

CITY COUNCIL MEETING
OCTOBER 16, 1985

cc 53 &
Pg 71

APPEAL RE VARIANCE
TO INCREASE MAXIMUM FENCE
HEIGHT DENIED

Notice thereof having been published in accordance with law, and an affidavit of publication being on file in the office of the City Clerk, Mayor Hinchman called for the Public Hearing to consider an appeal filed by Mr. and Mrs. Ron Sagert, 142 South Sunset Drive, Lodi, of a Planning Commission decision denying a request for a variance to increase the maximum fence height on the subject property from seven feet to nine feet, 10 inches, to permit an existing fence to remain.

The matter was introduced by City Manager Peterson. Community Development Director Schroeder presented additional information.

Pictures of the subject area and fence were presented for Council's perusal.

The following persons spoke on behalf of the appeal.

- a) Mr. Ron Sagert, 142 South Sunset Drive, Lodi
- b) Mrs. Ron Sagert, 142 South Sunset Drive, Lodi

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

A lengthy discussion followed with questions being directed to Staff.

Council Member Pinkerton then moved to grant the appeal. The motion was seconded by Mayor Hinchman but failed to carry by the following vote:

Ayes: Council Members - Pinkerton

Noes: Council Members - Olson, Reid, Snider, and Hinchman

In accordance with this action of the Lodi City Council, the subject appeal was denied.

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL

DATE

NO.

FROM: THE CITY MANAGER'S OFFICE

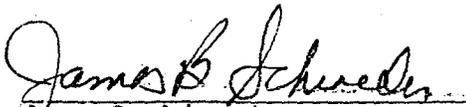
October 4, 1985

SUBJECT:

SAGERT VARIANCE APPEAL

BACKGROUND: Mr. and Mrs. Ron Sagert installed an above-ground swimming pool in their rear yard at 142 South Sunset Drive, and erected decking and screening fencing adjacent to it. The fencing at its highest point is 9 feet 10 inches which is 2 feet 10 inches above the maximum fence height permitted in a residential zone.

The Planning commission denied the Variance request because it could find no "Zoning Hardship".


James B. Schroeder
Community Development Director

LEGAL NOTICE

NOTICE OF PUBLIC HEARING BY THE LODI CITY COUNCIL
OF THE CITY OF LODI TO CONSIDER THE
APPEAL OF MR. RONALD SAGERT, 142 SOUTH SUNSET DRIVE, LODI
OF THE LODI CITY PLANNING COMMISSION'S DENIAL OF HIS REQUEST FOR
A ZONING VARIANCE TO INCREASE THE MAXIMUM FENCE HEIGHT FROM 7 FEET
TO 9 FEET 10 INCHES TO PERMIT AN EXISTING FENCE TO REMAIN IN THE REAR
YARD AT 142 SOUTH SUNSET DRIVE, LODI, IN AN AREA ZONED R-2
SINGLE-FAMILY RESIDENTIAL

NOTICE IS HEREBY GIVEN THAT ON the 16th day of October 1985, 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. Ronald Sagert, 142 South Sunset Drive, Lodi, of the Lodi
City Planning Commission's denial of his request for a Zoning Variance to
increase the maximum fence height from 7 feet to 9 feet 10 inches to
permit an existing fence to remain in the rear yard at 142 South Sunset
Drive, 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 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, at or prior to, the Public Hearing.

By Order of the Lodi City Council

Alice M. Reinche
Alice M. Reinche
City Clerk

Dated: October 2, 1985

City of Lodi
**COMMUNITY DEVELOPMENT
 DEPARTMENT**

SEP 2 1985

**VARIANCE
 APPLICATION**

Variances from Zoning Ordinance requirements shall be granted only when, because of special circumstances applicable to the property, such as size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the same zone or vicinity. Approval of a Variance shall not constitute a grant of special privileges not enjoyed by other properties in the same zone or vicinity.

SUBJECT PROPERTY ADDRESS 172 S. Sunset

PROPERTY OWNER(S) NAME Ronald + Evelyn Sagert

PROPERTY OWNER(S) ADDRESS 172 S. Sunset Phone () 334-9120

APPLICANT NAME (if different from above) _____

APPLICANT ADDRESS _____ Phone () _____

PRESENT ZONING DESIGNATION Residential

PRESENT LAND USE 1 Family dwelling

BRIEF DESCRIPTION OF REQUEST _____

We would like to keep the fence around our pool as is. - Increase 7feet to 9feet 12x12

Evelyn Sagert
 Signature of Applicant

Evelyn Sagert
 Signature of Property Owner

THE FOLLOWING MUST BE SUBMITTED WITH ALL VARIANCE APPLICATIONS:

1. One (1) 8 1/2 x 11 transparency of a site plan (drawn to scale) showing property dimensions, existing and proposed buildings, parking areas and other improvements.
2. In a written statement, on a separate page, provide the following information:
 - a. A description of the nature, purpose and details of the request.
 - b. A description of the unique or extraordinary conditions pertaining to the property which warrant approval of the Variance.
 - c. A description of any property rights enjoyed by other property in the same zone or vicinity which is being denied the subject property.
 - d. An explanation substantiating that the approval of the variance would not be detrimental or injurious to the public welfare or other properties in the vicinity.
3. Filing Fee.

Date Received 9-12-85 P/C Hg. Date 9-23-85 File No. A-85-21

By _____ C/C Hg. Date _____ Receipt No. _____

CITY COUNCIL

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

CITY OF LODI

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

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

September 24, 1985

Mr. Ronald Sagert
142 South Sunset Drive
Lodi, CA 95240

Dear Mr. Sagert:

RE: Zoning Variance - A-85-21
Fence Height - 142 South Sunset Drive

At its meeting of Monday, September 23, 1985 the Lodi City Planning Commission denied your request for a Zoning Variance to increase the maximum fence height from 7 feet to 9 feet 10 inches to permit an existing fence to remain in the rear yard at 142 South Sunset Drive in an area zoned R-2, Single-Family Residential.

In denying your request the Planning Commission determined that a "Zoning Hardship" as defined in the Municipal Code did not exist.

Section 17.72.110A of the Municipal Code provides as follows:

"Appeal to Council. Any applicant or person claiming to be directly and adversely by any action of the Planning Commission may, within five days (i.e. working days) after the action file a written appeal with the City Clerk for transmittal to the City Council."

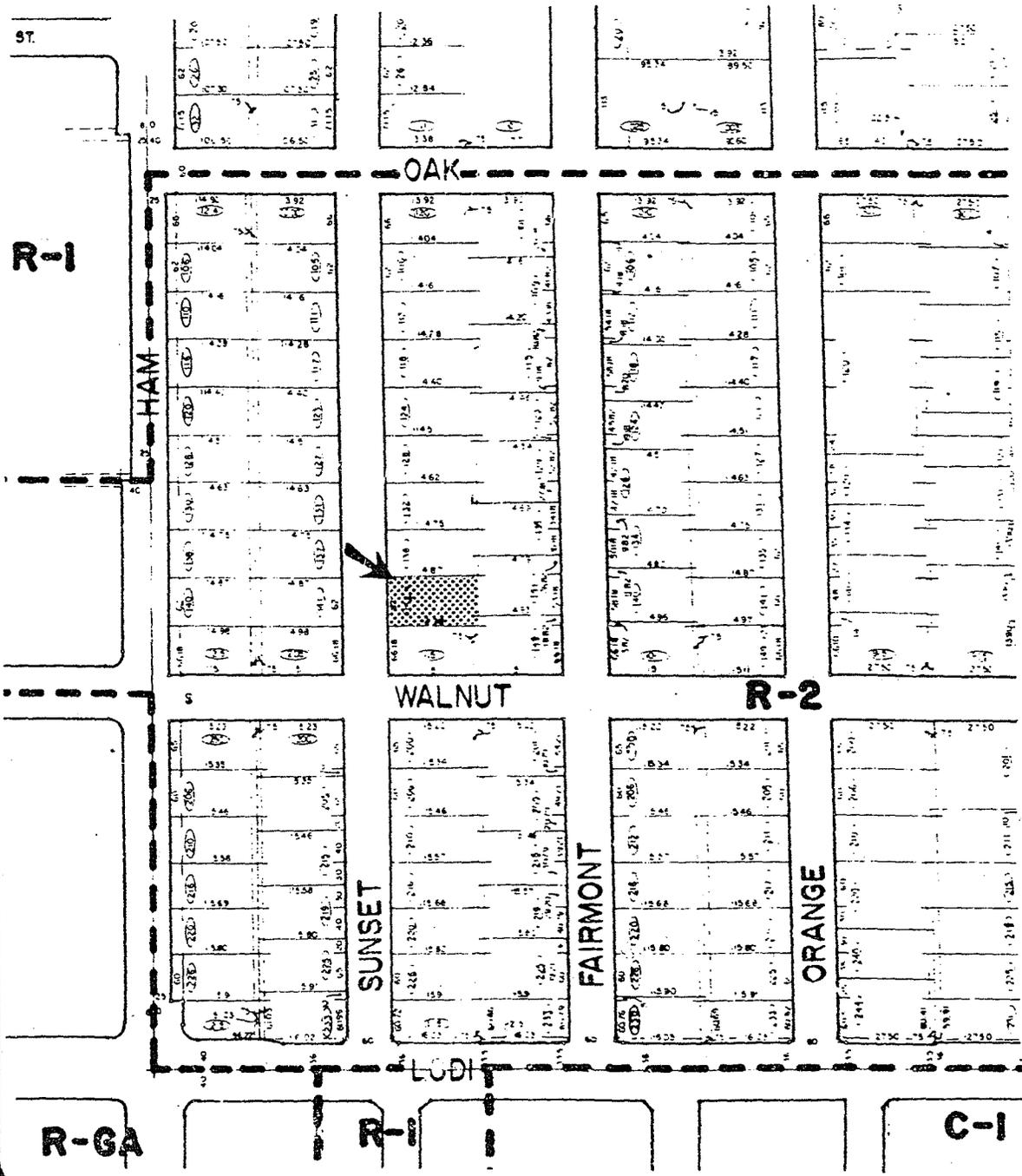
Your appeal, if any, should be directed to Mrs. Alice M. Reimche, City Clerk, P. O. Box 3006, Lodi, CA 95241-1910 and must be received by her before 5:00 p.m., Monday, September 30, 1985.

Sincerely,


JAMES B. SCHROEDER
Community Development Director

cc: City Clerk

SAGERT
142 S. SUNSET
A-85-21 9-23-85



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By Order of the Lodi City Council

Alice M. Reimche
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City Clerk

Dated: October 2, 1985