

CITY COUNCIL MEETING

MAY 5, 1982

APPEAL RE SOLAR
PANEL SUPPORT

City Clerk Reimche presented a letter which had been received from Dennis E. Lewis, 9 Mulberry Court, Lodi, appealing the Planning Commissions' determination that the Solar Panel Support partially constructed in his rear yard at 9 Mulberry Court constitutes a structure.

On motion of Councilman Pinkerton, Murphy second, Council set the aforementioned appeal for Public Hearing on May 19, 1982 at 8:00 p. m.

RECEIVED May 30, 1982

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ALICE M. REINCHE
CITY CLERK
CITY OF LODI

Mrs. Alice M. Reimche
City Hall
221 West Pine St.
Lodi, California
95240

Re: Appeal - Solar Collector Rack - 9 Mulberry Ct.

Dear Mrs. Reimche,

I wish to appeal the Planning Commissions determination that the Solar Panel Support partially constructed in my rear yard at 9 Mulberry Ct. constitutes a structure.

In Feb. '82, I contacted the City Building / Planning Dept. and was referred to Mr. Morimoto. I explained to him that because my residence doesn't have either a South face for solar or adequate roof space to contain the Solar System I planned to purchase, I would have to build a Solar Rack in my rear yard ten feet wide and forty-five feet long. I inquired of Mr. Morimoto if a solar rack built as specified and against my rear fence (which separates 9 Mulberry Ct. from 132 Mulberry Circle) could be built and what permits would be needed. I explained that the solar Rack would have to be built against the rear fence because it was the sole location which would offer adequate space for the rack even though the rack would extend over five feet into my pool area. Thusly, the rack would have to be built at least ten feet above the ground in order to clear the swimming pool and surrounding three foot deck. I also explained that the portion of the rack against my rear fence would be approx. twelve feet above the ground to hide the solar system from view for my neighbors.

Mr. Morimoto informed me that as long as the sole purpose of Solar Collector Rack was to place solar collectors upon it, it was not considered a Structure and did not need permits or variances from existing City Codes. I made it clear to Mr. Morimoto that the Rack was going against the rear fence and would be forty-five feet long. Mr. Morimoto was definite in stating that the rack was not a structure and could be built against the rear fence.

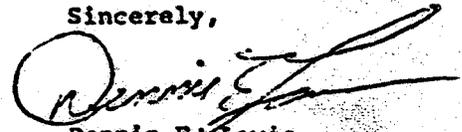
I began building the Solar Rack by placing sixteen foot 4x4 Redwood posts three feet into the ground. However, My neighbor at 132 Mulberry Circle complained to the City Planning Dept. and I was instructed by a letter signed by Mr. Morimoto to cease construction until the Planning Commission could interpret existing codes and ordinances to determine if the Solar Rack was a structure. The Planning Commission voted on 042682 to classify my Solar Rack as a Structure. I feel it is not a structure as its sole purpose is to support a solar system for my swimming pool and spa.

The Rack, when built, would be twelve feet high along the rear fence and slanting towards my pool to ten feet above the pool. This would hide the solar collectors from view from my neighbors yard and would lessen the chances of water flooding into their yard should a leak occur. The height would allow me to utilize

the pool as the rack extends over five feet into my pool and would discourage climbing and jumping into the pool by my three year old son or others. My yard is being landscaped and leveled to drain towards my residence to underground drains which are being installed to catch any run-off from the pool or solar system. The existing five foot fence between my yard and 132 Mulberry Circle is being raised to the seven foot limit to discourage fence climbing.

In summary, I would not have expended over \$600.00 in materials to build the solar rack let alone purchased a solar system I cannot use on Mr. Morimoto's assurances the proposed solar rack was not a structure had I known the Planning Commission was going to use me as a test case.

Sincerely,



Dennis E. Lewis
9 Mulberry Ct.
Lodi, California

NOTICE OF PUBLIC HEARING BY THE CITY COUNCIL
OF THE CITY OF LODI TO CONSIDER THE APPEAL
OF DENNIS LEWIS, 9 MULBERRY COURT OF THE PLANNING
COMMISSION'S DENIAL OF HIS REQUEST TO CONSTRUCT
A SOLAR COLLECTION RACK IN A REQUIRED REAR YARD
SETBACK AT 9 MULBERRY COURT (ASSESSOR'S PARCEL
NO. 057-360-49)

NOTICE IS HEREBY GIVEN that on Wednesday, May 19, 1982
at the hour of 8:00 p.m. or as soon thereafter as the matter
may be heard, the Lodi City Council will conduct a public
hearing in the Council Chambers, City Hall, 221 West Pine
Street, Lodi, California, to consider the appeal of Dennis
Lewis, 9 Mulberry Court of the Planning Commission's denial of
his request to construct a solar collection rack in a required
rear yard setback at 9 Mulberry Court (Assessor's Parcel No.
057-360-49).

Information regarding this item may be obtained in the
office of the Community Development Director 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.

Dated: May 5, 1982

By Order of the City Council

Alice M. Reimche
ALICE M. REIMCHE
City Clerk