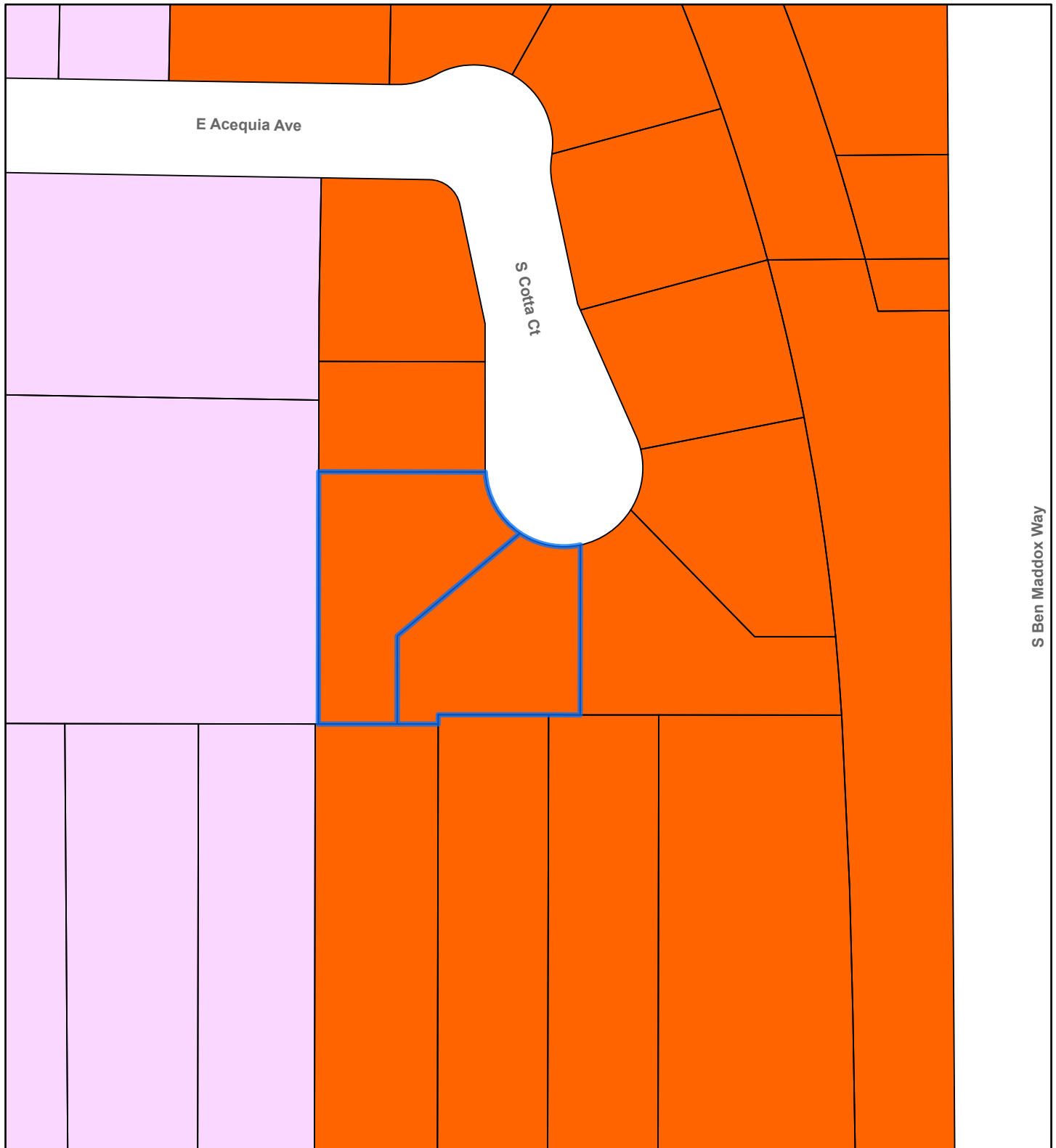


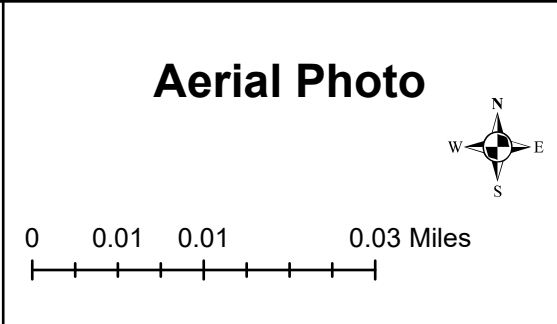
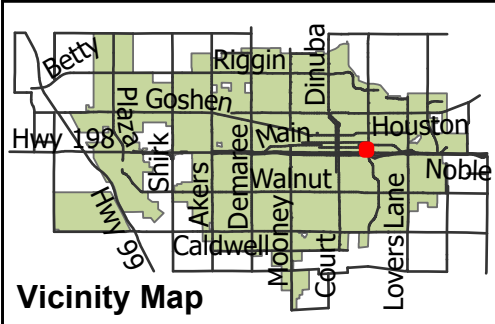
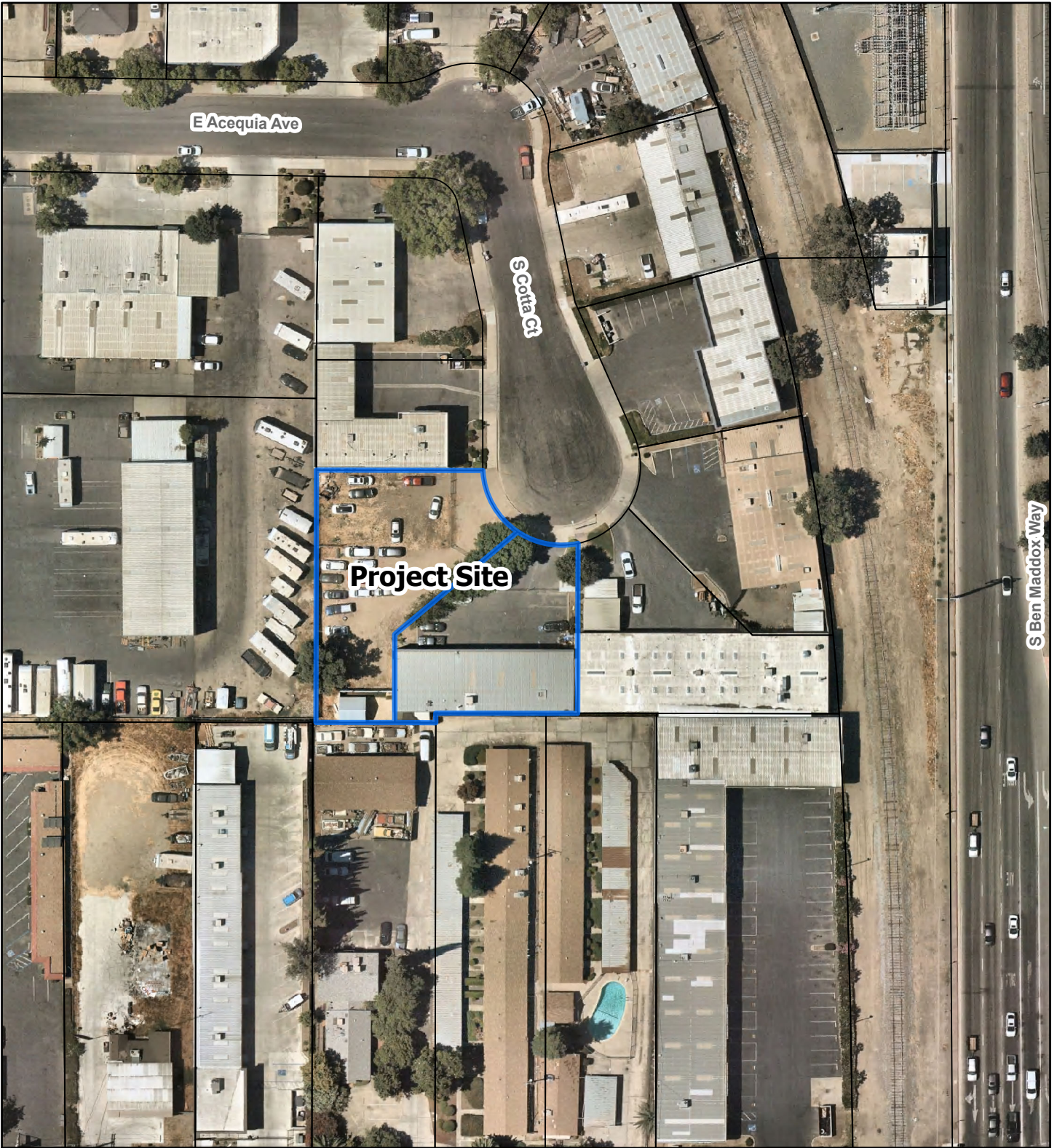
**Vicinity Map**

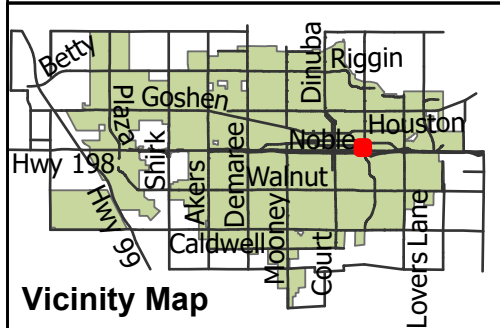
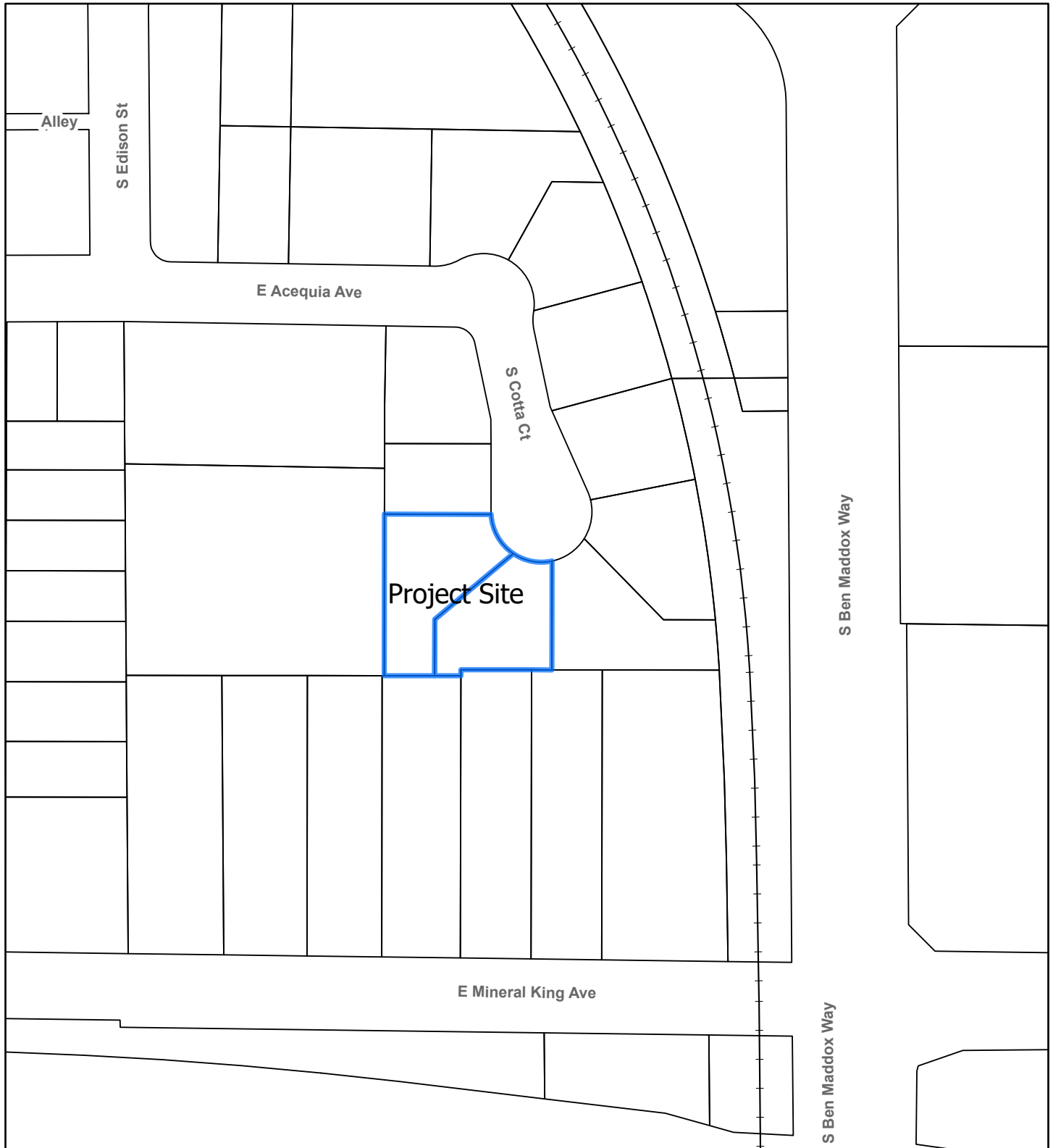
## General Plan Land Use Map



- Commercial Mixed Use
- Commercial Service



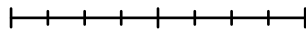




Vicinity Map

### Location Map

0 0.01 0.02 0.04 Miles



- WATERWAYS
- RAILROADS
- CITY LIMITS
- PARCELS

