

**MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
MARCH 10, 2010
(APPROVED MARCH 24, 2010)**

The Regular 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: None.

MEMBERS EXCUSED: Chair; Dawn Clark-Montenegro; Vice Chair, Kathy Gil; Members, Jewell Spalding, Frank Peixoto and Ineda Adesanya.

OTHERS PRESENT: Phil Sawrey-Kubicek, Senior Planner

FIELD TRIP: The meeting adjourned to the field and the following properties were visited:

1. **PRIMERA IGLESIA BAUTISTA MARANTHA / GARCIA, CONDITIONAL USE PERMIT, C-8701** - Application to allow continued operation of a church facility (Primera Iglesia Bautista Marantha) in an "R-S-D-3 and R-S-D-35" (Suburban Residence, 3,000 and 3,500 square feet Minimum Building Site Area per Dwelling Unit) District, located at 21625 Western Boulevard and 588 Willow Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Numbers: 429-0050-007-00 and 429-0050-010-00. **Staff Planner: Christine Greene.**
2. **ANIL SINGH, CONDITIONAL USE PERMIT, C-8737, PLN-2010-00020** - Application to allow the expansion of an auto parts and service facility not to include engine, transmission, or differential rebuilding or body repair in the CN (Commercial Neighborhood) District, located at 19592 Center Street, east side, corner of Edwards Lane, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-1062-024-00. **Staff Planner: Shahreen Basunia.**
3. **STADIUM CLUB / JOSE & GUILLERMINA RAMIRO, CONDITIONAL USE PERMIT, PLN-2009-00133** - Application to allow continued operation of a Tavern with expanded hours for an alcohol outlet in a TC (Transit Corridor) District, according to the Specific Plan for the Ashland and Cherryland Business District, located 15698 East 14th Street, northeast side, at the north corner with Plaza Drive, in the unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080-0034-007-00. **Staff Planner: Richard Tarbell.**
4. **SUSAN MYERS, JULIE ELWOOD & KONSTANCE SARMENTO, CONDITIONAL USE PERMIT, PLN-2009-00172** - Application to allow operation of a commercial indoor recreation facility, in a C-1 (Retail Business) District, located at 15294 Liberty Street, east side, at the eastern terminus of Oriole Avenue, in the unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080-0035-010-03. **Staff Planner: Damien Curry.**

REGULAR MEETING: 6:00 p.m.

MEMBERS PRESENT: Chair, Dawn Clark-Montenegro; Vice Chair, Kathy Gil; Member, Jewell Spalding.

MEMBERS EXCUSED: Frank Peixoto and Ineda Adesanya.

OTHERS PRESENT: Phil Sawrey-Kubicek, Senior Planner; County Counsel, William Fleishhacker and 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 6:10 p.m.

ANNOUNCEMENTS BY THE CHAIR:

The Chair made no special 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.

Neighborhood Preservation Ordinance Abatement Hearing

There were no Neighborhood Preservation Ordinance cases scheduled on the Agenda.

CONSENT CALENDAR:

1. **T-MOBILE USA / CHRIS COONES, CONDITIONAL USE PERMIT PLN-2009-00090** – Application to allow installation of a new antenna array on a 11 foot, 6 inch high extension to the top of a 100 foot high PG&E high voltage transmission tower, with ground equipment placed between the four tower legs, in a PD (Planned Development 1268th Zoning Unit) District, located at 18832 West Cavendish Place, north side, approximately 125 west of Troost Court, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 085-1510-013-00. **Staff Planner: Richard Tarbell.** (Continued from December 16, 2009; to be continued to March 24, 2010).

Member Spalding motioned to accept the Consent Calendar as presented. The Vice Chair seconded the motion. Motion carried 3/0.

REGULAR CALENDAR

1. **STADIUM CLUB / JOSE & GUILLERMINA RAMIRO, CONDITIONAL USE PERMIT, PLN-2009-00133** - Application to allow continued operation of a Tavern with expanded hours for an alcohol outlet in a TC (Transit Corridor) District, according to the Specific Plan for the Ashland and Cherryland Business District, located 15698 East 14th Street, northeast side, at the north corner with Plaza Drive, in the unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080-0034-007-00. **Staff Planner: Richard Tarbell.**

Staff recommended approval subject to Conditions stated in the staff report. Condition #18 shall be

modified to reflect the Board of Zoning Adjustments will review the application, as opposed to the Planning Director. Initial Board questions were as follows:

- Is there a proposed change in Hours of Operation
- Are there other area Taverns / Pubs that open for business at 6:00 a.m.
- Is there a requirement Taverns close for a minimum time in a 24 hour period

Staff confirmed the Applicant request's is a change in Hours of Operation. Currently hours are Sunday through Thursday, Noon to 11:00 p.m.; Friday and Saturday, Noon to 1:00 a.m., The Applicant now requests to remain open from 6:00 a.m. to 2:00 a.m. Staff is unaware of any establishments that open at 6:00 a.m. However the Applicant will present information regarding establishments within the City of San Leandro they contend open at 6:00 a.m. Alcoholic Beverage Control may allow hours that range between 6:00 a.m. and 2:00 a.m. Public testimony was opened.

Attorney Christopher Hall was present representing the Applicants, and the Stadium Club. He has visited the site and observed security was in full effect. Mr. Ramiro has owned the business for 5 years. He presented the Dance Permit issued by the Sheriff's Department. The permit expires on 11-30-2010. In 2005 through 2007 the Stadium Club was open from 4:00 p.m. until 2:00 a.m. In 2008 the hours of operation were cut to 12:00 Midnight on Friday and Saturday, and Sunday until 11:00 p.m. A recent survey was conducted of the neighborhood which included available parking. Security is provided three nights a week on Friday, Saturday and Sunday. COMMPRE stated at the time the hours were reduced in 2008. A reduction would not have been necessary had the prior owner been proactive. Mr. Ramiro has been proactive. Even COMMPRE is happy with improvement that has occurred in the area. However they say alcohol consumption will increase. Mr. Ramiro wants to increase Hours of Operation to bring in more revenue. Service Call history has shown there have been no problems in recent years. In 2007 there were 3 service calls, which were ambiguous. One was from a woman at the bar who had a stay away order. She thought she saw the person. In 2008 there was an audible alarm. The Sheriff did not find anything. The Sheriff's Department is in favor of approval, although not a 6:00 a.m. opening time. Most bars open at 10:00 or 11:00 a.m. There is a bar half mile away called Shooters which closes at 2:00 a.m. Yet the Stadium Club must close at 11:00 a.m. This is unfair and an economic hardship, due to the recession. Tito's Restaurant down the street opens at Noon, and closes at 10:00 p.m., on Friday - Saturday, and 9:00 p.m. on Sunday. There will not be a glut of establishments that serve alcohol in the neighborhood. There are 5 to 6 bars located in San Leandro that open at 6:00 a.m. The Ramiro's are flexible perhaps they can open at 9:00 a.m. Parking on the east side of East 14th Street has a 2 hour limit between 8:00 a.m. and 6:00 p.m. There is unrestricted parking across East 14th Street on the west side. In addition there is plenty of parking at the Bayfair Mall. Mr. William Jackson, Director of Mall Security told them he does not object to patrons parking in the Bayfair parking lot, however overnight parking is not allowed. Mr. Hall took his wife to the Stadium Club on a Saturday night. There were only 15 patrons at the bar. They need more business to support the cost of security. Currently the neon sign on the building is not working. It is under repair. Mr. Hall also showed pictures of existing regulation signage. The Applicant is in the process of obtaining professionally made signs that will be enclosed in glass. This should be complete in 30 days. Board questions for Mr. Hall were as follows:

- When does the Dance Permit expire
- Does the Dance Permit allow dancing until 1:00 a.m.
- Who owns the building

- Who owned the business prior to the Ramiro's
- What is the minimum distance smoking is allowed near building entrances and exits
- Has Mr. Hall recently begun to represent the Ramiro's

Mr. Napoleon Lopez is the property owner. The Ramiro's purchased the business in 2005. At that time Dancing was allowed until 2:00 a.m. In 2008 there were only two small incidents. One was a traffic report. These incidents are of no fault of the owner. Mr. Hall has recently begun to represent the Ramiro's. He was given the case file, and read its contents. Member Spalding said she remembers the record differently. There were many incidents with neighbors. There may be a history of the building that continues to be related to the establishment. Mr. Hall responded things have improved at the establishment. COMMPRE has even stated in the letter to Planning, the area has improved. Staff told the Board they will confirm the required distance smoking is allowed from the building.

Sebastien Wiggs told the Board he knocked on doors, and conducted a survey in the neighborhood. He found one person opposed to the extension of hours. The doughnut, and nail shop are in support. Mr. Wiggs also spoke with the Director of Security at Bayfair Mall on March 3, 2010. Patron's cars can be parked in Lot #B until 2:00 a.m. Patrons from 24 Hour Fitness also use Lot #B. However cars remaining after a continuous 12 hour period will be towed. Further Board questions for Mr. Wiggs were as follows:

- Did Mr. Wiggs obtain a written parking agreement from Bayfair Mall
- Did Mr. Wiggs speak with the San Leandro Police about the request for extended hours
- Is there restricted parking on the west side of Fairmont Drive

Mr. Wiggs told the Board he did not obtain a written document from the Director of Security at Bayfair Mall. However he was told he could contact them with any questions. He then showed photographs of the parking areas he investigated. He did not observe restrictions on the west side of the street. As of yet he has not contacted the San Leandro Police.

Ms. Jill Cotter has lived on Plaza Drive for 18 months. There have not been any problems at the bar.

Mr. Manuel Siurenty testified through translator, Annabel Gonzalez. He lives on Plaza Drive, a half block from the Stadium Club. He goes to have a few beers, and then goes home. He has never had a problem. The Chair asked if he was related to Enrique Aguliar who submitted a neighborhood survey. Mr. Siurenty said Enrique is a friend. They share a home. Mr. Aguliar signed the petition, in favor of the extended hours.

Sergio Rodriguez lives in Oakland. He goes a few times a week to drink beer, and play pool. Board questions were as follows:

- During what hours does Mr. Rodriguez frequent the Stadium Club
- Does Mr. Rodriguez work in the area

Mr. Rodriguez goes to the Stadium Club between 7:00 p.m. to 9:00 p.m. He does not work in the area. He found out about the bar from a friend. He goes there to socialize. He drives to the Club, and sometimes eats at the restaurant across the street.

Ms. Reina Garcia started going to the Club a few years ago. She lives in Oakland. It is a good location to meet friends because it is midway between Oakland and Hayward. The Owner, Don Luis allows people to have gatherings. The Stadium Club is like the bar "Cheers" on television. Everyone knows you. The atmosphere is very friendly. She has never had a problem with parking. She usually finds a spot in front of the doughnut shop, or across the street. On the week-ends she and her girlfriends arrive at 10:00 p.m. It takes time to get dressed. It would be nice if the Stadium Club stayed open later. During the week they arrive earlier to play pool. The Chair had the following questions:

- Is the Stadium Club the destination, or a stop along a pub crawl
- Is there "Live Music" at the Stadium Club

Ms. Garcia said she and her friends go exclusively to the Stadium Club. There is no Live Music but a DJ.

Ms. Gonnzalez also lives in Oakland. She is in agreement with Ms. Garcia. She has never experienced any confrontation. She likes to listen to the DJ. The Club is not crowded, and the people don't have an attitude. The owner and the waitresses are friendly. She had a party there for her Mother. It was really fun. The only problem was the party had to end at 1:00 a.m.

Ms. Gloria Cazanés lives in Oakland. She likes to go dance, and listen to karaoke. There is no cover charge at the Stadium Club. They also have security which is a plus. She parks in front and has never experienced parking problems. The Chair asked who owned the white sports car blocking Plaza Drive during her site visit. Ms. Cazanés said it belonged to the delivery person for the Chinese Restaurant.

Mr. Fernando Hernandez lives in San Leandro. He likes the fact there is no cover charge. The Stadium Club is a family bar. The owner is also a nice guy.

Ms. Linda Pratt the Director of Horizon Services opposed the expansion of Hours. The original Conditions imposed are reasonable. The Conditions have prevented past problems from continuing. Ms. Pratt is familiar with the history of the Stadium Club. In the past there was a violent incident that spilled out of the bar. The incident even continued across the street. Current conditions were put in place so the Club would have an opportunity to improve. The Applicant would like to increase hours. However the area is being re-developed, which will include a youth development center, and park. Horizon Services, as well as the community would like the area to remain under control. There is an over concentration of alcohol establishments. Member Spalding agrees there were many issues in the past. However those issues were with the prior owner. The Sheriff's Department has issued a Dance Permit. The present owner, Mr. Ramiro has been making an effort to improve. Currently the hours start at Noon. She realizes there may be a conflict because the bar sells alcohol, but they have a right to exist as well. She asked Ms. Pratt if she objected to the Stadium Club opening at 11:00 a.m., also what if it became a lunch establishment. Ms. Pratt did not believe an hour difference in opening time, would make a difference. It would not be a good thing to have patrons drinking during the lunch hour. Member Spalding again pointed out the owner has improved. There are many bars that do open at 6:00 a.m., although not located in the City Limits where the County has jurisdiction. One of the nearby bars mentioned is now closed. The imposition of the standard practice, staggering hours of operation for area alcohol establishments, may also prevent people from over indulging.

Miss Deja Crozier is an Ashland resident. She attends Ashland Middle School. The Stadium Club proposes to be open 20 hours a day. It would only close, 2 hours. Kids that travel from Oakland to attend school, meet at her home at 6:00 a.m. Children are already being harassed. If the hours are increased, incidents may rise. The community is striving to improve. The hours should not be extended.

The Applicant Mr. Ramiro spoke through translator Ms. Annabel Gonzalez. Currently he does not sell food. He would like to. That is one reason he would like to extend the hours. At this juncture he has not talked with Planning about this possibility.

The lawyer for the Applicant re-approached. Mr. Hall said with all due respect to the young ladies that spoke, the Stadium Club has improved. They have engaged in speculation. The Sheriff's Department is in support of the application for extended hours. He asked the BZA to exercise fairness and equity. The bar Shooters is located in another city, however why should the Stadium Club be any different. They have maintained a clean record for the past 2 years. It is unfair to engage in speculation and conjecture. The Stadium Club is a mom and pop business. Mr. Hall visited the bar on a Saturday night with his wife. There were 15 people there. People that live in the area want the hours extended, so they can enjoy themselves. It is unfair to speculate people will stumble out of the establishment drunk. This establishment might be good for retired people. If the BZA is concerned the Ramiro's will accept a probationary period. Member Spalding said the Sheriff did not recommend the bar open at 6:00 a.m. She did not believe the Finding had been made, public need exists for the bar to open at 6:00 a.m.

Mr. Hall said the Applicant would accept 10:00 a.m. an opening. Regarding parking, there is plenty of parking available on East 14th Street. There should not be any parking issues. Signage can be posted requesting bar patrons not park on Plaza Drive. There are some bars located in residential areas. Member Spalding pointed out there was no food served. This would only encourage people drinking early in the day. If the hours are extended, people may stay longer and drink more. There is also a notation of public urination in one the neighborhood surveys. Vehicles have also backed into parked cars. Mr. Hall said if there are any issues, Mr. Ramiro will try to resolve them. The BZA is cloaked with equity. The economy is bad. Baggage from the past continues to be brought up, although the Ramiro's did not own the business then. This is not fair. Member Spalding responded, it is not an issue of equity, but of factual findings that must be established. Mr. Hall believed the findings could be supported. Incidents since Mr. Ramiro purchased the business have been dramatically reduced. The 2005 history of the establishment is coming back to haunt his client. This is not fair. The economy is down. Mr. Ramiro should be given an opportunity to increase the hours. The Chair asked Mr. Hall if the Applicant had talked with Redevelopment about façade improvement. Mr. Hall said Mr. Ramiro will paint the exterior of the building when they can save some more money. Mr. Hall acknowledged the exterior could use some improvement. He will speak with Redevelopment.

Ms. Gloria Ortiz lives in Albany. She is a bartender at the Stadium Club on Friday, Saturday and Sunday nights. There are never any problems, or fights. She has never had to call Police. Most of the clients know one another. If a person arrives intoxicated they are offered juice and are not served alcohol. Board questions for Ms. Ortiz were as follows:

- How many bartenders work at the Stadium Club
- Does Ms. Ortiz frequent the Stadium Club during the week
- Has Ms. Ortiz received her T.I.P.S Training
- Is beer served in the bottle or on tap

Ms. Ortiz is the only bartender. She has assistance from 6:00 p.m. to 11:00 p.m. Ms. Ortiz is a student. She does not have time to go during the week. She has not taken the T.I.P.S. Training yet. Her friend has, and showed her what to do. She has inquired about bartenders licensing certification. The Ramiro's did offer to pay half of the cost. However it is still too expensive. The Stadium Club does have bottled

beer but mostly beer is sold on tap. The Chair informed Ms. Ortiz T.I.P.S. training conducted by the Sheriff's Department is free. Staff may want to further explain the process.

Ms. Jimenez lives in Oakland. She is the daughter of Jose and Guillermina Ramiro. She is proud of her parents. They have proven themselves. There are no better representatives. Lingering concerns will dissipate. Mr. Ramiro keeps the front of the building clean. He ensures the customers leave in the appropriate manner. If someone cannot drive he makes sure they get a ride home. People may think it is inappropriate to drink, however when people are drinking at the bar. Someone is watching them. Ms. Jimenez does not go very often, usually for family functions. She enjoys the music, and would go more often if the establishment stayed open later. Board questions for Ms. Jimenez were as follows:

- Does Ms. Jimenez work at the Stadium Club
- Does her family still own a bar in Oakland
- Who would run the business during the extended hours

Ms. Jimenez told the Board her family really needs the money. They no longer own the bar in Oakland. Her parents run the business together, although her dad is mainly responsible. Her mother is the manager, and does the bookkeeping. If the hours were extended they would share the work. Mr. Ramiro requested the 6:00 a.m. opening because those hours are offered by ABC. Although he will probably open later in the day, he would like to open his business like any other proprietor. Public testimony was closed.

Additional Board questions for staff were as follows:

- Are Conditions of Approval tied to requirements of the Dance Permit issued by the Sheriff
- Will Conditions of Approval be affected by karaoke music
- Will Conditions of Approval be affected if the Applicant serves food
- Is there a method to verify compliance of completion of T.I.P.S. Training
- What is the definition of a Tavern
- Is the Applicant required to have a written parking agreement
- Can a Condition be added requiring signage be posted at eye level

Although the Sheriff's requirements contained in the staff report are from the 2008 CUP. Conditions of Approval require the Applicant comply with all requirements of the Sheriff's Department, which includes the dance permit, and any new rules that would be enforced. Staff will verify karaoke is allowed in conjunction with the dance permit. The Applicant has been issued a permit from Environmental Health which allows food to be served. The CUP can be conditioned as such, verification of completion of Responsible Beverage Training be complete within 60 days of permit approval. Ms. Ortiz interjected from the audience. She signed up for T.I.P.S. Training next week. Staff continued. Signage can be conditioned to show at eye level. Conditions #3 and #8 will be modified to reflect this. The definition of a Tavern is: *any premises where alcoholic beverages are offered for sale for consumption on the premises, as its principal function, including restaurants with a bar located within the restaurant seating area; a restaurant which offers a "happy hour" for alcoholic beverages or where alcohol sales are in any way promoted; or; a restaurant which advertises the sale of alcohol in any way other than on the menu; a*

winery, pursuant to Section 8-23.25, is exempted. Staff recommends the Applicant return at the one year review with a proposal of the food, they intend to serve.

The Vice Chair thought signage requesting: Out of respect for our neighbors. Patrons please do not park on Plaza Drive, be posted. Board Members agreed. Although the youth center is not built yet, youth have worked really hard. This project has been planned for a long time. In the past things did get out of hand in. Kids were afraid to walk the neighborhood. She does not want people drinking when kids are walking by. However there has been improvement. An opening time of 10:00 a.m. or 11:00 a.m. should be appropriate. She does not want things to slip backward The Applicant has made a good effort to clean up and the bar, they should consider food. There should be a friendly place to dance and play pool. Given the fact the bar is in a residential neighborhood, there should be a review in one year to ensure issues have not arisen.

The Chair pointed out in 2007 there were 100 service calls, including prostitution. At one time the use permit was under consideration for revocation. However most of the calls were prior to the Ramiro's purchasing the bar. She agreed verification of all Stadium Club staff's completion of T.I.P.S. Training within in 60 days of permit approval, is appropriate. All signage should be updated and posted within 60 days of approval as well. The bar should not open at 6:00 a.m. If food were served 10:00 a.m. or 11:00 a.m. might be appropriate. Friday and Saturday closing at 2:00 a.m. would be acceptable. Parking must be controlled in the neighborhood on Plaza Drive. A written agreement should be obtained prior to consideration of parking, since the City of San Leandro Police patrol the parking lot.

Member Spalding thought an 11:30 a.m. start time and an 11:00 p.m. closing was appropriate. The fact food is being considered may affect who comes into the Tavern. Food is a good idea when people are drinking. Conditions #14 should be modified to include: Training offered by the Sheriff's Department. Condition #17 should be modified to also include compliance with all requirements of the Sheriff's Department Dance Permit

County Counsel said the following language: Applicant shall provide written proof that sufficient off-street parking is available, should meet the intent of Condition #2. Staff says ample parking is available in the area.

Member Spalding motioned to uphold the staff recommendation of approval to allow continued operation of a tavern with expanded Hours of Operation with the following modifications:

Condition #2 shall have language added. The Applicant shall provide written proof sufficient off-street parking is available to alleviate problems in the surrounding neighborhood. Signs shall be posted within 60 days with the following wording: Please respect our neighbors. Do not park on Plaza Drive.

Hours of Operation: Monday - Thursday 11:30a.m.to 11:00p.m.
Friday and Saturday 11:30a.m. to 2:00a.m. *Dancing until 1:00 a.m.
Sunday 11:30 a.m. to Midnight *Dancing until Midnight

Condition #8: Signage shall be posted within 60 days of permit approval with the following wording: No Smoking within 20 feet of an enclosed area.

Condition #14: All existing owners, operators, and/or, managers, bartenders, and staff shall receive responsible beverage sales training from the Alameda County Sheriff's Department. Confirmation of training completion must be received by the Planning Director within 60 days of permit approval. Any new persons that join the business in any of the aforementioned capacities shall also receive responsible

service training from the Alameda County Sheriff's Department within 60 days of employment.

Condition #17 (b): All applicable Conditions herein shall be in compliance with Sheriff's Department regulations in relation the Dance Permit.

Condition #18, Conditional Use Permit, PLN-2009-00133 shall expire in (3) three years from date of approval, (March 10, 2013) subject to a review by the West County Board of Zoning Adjustments in (1) one year for evaluation of continued operation without problem, would allow for consideration for expanding Hours of Operation at that time.

Condition #19 shall be an added requirement: Conditions #2, #3#7, #8, #9, #10, #14, #15 and #17 must be completed and in compliance within 60 days of permit approval (March 10, 2010).

The Vice Chair seconded the motion. Motion carried 3/0.

APPROVAL OF MINUTES: The approval of the Minutes of January 27, February 10 and 24, 2010 were continued.

STAFF COMMENTS & CORRESPONDENCE: NONE.

BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS:

Member Spalding thought the suggestion posed by COMMPRE was a good idea. Closing times for area bars should be staggered, as in other areas. The Chair said other jurisdictions also have Entertainment Districts. Perhaps this concept may be effective in, unincorporated County. Although many of the alcohol establishments in the County are non-conforming, staff should obtain draft language and Agenize a discussion for a future hearing. COMMPRE may also want to be present.

The Chair asked staff to revise several appeal letters regarding upcoming cases presented at the Board of Supervisors:

Board votes should be included in each letter. Points that address required findings should be added. Supporting documentation such as parcels maps should also be included. Revisions should also state why the BZA could not come to a consensus. Single page minutes that support the findings may be helpful. Board Members told staff they did not agree with the contention of Applicants, the BZA did not properly apply the Zoning Ordinance regulations, and overstepped their authority; or in another appeal Board Members should recuse themselves because they live in the area, or serve on other Boards. Board Members are appointed because they live in particular Districts. Also if an Applicant has a concern, it should be raised at the time of the hearing.

Counsel said appeal cases before the BOS are de-novo. The Applicant does not require a reason for requesting an appeal. Staff told the Board, appeal letters are limited to a maximum number of words. Staff will pass on the recommendations.

The Chair asked staff:

How public right of way is measured on a corner lot; are property owners required to obtain surveys; and does County staff verify measurements.

Staff said measurements are taken from the middle of the street. However street widths vary. Markers at the site may also be used. The property owner is not obligated to obtain a survey, in most instances.

Measurements submitted by an engineer or architect are accepted, and deemed accurate.

ADJOURNMENT: There being no further business, the hearing adjourned at 8:45 p.m.

ALBERT LOPEZ - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS