

CITY COUNCIL MEETING
SEPTEMBER 2, 1987

APPEAL REGARDING
VARIANCES AT
418 SOUTH LEE
AVENUE GRANTED

CC-53(b)

Notice thereof having been published according to law, an affidavit of which is on file in the office of the City Clerk, Mayor Olson called for the Public Hearing to consider the appeal of Mr. Tom Sakoda, 418 South Lee Avenue, Lodi, of the Lodi City Planning Commission's denial of his request for a variance to setback requirements to provide for a new carport at 418 South Lee Avenue.

Council was apprised that at its meeting of Monday, July 27, 1987, the Lodi City Planning Commission determined that a "Zoning Hardship" did not exist and denied Mr. Tom Sakoda's request for Variances to (1) reduce the sideyard adjacent to an alley from 5 feet to 2 feet, and (2) reduce the front yard from 23 feet to 16 feet to permit the erection of a new carport at 418 South Lee Street in an area zoned R-2, Single-Family Residential.

Section 17.72.030 of the Lodi Municipal Code outlines the basis for granting variances as follows:

"In specific cases where it is exceptionally difficult, if not impossible, to comply with the exact provisions of this title, the Planning Commission has the power to allow such adjustments from the provisions contained in this title as will prevent unnecessary hardships or injustice, and at the same time most nearly accomplish the general purpose and intent of this title".

Mr. Tom Sakoda, 418 South Lee Avenue, Lodi, spoke on behalf of his appeal and presented diagrams of the subject area and responded to questions as were posed by the Council.

Continued September 2, 1987

Also speaking in support of the appeal were:

- a) Mr. Al Inman, 308 Chestnut, Lodi
- b) Mrs. Al Inman, 308 Chestnut, Lodi
- c) Mr. Leonard Fortman, 419 South Lee, Lodi

There were no persons in the audience wishing to speak against the appeal.

There being no other persons wishing to speak on the matter, the public portion of the hearing was closed.

A lengthy discussion followed with questions regarding the matter being directed to staff and to those who had given testimony.

On motion of Mayor Pro Tempore Snider, Hinchman second, Council granted Mr. Sakoda's appeal. Further, on motion of Council Member Reid, Hinchman second, Council requested that the Planning Commission review the existing ordinance for possible revisions as it pertains to situations of this type.

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL	COUNCIL MEETING DATE	NO.
FROM: THE CITY MANAGER'S OFFICE	September 2, 1987	
SUBJECT:		

APPEAL OF MR. TOM SAKODA, 418 SOUTH LEE AVENUE, OF THE PLANNING COMMISSION DENIAL OF HIS REQUEST FOR A VARIANCE.

BACKGROUND INFORMATION: At its meeting of Monday, July 27, 1987, the Lodi City Planning Commission determined that a "Zoning Hardship" did not exist and denied Mr. Tom Sakoda's request for Variances to (1) reduce the sideyard adjacent to an alley from 5 feet to 2 feet, and (2) reduce the front yard from 23 feet to 16 feet to permit the erection of a new carport at 418 South Lee Street in an area zoned R-2, Single-Family Residential.

Section 17.72.030 of the Lodi Municipal Code outlines the basis for granting Variances as follows:

"In specific cases where it is exceptionally difficult, if not impossible, to comply with the exact provisions of this title, the Planning Commission has the power to allow such adjustments from the provisions contained in this title as will prevent unnecessary hardships or injustice, and at the same time most nearly accomplish the general purpose and intent of this title"

Pursuant to Section 17.72.110 of the Lodi Municipal Code, Mr. Sakoda appealed the decision of the Planning Commission in this matter (see Exhibit A attached) and the Council, at its August 19, 1987 set the matter for Public Hearing at the September 2, 1987 Council meeting.

The Public Hearing was duly advertised and notices were mailed to residents in the subject area under declaration of mailing.

We have enclosed the following documents for your information:

- a) Notice of Public Hearing marked Exhibit B.
- b) Planning Commission Report of July 27, 1987 marked Exhibit C
- c) Diagram of the subject area marked Exhibit D
- d) Petition received in support of the requested Variance marked Exhibit E.

RECOMMENDED ACTION: Section 17.72.110 of the Lodi Municipal Code provides that upon the receipt of an Appeal, the City Council shall, after receiving a report from the Planning Commission, and after at least one public hearing on the case as provided by law, render a decision sustaining, amending or overruling the action of the Planning Commission

Alice M. Reimche
Alice M. Reimche
City Clerk

For James B. Schroeder
Community Development Director

COUNCOM9/TXTA.02D

I, TOM SAKODA (418 S. LEE AVE.)
WOULD LIKE TO FILE A WRITTEN
APPEAL TO ALICE REIMCHE,
CITY CLERK AS DIRECTED BY
THE COMMUNITY DEVELOPMENT
DIRECTOR, JAMES B. SCHROEDER.

Tom Sakoda

7/31/87

EXHIBIT A

LEGAL NOTICE

NOTICE OF PUBLIC HEARING BY THE LODI CITY COUNCIL
OF THE CITY OF LODI TO CONSIDER THE APPEAL OF
MR. TOM SAKODA, 418 SOUTH LEE AVENUE, LODI,
OF THE LODI CITY PLANNING COMMISSION'S DENIAL OF HIS REQUEST
FOR A VARIANCE TO VARY THE REQUIRED SETBACK REQUIREMENTS
TO PROVIDE FOR A NEW CARPORT AT 418 SOUTH LEE AVENUE, LODI

NOTICE IS HEREBY GIVEN THAT on the 2nd day of September, 1987, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the Lodi City Council will conduct a public hearing in the chambers of the Lodi City Council at 221 West Pine Street, Lodi, California, to consider the appeal of Mr. Tom Sakoda, 418 South Lee Avenue, Lodi, of the Lodi City Planning Commission's denial of his request for a variance to vary the required setback requirements to provide for a new carport at 418 South Lee Avenue, Lodi. Mr. Sakoda's variance request was to 1) reduce the side yard adjacent to an alley from 5 feet to 2 feet, and 2) reduce the front yard from 23 feet to 16 feet to permit the erection of a new carport at 418 South Lee Street, Lodi, in an area zoned R-2, Single-Family Residential.

Information regarding this item may be obtained in the office of the City Clerk at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views either for or against the above proposal. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein and oral statements may be made at said hearing.

If you challenge the subject matter in court you may be limited to raising only those issues you or someone else raised at the public

hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, Lodi, at, or prior to, the public hearing.

Dated: August 19, 1987

By Order of the Lodi City Council

Alice M. Reimche
Alice M. Reimche
City Clerk

DECLARATION OF MAILING

On August 27, 1987 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 27, 1987, at Lodi, California.

Alice M. Reimche

ALICE M. REIMCHE
City Clerk

JUDITH JOHNSON
Deputy City Clerk

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Dated: August 19, 1987

By Order of the Lodi City Council

Alice M. Reimche
Alice M. Reimche
City Clerk

Exhibit B

Tsutomu & N. Sakoda
418 S. Lee Avenue
Lodi, CA 95240

Lodi Unified School District
1300 W. Lodi Avenue

Otto & Lillian Weber
1921 Edgewood Drive
Lodi, CA 95240

Angelina R. Bersi
300 W. Chestnut Street
Lodi, CA 95240

Eileen B. Perrin
304 W. Chestnut Street
Lodi, Ca 95240

Alvin C & K. L. Inman
308 W. Chestnut Street
Lodi, CA 95240

Russell & Lena Beck
312 W. Chestnut Street
Lodi, CA 95240

Clayton R & J. Knittel
618 S. Crescent Avenue
Lodi, CA 95240

Woodrow & Ruth Ensminger
921 York Street
Lodi, CA 95240

Patrick J & E.D. Manly
1017 Lincoln Avenue
Lodi, CA 95240

Rosa Teresa Capuccini
305 W. Chestnut Street
Lodi, CA 95240

Emil & Rachel Dais
311 W. Chestnut Street
Lodi, CA 95240

B & E. Partnership
1416 Arundel Ct
Lodi, CA 95240

Steven B. Schneider
1013 North O Street
Lodi, CA 95240

RKS Investment Co.
c/o Greand Auto Inc.
7200 E.gewater Drive
Oakland, CA 94621

N & D.J. Spanos
306 Shady Acres Drive
Lodi, CA 95240

Desmond & B Calvin
400 W. Chestnut Street
Lodi, CA 95240

Christ & Susie De Wald
420 S. Hutchuns Street
Lodi, CA 95240

Leonard & M. Fortman
419 S. Lee Avenue
Lodi, CA 9524

Richard J & L.A. Kotowski
426 S. Hutchins Street
Lodi, CA 95240

Adolph J & T. Bertsch
425 S. Lee Avenue
Lodi, CA 95240

John & Louise St.Marie
432 S. Hutchins Street
Lodi, CA 95240

Carlton & A. L. Gaydosh
431 S. Lee Avenue
Lodi, CA 95240

Arthur M. Barnes, Jr.
426 S. Lee Avenue
Lodi, CA 95240

William W & C.M. McClaine
1435 Academy Street
Lodi, CA 95240

James & Pearl Bradley
500 S. Lee Avenue
Lodi, CA 95240

Leta Knipper
506 S. Lee Avenue
Lodi, CA 95240

Jeffrey & Mary Pell

512 S. Lee Avenue
Lodi, CA 95240

Charles R & L. Churchill
513 S. Pleasant Avenue
Lodi, CA 95240

Gustave & E.K. Schck
500 S. Hutchins St
Lodi, CA 95240

Donald & Janice Hausmann
501 S. Lee Avenue
Lodi, CA 95240

Nello F Bianchetti
507 S. Lee Avenue
Lodi, CA 95240

Manuel B & A. Dominguez
4111 E. Scottsdale Road
Lodi, CA 95240

Ella K. Wolff
506 S. Hutchins St
Lodi, CA 95240

LEGAL NOTICE

NOTICE OF PUBLIC HEARING BY THE LODI CITY COUNCIL
OF THE CITY OF LODI TO CONSIDER THE APPEAL OF
MR. TOM SAKODA, 418 SOUTH LEE AVENUE, LODI,
OF THE LODI CITY PLANNING COMMISSION'S DENIAL OF HIS REQUEST
FOR A VARIANCE TO VARY THE REQUIRED SETBACK REQUIREMENTS
TO PROVIDE FOR A NEW CARPORT AT 418 SOUTH LEE AVENUE, LODI

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Information regarding this item may be obtained in the office of the City Clerk at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views either for or against the above proposal. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein and oral statements may be made at said hearing.

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hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, Lodi, at, or prior to, the public hearing.

Dated: August 19, 1987

By Order of the Lodi City Council

Alice M. Reimche
Alice M. Reimche
City Clerk

LEGAL NOTICE

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EXHIBIT B

hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, Lodi, at, or prior to, the public hearing.

Dated: August 19, 1987

By Order of the Lodi City Council

Alice M. Reimche
Alice M. Reimche
City Clerk

hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, Lodi, at, or prior to, the public hearing.

Dated: August 19, 1987

By Order of the Lodi City Council

Alice M. Reimche
Alice M. Reimche
City Clerk

DECLARATION OF MAILING

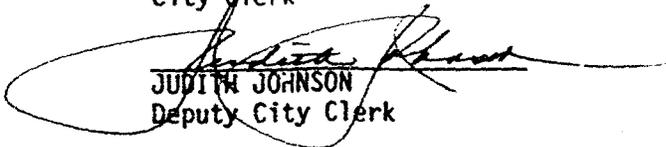
On August 20, 1987 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 20, 1987, at Lodi, California.

ALICE M. REIMCHE
City Clerk



JUDITH JOHNSON
Deputy City Clerk

EXHIBIT A

LEGAL NOTICE

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Dated: August 19, 1987

By Order of the Lodi City Council

Alice M. Reimche
Alice M. Reimche
City Clerk

EXHIBIT B

Mr. Tom Sakoda
418 South Lee Avenue
Lodi, CA 95240

WE, THE NEIGHBORS OF TOM SAKODA
 (418 S. LEE AVE) DO NOT SEE WHERE
 THE APPROVAL OF THE VARIANCE IN
 ANY WAY BE DETRIMENTAL OR INJURIOUS
 TO US OR ANYONE ELSE USING THE ALLEY.
 SO BEING, WE ALL APPROVE OF
 TOM SAKODA GETTING HIS PERMIT.

DATE	NAME	ADDRESS
17	BUD Calvin	400 Chestnut
July 17, 1987	Leonard Fortman	419 So Lee Ave
July 17, 1987	Madalynne Fortman	419 S Lee Ave
July 17, 1987	Edna Reimke	404 S. Lee Ave
July 22-87	Alice Haydock	431 So. Lee Ave.
July 22-87	Terry Ozols	432 S. Lee Ave
July 22-87	Leta Krupper	506 So. Lee Ave.
July 22, 87	Dot Cardwell	426 S. Lee Ave
July 22, 87	Harvey W. Johnson Sr	400 S Lee Ave
" 22-87	Sarah C. Johnson	417 So Lee Ave
July-22-87	Alvin C. Inman	308 CHESTNUT ST
July 22, 87	Kathryn L. Inman	308 Chestnut St
July 22, 87	Paul Vincent Kellin	304 Chestnut St.
July 23, 87	Paul Silveira	318 CHESTNUT ST.
July 23, 87	Alph Bertel	425 - S Lee Ave

CITY COUNCIL

EVELYN M. OLSON, Mayor
JOHN R. (Randv) SNIDER
Mayor Pro Tempore
DAVID M. HINCHMAN
JAMES W. PINKERTON, Jr.
FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
TELECOPIER (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
RONALD M. STEIN
City Attorney

September 10, 1987

Mr. Roger Stafford
801 South Mills Avenue
Lodi, CA 95240

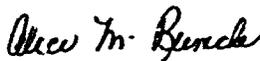
Dear Mr. Stafford:

Please be advised that the Lodi City Council, at its regular meeting of September 2, 1987 following a public hearing on the matter, granted the appeal of Mr. Tom Sakoda of the Lodi City Planning Commission's denial of his request for a variance to setback requirements to provide for a new carport at 418 South Lee Avenue, Lodi.

Further, Council requested that the Planning Commission review the existing ordinance for possible revisions as it pertains to situations of this type.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Very truly yours,


Alice M. Reimche
City Clerk

AMR:jj

cc: James B. Schroeder
Community Development Director

CITY COUNCIL

EVELYN M. OLSON, Mayor
JOHN R. (Randy) SNIDER
Mayor Pro Tempore
DAVID M. HINCHMAN
JAMES W. PINKERTON, Jr.
FRED M. REID

CITY OF LODI

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THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

September 10, 1987

Mr. Tom Sakoda
418 South Lee Avenue
Lodi, CA 95240

Dear Mr. Sakoda:

This letter will confirm action taken by the Lodi City Council at its regular meeting of September 2, 1987 whereby, following a public hearing on the matter, Council granted your appeal of the Lodi City Planning Commission's denial of your request for a variance to setback requirements to provide for a new carport at 418 South Lee Avenue, Lodi.

Further, Council requested that the Planning Commission review the existing ordinance for possible revisions as it pertains to situations of this type.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Very truly yours,

Alice M. Reimche
Alice M. Reimche
City Clerk

AMR:jj

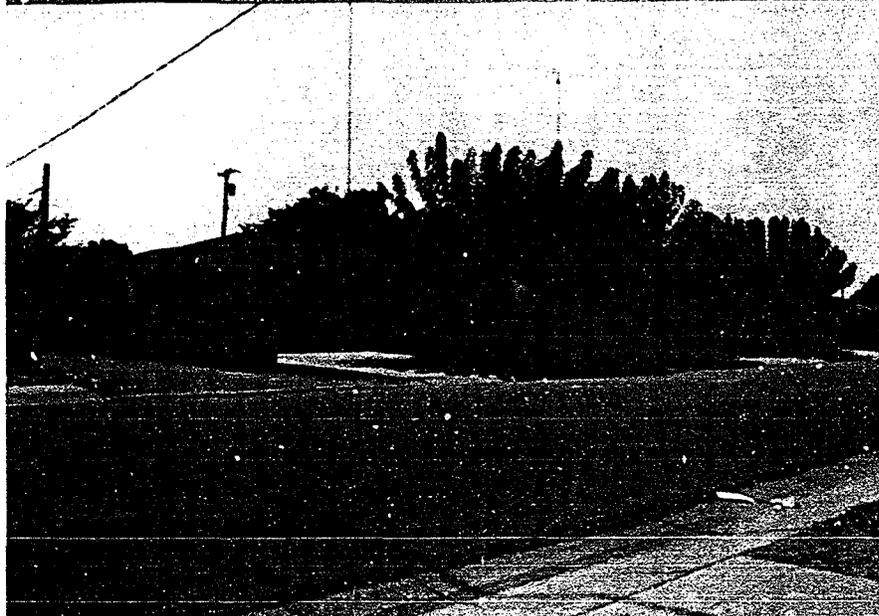
cc: James B. Schroeder
Community Development Director

418 SOUTH LEE AVENUE

FRONT ELEVATION



NORTHWEST VIEW

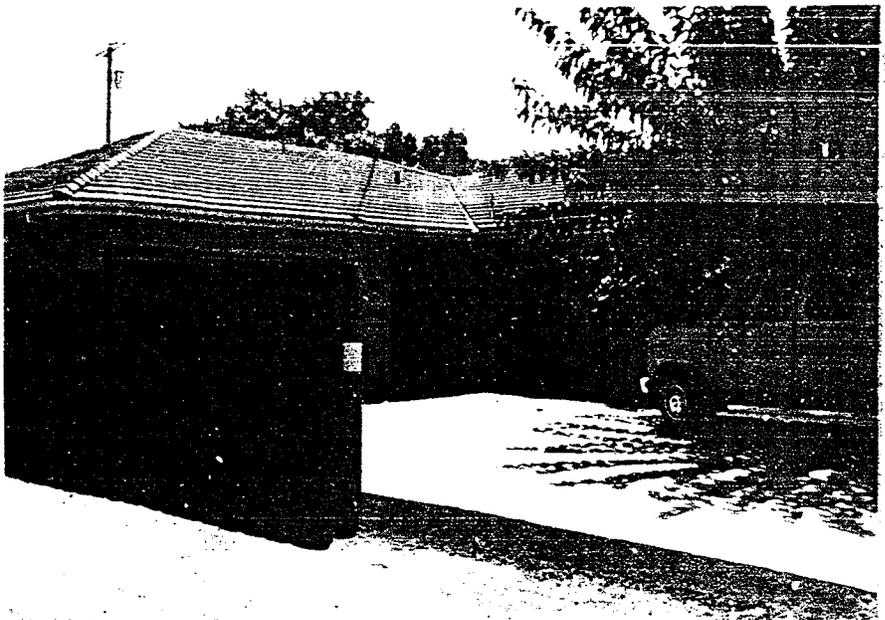


SOUTHWEST VIEW

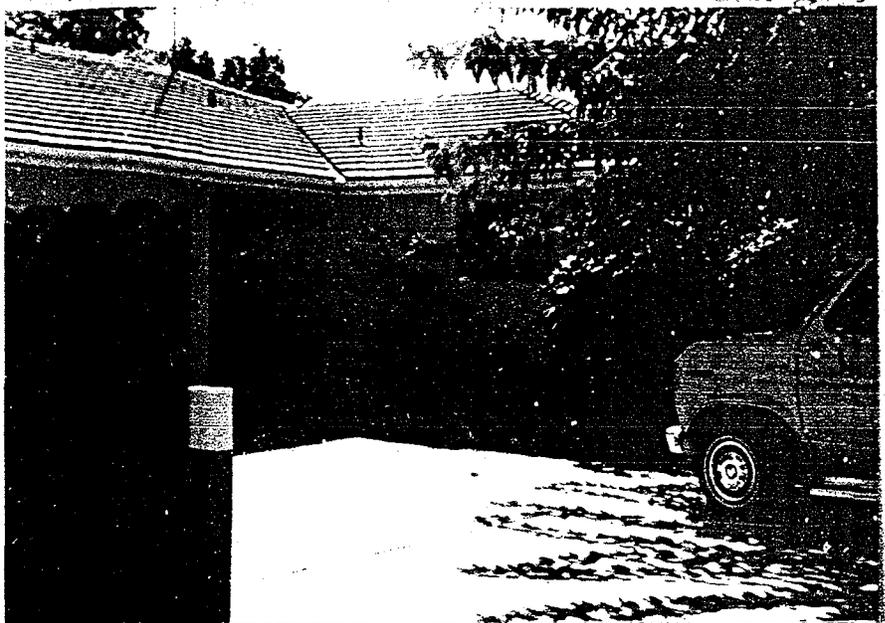
See view

PHOTOGRAPH BY [unreadable]

EXISTING DRIVEWAY

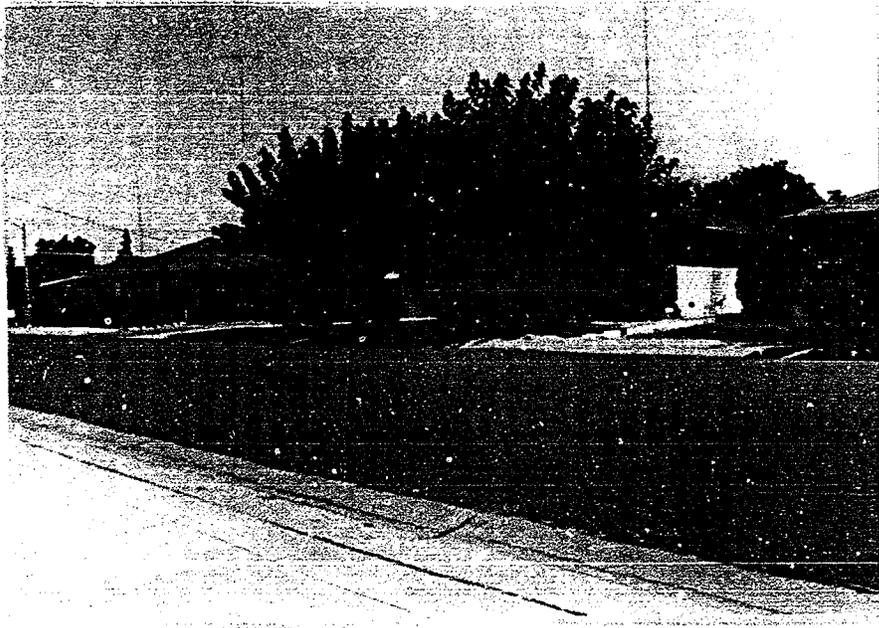


CLOSEUP OF LOCATION FOR PROPOSED CARPORT



ADJACENT SETBACKS





CITY COUNCIL

EVELYN M. OLSON, Mayor
JOHN R. (Randy) SNIDER
Mayor Pro Tempore
DAVID M. HINCHMAN
JAMES W. PINKERTON, Jr.
FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
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LODI, CALIFORNIA 95241-1910
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TELECOPIER: (209) 333-6795

Alice
THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
RONALD M. STEIN
City Attorney

September 15, 1987

Mr. Terry Piazza
c/o Baumbach and Piazza, Consulting Engineers
323 West Elm Street
Lodi, CA 95240

RE: Tentative Parcel Map - 87 P 010
Frank Alegre, Sr. - 910 N. Cluff Avenue
049-080-61 and 62

At its meeting of Monday, September 14, 1987 the Lodi City Planning Commission conditionally approved your request on behalf of Frank Alegre, Sr. to divide 910 North Cluff Avenue (APN's 049-080-61 and 62) into five parts with Parcel "A" containing 0.6 acres; Parcel "B" containing 0.6 acres; Parcel "C" containing 0.6 acres; Parcel "D" containing 1.9 acres; and Parcel "E" containing 1.9 acres in an area zoned M-2, Heavy Industrial.

The Planning Commission's approval is subject to the following conditions:

1. that the following items be accomplished prior to the recording of the Final Map:
 - a. dedication of public utility easements as requested by the various utility companies and the City of Lodi;
 - b. dedication of a corner cut-off on Parcel "A";
 - c. provision of a copy of Well Abandonment Permit from the county for any on-site wells abandoned during development or certification by the developer's engineer that none existed prior to conversion from agricultural and residential to industrial use;
 - d. map to have standard note: "Requirements to be met at time of development or Building Permit"; and
 - e. all six lots to be graded to enable storm drainage to be collected on-site and transported to City system in conformance with present City standards; and

Mr. Terry Piazza
c/o Baumbach and Piazza
Consulting Engineers
September 15, 1987
Page 2

2. that the following items be accomplished at time of development or issuance of Building Permit;
 - a. Parcel "D" and "E" to have special commercial driveways conforming to City Standard Plan No. 111;
 - b. payment of the appropriate fees in effect at that time;

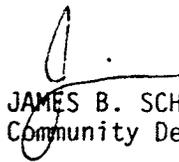
Water service for Parcels "A" and "B"
Sewer service for Parcels "A" and "B"
Storm drainage service to all parcels not already serviced.
 - c. all storm drainage to pass through City approved sand and oil trap and enter City Storm drain system in a City manhole or through the back of City catch basin; and
 - d.b On-site Fire Protection per Fire Department requirements.

Section 16.36.010 provides as follows:

"Any interested person adversely affected by any decision of the advisory agency (i.e. Planning Commission) may file a complaint with the City Clerk concerning such decision. Any such complaint shall be filed with the City Clerk within fifteen days after the action which is the subject of the complaint. The City Council may, in its discretion, reject the complaint, the complainant shall be notified of such action. If the matter is set for Public Hearing, the hearing shall be conducted and notice thereof given as provided by Government Code Section 66451.3.

If you, your client, or his agent wish to complain to the City Council, you, or they, must correspond with Alice M. Reimche, City Clerk. The correspondence must be received by her before 5:00 p.m., Tuesday, September 29, 1987.

Sincerely,


JAMES B. SCHROEDER
Community Development Director

cc: Frank Alegre, Sr.
Albert M. Ellis, Attorney at Law
City Clerk
Public Works Director