

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2006-56

A resolution denying Appeal No. 2006-280, Wayne Scholkowsky, appellant. APN 002-050-008.

WHEREAS an application for design review of a fence in the Coulterville Town Planning Area was received on July 25, 2006 from Wayne Scholkowsky for a property located at 5020 Main Street in Coulterville, also known as Assessor Parcel Number 002-050-008; and

WHEREAS the application proposed a six-foot-tall fence adjacent to all property lines; and

WHEREAS 5020 Main Street has two front property lines, with one adjacent to Main Street and one adjacent to Pine Street; and

WHEREAS the Coulterville Town Planning Area Specific Plan requires that all front yard fences have a maximum height of three feet in the residential and commercial zones; and

WHEREAS the Planning Director denied the design review application on August 25, 2006; and

WHEREAS the denial was based on the fact that the project proposal failed to comply with the Specific Plan; and

WHEREAS the applicant appealed the decision of the Planning Director to the Planning Commission on September 8, 2006; and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS a duly noticed public hearing was scheduled for the 3rd day of November, 2006; and

WHEREAS the Planning Department recommended denial of the appeal; and

WHEREAS no environmental determination must be made according to the provisions of the California Environmental Quality Act, Section 15063(b)(4), if the project will be rejected or disapproved by a public agency; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and the comments of the applicant,

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby find that no environmental action is necessary for this project; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby deny Appeal No. 2006-280; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is denied based upon the findings set forth in Exhibit 1.

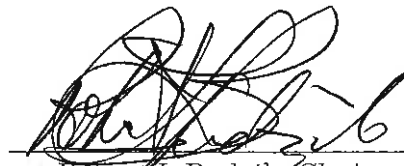
ON MOTION BY Commissioner Ross, seconded by Commissioner DeSantis, this resolution is duly passed and adopted this November 3, 2006 by the following vote:

AYES: Commissioners DeSantis, Hagan, Ross, Rudzik, and Skyrud

NOES: None

EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

Exhibit 1—Findings for Denial

Appeal No. 2006-280

1. APN 002-050-008 is in the Central Commercial land use and zone of the Coulterville Town Planning Area.
2. Dwellings are a permitted use in the Central Commercial zone, “subject to the building site area, lot width and yard requirements specified for medium residential areas.”
3. The subject parcel has two front property lines, one along Main Street and one along Pine Street (Appendix A, Setback Example for Corner Parcel, Title 17)..
4. Because the subject property has two front property lines, it has two rear property lines (opposite Main Street and Pine Street) (Appendix A, Setback Example for Corner Parcel, Title 17).
5. The specific plan states that, “Fences shall not exceed three (3) feet in height parallel to the front property line(s) and six (6) feet in height parallel to the side and rear property lines.” This standard applies to commercial areas (Coulterville TPA Specific Plan, Section VI.A.6), as well as residential areas (Coulterville TPA Specific Plan, Section VI.A.3).
6. The design review proposal submitted by Design Review Application No. 2006-236 shows new 6 foot tall fencing parallel to the front property lines along both Main Street and Pine Street (new fencing shown in orange marker on the site plan).
7. The new 6 foot tall fencing does not comply with the height standards for fencing which parallels front property lines as established by the specific plan.
8. The site plan for Design Review Application No. 2006-236 also shows new “outside storage area fence” shown with “old metal siding” (yellow marker on site plan). There is no design shown for this fencing. There is no height indicated for this fencing, although photographs of the site indicate the height of this fencing is greater than 6 feet.
9. The new “outside storage area fence” made of “old metal siding” does not comply with the height standards for fencing which parallels either front property lines or rear property lines as established by the specific plan.
10. The storage container (shipping container) shown on the site plan for Design Review Application No. 2006-236 is not approved and must be removed.
11. This denial is only based upon the basic height standards established by the specific plan for fencing. A full design review process for the application (including review of the materials, colors and design of the fencing) did not occur because the project didn’t comply with the basic height standards of the specific plan.
12. The accuracy and quality of the application materials submitted for Design Review Application No. 2006-236 is not sufficient for processing a full design review for this proposal.
13. The full design review process for Design Review Application No. 2006-236 shall entail review by both the Historic Sites and Records Preservation Commission and the Coulterville Planning Advisory Committee, based upon the centralized location of this parcel on Main Street, within the Historic Design Review Overlay District of Coulterville.