



Board Agenda Item 9

DATE: December 14, 2021

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Appeal of Planning Commission's Denial of Variance Application No. 4106,
(Applicant/Appellant: Brenda Ramirez)

RECOMMENDED ACTION(S):

Consider appeal of Planning Commission's denial of Variance Application No. 4106, proposing to allow a 75-foot-tall sign, 300 square-feet in area (35-foot height and 150 square-foot sign area allowed), on 3.97-acres in the C-2 (Community Shopping Center) Zone District; and

If your Board desires to grant the Appeal and overturn the Planning Commission's denial of Variance Application No. 4106, it would be appropriate to:

- 1. Make the required Findings specified in Section 877(A) for approval of Variance Application No. 4106 stating the basis for making the four required findings; and**
- 2. Approve Variance Application No. 4106, with Conditions of Approval contained within the Staff Report to the Planning Commission.**

The subject parcel is located on the east side of N. McCall Ave approximately 400 feet north of Highway 180 on Kings Canyon Road (frontage road), and approximately two miles northwest of the City of Sanger (APN 314-120-66) (10070 E. Kings Canyon Road) (Sup. Dist. 5).

This item was originally heard before your Board on November 2, 2021. Based on Board discussion and a request made by your Board for a line-of site study to be prepared by the Applicant, the item was continued to the December 14, 2021 hearing.

The request comes before your Board on appeal of the Planning Commission's denial of the subject application (4 to 2, with three Commissioners absent) at its August 12, 2021 hearing. Staff notes that the Zoning Ordinance requires the Board to determine, independent from the decision of the Planning Commission, whether the application should be approved, approved with stated conditions, or denied. A copy of the Planning Commission's action is included as Attachment A. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

Your Board may reject the appeal and uphold the Planning Commission's denial of Variance Application No. 4106.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. Pursuant to the County's Master Schedule of Fees, the Applicant has paid \$ 6,426.00 in land use processing fees to the County for the processing of the Variance Request. The Appellant/Applicant also paid \$508.00 in fees to appeal the Planning Commission's denial.

DISCUSSION:

The Applicant/Appellant, in their submitted appeal is requesting to revise their original request as presented to the Commission by reducing the overall height of the sign from 75 feet to 55 feet, with 300 square feet of sign area, where a maximum height of 35 feet and 150 square feet of sign area is permitted

The Planning Commission Staff Report (Attachment B) dated August 12, 2021 includes detailed information about the original proposal.

Pursuant to Zoning Ordinance Section 877(A), to approve a Variance, the following findings must be made:

1. *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and*
2. *Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*
3. *The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*
4. *The granting of such a Variance will not be contrary to the objectives of the General Plan.*

At its hearing of August 12, 2021, the Planning Commission considered Staff's presentation and testimony from the applicant's representative. After the Planning Commission considered the testimony, a motion was made to deny the application based on the inability to make the required Variance Findings consistent with the staff report. It should be noted that Staff, in its recommendation to the Commission, was unable to make Findings one and two. The Planning Commission denied the application on a vote of 4 to 2 with three Commissioners absent.

An appeal was filed by the Applicant/Appellant on August 12, 2021, requesting to revise the original Variance request from a 75-foot-tall sign to a 55-foot-tall sign and seek approval of the application. A subsequent letter from the appellant in support of the appeal was latter submitted and is included as Attachment C.

If your Board is able to make the required Variance Findings for granting Variance Application No. 4106, a motion to uphold the appeal and approve the project (stating the manner in which the four Findings can be made) would be appropriate subject to the conditions listed in the Staff Report and any additional conditions your Board determines appropriate. For reference a copy of the conditions of approval are also attached as Attachment D.

Since the November 2, 2021 Board Hearing staff has received a series of graphics from the Applicant's representative (Attachment E) including an elevation diagram and photographic simulations of both a 55-foot-tall sign and a 35-foot-tall sign from various viewpoints adjacent to McCall Avenue and State Route 180.

Staff has also generated graphics included as Attachment F, that use actual existing topographical features which gives a general perspective of a proposed approximately 35-foot-tall sign with 150 square feet of sign area as required by the Zoning Ordinance. The views provided in Attachment F are from State Route 180 at approximately 2,000 feet east and 2,000 feet west of the intersection of McCall Avenue and State Route 180. This graphic illustrates sign visibility, shown as a red square. The yellow arrow denotes the approved on-site commercial buildings under construction which have a maximum height of 30 feet.

If your Board is unable to make the required Findings for granting Variance Application No. 4106, a motion to deny the appeal and deny the Variance would be appropriate.

REFERENCE MATERIAL:

BAI #10, November 2, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - F

CAO ANALYST:

Ron Alexander