TITLE: ZONE VARIANCE 1-2005 TENTATIVE PARCEL MAP 3-2005 (RON CLIFFORD)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

PROJECT LOCATION: West side of South Villa Street, approximately 850± feet south of Olive Avenue in the R-1 (One Family Residential) Zone.

SPECIFIC REQUEST: The applicant is requesting approval of a zone variance to allow for a reduction of the required 60 foot minimum lot width for two (2) proposed parcels and approval of Tentative Parcel Map 3-2005. The proposed reduction would allow both proposed parcels to have a lot width of 52.50 feet.

PROJECT DETAILS: The subject site contains two (2) single family dwellings. In conjunction with Zone Variance 1-2005, Tentative Parcel Map 3-2005 proposes to divide the existing 14,175± square foot lot into two (2) parcels. Parcel 1 - 7,087 square feet and Parcel 2 - 7,087 square feet.

Section 238 A of the Porterville Zoning Ordinance requires a minimum lot size of 6,000 square feet.

Section 238 B of the Porterville Zoning Ordinance requires a minimum frontage of 60 feet.

Pursuant to Section 15305 Class 5 (Minor alterations in land use limitations) of CEQA, the project is Categorically Exempt.

In order for the City Council to approve a zone variance request, three (3) findings must be made as outlined in the Staff Report. Based on the required findings, Staff is recommending approval of Zone Variance 1-2005 and Tentative Parcel Map 3-2005.

RECOMMENDATION: That the City Council:
1. Adopt the draft resolution approving Zone Variance 1-2005; and

ATTACHMENTS:
1. Complete Staff Report

DD _____ Appropriated/Funded _____ CM _____ ITEM NO. 20
PUBLIC HEARING - STAFF REPORT

TITLE: ZONE VARIANCE 1-2005 TENTATIVE PARCEL MAP 3-2005 (RON CLIFFORD)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Ron Clifford
833 N. Main Street
Porterville, CA 93257

APPLICANTS AGENT: Roberts Engineering
P.O. Box 908
Porterville, CA 93258

PROJECT LOCATION: West side of South Villa Street, approximately 850± feet south of Olive Avenue in the R-1 (One Family Residential) Zone.

SPECIFIC REQUEST: The applicant is requesting approval of a zone variance to allow for a reduction of the required 60 foot minimum lot width for two (2) proposed parcels and approval of Tentative Parcel Map 3-2005. The proposed reduction would allow both proposed parcels to have a lot width of 52.50 square feet.

PROJECT DETAILS: The subject site contains two (2) single family dwellings. In conjunction with Zone Variance 1-2005, Tentative Parcel Map 3-2005 proposes to divide the existing 14,175± square foot lot into two (2) parcels. Parcel 1 - 7,087 square feet and Parcel 2 - 7,087 square feet.

Section 238 A of the Porterville Zoning Ordinance requires a minimum lot size of 6,000 square feet.

Section 238 B of the Porterville Zoning Ordinance requires a minimum frontage of 60 feet.

Pursuant to Section 15305 Class 5 (Minor alterations in land use limitations) of CEQA, the project is Categorically Exempt.
Pursuant to Section 2801 of the Zoning Ordinance, before a variance may be granted the City Council must make the following findings:

1. That because of special circumstances applicable to the subject development, including size, shape, location or surrounding, the strict application of this ordinance deprives said development of privileges enjoyed by other such developments in the vicinity and under identical zone classification; and

2. That granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located; and

3. That the granting of such variance will not adversely affect the General Plan or the purposes of the Zoning Ordinance.

Project specific findings for Zone Variance 1-2005

1. The neighborhood in which the site is located consists of older development patterns and standards which includes lot configurations inconsistent with current City requirements. Additionally, there are two (2) existing single family residential dwellings on this lot. Nearly all lots in the vicinity contain just one (1) single family residential dwelling. As such, existing area conditions lend support to this proposal.

2. Of the sixty (60) lots along both sides of South Villa Street and along the easterly side of Chess Terrace Street located to the west of the subject site, twenty (27) lots are less than 60 feet wide. The two (2) proposed lots would exactly match the lots immediately to the west of the subject site.

3. The General Plan designation for this site is Low Density Residential. The R-1 (One Family Residential) Zoning is consistent with the General Plan. Article Two of the Porterville Zoning Ordinance allows for one (1) single family dwelling unit per lot. The proposed zone variance in conjunction with the proposed tentative parcel map will bring the site into conformance with the General Plan and Zoning Ordinance.

GENERAL PLAN DESIGNATION: Low Density Residential

SUBJECT SITE ZONING: Existing - City R-1 (One Family Residential) Zone

SURROUNDING ZONING AND LAND USES:

North: City - Single family residential dwellings.
South: City - Single family residential dwellings.
East: City - South Villa Street and single family residential dwellings.
West: City - Single family residential dwellings and Chess Terrace Street.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:
1. No Project. Denial of the proposed zone variance would negate the approval of the tentative parcel map and result in the subject site having two (2) single family residential dwellings on one lot resulting in a legal non-conforming use of the site.

2. Approve the Project. Approval of the zone variance will allow for conditional approval of the tentative parcel map. Approval of the parcel map will bring the subject site into conformance with the R-1 Zoning.

ENVIRONMENTAL: The project is Categorically Exempt pursuant to Section 15305 Class 5 (Minor alterations in land use limitations), of the CEQA Guidelines. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: February 23, 2005.

DATE ACCEPTED AS COMPLETE: April 29, 2005.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Zone Variance 1-2005; and

ATTACHMENTS:

1. Locator map
2. Zone Variance application
3. Tentative Parcel Map
4. Notice of Exemption
5. Draft Resolution approving Zone Variance 1-2005
6. Draft Resolution approving Tentative Parcel Map 3-2005
APPLICATION FOR ZONE VARIANCE

ZONE VARIANCE NO. __________

TO THE CITY OF PORTERVILLE CITY COUNCIL:

The applicant(s) Ron Clifford is/are the owner(s)/lessee/agent of property located at 135 and 143 South Villa Street between West Olive Avenue/Street and Union Avenue/Street.

Exact legal description of said property being (if necessary, use separate sheet): See legal description attached

A plot plan, 300 foot radius map, and property owners’ list are attached and made a part of this application (see instruction sheet attached).

1. Above-described property is owned by: Ron Clifford

Date Acquired: May, 2004 (see title report attached)

2. If applicant is the lessee, give date property was leased: N/A

3. Attach the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted. Underline the restrictions which control the type and class of permitted uses. No deed restrictions

Give date said restrictions expire:

4. Request: The applicant requests a variance on the above-described property for the following purpose:

The City of Porterville City Council is required by law to make a written finding of facts to show that beyond a reasonable doubt, the following conditions apply. Explain in detail (attach additional sheet) how your request conforms to the following conditions:

1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this ordinance deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

A variance is required to allow the division of the property into 2 parcels with frontage less than 60 feet. The property is in an old developed area where a minimum of lot frontage used to be 50 feet. The single parcel contains 2 dwelling units; however, a majority of the parcels in the area contain single dwelling units. The parceling as proposed is consistent with the development and uses in the immediate vicinity.

ATTACHMENT
ITEM NO. 2
2. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located.

   As stated in 1 above, the proposed parceling is consistent with the immediate area.

3. That the granting of such variance will not adversely affect the General Plan or the purposes of the ordinance.

   As stated in 1 above, the proposed parceling is consistent with the development in the immediate vicinity.

I/We declare and say that I am (we are) the owner(s) (lessee or agent) of property involved in this application and that I (we) have completed this application and all other documents and maps required hereby to the best of my (our) ability and that the statements and information above referred to are, in all respects, true and correct except as to the matters stated to be on my information and belief.

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

Executed at Porterville, CA, this 5th day of April, 2005.

__________________________
Signature

Mailing Address and Telephone Number:
Roberts Engineering
P. O. Box 908
Porterville, CA 93258
559-784-6326

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular and to conform to the rules and regulations of the Porterville City Council governing the filing of such application.

By: __________________________________________

Date Received: ________________________________
NOTICE OF EXEMPTION

TO: Office of Planning and Research
    1400 Tenth Street, Room 121
    Sacramento, CA 95814

FROM: City of Porterville
      291 N. Main Street
      Porterville, California 93257

Tulare County Clerk
County Civic Center
Visalia, CA 93291

Ron Clifford
833 N. Main Street
Porterville, CA 93257

Zone Variance 1-2005 and Tentative Parcel Map 3-2005
Project Title

West side of South Villa Street, approximately 850+ feet south of Olive Avenue
Project Location (Specific)

City of Porterville
Project Location (City)

Tulare
Project Location (County)

A zone variance to allow a reduction of the 60 foot minimum lot width required in the R-1 Zone and consideration of
a tentative parcel map to divide a 14,175 square foot lot into two (2) parcels for that site located on the west side of South Villa
Street, approximately 850+ feet south of Olive Avenue.

Parcel 1 - 7,087+ square feet, consists of an existing single family residential dwelling. Parcel 2 - 7,087+ square feet,
consists of an existing single family residential dwelling.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Ron Clifford, 833 N. Main Street, Porterville, CA 93257
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

    ______ Ministerial (Section 15073)
    ______ Declared Emergency (Section 15071 (a) )
    ______ Emergency Project (Section 15071 (b) and (c) )
    X ______ Categorical Exemption. State type and section number: 15305 Class 5

Minor alterations in land use limitations.
Reasons why project is exempt

Bradley D. Dunlap, Community Development Director
Contact Person

If Filed by Applicant:
    1. Attached certified document of exemption finding.
    2. Has a Notice of Exemption been filed by the public agency approving the
       projected ? Yes:

Date Received for filing:________________

Signature
Community Development Director
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF PROPOSED ZONE VARIANCE 1-2005 FOR THAT SITE LOCATED ON THE WEST SIDE OF SOUTH VILLA STREET, APPROXIMATELY 850± FEET SOUTH OF OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 21, 2005, conducted a public hearing to consider Zone Variance 1-2005 to allow for a reduction of the 60 foot minimum lot width required in the R-1 Zone for that site located on the west side of South Villa Street, approximately 850± feet south of Olive Avenue; and

WHEREAS: The proposed reduction would allow both proposed parcels to have a lot width of 52.50 feet each; and

WHEREAS: In conjunction with Zone Variance 1-2005, the City Council of the City of Porterville also reviewed Tentative Parcel Map 3-2005 for the same site to allow for the division of a 14,175 square foot lot into two (2) parcels consisting of 7,087± square foot each

WHEREAS: The project is Categorically Exempt pursuant to Section 15305 Class 5 (Minor alterations in land use limitations), of the CEQA Guidelines; and

WHEREAS: Pursuant to Section 2801 of the Zoning Ordinance, before a variance may be granted the City Council must make the following findings:

1. That because of special circumstances applicable to the subject development, including size, shape, location or surrounding, the strict application of this ordinance deprives said development of privileges enjoyed by other such developments in the vicinity and under identical zone classification; and

2. That granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located; and

3. That the granting of such variance will not adversely affect the General Plan or the purposes of the Zoning Ordinance.
Project specific findings for Zone Variance 1-2005

1. The neighborhood in which the site is located consists of older development patterns and standards which includes lot configurations inconsistent with current City requirements. Additionally, there are two (2) existing single family residential dwellings on this lot. Nearly all lots in the vicinity contain just one (1) single family residential dwelling. As such, existing area conditions lend support to this proposal.

2. Of the sixty (60) lots along both sides of South Villa Street and along the easterly side of Chess Terrace Street located to the west of the subject site, twenty (27) lots are less than 60 feet wide. The two (2) proposed lots would exactly match the lots immediately to the west of the subject site.

3. The General Plan designation for this site is Low Density Residential. The R-1 (One Family Residential) Zoning is consistent with the General Plan. Article Two of the Porterville Zoning Ordinance allows for one (1) single family dwelling unit per lot. The proposed zone variance in conjunction with the proposed tentative parcel map will bring the site into conformance with the General Plan and Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED THAT: The City Council does hereby approve Zone Variance 1-2005.

_________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By ______________________________
Georgia Hawley, Chief Deputy City Clerk
RESOLUTION NO._________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF PROPOSED TENTATIVE PARCEL MAP 3-2005 FOR THAT SITE LOCATED ON THE WEST SIDE OF SOUTH VILLA STREET, APPROXIMATELY 850± FEET SOUTH OF OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 21, 2005, conducted a public hearing to consider Tentative Parcel Map 3-2005 to allow for the division of a 14,175 square foot lot into two (2) parcels consisting of 7,087± square feet each for that site located on the west side of South Villa Street, approximately 850± feet south of Olive Avenue in the R-1 Zone; and

WHEREAS: In conjunction with Tentative Parcel Map 3-2005, the City Council of the City of Porterville at its regularly scheduled meeting of June 21, 2005, conducted a public hearing to consider Zone Variance 1-2005 to allow for a reduction of the 60 foot minimum lot width required in the R-1 Zone for that site located on the west side of South Villa Street, approximately 850± feet south of Olive Avenue; and

WHEREAS: The proposed reduction would allow both proposed parcels to have a lot width of 52.50 square feet; and

WHEREAS: The Parcel Map Committee received testimony from all interested parties relative to the tentative parcel map; and

WHEREAS: The City Council of the City of Porterville made the following findings in its review of the proposed tentative parcel map:

1. The project is Categorically Exempt pursuant to Section 15305 Class 5 (Minor alterations in land use limitations), of the CEQA Guidelines; and

2. That the proposed parcelization conforms to the land use designation of the General Plan.

The General Plan designates the subject site for Low Density Residential uses. The existing R-1 (One Family Residential) Zone is supported by the General Plan.

3. That the design or improvements of the proposed project is consistent with the General Plan.

The Land Use Element of the General Plan designates the site for Low Density Residential development. The proposed parcel map will allow the two (2) existing dwellings to be located on one (1) parcel each, which will bring the existing use into conformance with the Porterville Zoning Ordinance.
4. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The General Plan designates the site for Low Density Residential uses. The site is surrounded by developed single family residential dwellings on all sides. Conditions of approval are included to ensure adequate development standards are met.

5. That the City Council is the decision-making body.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Tentative Parcel Map 3-2005, creating two (2) separate parcels subject to the following conditions:

1. Approval of the Tentative Parcel Map is contingent upon the Council’s approval of Zon Variance 1-2005

2. Prior to approval of the final map, a two (2) car garage or carport will be required for each parcel. Fees associated with building permit(s) will be required on approval of the building permit(s).

3. Both existing sheds on Parcel 2 shall be a minimum of four (4) feet from the side property line.

4. The developer/applicant shall provide a minimum of one (1) tree for each lot, or payment in lieu.


6. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

7. At the time of approval of the Final Map the developer/applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or that established by the City Council. Villa Street requires the dedication of an additional five (5) feet in the area of this proposed land division.

8. Prior to recording the final map, the developer/applicant shall provide improvements by the method indicated below:
a. Construct or provide surety for construction of curb, gutter, connecting pavement (half street, if necessary to match grade), sidewalk, wheelchair ramp(s), water, sewer, storm drain, etc. along the full frontage of all proposed parcels except where they exist to City standards and are in good condition in the opinion of the City Engineer.

9. Prior to recordation of the final map, the developer/applicant shall have constructed, or pay fees for, street lights on Marbelite poles complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

______________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By ______________________________
Georgia Hawley, Chief Deputy City Clerk