



Agenda Item No.: 38.

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: SEPTEMBER 12, 2017

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD ACTING

☐ Consent ☒ Discussion

SUBJECT:

BEYANCA - VAR-71002 - MARIA E. PUBLIC HEARING - APPLICANT/OWNER: RAY V. GODFREY - For possible action on a request for a Variance TO ALLOW A THREE-FOOT SIDE AND REAR YARD SET BACK WHERE 10 FEET IS REQUIRED FOR A PROPOSED ACCESSORY STRUCTURE (CLASS B) [CASITA/GARAGE] on 0.38 acres located at 4100 Nancy Margarita Lane, ZIP 89101-8100 (Barlow) [PRJ-71001]. Staff recommends DENIAL.

P.C.: FINAL ACTION Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

26

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

7

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL, if approved, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo(s)
5. Justification Letter
6. Rancho San Miguel Home Owners Association Approval Letter
7. Protest Petition, Protest/Support Comment Forms/Postcards and Email from Regan Orr
8. Submitted at Meeting - Protest Comments with Five Duplicate Signatures Submitted by Regan Orr

Motion made by CEDRIC CREAR to Deny

Passed For: 5; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 0

DONNA TOUSSAINT, CEDRIC CREAR, TRINITY HAVEN SCHLOTTMAN, CHRISTINA ROUSH, LOUIS DE SALVIO; (Against-VICKI QUINN, SAM CHERRY); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR SCHLOTTMAN declared the Public Hearing open.

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FRED SOLIS, Sr. Planner, reported that the rear setback does not meet the required 10 feet. There is no evidence of unique circumstances, and the applicant has created a self-imposed hardship. Staff recommended denial.

RAY GODFREY, the applicant, requested this matter be heard with Item 58, and CHAIR SCHLOTTMAN advised him that the best he could do is mail this item to be heard before Item 58. MR. GODFREY agreed.

After trailing this matter, MR. SOLIS gave the staff report again.

MR. GODFREY thanked the Planning Commission for previously allowing abeyance of this matter. He explained that the variance is for a structure in his backyard to use as part casita (for his 95-year-old grandmother who is legally blind) and part garage (to secure his belongings). He commented that there have been individuals going through the neighborhood, which makes him feel unsafe. His grandmother cannot drive, and he feels she would be of value to the community because she served as president of the Federation for the Blind in South Carolina. He then described his property and indicated where the garage/casita would be erected.

ATTORNEY ERIC DOBBERSTEIN, 101 South Ranches, appeared representing REGAN ORR, who was also present and is the adjacent homeowner. He showed photos, which were not submitted, one of which depicted the front of MR. ORR's and MR. GODFREY'S homes, and commented that MR. ORR has no objection to the motorhome being parked on the side of MR. GODFREY'S home. The second photo showed a direct look to the north from MR. ORR'S home at the motorhome. The third photo was a view from the back of the property to the front, showed a large space to the side of MR. GODFREY'S home where he has a shed. MR. DOBBERSTEIN argued that the casita would fit better next to the shed and closer to MR. GODFREY'S house. The last photo depicted a view from MR. ORR'S patio of the location where MR. GODFREY wants to build the garage/casita, which means that MR. ORR will have a direct view of the motorhome and a block and that the cooling unit for the casita would have to be next to MR. ORR'S home. MR. DOBBERSTEIN referred to protest comments, which MR. ORR submitted for the record.

CHAIR SCHLOTTMAN mentioned that he met with ATTORNEY DOBBERSTEIN and MR. ORR, who basically made the same presentation to him. MR. ORR read the names and addresses and some of the protest comments. He also mentioned that allowing this structure will be like having a billboard blocking his view.

CHET KOEHLER, resident and President of the Board of Rancho San Miguel Homeowners Association, commented that the community is made of 46 homes designed for RV and boat parking. Since 2002, six other homes have added garages or casitas, and this site is one of two on this agenda for the same request. He pointed out that the only time the Board gets involved through the management company is when there is an appeal or a protest from within the community to make sure the requirements of NR-116 are followed. Consequently, the Board met with management and legal counsel and validated that the Art Committee, of which he is also a

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member and which oversees these types of matters, followed all processes to make sure that the materials and structure will match the existing community. He conceded that the photos shown are accurate depictions; however, he pointed out that there have been no complaints about the other homes in the neighborhood with additions that have a similar design with the minimum square footage.

GREG (Art Committee member) and TERRY (Board of Directors member of Rancho San Miguel Homeowners Association) HALVERSON appeared in support. MR. HALVERSON said the Art Committee approved this request and made sure all instructions were followed. MRS. HALVERSON stated that in the 25 years she has lived in this community and been involved there has never been any opposition to similar requests. She too added a garage on her property, and she asserted that the motor home shown in the photos belongs to a visitor and will not be on the property long term.

DOUG MECHAM, JAMES WULFF (who is the applicant on Item 38) and JERRY McGRATH, CAROL WHITEAKER, RENEE ESKIERKA, area residents, expressed their support. MR. MECHAM said helping family is good for the community. MR. McGRATH added that he bought in this community to be able to add access to street for his boys and to be able to accommodate elderly family members. MS. ESKIERKA urged the Commissioners to have consideration of the applicants timeline.

STEPHEN RICHARDS responded, stating that there is a conflict when a husband and wife sit on the neighborhoods Board of Directors and in the Arts Committee. He claimed to not know them.

MR. GODFREY explained that the motor home belongs to MS. ESKIERKA'S mother, who lives in California and is visiting for less than three weeks. With respect to the palm trees, he commented that he spoke to the neighbor about their relocation to make them visible from the neighbors property, as well as about moving the A/C unit to a location away from the neighbors home. He assured the Commissioners that he spoke with all his neighbors to try to address any possible concerns.

COMMISSIONER DE SALVIO asked why the east side of the garage/casita was not made smaller and opined that this is a self-imposed hardship he was having difficulty supporting. MR. GODFREY explained that shrinking it would make it very long, which would probably get greater opposition; it would be better to have one that fits well on the site. He added that the side of the house has two bedrooms and the windows will be blocked. To CHAIR SCHLOTTMAN, he stated that there will be 22 feet from the block wall to the nearest structure.

COMMISSIONER CREAR could not support this request because he believes the applicant is trying to accomplish too much on his property, and it will infringe on the neighbors. He mentioned that he would not want something like this near his house.

COMMISSIONER TOUSSAINT verified that six other similar structures have been built in the community. MR. GODFREY offered to show Google snapshots of existing structures similar to

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what he proposes.

CHAIR SCHLOTTMAN observed that similar structures have been constructed in the neighborhood, but never without the neighbors support.

See Items 4 and 58 for related discussion.

CHAIR SCHLOTTMAN declared the Public Hearing closed.

