

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, OCTOBER 27, 2010**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of October 27, 2010, was called to order by Chair Hennecke at 7:00 p.m.

Present: Planning Commissioners – Cummins, Jones, Kirsten, Kiser, and Chair Hennecke

Absent: Planning Commissioners – Heinitz and Olson

Also Present: Community Development Director Konradt Bartlam, Deputy City Attorney Janice Magdich, Associate Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“August 11, 2010”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the minutes of August 11, 2010 as written. (Commissioner Jones abstained because he was not in attendance of the subject meeting)

“September 8, 2010”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Cummins second, approved the minutes of September 8, 2010 as written. (Commissioner Kiser abstain because he was not in attendance of the subject meeting)

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request for a variance to reduce the required twenty feet front yard setback to ten feet and reduce the required five feet side yard setbacks to approximately 2 feet and half at 535 Harold Street.

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends denial of the project.

Commissioner Kirsten asked if the address 535 ½ was a part of this parcel. Mr. Bereket stated that it is a separate parcel.

Hearing Opened to the Public

- Maria Martinez, applicant, came forward to answer questions. Mrs. Martinez stated her apologies for building the structure without permits. She would like to be able to work with staff to find a way to make this work.
- Chair Hennecke asked when the garage was converted and how long the Martinez's have owned the property. Mrs. Martinez stated that the structure was converted in 2009 and that she and her husband have owned the property for three years.

Continued

- Commissioner Kirsten asked how this project is different from the property just to the east. Director Bartlam stated that the property to the east faces east, which makes the garage and driveway subject to the side yard set backs not front yard.
- Commissioner Kiser asked what the options were for the Martinez's. Director Bartlam stated that the trouble will begin with the 45 percent lot coverage, which leaves approximately 450 square feet of buildable area.
- Commissioner Cummins asked if staff is only recommending denial because there hasn't been a hardship proven. Director Bartlam stated that that is correct. Staff fully supports second dwelling units where the parking can be provided within the zoning requirements.
- William Chang, representing his father who owns property across the alley from the subject property on Tokay Street, came forward to ask if staff believes there would be a traffic issue with the added dwelling. Director Bartlam stated that the conversion has been done for some time so if there was going to be any effects from additional traffic it would have already been felt.
- Maria Martinez stated that traffic uses her driveway to make u-turns because of the lack of space in the street.
- Commissioner Jones asked Mrs. Martinez to clarify whether the structure is a carport or garage. Mrs. Martinez stated that it is a carport, but is willing to work with staff to make it work.

Public Portion of Hearing Closed

- Commissioner Kirsten stated that after his site visit it became very clear that the lot is really tight and can not support the project as presented.
- Chair Hennecke stated his agreement.
- Commissioner Kiser stated his agreement.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, denied the request of the Planning Commission for a variance to reduce the required twenty feet front yard setback to ten feet and reduce the required five feet side yard setbacks to approximately 2 feet and half at 535 Harold Street subject to the conditions in the attached resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Jones, Kirsten, Kiser, and Chair Hennecke

Noes: Commissioners – None

Absent: Commissioners – Heinitz and Olson

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request for a variance to eliminate the required ten feet rear yard and five feet side yard setbacks at 1556 Iris Drive.

This Item was withdrawn by the applicant.

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

*Continued*

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there is a memo in the packet and staff is available to answer any questions.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

None

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Kiser gave a brief report regarding the meeting that occurred earlier today. Both items have been continued.

9. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the meeting that occurred earlier today.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:23 p.m.

ATTEST:

Konradt Bartlam  
Planning Commission Secretary