

MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
AUGUST 10, 2005
APPROVED SEPTEMBER 28, 2005

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

FIELD TRIP: 1:30 p.m.

MEMBERS PRESENT: Member Frank Peixoto, Chair.

MEMBERS EXCUSED: Ron Palmeri, 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. **VICTOR BECERRA, SITE DEVELOPMENT REVIEW, S-1991** - Petition to allow conversion of an existing two-car garage into a family room, and replace it with two uncovered legal on-site parking spaces, in a 5,254 square foot lot in the R-1 (Single-Family Residence) Zoning District, located at 17498 Via Alamitos, northeast corner with Via Nube, unincorporated San Lorenzo area of Alameda County, bearing County Assessor's Parcel Number: 0412-0079-155-00.
2. **BYRON F. WEST JUNIOR, CONDITIONAL USE PERMIT, C-8412** - Application to allow continued operation of an outdoor storage facility for trucks and construction equipment, in an M-1-B-40 (Light Industrial, 40,000 square feet, Minimum Building Site Area) District, located at 23953 Saklan Road, west side, approximately 645 north of West Street, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0441-0090-007-04.
3. **TOM HOULE, CONDITIONAL USE PERMIT, C-8416** – Application to allow continued operation of a church facility, in an R-1 (Single Family Residence) District, located at 100 Hacienda Avenue, south side, corner of Hathaway Avenue, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Numbers: 0429-0001-132-00, 0429-0001-133-00 and 0429-0001-134-00.
4. **KENT LINN, VARIANCE, V-11919 and SITE DEVELOPMENT REVIEW, S-1982** – Petition to construct two units on one site containing one existing unit, for a total of three units, and to result in expansion of a non-conforming use by maintaining an existing three foot non-conforming side yard where ten feet is currently required, on a property in the R-S-D-3 (Suburban Residence, 2,500 square foot Minimum Building Site Area per Dwelling Unit) Zoning District, measuring approximately 13,939 square feet (0.32 acres), located at 20258 Anita Avenue, west side, approximately 835 feet north of Castro Valley Boulevard, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084A-0124-007-02.
5. **FENG M. KUAN, VARIANCE, V-11933** – Application to subdivide one site

into three parcels, containing approximately 0.57 acre, and so as to provide a three foot, six inch side yard where ten feet, zero inches is required, and a sixteen foot, six inch wide driveway where twenty feet, zero inches is required, in an R-1-CSU-RV (Single Family Residence with Conditional Secondary Unit and Recreational Vehicle) District, located at 19225 Lake Chabot Road, west side, approximately 140 feet south of the end of Christensen Lane, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084B-0515-002-00.

6. **STEVE HANSON, VARIANCE, V-11936** – Application to allow: 1) a three foot setback from the driveway to a dwelling wall where ten feet is required; and 2) three foot – six inch side yards where ten feet is required in an R-S-D-25 (Suburban Residence, 2,500 square feet Minimum Building Site Area) District, located at 16485 Kent Avenue, west side, approximately 75 feet north of Elgin Street, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 080C-0484-051-03.
7. **CLAUDIA BRADLEY, VARIANCE, V-11937** – Application to construct an attached deck so as to reduce a rear yard from the required 20 feet to 10 feet, in an R-1 (Single Family Residence) District, located at 2926 Harderman Street, north side, approximately 280 feet east of Maud Avenue, unincorporated Fairview area of Alameda County, designated Assessor's Parcel Number: 0417-0210-017-00.
8. **COURT & GILL BOIM, VARIANCE, V-11938** – Application to construct an attached addition so as to result in a 28 foot – six inch high dwelling where 25 feet is the maximum height, in an R-1-B-E-CSU-RV (Single Family Residence, 10,000 square feet Minimum Building Site Area, Conditional Secondary Unit, Recreational Vehicle) District, located at 18036 Jaymark Court, east side, approximately 80 feet south of Reamer Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084D-1158-003-04.
9. **LAMB SURVEYING INC., VARIANCE, V-11941** – Application to:
1) create a three lot subdivision providing a 13 foot driveway where 20 feet is required; and 2) a required side yard of one foot where five feet is the minimum required, in an R-S-SU (Suburban Residence, Secondary Unit, 5,000 square foot Minimum Building Site Area) District, located at 325 Cherry Way, south side, approximately 124 feet east of Saint George Street, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0429-0014-057-00.
10. **GARY & CATHY, PARHAM, VARIANCE, V-11942** – Application to construct a detached accessory structure (Barn) two stories, 16 feet – six inches in height where one-story and 15 feet average height is the maximum allowed, in an R-1-L-B-E (Single Family Residence, Limited Agricultural, 5 acre Minimum Building Site Area, 300 feet Median Lot Width, 30 foot front yard, 20 foot side yard setback) District, located at 3921 Star Ridge Road, east side, approximately

720 feet north of Clover Road, unincorporated Fairview area of Alameda County, designated Assessor's Parcel Number: 0425-0070-005-00.

11. **LEE SCOTT, VARIANCE, V-11946** – Application to allow expansion of a nonconforming use (reduced parking spaces) by construction of an attached addition and a detached accessory structure in an R-1-CSU-RV (Single Family Residence) District, located at 21522 Lake Chabot Road, east side, approximately 25 feet south of Meg Court, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 0415-0060-083-00.

REGULAR MEETING: 6:00 p.m.

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

MEMBERS EXCUSED: None

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

There were approximately 18 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:

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.

Neighborhood Preservation and Zoning Ordinance Abatement Hearing

CONSENT CALENDAR:

1. **BOB MASON, CONDITIONAL USE PERMIT, C-7756** - Application to modify Conditional Use Permit, C-7447 to allow: 1) storage for 20 vehicles; 2) increase from 125 to 145 horses; and 3) to add a feed store at an existing breeding, boarding and training facility for 125 horses, in an "A" (Agricultural) District, located at 24550 Palomares Road, east side, approximately ¼ mile south of Palo Verde Road, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 085A-2700-001-07. (Continued from December 11, 2002; February 26, March 26, April 23, May 28, June 25; July 23, September 10 and October 8, November 5, 2003; January 14, August 11, July 14, December 8, 2004, January 26, April 13, June 8 and July 13, 2005; to be continued without discussion to September 28, 2005).

Member Palmeri objected to the further delay of the application. Staff told the Board that the application would come before them in June. The Board was told in June the application would be heard in July. Now the date has been set for September. Member Spalding also asked why the delays were ongoing. Staff said progress had been made. The applicant is currently working with staff to complete the CEQA work. Member Palmeri asked that the applicant be present on September 28, 2005. Unless extraordinary circumstances occur, the matter will be decided at the September meeting.

2. **SENECA CENTER/SAN LORENZO UNIFIED SCHOOL DISTRICT, CONDITIONAL USE PERMIT, C-8227** – Application to allow continued use of eleven existing portable buildings at the Seneca Center school, in a R-1-RV (Single Family Residence and Recreational Vehicle) District, located at 2275 Arlington Drive, east side, approximately 100 feet east of Manchester Road, unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080A-0174-021-00. (Continued from July 13, 2005; to be continued without discussion to September 28, 2005).
3. **VICTOR BECERRA, SITE DEVELOPMENT REVIEW, S-1991** - Petition to allow conversion of an existing two-car garage into a family room, and replace it with two uncovered legal on-site parking spaces, in a 5,254 sq. ft. lot in the R-1 (Single-Family Residence) Zoning District, located at 17498 Via Alamitos, northeast corner with Via Nube, unincorporated San Lorenzo area of Alameda County, bearing County Assessor's Parcel Number: 0412-0079-155-00. (To be continued without discussion to August 24, 2005).
4. **MARCO A. NAVA, VARIANCE, V-11843** – Application to: 1) allow the conversion of the garage from non-habitable space into habitable space; and 2) a five foot side yard setback where nine feet is required on a 0.27 acre site, in an R-1 (Single Family Residence) District, located at 21150 Hathaway Avenue, east side, approximately 155 feet north of Mero Street, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0429-0041-101-00. (Continued from June 22 and July 13, 2005; to be continued without discussion to August 24, 2005).

Staff announced that the applicant Mr. Nava requested a continuance to the August 24, 2005 Meeting.

5. **PATRICK LOVE, VARIANCE, V-11899**- Application to retain a converted garage so as to locate one required on-site parking space partially in the required front yard where not otherwise permitted in a R-1-CSU-RV (Single Family Residence with Secondary Unit and Recreational Vehicle) District, located at 3773 Cottage Court, north side, approximately 284 west of Parsons Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084D-1329-017-00. (Continued from January 26, February 23, March 9 and June 8, 2005).
WITHDRAWN.
6. **JOSE J. RAMON, VARIANCE, V-11902 and SITE DEVELOPMENT REVIEW, S-1965** – Application to retain two existing dwellings and to construct a new triplex so as to provide: 1) one foot and five feet between a driveway and dwelling wall where 10 feet is required; 2) a 14 feet – 10 inch rear

yard where 20 feet is required; and 3) to maintain an existing five foot side yard where 10 feet is required, in a R-S-D-20 (Suburban Residence with 2,000 square feet Minimum Building Site Area per Dwelling Unit), located at 299 Sunset Boulevard, southwest side, approximately 325 feet southwest of Princeton Street, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0429-0091-009-00. (Continued from February 9, March 9 and April 13, May 11 and June 8, 2005; to be continued without discussion to September 14, 2005).

7. **PAUL MARTIN, VARIANCE, V-11925** – Application to allow one acre as a building site where minimum five acres is required for a building site in an R-1-L-B-E (Single Family Residence, Limited Agricultural Uses, 5 acre Minimum Building Site Area, 300 foot Median Lot Width, 30 foot Front Yard, 20 foot Side Yard) District, located at Arbutus Court, north side, 375 feet west of Quercus Court, in the unincorporated Fairview area of Alameda County, designated Assessor's Parcel Number: 0425-0450-023-00. **WITHDRAWN.**

Member Spalding motioned to adopt the Consent Calendar as submitted. Member Friedman seconded the motion. Motion carried 4/0.

REGULAR CALENDAR

1. **MARTHA B. HERRERA, CONDITIONAL USE PERMIT, C-8283** – Application to allow continued operation of a mobile drive-in business (catering truck) in a M-1(Light Industrial) District, located at 22221 Hathaway Avenue, south side, approximately 300 feet west of A Street, unincorporated Hayward area of Alameda County, bearing Assessor's Parcel Number: 0429-0077-018-04; (Continued from April 14, July 14, September 8 and November 10, 2004 and May 11, 2005).

Staff Member, Steve Buckley gave the Board background information regarding the application. The application was held for several months. The Zoning Ordinance Update Committee now has made a determination on the definition of a restaurant, and drive in business. A draft is available for review. The Chair asked if the Committee had made a determination as to what constitutes a temporary outdoor business. He questioned the definition of "temporary" if a business continued to operate. Member Spalding asked if the wall mounted signage had been placed with approval from the Planning Department. She noted that the City of Hayward strongly opposed the location of the business in their referral response. They raised concerns that the signage placement was in conflict with design guidelines and the use appeared to be in conflict with County Ordinances. Staff Member, Steve Buckley said the business was temporary in the sense that the catering truck moved from the site nightly for maintenance and cleaning. Public testimony was opened.

The applicant, Ms. Martha Herrera was present. Questions from the Board were as follows:

- How long had Ms. Herrera owned the business
- Is the site cleaned more than once in a 13 hour period
- How many days per week does the catering truck operate
- Is a 10 p.m. closing time warranted in an industrial area
- How many signs are located on the property

Ms. Herrera said she had purchased the business four years ago. The restaurant is open seven days a

week. The catering truck is open Monday thru Friday. Many people that work the night shift frequent the catering truck. The prior owner set the hours, including the 10 P.M. closing time. The site is cleaned on average six times or seven times per day. It is also cleaned immediately after a busy period. No additional signage has been added to the property. She did re-paint the original signage due to its deteriorated condition. Staff added that the signs on the main building could be deemed non-conforming and allowed up to a point however they do exceed the allowed signage area per the Zoning Ordinance. Staff can conduct another site visit to specifically determine the best solution. Public testimony was closed.

Member Palmeri motioned to adopt staff's Tentative Findings of approval subject to Conditions set forth in the Pre Hearing Recommendations with the addition of a Condition that would require the applicant to remove the catering truck from the premises nightly. This could be added to Condition #7. Member Spalding asked if days of operation should be stated as Monday through Friday instead of daily. Member Friedman requested a Condition be added that allowed the Board to re-examine the application in the event that new Ordinances adopted by the Board of Supervisors affect approval of the application. Member Palmeri added to the motion stating the West County Board of Zoning Adjustments reserved the right to revisit, revise and modify the Conditions during the three year period of the permit if the Board of Supervisors made changes in the Zoning Ordinance that affect the permit. Member Friedman asked staff to correct page three in the staff report to reflect the same. Member Spalding seconded the motion. Motion carried 4/0.

2. **KENT LINN, VARIANCE, V-11919 and SITE DEVELOPMENT REVIEW, S-1982** – Petition to construct two units on one site containing one existing unit, for a total of three units, and to result in expansion of a non-conforming use by maintaining an existing three foot non-conforming side yard where ten feet is currently required, on a property in the R-S-D-3 (Suburban Residence, 2,500 square foot Minimum Building Site Area per Dwelling Unit) Zoning District, measuring approximately 13,939 square feet (0.32 acres), located at 20258 Anita Avenue, west side, approximately 835 feet north of Castro Valley Boulevard, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084A-0124-007-02.

Staff explained that the Variance application was related to Site Development Review, S-1982. Approval is recommended if the Board believes Tentative Findings can be made in the affirmative, subject to the Conditions of Approval. The site currently contains one unit. Zoning of the property is R-S-D-3 (Suburban Residence, 2,500 square foot Minimum Building Site Area per Dwelling Unit) District. The two new proposed units will each have single car garages. Additional parking spaces include two uncovered spaces perpendicular to the public right-of-way and two uncovered spaces at the rear of the property. The existing driveway will be utilized but it would require an increase in width to a total of twenty feet to accommodate access. Colors for the proposed structures will be subject to Conditions in the Site Development Review. The two proposed units would be located within a two story building and attached to the existing structure on the property by a covered breezeway. The area contains a variety of multi-family residential uses. The Castro Valley General Plan includes this parcel as medium to high density residential. This parcel would allow a maximum of five units using the Building Site Area calculation of 2,500 square feet per acre.

The Board asked staff the following questions:

- Could the property realistically accommodate five units
- Does a Building Department record exist for the addition to the existing home at the rear of the parcel

Staff responded that several properties in the area had been granted approval for similar densities. Tax Assessor's records show the home was built in the 1920's. The addition was added shortly after prior to zoning in 1951. The side yard setback is located three feet or less from the south property line. Building records are incomplete. By the addition of a breezeway this results in an expansion of a non-conforming use, requiring a variance.

Additional questions of the Board were as follows:

- Has a survey been completed of the property
- Has a determination been made regarding the neighbor's statement that the fence is located one or two feet within the neighboring property
- Were permits ever obtained for the addition
- Can the Board grant a variance if the status of the addition has yet to be determined
- How would the project be affected if Land Development required the applicant dedicate five feet of the property on the Anita Street side for the Future Width Line

Staff responded that the project architect has signed the plans. The architect said the property had been surveyed by a licensed surveyor. Staff is relying on the accuracy of the information provided. The boundaries of the property would be confirmed prior to building the new units as required by the Building Department. Often times Building records are incomplete. The Board can draft language in the Conditions of Approval that can address that. Public testimony was opened.

Mr. Robert Brown said he understood the addition was actually built 25 inches from the property line. The addition and the garage were built by the husband of a neighbor. He also built several other homes in the neighborhood. The fence was built five years ago. At that time the rear addition was measured at three feet from the fence. The fence could possibly be over on the neighbor's property a few inches however he will wait for the determination of the upcoming survey. He does not have copies of permits. The siding on the addition looks to be about 40 to 50 years old. Mr. Brown said his Mother's owns property near his, and she installed sidewalks. He would not be opposed to sidewalks on his property. Currently when the ground around the driveway apron is wet the area becomes muddy and parking is difficult. Member Spalding asked staff what their opinion was regarding Land Development's standard requirement of land dedication. She thought it may be appropriate to remove Land Development as an agency requirement in the staff report. Staff responded that Land Development requires land dedication to ensure a dedicated right of way. This prevents the necessity of purchasing property at a later point. The Chair pointed out that the Land Development requirements in the staff report did not specially indicate as of yet what was required of the applicant. Further clarification would be provided during the Site Development Review. That issue should not preclude the Board from making a decision. Member Spalding said the applicant has property rights, and they should be considered. The applicant interjected and said another homeowner brought a modular unit onto his property. He was required to pour concrete and add a lawn. He was confused as to what he would be required to do. The Chair asked Mr. Brown if he would like sidewalks. He confirmed that he would. Member Spalding commented that there was a

difference between the improvements that the neighbor installed and land dedication. The requirements of Land Development were not specific enough as to if land dedication was included in setback calculations.

Member Palmeri motioned to adopt the staff finding of approval with a modification to the staff report to reflect, the proposed fence line be located two feet from the new units and not on the property line. Member Friedman seconded the motion. Member Spalding was not in agreement with upholding the staff recommendation. She did not believe sufficient direction was provided as to what was required of the applicant. Motion carried 3/1.

3. **STEVE HANSON, VARIANCE, V-11936** – Application to allow: 1) a three foot setback from the driveway to a dwelling wall where ten feet is required; and 2) three foot – six inch side yards where ten feet is required in an R-S-D-25 (Suburban Residence, 2,500 square feet Minimum Building Site Area) District, located at 16485 Kent Avenue, west side, approximately 75 feet north of Elgin Street, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 080C-0484-051-03.

Staff described the parcel. The recommendation was approval. Currently one single family home exists in the front half of the lot and an accessory structure at the rear. The applicant requests a subdivision of the parcel into two lots. The parcel could service up to 10 units at one unit per 1,500 square feet. The applicant proposes a total of one unit for each resulting lot. If the parcel were split it would result in the existing dwelling having a three foot setback to the edge of the driveway. The Board asked staff the following question:

- Would possible future variances be required if the lots were created with reduced setbacks

Staff responded that the minimum lot size would potentially be large enough for development of multiple family dwellings units. What a future application might request is not a consideration currently before the Board. Board Members were concerned. They did not want to create grounds for piece mill subdivisions that would require subsequent variances. The Board then asked staff if language could be added to Conditions of Approval that would allow only single family dwellings. They also inquired if any changes in zoning were currently proposed for the area. Staff said there were no zoning changes slated for the area. The existing zoning was multi-family. The Chair concurred, that multi family dwellings and apartments buildings existed throughout the area. Public testimony was opened.

Member Spalding asked the applicant if she would be amenable to restricted development. Ms. Diane Nelson said the parcel had been in her family since the 1860's. Ms. Nelson's daughter Sheri said they plan to build a home for her parents in the rear portion of one of the lots. Their desire was to keep the lots in the family. The family inherited another lot on Elgin Street from an Aunt. They agreed to limited development on that parcel as well. Public testimony was closed.

Member Friedman motioned to adopt the staff finding of approval of the application. Member Spalding asked that language setting limitations on future development be added since the applicant was in agreement. The Chair thought a legal opinion might be necessary before adding such language. Member Friedman said he did not oppose modification of the motion however such a Condition could result in a subjective restriction. Staff pointed out that the property owner has the ability to make a decision that is appropriate regarding future subdivision. Pre Hearing Recommendation #2 confirms that, approval of the variance does not imply any form of future decision rendered in the subdivision of PM-8562. Member Palmeri requested to modify the motion. A Condition should be added that states the following: the

granting of a variance to driveway setback requires that no further setback variances be granted. This shall be in effect for either lot. Member Friedman accepted the modification. Member Spalding seconded the motion. Motion carried 4/0.

4. **CLAUDIA BRADLEY, VARIANCE, V-11937** – Application to construct an attached deck so as to reduce a rear yard from the required 20 feet to 10 feet, in an R-1 (Single Family Residence) District, located at 2926 Harderman Street, north side, approximately 280 feet east of Maud Avenue, unincorporated Fairview area of Alameda County, designated Assessor's Parcel Number: 0417-0210-017-00.

Staff recommended approval of the application if findings can be made in the affirmative, and the applicant can obtain permits from the Fire and Building Departments. The property is already developed limiting the amount of open space available. The shape of the lot limits the effective building area due to the 75 foot width and 71 foot depth. Neighboring properties have lot depths of over 100 feet. The proposed deck would not be visually intrusive to neighbors due to existing terrain and vegetation. Member Friedman asked staff to respond to the comment in the staff report that the proposed deck could have a reduced width and still reach the ground. Staff said the proposed ramp would be for wheelchair access. The applicant prefers a nine foot width. The Board also has the option to decide if additional rear yard space is appropriate, and reduce the width of the deck as a result. The Chair commented that the slope of the lot was such that a change in deck width would not have much of an impact. Public testimony was opened.

Ms. Claudia Bradley introduced herself to the Board. Ms. Bradley hired Dean Gourley Construction to assist her with the design process. Mr. Gourley told the Board he had worked with both the Building and Planning Departments from the inception of the project. He has received clearance from Alameda County Fire for a nine foot wide deck. Mr. Gourley closed and asked the Board for approval. Public testimony was closed.

Member Spalding motioned to approve the application for a reduction of the rear yard, to allow construction of an attached nine foot wide deck. Member Friedman seconded the motion. Motion carried 4/0.

5. **GARY & CATHY PARHAM, VARIANCE, V-11942** – Application to construct a detached accessory structure (Barn) two stories, 16 feet – six inches in height where one-story and 15 feet average height is the maximum allowed, in an R-1-L-B-E (Single Family Residence, Limited Agricultural, 5 acre Minimum Building Site Area, 300 feet Median Lot Width, 30 foot front yard, 20 foot side yard setback) District, located at 3921 Star Ridge Road, east side, approximately 720 feet north of Clover Road, unincorporated Fairview area of Alameda County, designated Assessor's Parcel Number: 0425-0070-005-00.

Staff gave the Board an overview of the application. The applicant would like to construct a two story accessory structure (barn) with an average height of 16.5 feet. The site slopes and a portion of the construction would be below grade. The proposed location is the most likely placement on the parcel. Appropriate setbacks from the home and Star Ridge Road can be achieved.

The barn design has a single story appearance in the front as seen from the top of the hill. The back of the structure, viewed from the bottom of the hill would have two stories with an average height of 16.5 feet. The applicant could change the roof pitch which would lower the average height to 15 feet. Grading might also be used to achieve the same effect. Public testimony was opened.

Mr. Gary Parham told the Board the property is terraced. With the proposed design he can pull in the driveway, unload hay and drop it to the lower level of the barn. His horse passed away recently and there are no horses presently on the property. He currently owns goats and chickens and two horses will be added in the future. Public testimony was closed.

Member Spalding asked staff to amend the staff report on page one to correctly reflect that Arbutus Court is located at the opposite end of the neighborhood. Clover Road is the correct cross street reference. Member Spalding motioned to approve the staff recommendation of approval with the aforementioned correction to the staff report. The applicant shall work with staff to ensure that the project is consistent with the existing home in terms of design and color. The applicant shall also submit a landscaping plan for final approval by the Planning Department. Member Friedman seconded the motion. Motion carried 4/0.

6. **DAVID W. MARTIN, VARIANCE, V-11959** - Application to allow expansion of a nonconforming use (reduced yard setbacks, parking spaces, and lot size) by construction of an attached addition in an R-2-B-E (Two Family Residence, 8,750 square feet Minimum Building Site Area) District, located at 1615 – 167th Avenue, northeast side, approximately 66 feet northwest of Los Banos Street, unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 0080-0080-014-00.

Staff reminded the Board another application for the property had come before them. The applicant has submitted a new proposal which staff believes provides the best solution for the property. The current proposal is to modify existing structures on the property by constructing a two story addition onto the 242 square foot existing cottage. An attached one car garage would be added as well. The mobile home currently on the property would be removed. Setbacks would be reduced to conform to the existing cottage on the northwest corner of the property. The proposed addition would provide a 10 foot front yard where 20 feet is required, a conforming five foot side yard and a rear yard of 12 feet where 20 feet is required. Given the size and shape of the lot this is the most feasible development option. The Board asked staff to clarify what Land Development may require regarding dedication of property frontage. The frontage design, including the installation of curb and gutter in Condition #3 seemed to take all factors into account. Staff responded that some parcels on a hill site may require additional dedication. In this case it may not be necessary. Public testimony was opened.

The Board asked the following questions of Mr. Martin:

- Is the mobile home occupied
- Will the mobile home be removed from the property

Mr. Martin confirmed that the mobile home was vacant and that it would be removed from the property. The option of expanding the cottage, adding a bedroom, bathroom and parking was a better design than the former proposal. Public testimony was closed.

Member Friedman motioned to adopt the staff findings of approval with the modification to Condition #5c. Land Development shall not require the applicant to dedicate any land that is not currently part of public right of way. Member Palmeri asked for a clarification to the motion. The Condition shall be modified to reflect: the applicant will not be required to dedicate any land for public right of way in addition to what may be required to fulfill conditions of the Fire or Building Departments. Member Friedman accepted the modification to the motion. Member Spalding seconded the motion. Motion carried 4/0.

APPROVAL OF MINUTES:

Member Palmeri motioned to accept the Minutes of May 25, 2005 as modified with corrections. Member Friedman seconded the motion. Motion carried 4/0.

Member Palmeri motioned to accept the Minutes of June 8, 2005 as modified with corrections. Member Spalding seconded the motion. Motion carried 3/1. Member Friedman abstained.

STAFF COMMENTS & CORRESPONDENCE: Staff made no comments to the Board.

CHAIR'S REPORT: No Chair's Report was submitted for August 10, 2005.

BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS:

Member Spalding asked if a new Board Member had been selected to replace Judy Roos. Staff responded that at the present time no one had been selected. The Chair suggested Board Members contact their Supervisors. The lack of an appointee was causing problems resulting in the lack of a quorum for some meetings. Member Palmeri suggested a person from the Ashland area be appointed. Member Friedman reminded the Board that Member Roos had been from Hill Crest Knolls. Perhaps that area should be considered as well. Member Spalding said she would call and remind her Board of Supervisor's representative about the need for an appointment as soon as possible.

ADJOURNMENT:

There being no further business, the hearing adjourned at 8:00 p.m.

CHRIS BAZAR - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS