

**AGENDA
GRIDLEY PLANNING COMMISSION**



SPECIAL MEETING
6:00 P.M., TUESDAY
JUNE 30, 2015

GRIDLEY CITY HALL
CONFERENCE ROOM
685 KENTUCKY STREET
GRIDLEY, CA 95948

**MEETING CALLED TO ORDER
ROLL CALL**

**CHAIR O'BRIEN
RECORDING SECRETARY**

1. CONSENT AGENDA

- 1.1 Approval of Planning Commission Minutes dated January 20, 2015, February 24, 2015, and April 21, 2015.**

2. PUBLIC HEARINGS –

2.1 Variance No. 2-15; Demeyer Marital Trust, Applicant/Owner; Application for a variance from Title 17 zoning code development standards to allow an existing accessory structure to remain that has been constructed over the side and rear yard setback areas located at 1898 Magnolia Street on a 0.24 acre parcel. Zoning for the property is Residential Suburban District (RS) and Residential Very Low Density (RVLD) General Plan land use designation. (APN: 010-300-061)

- A. Receive staff report
- B. Open public hearing
- C. Hear public testimony
- D. Close public hearing
- E. Commission discussion

3. INFORMATIONAL –

- 4. COMMUNITY PARTICIPATION FORUM -** *Members of the public may address the Commission at this time on any matter not already listed on the agenda, with comments being limited to three minutes. The Commission cannot take any action at this meeting on requests made under this section of the agenda.*

5. REGULAR AGENDA - None

6. REPORTS & COMMUNICATIONS

- 7. ADJOURNMENT -** to the regular meeting of the Planning Commission to be held on Tuesday, July 21, 2015 at 6:00 p.m.

General Notes:

This agenda was posted on the public bulletin board in the foyer of City Hall at or before 4:00 p.m. on June 25, 2015, in accordance with Government Code Section 54954.2. The item was noticed in the Gridley Herald ten (10) days in advance of this public hearing in accordance with §65854, Public Hearing. This agenda along with all attachments, if any, is available for public viewing online at www.gridley.ca.us and at the Administration counter in City Hall, 685 Kentucky Street, Gridley, CA.

This is a public meeting and anyone may address the Planning Commission. Any documents that were provided to the Planning Commission after the Agenda packet was distributed are also available for public review during normal business hours.

Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, contact the City Clerk by calling 846-3631 (voice). This request should be received at least three working days prior to the meeting in order to accommodate your request.

For questions about this agenda, please call the Recording Secretary, Elisa Arteaga, at (530) 846-5695.

MINUTES GRIDLEY PLANNING COMMISSION

REGULAR MEETING
6:00 P.M., TUESDAY
January 20, 2015



GRIDLEY CITY HALL
685 KENTUCKY STREET
GRIDLEY, CA 95948

MEETING CALLED TO ORDER:
ROLL CALL

CHAIR O'BRIEN
RECORDING SECRETARY

CALL TO ORDER: At 6:10 p.m. the meeting was called to order by Chair O'Brien.

ROLL CALL

Planning Commissioners Present:

Shirley O'Brien
Robert Wise
Robert Thomas

Absent:

Herman Sunderman

Staff Present:

Donna Decker, City Planner/Consultant

1. CONSENT AGENDA

1.1 Approval of Planning Commission minutes for November 18, 2014.

MOTION BY WISE, seconded by THOMAS, for approval of Planning Commission minutes dated November 18, 2014.

Ayes: Wise, Thomas, O'Brien Noes: None Abstain: None Motion passes 3-0

2. PUBLIC HEARINGS –

2.1 Zoning Text Amendment No. 2-14; An ordinance to amend Title 17, Chapter 17.52, "Nonconformities", of the Gridley Municipal Code related to the nonconforming uses, buildings, and development standards. (Citywide)

A. **Receive staff report-** Donna Decker, City Planner, provided a brief staff report reviewing the actions of the Planning Commission at its November 18, 2014 meeting. The Planning Commission continued the item requesting minor amendments be made prior to action. One of the amendments requested was the development of a definition for "development standards" which would help the understanding of nonconformity.

Ms. Decker reviewed the previous text amendments consisting of eliminating Section 17.52.030, renumeraling the sections, adding language to clarify section 17.52.040, types of

nonconformities, requirements to change from one type of nonconformity to another in section 17.52.080, and the addition of a conditional use entitlement to repair structural components of a nonconforming structure to section 17.52.090 along with the addition of the definition. Commissioner Thomas requested clarification of the use of the term “aesthetic”. A discussion ensued related to whether the addition of this term as a development standard could become limiting.

Ms. Decker recommended that if the text amendment were acceptable after review and discussion, to have the code amendment forwarded to the City Council for action.

B. Open public hearing – The public hearing was opened for public comment. Chair O’Brien requested comments from the public.

C. Hear public testimony - None

D. Close public hearing –With no public comments, Chair O’Brien closed the public hearing.

E. Commission discussion – The planning commissioners considered the text amendments and reviewed the specific language reflecting types of nonconformities, the definitions of nonconformities as well as questioning whether a definition for development standards should be considered.

MOTION BY THOMAS, SECOND BY WISE, to recommend approval to the City Council.

Ayes: Wise, Thomas, O’Brien Noes: None Abstain: None **Motion passes 3-0**

3. INFORMATIONAL – None

4. COMMUNITY PARTICIPATION FORUM - None

5. REGULAR AGENDA - None

6. REPORTS & COMMUNICATIONS –

1. Commissioner Wise brought photos and recommendations to be forwarded to the appropriate department related to the restrooms located at Railroad Park, north of Daddow Park on the east side of the railroad right-of-way. He believes the city should be able to do a better job at maintaining the restrooms and believes that the fixtures should be reviewed and perhaps replaced. He noted the paper dispenser did not appear to meet standards, noted that the walls and floor of the units should be painted and cleaned, and that urinals should be added to the men’s room. He described units that do not need to be attached to plumbing and were relatively easy to maintain. He asked Ms. Decker to whom the information would be submitted to and she responded by advising the Planning Commission that the matter would be brought forward at the Monday morning staff meeting. Commissioner Wise stated that he did not intend to relay that maintenance staff were not doing a good job, but that these were conditions that he felt could be improved. Ms. Decker assured the Commission that she would bring it to the attention of the Public Works staff at the Monday morning meeting.

2. Chair O'Brien requested additional information related to access to the "Lion's Den" building and the Portugese Hall. She informed staff that a disabled individual in a motorized or unmotorized chair is required to go to access ramps that are difficult to get to and that there is no direct sidewalk access. She requested staff look into the situation and report back.
3. Commissioner Wise noted that the development of Daddow Park should look at vehicular access and limiting such access for events such as the Farmer's Market. He believes that if the city expends the effort to upgrade the park that we should provide for better access than driving over it and potentially impacting the new improvements.
4. Ms. Decker presented additional information related to nonconformities and the types of projects that the Planning Commission may see in the future particularly as they related to variances. She noted the city is currently reviewing Title 17 to reorganize it and it will be a good opportunity to review the standards.
5. Commissioner Thomas described his desire to have variances more limited and felt that some of the applications that had come before the commission were difficult to consider and that those approved didn't seem to meet the findings that are required.
7. **ADJOURNMENT** – At 7:40 p.m. the Planning Commission adjourned to the next special meeting to be held on Tuesday, February 24, 2014 at 6:00 p.m.

Approval: _____
Donna Decker, City Planner/Consultant, DES LLC

MINUTES GRIDLEY PLANNING COMMISSION

REGULAR MEETING
6:00 P.M., TUESDAY
February 24, 2015



GRIDLEY CITY HALL
685 KENTUCKY STREET
GRIDLEY, CA 95948

MEETING CALLED TO ORDER:
ROLL CALL

CHAIR O'BRIEN
RECORDING SECRETARY

CALL TO ORDER: At 6:10 p.m. the meeting was called to order by Chair O'Brien.

ROLL CALL

Planning Commissioners Present:

Shirley O'Brien
Robert Wise
Herman Sunderman

Absent:

Robert Thomas

Staff Present:

Donna Decker, City Planner/Consultant

1. CONSENT AGENDA

1.1 Approval of Planning Commission minutes continued to the next meeting dated March 17, 2015.

2. PUBLIC HEARINGS –

2.1 **Proposed General Plan Amendment (GPA 1-15), Rezone (RZ 1-15), and Negative Declaration/Initial Study** for approximately 0.33 acre located at 735 and 745 Virginia Street. The General Plan Amendment would re-designate approximately 0.12 ac from Residential Low Density to Downtown Mixed Use; the rezone would re-designate approximately 0.12 ac Single Family Residential (R-1) Mixed Use Overlay and approximately 0.21 ac from Public Quasi Public (PQP) Mixed Use Overlay to Restricted Commercial (C-1).

A. Receive staff report- Donna Decker, City Planner, provided a brief staff report reviewing the application for a lot merger, the need to redesignate land uses compatible to the actual site use, and the need to have the Parking Overlay Zone revised to reflect the boundaries consistent to property boundaries. She noted the lot merger was not a part of the action by the Planning Commission; that approval is done by the City Engineer and the Planning Department.

B. Open public hearing – The public hearing was opened for public comment. Chair O'Brien requested comments from the public.

C. Hear public testimony - None

D. Close public hearing –With no public comments, Chair O’Brien closed the public hearing.

E. Commission discussion – The planning commissioners considered the

MOTION BY, SECOND BY, to recommend approval to the City Council.

Ayes: Wise, O’Brien Noes: None Abstain: None **Motion passes 3-0**

2.2 Variance No. 1-15; Norcal Investors, Inc., Applicant/Owner; Application for a variance from Title 17 zoning code development standards to allow the use of the side and front yard setback areas area for parking located at 410 Sage Street on a 0.10 acre parcel. Zoning for the property is Single Family Residential (R-1) and Residential Low Density (RLD) General Plan land use designation. (APN: 010-230-072)

C. Receive staff report- Donna Decker, City Planner, provided a brief staff report reviewing the proposed variance that the applicant requested. Ms. Decker noted that the lots within the subdivision appeared to have been constructed in the late 1970’s or 1980’s. Historical information provided a subdivision agreement dated in the early 1980’s. Commissioner Sunderman added that he believed the subdivision was older than that. He identified the different areas within the subdivision and the time period when they were built. Ms. Decker continued stating there is evidence of garage conversions to conditioned space in many of the homes; some of which had gained the appropriate permits, but not a planning entitlement, some had not gained either. She noted that the proposed variance is a result of an earlier conversion on the subject site that was not appropriately permitted. After presenting the scope of the project, Ms. Decker introduced three alternatives before the Planning Commission; 1) the findings for a variance as requested to allow uncovered parking for two spaces in the front setback area could be made and the variance approved, 2) a variance to not require two parking spaces, reducing the number to one space in the front setback area could be approved and the appropriate findings could be made and the variance approved, and, 3) deny the variance.

Commissioner Wise commented that the neighborhood has fairly narrow streets and that anything that could be done to get vehicles off the street would be a good thing. He noted concern related to the proposed parking pad and that if a vehicle were parked there as proposed, it would block the front door and believed that the front door ought to be relocated. He questioned if the parking for a two bedroom home was the same as a three bedroom home. Ms. Decker confirmed that the parking requirement was the same. Commissioner Sunderman expressed concerns; he wished to hear from the applicant.

D. Open public hearing – The public hearing was opened for public comment. Chair O’Brien requested comments from the public.

C. Hear public testimony - Mr. Sandeep Dhami, Norcal Investors addressed the Planning Commission noting that his company had upgraded approximately 10-15 homes in Gridley and the plan for this home was to upgrade the structure and sell it. He noted the conversion was already there and only after the purchase and request for a building permit was informed that there was a problem and that he needed a variance from the Planning

Commission. He described how he wanted to make sure to do the project correctly and obtain all the required permits.

Commissioner Wise asked Mr. Dhami questions related to the size of the bedrooms and the anticipated changes. Mr. Dhami described the sizes that exist before the renovation and how the layout of the home is not straightforward and that the bedrooms are quite small. He noted that it will be more marketable when the renovations are completed; it will still be a small home, but the layout much improved. Commissioner Wise asked the applicant if the front door could be moved over to be out of the way of the parking area to which Mr. Dhami responded that it would not be a problem.

Commissioner Sunderman described concern related to the location of the front door as well and desired that it be moved particularly to ensure that life safety personnel have unimpeded access to the home. Furthermore, Commissioner Sunderman noted that he would like to continue the project until the plans had been revised to reflect the front door relocation. Mr. Dhami noted that it would hold up his permit. Ms. Decker described the approval process and outlined the effects of a Planning Commission decision. She noted that should the Commission wish, they could add a condition of approval as a requirement, thus leaving the responsibility of ensuring the change to the Building Official. The condition would be added to the Declaration of Acceptance by the applicant to ensure there is agreement to implement the change.

Discussion ensued between the applicant, Commissioner Wise and Commissioner Sunderman related to the best location of the door and the best location of the parking areas.

D. Close public hearing – Chair O’Brien closed the public hearing.

E. Commission discussion – The planning commissioners considered

MOTION BY SUNDERMAN, SECOND BY WISE, to approve Variance No. 1-15 subject to an additional condition requiring the front door to be moved far enough east and not in the driveway area for review and approval by the Building and Planning Departments.

Ayes: Wise, Sunderman, O’Brien Noes: None Abstain: None **Motion passes 3-0**

2. INFORMATIONAL –

- a) Ms. Decker informed the Planning Commission that of the two CalRecycle Grants, one had been granted. The city was a recipient for the FY 2014-15 Rubberized Pavement Grant. She advised the city is waiting to hear if it was successful for the FY 14-15 Tire Derived Product Grant to receive materials to place in the play areas at Vierra Park and Railroad Park.

4. COMMUNITY PARTICIPATION FORUM - None

5. REGULAR AGENDA - None

6. REPORTS & COMMUNICATIONS –

- a) Commissioner Wise requested clarification of the funding of Daddow Park. Ms. Decker noted that the receipt of the grant is to be used specifically for Daddow Park based upon the submitted conceptual design approved by the City Council in 2010. She described components of the concept plan including the intersection corner

improvements at Hazel and Virginia Streets and Sycamore and Virginia Street. She noted they will not be as elaborate as the improvements constructed for the Hazel Street Improvement project but will mirror the design to continue the theme.

Ms. Decker informed the Planning Commission that she will be leading a study session with the City Council to discuss the park design, constraints, and the revisions to the design due to the location of the property line adjacent to the railroad right-of-way. She informed the Planning Commission that the study session would be held at 5:00 pm on March 16, 2015 and invited them to attend to express their ideas for the park.

- b) Commissioner Sunderman asked Ms. Decker if there was a “Dog Ordinance” in the city of Gridley. He noted that he will be writing a letter to the Gridley Herald regarding the residents lack of community pride by allowing their pets to defecate and urinate on city sidewalks without picking it up. He described an encounter with an individual where he informed her that she should pick up the feces whereby she advised him that it was the responsibility of the City to supply bags to do so. He noted that he responded by stating it was every resident’s responsibility to pick up after their animal and that it was not the city’s responsibility to provide bags.

Commissioner Wise advised that the city may be able to obtain a grant to provide “Bag Stations” for just such a situation. He noted that the city does have a responsibility to maintain its parks and perhaps stations should be placed at parks providing bags for the residents to ensure feces is picked up by dogwalkers.

Ms. Decker stated that she would create a Planning Commission follow up list and return with information.

- c) Ms. Decker did report back that the City Council had continued the amendments to Chapter 17.52, Nonconformities, until such time a discussion at a study session could be arranged to further discuss the issues prior to a decision being made. She noted that Councilmember Johnson had made the request with the Council continuing the item until later and no action was taken except to direct staff to present the code amendment to the next available study session. Ms. Decker advised that a study session had been scheduled for May 2, 2015 to discuss the Council’s questions and concerns.
 - d) Commissioner Wise reported back that the condition of the restrooms in Railroad Park was improved.
7. **ADJOURNMENT** – At 7:40 p.m. the Planning Commission adjourned to the next special meeting to be held on Tuesday, March 17, 2015 at 6:00 p.m.

Approval: _____
Donna Decker, City Planner/Consultant, DES LLC

MINUTES GRIDLEY PLANNING COMMISSION

REGULAR MEETING
6:00 P.M., TUESDAY
APRIL 21, 2015



GRIDLEY CITY HALL
685 KENTUCKY STREET
GRIDLEY, CA 95948

MEETING CALLED TO ORDER:
ROLL CALL

CHAIR O'BRIEN
RECORDING SECRETARY

CALL TO ORDER: At 6:15 p.m. the meeting was called to order by Chair O'Brien.

ROLL CALL

Planning Commissioners Present:

Shirley O'Brien
Robert Thomas
Robert Wise
Herman Sunderman

Absent:

None

Staff Present:

Donna Decker, City Planner/Consultant

1. CONSENT AGENDA

- 1.1 Approval of Planning Commission minutes dated January 20, 2015 and February 24, 2015.

The minutes were continued to the next meeting; no action was taken.

2. PUBLIC HEARINGS – None

3. INFORMATIONAL –

3.1 Update on Daddow Park

Ms. Decker informed the Planning Commission of the status of the park design, features, timeline and scope of work. She elaborated on the actions of the City Council directing staff to continue the process and finalize the design of the park.

Planning Commissioner Sunderman noted that he believed that the preparation of a plan for approval is of utmost importance and expressed dissatisfaction that work had been started on the trees without one. Commissioner Wise agreed; however, he also noted that staff has been communicating with the public and with the City Council for direction.

Ms. Decker confirmed that the design was altered considerably with the change to remove the bandshell element and retain the gazebo. She was confident that the design development would continue more smoothly and welcomed public input in the process.

Ms. Janie Daddow spoke on behalf of the Daddow Family and expressed her support of the improvements that would be made, however, she also noted so many businesses are closing. She was concerned about how the community is heard and noted that a plaque would be a good idea to recognize all those who helped fund the gazebo in the 1970's as well as volunteers she believed would be a part of the project. She was pleased that Nick Daddow would continue to be remembered. Ms. Daddow described her concern that a plan was not available for the community. She asked if the Dit Biggs fountain would remain. Commissioner Wise responded that he believed that it would. Ms. Debbie Swanson asked if WiFi would be put in if the park. During the discussion of the fountain, Ms. Swanson noted that in the 1930's, Mr. E.E. Biggs donated funds for the fountain.

Commissioner Wise and O'Brien asked if the fountain could be repurposed or modified. Ms. Decker responded that the fountain would be repurposed and maintained in the park. Ms. Van de Hay informed the Planning Commission of the history.

Ms. Daddow asked about where a plaque could be placed. Commissioner Wise described the process to place names on a plaque to be a part of the fountain.

Ms. Decker also noted that the fountain could become a flagpole also. Ms. Swanson noted that the plaque at Railroad Park had been stolen and not replaced.

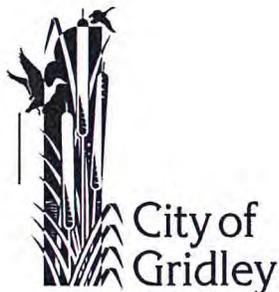
Commissioner Thomas queried how the design will accommodate new power supply and the locations it might be. Ms. Decker responded that the Gridley Electric Department is considering the best layout for the uses. The Commission continued discussion of the facilities that exist in the park, in the railroad right of way, and where electrical poles should go.

3.2 Variance Process Discussion

Ms. Decker presented information reflecting the variance process and provided handouts for the Planning Commissioners. She noted that variances require findings and outlined the types and the process to make the findings.

- 4. COMMUNITY PARTICIPATION FORUM - None**
- 5. REGULAR AGENDA - None**
- 6. REPORTS & COMMUNICATIONS –**
- 7. ADJOURNMENT –** At 7:40 p.m. the Planning Commission adjourned to the next regularly scheduled meeting to be held on Tuesday, May 19, 2015 at 6:00 p.m.

Approval: _____
Donna Decker, City Planner/Consultant, DES LLC



CITY OF GRIDLEY

REVISED Staff Report

Item 2.1

TO: Planning Commission
MEETING DATE: June 30, 2015
SUBJECT: Variance No. 2-15; Dell Demeyer, Applicant/Owner; Application for a variance from Title 17 zoning code development standards to allow an existing accessory structure to remain constructed over the side and rear yard setback areas located at 1898 Magnolia Street on a 0.24 acre parcel. Zoning for the property is ~~Single Family Residential~~ Residential Suburban District (R-1S) and Residential Low Density (RLD) General Plan land use designation. (APN: 010-300-061)

SUMMARY:

Mrs. Dell Demeyer is requesting a variance from the development standards to allow an existing accessory structure to remain that has been constructed over the side and rear yard setback areas. She described the history of the accessory structure as having been constructed with permits approximately 18-20 years ago; however, permit requests date to 1981 to the City of Gridley. No permit application can be found to the city for the accessory structure.

City staff was in the process of inspecting another residence in the area, when they discovered repairs were being made to the carport and the accessory structure at the Demeyer residence. The Building Official requested work stop until it could be determined if it had been permitted and if a variance for the location within the setback area had been granted. Mrs. Demeyer believes that the required permits had been obtained at the time. The accessory structure required repair and work began without new permits from the Building Department.

No permits or planning entitlements for the accessory structure could be found, therefore, the request for a variance to allow the accessory structure to remain in the side and rear yard setbacks is before the Planning Commission for consideration.

SITE DESCRIPTION:

The subject site is an approximately 0.24 acre parcel situate in a ~~Single Family Residential~~ Residential Suburban (R-1S) district. The General Plan land use designation is Residential Very Low Density. The property is surrounded by single family residential development north, south, east and west of the subject site as shown on Figure 1, Location Map.

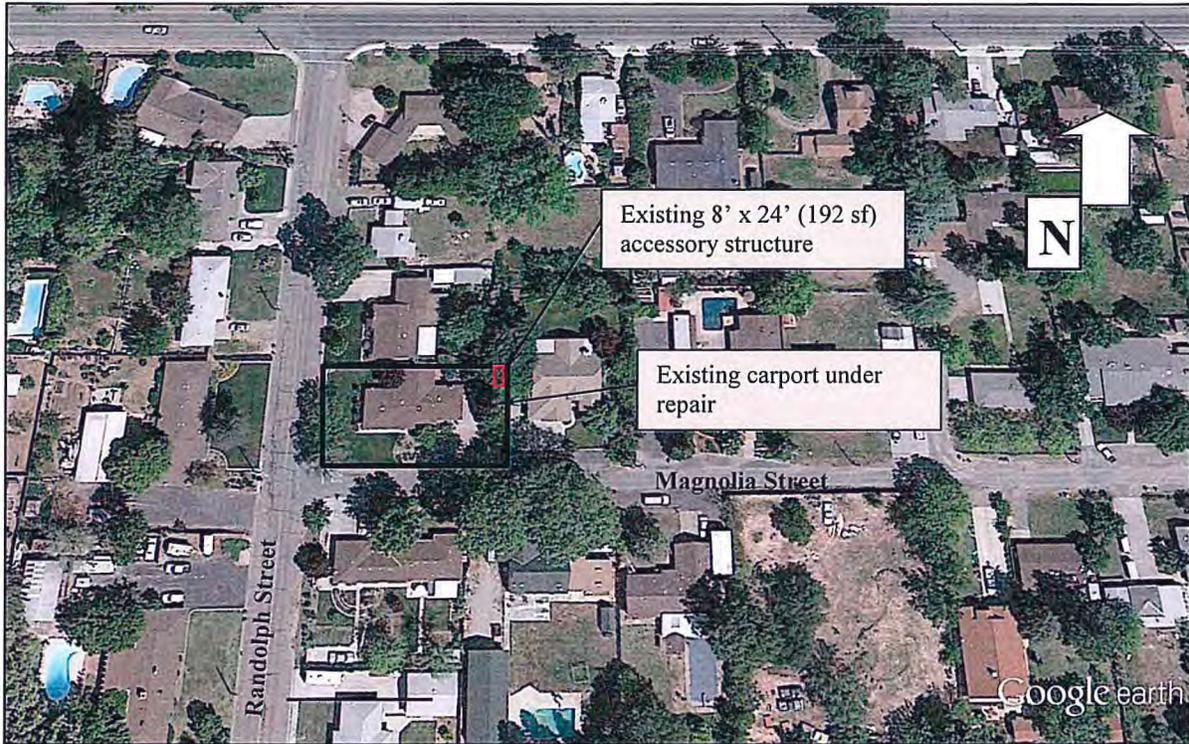


Figure 1: Location Map

DISCUSSION:

The size of the accessory structure is approximately 8' x ~~24' 25'~~ (192-200 SF) and is located in the northeast corner of the lot (Refer to Figure 1). Any accessory structure over 120 square feet requires a permit to build according to the Uniform California Building Code of the State of California

which the City of Gridley must adhere to. The applicant began modifications to expand the accessory structure by removing the south endwall (Refer to Figure 2 and 3).



The construction is also very close to the existing carport. The Building Code also requires certain construction requirements when structures are within the five foot setback areas from the property lines.

Figure 2: South end wall expansion



Figure 3: End wall

The repairs included the removal of the south end wall extending the structure to increase the available storage space.



Figure 3: End wall proximity to carport



Figure 4: Carport repairs

The structure is located approximately 4-6" from the existing rear yard and side yard fences.



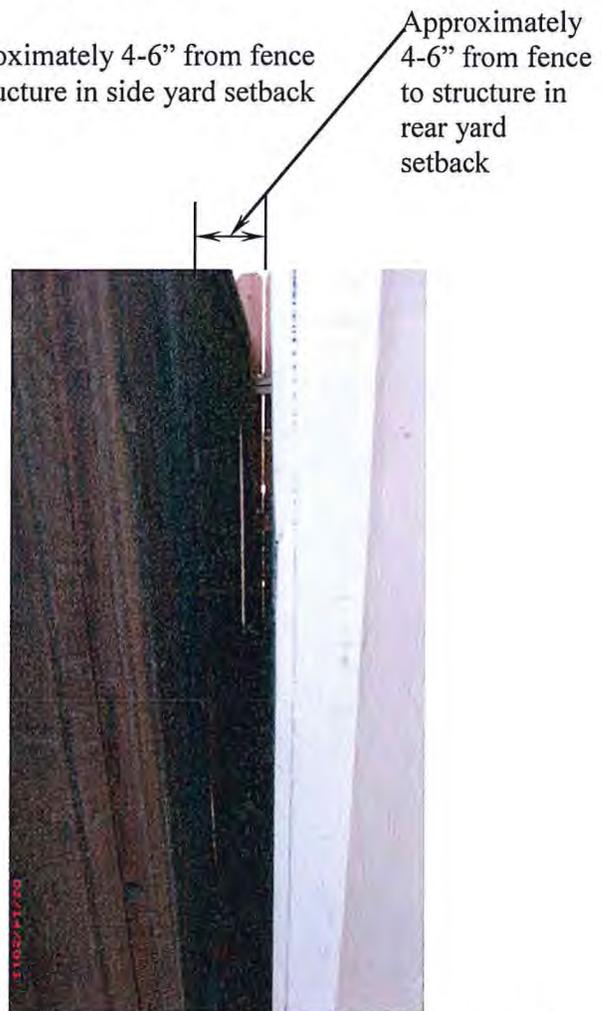
The Building Official has determined that a one-hour wall construction would be required for the walls located within the 5 foot setback areas. These would be the entire north wall, all of the east wall, ~~5 feet of the south wall and 5 feet of the west wall.~~ (Per the Building Official)

Figure 5: North wall and structure encroaching into rear yard setback area



Approximately 4-6" from fence to structure in side yard setback

Figure 6: Building within side yard setback



Approximately 4-6" from fence to structure in rear yard setback

Figure 7: Building within rear yard setback



Figure 8: Photo looking west at rear yard area and patio. Accessory structure is behind the camera

Permit History:

- 1. 2/10/1982 Request to City of Gridley for curb, gutter, and sidewalk**
- 2. 10/15/1982 Permit application for carport roof repair (#0213)**
- 3. 8/2/1995 Permit application for fence**
- 4. 2/26/1996 Plot Plan review; no accessory structure shown**
- 5. 3/4/1996 Application for addition to residence (#1279)**
- 6. 5/27/2015 Permit application for carport roof repair (#B15-000-080)**

These permits reflect the property has been compliant in the past to obtain building permits for work on the property and did not apply for building permits to construct the accessory structure.

There has been a question of the date of annexation and whether Butte County permitted the accessory structure prior to annexation to the city. Records indicate that the property has been under the city's jurisdiction at least from 1982. During the late 1990's Butte County was contracted to administrate the Building Department; city regulations for building, setbacks and permitting would be required during this time. Therefore, the conclusion that can be made is the accessory structure was constructed without permits.

Findings:

Variances are entitlements that are supported when there are site constraints that preclude any other solution to meet the code. The applicant has suggested that she is constrained on her property due to the location of the home to the property lines. The residence has been constructed closer to the north and east property lines as shown in Figure 1 and Figure 8. Should the commission believe that the variance can be supported it will need to make the following findings and describe how these have been met:

Variance Findings (17.56.030)

- A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to lands, structures or buildings in the same district.**

(What are the special site conditions and circumstances that are peculiar to the site and not evident at other residential sites within the same district?)

- B. That literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.**

(How does the application of the requirement to ~~provide two parking spaces and pave the parking pad~~ deprive the applicant to enjoy their property that others enjoy?)

- C. That the granting of such application will not, under the circumstances of the particular case materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.**

(How does granting the variance affect the neighborhood? Does the granting of the variance impact the parking available on the street to serve the general public?)

Options:

Option 1: The Planning Commission could make the required findings and approve the variance to allow the existing accessory structure to remain. Findings are provided to the Planning Commission for consideration (Exhibit A) along with conditions of approval (Exhibit B).

Option 2: The Planning Commission may determine that it is unable to make the required findings and deny the request for a variance requiring the applicant to remove the accessory structure.

PUBLIC NOTICE

A notice was published in the Gridley Herald, posted at City Hall, and mailed to the residents within a 300 foot radius of the subject site. At the time this report was prepared, no comments had been received.

CONCLUSION

The site is a corner lot with the residence constructed (1962) to the north and east of the site on the long side of the lot. This creates a condition of very little rear yard area or buildable area for an accessory structure for storage.

RECOMMENDATION

Option 1:

1. Determine the project is categorically exempt per the California Environmental Quality Act, Section 15301, Existing Facilities, Class 1.
2. Make the required variance findings as described within Exhibit A allowing the accessory structure to remain in its present location in the side and rear setback areas; and,
3. Approve Variance No. 02-15 with Conditions of Approval as shown in Exhibit B.

Option 2:

1. Deny the variance requiring the applicant ~~return the original garage area to its original use.~~ remove the accessory structure and construct outside the side and rear yard setback areas.

ATTACHMENTS:

1. Exhibit A, Variance Findings
2. Exhibit B, Conditions of Approval

Exhibit A

Variance Findings

- A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to lands, structures or buildings in the same district;**

Special conditions exist that support the continued use and location of the accessory structure located within the side and rear yard setback areas. The special conditions are a result of the construction of the residence that has minimized rear yard area for use in the development of the site for accessory structures.

- B. That literal application of the provisions of this title would deprive, the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;**

The literal application of the development standards would deprive this property of the same rights that others enjoy with similar conditions of their property.

- C. That the granting of such application will not, under the circumstances of the particular case materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.**

Allowing the property owner the planning entitlement to legalize the location of the structure and to bring the accessory structure to the current Building Code requirements will ensure the health and safety of persons residing adjacent to and proximate with the accessory structure. .

Exhibit B
Draft Conditions of Approval
Variance No. 2-15

1. The approved Variance No. 2-15 shall be substantially as described within this staff report, submitted site plans, narratives, and applications on file in City Hall except as modified by the following conditions. Minor changes to the approval may be allowed subject to the review and approval by the City Administrator or designee, if the request is in substantial conformance to this approval.
2. The applicant/property owner shall file a Declaration of Acceptance of the Final Conditions of Approval within 30 days of Planning Commission approval.
3. The applicant/owner shall submit an application for a building permit with plans drawn to scale plans, if required, to the Building Department and the Fire Department(s) to determine all applicable improvement and fee requirements. Plans shall be provided for submittal to the Fire Department. The applicant shall pay the required building permit and inspection fees. The structure shall not be used until ~~all~~ improvements have met all the Building DepartmentCity requirements, inspections, and approval.
4. The applicant/owner shall arrange to have Gridley Electric inspect the meter panel(s) at the site to insure they meet the current standards.
5. This variance approval will lapse within one (1) year from the date of approval unless the proposed facility has installed all improvements as required and City staff has inspected the site for conformity to the current services and codes. The City Administrator or designee may grant an extension if no modifications to the approval are requested, otherwise, the request for extension may be forwarded to the Planning Commission for action.
6. If the conditions of approval are not adhered to and the variance should expire, the applicant will be required to remove the structure from the site immediately and shall bear all costs should the city be required to do so.