



Agenda Report

September 25, 2017

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

**SUBJECT: CALL FOR REVIEW OF THE BOARD OF ZONING APPEALS'
DECISION ON VARIANCE #11824
615 LINDA VISTA AVENUE**

RECOMMENDATION:

It is recommended that the City Council refer the matter back to the Hearing Officer for consideration of a revised project.

EXECUTIVE SUMMARY:

On June 21, 2017, the Board of Zoning Appeals (BZA) considered at its regularly noticed hearing, an appeal of Variance #11824. The request was to allow the following:

Variance: To allow a front yard fence to be designed and constructed with a solid, opaque design where the Zoning Code requires walls, fences, and gates located within the front yard setback to be designed and constructed to be at least 50 percent open; and

Minor Variance: To allow a front yard fence to be built at a height of six feet where the Zoning Code limits walls, fences, and gates to a maximum height of four feet.

At the conclusion of the public hearing, a motion was made to adopt staff's recommendation to uphold the Hearing Officer's decision and disapprove the Variance for fence design and approve the Minor Variance for fence height. The motion failed as the vote of the BZA resulted in a two-to-two vote by the four members present. No further motions were made. As a result, no action was taken on the application by the BZA. Therefore, per Section 17.72.070.B.5 (Failure to Act) of the Zoning Code, the decision of the Hearing Officer to disapprove the Variance for fence design and approve the Minor Variance for fence height is deemed affirmed.

Subsequent to the decision of the Board of Zoning Appeals, City Council called this item for review on July 10, 2017.

ANALYSIS:

Since the BZA meeting, the applicant's Counsel, Mr. Scott Carlson, in consultation with staff and with adjacent neighbors has revised the project to be a four-foot tall solid wood fence in an attempt to address the issues that were raised at the BZA meeting. The applicant would like this revised project to be considered by the Hearing Officer. The revised project provides a design that does not compromise the aesthetics of the neighborhood and provides an appropriate level of security/screening for the property owner.

Pursuant to Section 17.72.070 of the Zoning Code, if a revised project is presented regarding an appeal, the matter may be referred back to the Hearing Officer. This will require that the City Council remand the item back to the Hearing Officer for the meeting of October 18, 2017.

FISCAL IMPACT:

There is no fiscal impact for this action.

Respectfully submitted,



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