

MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
JANUARY 10, 2007
APPROVED JANUARY 24, 2007

The meeting was held at the hour of 6:00 p.m. in the Alameda County Building, 224 West Winton Avenue, Hayward, California.

FIELD TRIP: 1:00 p.m.

MEMBERS PRESENT: Vice Chair: Frank Peixoto and Member: Dawn Clark.

MEMBERS EXCUSED: Chair; Ron Palmeri; Members, Jewell Spalding and Lester Friedman.

OTHERS PRESENT: Phil Sawrey-Kubicek, Senior Planner.

FIELD TRIP: The meeting adjourned to the field and the following property was visited:

1. **MERCEDES BELLORINI, CONDITIONAL USE PERMIT, C-8483** – Application to allow the operation of a church facility, in an ACBD SPECIFIC PLAN – FA (Ashland and Cherryland Business Districts Specific Plan) Freeway Access, located at 45 Lewelling Boulevard, north side, 300 feet, east of Via Granada, in the unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 413-0015-037-00.
2. **JEFF RYAN / WOMEN OF THE WAY RECOVERY CENTER, CONDITIONAL USE PERMIT, C-8541** - Application to allow the continued operation of a Residential Care Facility for alcohol and drug rehabilitation for up to ten women in an R-1-SU (Single Family Residence, Secondary Unit) District, located at 20424 Haviland Avenue, east side, approximately, 150 feet north of Cherry Way, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0019-023-00.
3. **VINCENT ROOFING COMPANY, CONDITIONAL USE PERMIT, C-8545** – Application to allow the continued operation of a contractor's storage yard, in an M-1 (Light Industrial) District, located at 2181 Dunn Road, north side, approximately, 350 feet west of Clawiter Road, unincorporated Eden Area of Alameda County, designated Assessor's Parcel Number: 439-0016-016-02.
4. **HAYWARD AREA RECREATION & PARK DISTRICT, CONDITIONAL USE PERMIT, C-8552** – Application to allow the continued use of a caretakers dwelling, in an R-1 (Single Family Residence) District, located at 1970 Via Buena Vista, west side, terminating west of Via Buena Vista, unincorporated, San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 411-0078-001-00.
5. **TERESITA LAGUNA, CONDITIONAL USE PERMIT, C-8555** – Application to allow the continued operation of a 22 bed Residential Care Facility, in an R-1 (Single Family Residence) District, located at 268 Lewelling Boulevard, south side, approximately 100 feet east of Tracy Street, , unincorporated, San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 411-0078-001-00.

6. **FRANK & MARIA MITCHELL, CONDITIONAL USE PERMIT, C-8556 and VARIANCE, V-12047** - Application to allow the construction of a new Single Family Dwelling with a 10 foot driveway setback where 20 feet is required, and a 12 foot rear yard setback where 20 feet is required, in an M-U (Mixed Use Residential, Commercial) District, located at 750 Bockman Road, south side, approximately, 400 feet west of Via Arriba, unincorporated, San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 412-0085-063-00.
7. **CLIFFORD OLSON, VARIANCE, V-12036** – Application to allow a six foot high fence, and gate at the front property line where four feet is the maximum allowed, in an R-S-D-15 (Suburban Residence, 1,500 square foot Minimum Building Site Area) District, located at 1664 Maubert Court, south side, approximately 400 feet, southwest of Liberty Street, unincorporated Ashland area of Alameda County, Assessor's Parcel Number: 080-0069-058-00.
8. **MICHAEL GAHAGAN, VARIANCE, V-12037** – Application to allow a secondary unit of 720 square feet in area where 640 square feet is the maximum allowed in an, R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 4157 Krolop Road, south side, approximately, 450 feet west of Vineyard Avenue, unincorporated, Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084D-1140-017-12.
9. **EDWARD TANAKA, VARIANCE, V-12042** – Application to allow a dwelling 30 feet in height where 25 feet is the maximum allowed, in an R-1-RV (Single Family Residence, Recreational Vehicle) District, located at 16896 Robey Drive, northeast side, approximately, 630 feet south of 167th Avenue, unincorporated El Portal Ridge area of Alameda County, designated Assessor's Parcel Number: 080A-0221-016-00.
10. **MARK HEUER, VARIANCE, V-12043** – Application to allow expansion of a non-conforming lot (side yard setback) with a conforming addition, in an R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 19967 Alana Road, west side corner, northwest of Omega Avenue, unincorporated, Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0707-017-00.
11. **ANTHONY FURLONG, VARIANCE, V-12045** – Application to allow a 16 foot, five inch rear yard where 20 feet is required with the construction of a new Single Family Dwelling, in an R-S-D-20 (Suburban Residence, 2,000 square foot, Minimum Building Site Area per Dwelling Unit Density) District, located at the south side terminus of Meadow Lark Drive, in the unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0724-148-00.
12. **RUBEN SOTO, VARIANCE, V-12046** – Application to allow construction of four units with a driveway located, two feet from the existing dwelling, and four feet from the new dwellings where 10 feet is required, in an R-S-D-35 (Suburban Residence, 3,500 square foot Minimum Building Site Area) District, in the unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 429-0046-056-00.

13. **RONALD & ANITA ATTENBERY, VARIANCE, V-12050** – Application to allow a 15 foot, front setback where 20 feet is required in an R-1 (Single Family Residence) District, located at 15968 Mills Avenue, east side, approximately, 200 feet north of Tulsa Street, unincorporated, San Lorenzo area of Alameda County, designated Assessor’s Parcel Number: 080D-0579-012-00.

REGULAR MEETING: 6:00 p.m.

MEMBERS PRESENT: Chair; Ron Palmeri; Vice Chair, Frank Peixoto; Members, Jewell Spalding, Lester Friedman and Dawn Clark.

MEMBERS EXCUSED: None.

OTHERS PRESENT: Phil Sawrey-Kubicek, Senior Planner; Yvonne Bea Grundy, Recording Secretary

There were approximately 6 people in the audience.

CALL TO ORDER:

The meeting was called to order by the Chair at 6:00 p.m.

ANNOUNCEMENTS BY THE CHAIR: The Chair made no announcements.

OPEN FORUM:

Open forum is provided for any members of the public wishing to speak on an item not listed on the agenda. Each speaker is limited to three (3) minutes.

No one requested to be heard under open forum.

CONSENT CALENDAR:

1. **PATRICK LOVE, VARIANCE, V-11982** – Application to allow a Residence, Secondary Unit, Recreational Vehicle) District, located at 3773 Cottage Court, north side, approximately, 284 feet west of Parsons Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor’s Parcel Number: 084D-1329-017-00. (Continued from April 12, May 24, July 12, July 26, September 27 and November 8, 2006; to be continued to March 28, 2007).

Vice Chair Peixoto asked staff why the application had been pending for such a long period of time. Staff explained that the Board of Supervisor’s was scheduled to revisit the Garage Conversion Ordinance in January, 2007. That review will now take place in March. The pending application will be considered at that time, to incorporate possible changes.

2. **JOSE RAMIRO, CONDITIONAL USE PERMIT, C-8489** – Application to allow the continued operation of a tavern “The Stadium Club” in an ACBD (Ashland Cherryland Business District Specific Plan) – Transit Corridor District, located at 15698 East 14th Street, east side, corner north of Plaza Drive, unincorporated Ashland area of Alameda County, designated Assessor’s Parcel

Number: 080-0034-007-00. (Continued from October 11, November 15 and December 6, 2006; to be continued to January 24, 2007).

3. **ARNOLDO HERNANDEZ / PETTIT, VARIANCE, V-11978 and SITE DEVELOPMENT REVIEW, S-2051**– Application to allow the conversion of an existing attached one car garage to living space and provision of two uncovered spaces in the rear, in an R-1-CSU-RV (Single Family Residential) District, located at 4421 Alma Avenue, south side, approximately, 770 feet west of Brickell Way, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0820-014-00. (Continued from September 27 and November 8, 2006; to be continued to March 28, 2007).
4. **JOE TEIXEIRA, VARIANCE, V-12023 and PARCEL MAP, PM-9237** – Application to subdivide one parcel into three lots and a variance to allow a four foot setback from a private street where 10 feet is required, in an R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 19448 Lake Chabot Boulevard, east side, approximately, 250 feet north of Barlow Drive, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084B-0529-038-04. (Continued from October 25 and December 13, 2006; to be continued to February 7, 2007).
5. **MICHAEL GAHAGAN, VARIANCE, V-12037** – Application to allow a secondary unit of 720 square feet in area where 640 square feet is the maximum allowed in an, R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 4157 Krolop Road, south side, approximately, 450 feet west of Vineyard Avenue, unincorporated, Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084D-1140-017-12. (To be continued to January 24, 2007).

Vice Chair Peixoto motioned to accept the Consent Calendar as submitted. Member Spalding seconded the motion. Motion carried 5/0.

REGULAR CALENDAR

1. **MERCEDES BELLORINI, CONDITIONAL USE PERMIT, C-8483** – Application to allow the operation of a church facility, in an ACBD SPECIFIC PLAN – FA (Ashland and Cherryland Business Districts Specific Plan) Freeway Access, located at 45 Lewelling Boulevard, north side, 300 feet, east of Via Granada, in the unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 413-0015-037-00.

Staff recommended denial. The Cherryland Association also recommended denial of the application. Initial Board questions were as follows:

- Is the property owned by a member of the church
- Was the property used a church prior to the applicant's permit request
- Is the County considering purchasing a portion of the property as part of the road widening project on Lewelling Boulevard. If so, has the condemnation process begun

- How many congregants belong to the church
- How long has the church been meeting at the location

Staff told the Board there were a total of 5 church members. All of the members are related. The congregation has been leasing the building for one year. Prior to the current use the space has never been used as a church. Alameda County Public Works is already in the negotiation process. Eight to 10 feet of the parcel frontage will be purchased to allow for street widening. Public testimony was opened. No one requested to be heard. Public testimony was closed.

The Chair recommended a continuance to allow the applicant the opportunity to be present. Staff should also provide more information regarding the road widening project. Vice Chair Pexioto asked if it would be appropriate to consider the additional pending applications located within the complex on the same meeting date. The Chair said although the other applications may be affected by the street widening, each application would be considered on an individual basis. Member Spalding motioned to continue the application to February 7, 2007. Member Clark seconded the motion. Motion carried 5/0.

2. **JEFF RYAN / WOMEN OF THE WAY RECOVERY CENTER, CONDITIONAL USE PERMIT, C-8541** - Application to allow the continued operation of a Residential Care Facility for alcohol and drug rehabilitation for up to ten women in an R-1-SU (Single Family Residence, Secondary Unit) District, located at 20424 Haviland Avenue, east side, approximately, 150 feet north of Cherry Way, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0019-023-00.

The staff recommendation was approval. Initial Board questions were as follows:

- Has the Sheriff's Department responded with comments
- How long has facility been in operation
- Was the facility in operation prior to issuance of a Use Permit or California State License

Staff responded that the care facility had been at the location for a number of years. The first CUP was issued in 1997. A California State License was issued in April of 2006, and will expire in 2008. Staff was unsure if a prior State License had been issued. The Sheriff's Department had no comments. Public testimony was opened.

Mr. Ed Bullock the Chair Person and temporary Executive Director of Women of The Way spoke to the Board. He confirmed the State license was in effect. As to the prior State licensing history, Mr. Bullock has only been involved with the Agency for the past 5 years. He can verify past history with his colleagues. There have been no complaints submitted to the Sheriff's Department from neighbors or facility staff. Mr. Bullock was in agreement with all of the staff recommendations, except parking. He explained that the garage is currently used as classroom space. Residents learn parenting skills, drug education, spiritual development, and receive computer training. The space is more valuable as a classroom. The City of Hayward also has plans to invest \$40,000.00 dollars to improve the learning center. The driveway can accommodate 3 cars. If parallel parking is employed, 5 cars can fit on the driveway. There is a wheelchair ramp on the driveway that allows a wheelchair to pass easily with up to 5 cars on the driveway. Residents are not allowed to have vehicles on site, and use the facility van when going off property. Board questions were as follows:

- Are 3 bathrooms sufficient for the number of residents

- What is the definition of “furlough facility”
- Are residents under “house arrest”
- Is staff required to supervise residents 24 hours a day
- What is the graduation success rate
- Are all of the clients referred from correctional facilities
- Is the organization actively seeking a permanent Executive Director

Mr. Ed Bullok clarified that staff members were present 24 hours a day. The facility has 2 ½ bathrooms. One of the bathrooms is handicapped accessible. Two and ½ bathrooms may not be sufficient in most homes, however the environment at the facility is structured. Showers etc. are scheduled. Most people that come to the facility are used to sharing, a bed and/or bathroom. When a client first arrives they are not allowed to have contact with people outside the facility. This allows time to adjust and focus on goals. Residents have some personal time on Sundays to attend church or for meditation. Families can visit on Sundays or residents may leave with the stipulation they must return at an agreed upon time. Many residents have not been able to subscribe to rules in their past. With everyone following the rules it makes the environment safer. The house rules are enforced with a lot of love. Women of the Way did not start as an organization. The original owner of the home started to assist a few friends get back on their feet. Over the years the number of women grew. An organization was formed, licenses were obtained etc. Not all of the women are released from correctional facilities. The State Department of Corrections does not have programs within detention facilities that produce the desired rehabilitation effects. Residential programs like Women of The Way have been more effective because the focus is on rehabilitation. Some women admit themselves or are referred from other community organizations. Residents are not under house arrest but they are monitored by staff. They can leave the facility after the 45 day black out period. They are encouraged to travel in pairs. This has been the process for the past 10 years. The facility supports State and Federal programs. Mr. Bullok said he received a memo from the Program Manager that State and County Correctional Facilities would now like the language “furlough facility” included in Use Permits. Women of the Way does not keep statistics on prior rehab stays. It may take, two or three times in rehab before someone is successful. More than half of the people that come through the program graduate. In comparison to a program like Delancy Street, graduation rate is 16%. The Haviland Street facility is a short term environment that provides a lot of love and respect. Many women go on to our next client resettlement program, located on Thrush Street. The program is a clean and sober living environment. Residents can get a job in the community, and receive additional training. The organization has also given grants to help graduates establish permanent housing. Most of the clients are bright. They are serious about taking the opportunity to turn their lives around. Many reunite with their kids and families. The position of Executive Director is currently being advertised. The goal is to have the opening filled in one month. Public testimony was closed.

Member Friedman asked if staff had an actual definition of “furlough facility”. Staff responded that they were made aware of the language request via the applicant. Thus far they have not received a written definition. Vice Chair Peixoto asked how the 2008 expiration date of the State License and the 2010 expiration date of the CUP could be reconciled. Would the CUP still be valid if the State License were not in effect? Mr. Bullok confirmed that the program cannot operate without a State License. The license is important. Without it the agency cannot collect fees etc. After Board discussion the Chair recommended possible modifications: Condition #15 should also reflect that if there is a change in facility administration or change in license status, the agency must notify the Planning Director within 10 days. Condition #16 could be modified to include: The permit shall be reviewed 3 years from the date of approval. In the event of the loss of the State License, the CUP is not valid. Member Spalding also suggested that the CUP be non-transferable. Regarding Pre Hearing Recommendation #6, the Chair was concerned about the conversion of the garage into a classroom. Notwithstanding the City of Hayward’s desire to upgrade the classroom. If Mr. Bullok intends to convert the garage, a variance will be required. Conversion must comply with the Garage Conversion Ordinance. Counsel clarified that conversion of the

garage is not part of the current application. Mr. Bullok interjected that the garage had been used as a classroom for a number of years. The Chair listed further issues with the application. He is familiar with the neighborhood. Haviland Avenue is not conducive to on street parking, as there are no sidewalks. The street is narrow and the curb area has a steep drop off. Street lighting is poor. The Chair lives in the neighborhood and has seen women from the facility out walking without supervision. Board Members also raised the question, is public notice required if language stating "furlough facility" is added. Although Women of the Way had a good track record, without a definition of "furlough facility" it did not appear that a determination could be made at this juncture. County Counsel told the Board that new language could be added based on testimony presented by the applicant that their established processes and rehabilitation program have not changed. The Board could also continue the matter to allow Counsel to obtain a definition of "furlough facility". The Chair recommended the application be continued. Board Members also asked Counsel to clarify the legality of State Facility Licensing that might extend beyond the effective date of a CUP. The applicant agreed. Member Spalding motioned to continue the application to January 24, 2007. Member Clark seconded the motion. Motion carried 5/0.

3. **FRANK & MARIA MITCHELL, CONDITIONAL USE PERMIT, C-8556 and VARIANCE, V-12047** - Application to allow the construction of a new Single Family Dwelling with a 10 foot driveway setback where 20 feet is required, and a 12 foot rear yard setback where 20 feet is required, in an M-U (Mixed Use Residential, Commercial) District, located at 750 Bockman Road, south side, approximately, 400 feet west of Via Arriba, unincorporated, San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 412-0085-063-00.

Staff recommended the application be continued to January 24, 2007. Staff has determined that the application does not require review by the Parks, Recreation and Historic Commission. As a result more time is needed to confirm application conditions, and findings. Public testimony was opened.

Mr. Howard Beckman a resident of San Lorenzo told the Board that he would not address the merits of the application at the present time. He will hold his testimony until January 24, 2007. However he asked staff to provide missing information to the staff report, he believed important. A minor correction is necessary under the zoning history. The prior zoning was C-1 (Commercial) not M1 (Industrial). This is crucial to the determination of the application. Mr. Beckman asked the Board to direct staff to include the language of the Mixed Use definition, Chapter 13, in the Zoning Code, specifically Section 17.13. The entire chapter should be included as there are provisions in the discussion of the Mixed Use District that he would like to address. The intent is crucial, as the intent is built into the language. Public testimony was closed.

Member Spalding asked staff if Chapter 13 was a new Ordinance Code. Staff clarified that the ordinance update had been enacted in 2005, and is currently in effect. It has not been officially published by the Board of Supervisors. Vice Chair Peixoto motioned to continue the application to January 24, 2007. Staff will include a copy of, Chapter 13 of the Zoning Ordinance. Member Spalding seconded the motion. Motion carried 5/0.

4. **CLIFFORD OLSON, VARIANCE, V-12036** – Application to allow a six foot high fence, and gate at the front property line where four feet is the maximum allowed, in an R-S-D-15 (Suburban Residence, 1,500 square foot Minimum Building Site Area) District, located at 1664 Maubert Court, south side, approximately 400 feet, southwest of Liberty Street, unincorporated Ashland area of Alameda County, Assessor's Parcel Number: 080-0069-058-00.

The staff recommendation was approval. Member Friedman asked about an inconsistency within the staff report. One reference states, the fence will be installed another says the current fence will be retained. Staff clarified that the request is to install a fence. Public testimony was opened.

The property owner, Mr. Cliff Olson told the Board that he would like the fence and gate to ensure the well being of the tenants. In the past year, 10 cars have been vandalized. The break-ins occur between 2:00 a.m. and 3:00 a.m. The Sheriff's Department was notified and responded quickly. However the thieves stole radios and pilfered other items before the Sheriff arrived. The problem is the dual driveway design. The property is at the end of a cul-de-sac and people think the driveways are roads. The back of the building cannot be seen from the street by patrol cars. Condoms have been found on the ground. One person was even found sleeping back there. One of the tenants, an engineer by trade installed a security camera. As a result of the tenant recording license plates numbers, the Sheriff was able to retrieve 2 stolen vehicles.

Mr. Scott Jackson the owner of a neighboring building told the Board that he was in favor of the variance application. The owner of the adjacent building is also in favor of the application. All of the properties at the end of the cul-de-sac will benefit. The fence will delineate the fact that the street is a dead end. The Board had the following questions:

- Are most of the tenants long or short term residents
- Are any of the rental units offered at Market Rate or to Section 8
- Will the gate open electronically
- Will the Fire Department have access to the gate

Mr. Olson told the Board that his tenants were all long term, some for 15 years. At this time he did not have any Market Rate or Section 8 Units. The gates would open electronically. The Fire Department would have the access code. Mr. Jackson testified that 3 of his units were rented at Market Rate, 1 unit is rented under Section 8. The fence/gate makes sense there are other 7 foot fences in the neighborhood. One exists on his property. The fence should help reduce traffic and provide some additional safety to the children that play in the neighborhood. Public testimony was closed.

Member Spalding recommended that Land Development and Traffic Engineering be omitted from Pre-Hearing Recommendations. Staff explained that Traffic Engineering reviews all applications that apply for gates which enter into private parking areas. Member Spalding noted the variance request is for fence height. Staff responded that a review by Traffic Engineering was standard procedure. Member Friedman motioned to uphold the staff recommendation of approval. Condition 1B, Land Development shall be deleted. Member Spalding seconded the motion. Motion carried 5/0.

5. **MARK HEUER, VARIANCE, V-12043** – Application to allow expansion of a non-conforming lot (side yard setback) with a conforming addition, in an R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 19967 Alana Road, west side corner, northwest of Omega Avenue, unincorporated, Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0707-017-00.

Staff recommended approval of the application. Castro Valley Municipal Advisory Council was in agreement with the recommendation. Public testimony was opened.

The Applicant, Mr. Mark Heuer was present but did not offer testimony in addition to the staff report. Public testimony was closed.

Vice Chair Peixoto asked staff for more information regarding the non-conforming aspect of the project. Staff clarified that the addition attached to the single family home will be conforming. The northerly, side set back will be 9 feet, 6 inches from the property line. The existing single family residence was built prior to zoning and has a side yard set back of 3 feet. As a result of the non-conforming status of the side yard, a variance is required.

Vice Chair Peixoto motioned to adopt the staff recommendation of approval. Member Clark seconded the motion. Member Spalding asked a question to the motion. Is it necessary to include Public Works since the applicant will have to comply with Building Department requirements. Perhaps the specific entities within Public Works should be listed. Staff responded that it was standard for Public Works to review proposed drainage, etc. for all projects. Member Spalding requested an amendment to the motion to specify which Departments within Public Works will review the project. The Departments should also state their condition requirements. Vice Chair Peixoto declined to accept the modification. Member Spalding abstained and did not participate in the vote. She did not believe the Pre Hearing Recommendations clearly defined which Departments within Public Works might require compliance. Without that information the property owner could be at a disadvantage. Motion carried 4/0/1.

6. **ANTHONY FURLONG, VARIANCE, V-12045** – Application to allow a 16 foot, five inch rear yard where 20 feet is required with the construction of a new Single Family Dwelling, in an R-S-D-20 (Suburban Residence, 2,000 square foot, Minimum Building Site Area per Dwelling Unit Density) District, located at the south side terminus of Meadow Lark Drive, in the unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0724-148-00.

Staff recommended approval of the application. Castro Valley Municipal Advisory Council continued the item. They would like additional time to review the application. Staff is requesting a continuance to January 24, 2007. Public testimony was opened.

The applicant, Mr. Furlong said that the CVMAC asked if he would prefer the setback in the front of the property as opposed to the back. This option appears to allow more room. Planning staff has recommended a rear setback. Mr. Furlong referred to a site map and asked the BZA for their comments. One option he could explore is splitting the setback with 2 feet in front, and 2 feet in the rear. Member Spalding asked Mr. Furlong which option he preferred. Mr. Furlong thought the front the front setback option was the most practical. He does not want to reduce the size of the proposed dwelling. Moving the setback to the front of the lot would allow from 18 to 20 feet, in the rear. Member Spalding asked Mr. Furlong if he would like to modify his application. Mr. Furlong said his response would be contingent upon staff's recommendation. Addition Board questions for the applicant were as follows:

- Was Mr. Furlong the owner when the property was originally subdivided
- Is Mr. Furlong aware of the recent opposition letter submitted by his neighbor
- Has Mr. Furlong met with staff to explore all of the design options

Mr. Furlong told the Board that he was the original owner. The property configuration has been unchanged since the original subdivision. At the CVMAC Meeting people testified that the property would have up to four homes. This is not the case. Some letters were read into testimony at the CVMAC Meeting. He would like to obtain copies, so that he may respond. The project has been going for quite some time. His goal is to design a project that is acceptable. Mr. Furlong agreed with the continuance. In the interim he will discuss further options with staff.

Member Clark motioned to continue the application to January 24, 2007. Member Friedman seconded the motion. Motion carried 5/0.

APPROVAL OF MINUTES: December 6 and December 13, 2006.

Member Clark motioned to approve the Minutes of December 6, 2006 as submitted. Vice Chair Peixoto seconded the motion. Members Spalding and Friedman abstained and did not participate in the vote. Neither was present at the December 6, 2006 Meeting. Motion carried 3/0/2.

Member Spalding motioned to continue approval of the Minutes of December 13, 2006 to allow all Board Members time to review the document. Two Board Members did not receive their copies. Member Friedman seconded the motion. Motion carried 5/0.

STAFF COMMENTS & CORRESPONDENCE: Staff made no comments.

CHAIR'S REPORT: No Chair's Report was submitted.

BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS:

Member Spalding expressed concern about the appeal letter for Variance, V-11987 submitted for the upcoming Board of Supervisor's Meeting. Member Spalding stated the letter did not accurately reflect the Board of Zoning Adjustments reason for denial. The appeal summary was a mischaracterization, and not in agreement with the Minutes. Many neighbors objected to the project and testified at the hearing. In response to the appeal letter Member Spalding submitted a brief summary to the Planning Director. The BOS Meeting is to be held tomorrow. She was concerned that the BZA would not have time to further discuss the appeal letter with staff.

The Chair stated that before an appeal letter goes to the BOS he reads and approves of the contents. This particular letter did not come to him until after it was sent to the BOS. Perhaps the process was different this week due to the fact that staff members were out ill. This could have been compounded by the fact that the prior week was shortened by a County Holiday. Member Friedman asked staff if the variance appeal could be continued. This would allow the BZA to provide clarification. County Counsel responded that he was unaware of any rule that precluded a continuance request. Counsel told the BZA that he would attend the BOS Meeting and relay the concerns expressed.

Vice Chair Peixoto commented that this was not the first time staff findings were inconsistent with the findings made by the BZA. Often times when the BZA has responded with additional input it was not considered. The Chair asked Counsel to also convey that the Appeal Summary was not consistent with the Meeting Minutes.

ADJOURNMENT:

There being no further business, the hearing adjourned at 7:51 p.m.

CHRIS BAZAR - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS