

**CITY OF MODESTO
BOARD OF ZONING ADJUSTMENT
NOTICE OF FIELD TRIP
THURSDAY, JANUARY 26, 2017 – 9:00 AM
1010 TENTH STREET
LOBBY (MAIN LEVEL/NEAR STAIRS)**

I. ROLL CALL

II. FIELD TRIP

There will be a field trip to allow the Board to view property to be discussed at the regular meeting later in the day. Interested parties may join the Board at any of the properties at the approximate times shown below. Statements on the merits of an application are inappropriate on a field trip and should be made at the regular meeting. The regular meeting is on January 26, 2017, 10:00 am in Chambers. The agenda for the regular meeting is attached.

9:15 am Leave Tenth Street Place to View Property

9:25 am Property Located at 935 Magnolia (Sam Garrett) Item A

III. ADJOURNMENT

Posted pursuant to Government Code Section 54956 on _____

by _____ on the bulletin board at Tenth Street Place.

**CITY OF MODESTO
BOARD OF ZONING ADJUSTMENT AGENDA
THURSDAY, JANUARY 26, 2017
BASEMENT CHAMBERS
1010 TENTH STREET – MODESTO, CA**

I. ROLL CALL

II. APPROVAL OF MINUTES

Minutes of the regular meeting of October 27, 2016.

III. CONFLICT OF INTEREST DECLARATION

Board members and staff may now declare conflicts of interest for the purpose of determining if a quorum will be present to act on each item in the order shown on the agenda.

IV. PUBLIC HEARINGS

Item A VAR-16-004 – An application to allow a variance from the 5 foot rear yard setback for a new two-story secondary dwelling unit proposed on the rear property line off the alley, located at 935 Magnolia Avenue; submitted by Sam Garrett
Contact Info: Jonnie Lan, 577-5267, jl@modestogov.com

V. OTHER BUSINESS

Item B Nominate/Appoint 2017 BZA Chair & Vice Chair

VI. ORAL COMMUNICATIONS

These matters may be presented by interested persons in the audience, staff or Commissioners (see Notice at end of agenda cover). Under State law, the Board may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Board member, or the Board itself, may take action to direct staff to place a matter of business on a future agenda.

VII. MATTERS TOO LATE FOR THE AGENDA

These may be presented by members of the Board of Zoning Adjustment and staff, upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that: 1) there is a need to take immediate action, and 2) that the need for action came to the City's attention after the agenda was posted.

VIII. ADJOURNMENT

Copies of the agenda are on file at the Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the Office of the Planning Division, third floor, 1010 Tenth Street, Modesto, CA. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Board of Zoning Adjustment Secretary (209) 577-5267. Assistive listening devices are available upon request to the BZA Secretary. **Notification 48 hours prior to the meeting** will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Notice: Persons who wish to speak to the BZA regarding any item on the printed agenda, including oral

communications, are encouraged to sign in on a form provided at the meeting. The purpose of this list is to have your name and address should we need to provide additional information to you. Signing this form is optional to speakers.

Posted pursuant to Government Code Section 54954.2 on _____

by _____ on the bulletin board at Tenth Street Place.

**LIST OF INVOLVED PARTIES FOR THE BOARD OF ZONING ADJUSTMENT
AGENDA OF JANUARY 26, 2017**

At the Board Members' request, staff has compiled a list of individuals having a personal/financial interest in the matters contained in the accompanying agenda report to assist in identifying potential conflicts of interest.

ITEM A VAR-16-004 2ND UNIT SETBACKS, 935 MAGNOLIA (GARRETT)

Relationship Name/Address

Applicant SAM GARRETT 935 MAGNOLIA MODESTO, CA 95350
Owner SAM GARRETT 935 MAGNOLIA MODESTO, CA 95350

ITEM B NOMINATE/APPOINT 2017 BZA CHAIR AND VICE CHAIR

Minutes
Board of Zoning Adjustment
(October 27, 2016, 10:00AM)

Being the hour of 10:00 am, the meeting was called to order by Acting Chairperson Morris.

I. ROLL CALL

Board Members Board Members Morris, Pollard, Rodriguez, and Vohra present

Board Members absent Selover

MOTION

It was moved by Board Member Vohra, seconded by Board Member Rodriguez, and carried unanimously that Board Member Selover be excused from this meeting.

II. APPROVAL OF MINUTES

It was moved by Board Member Pollard, seconded by Board Member Rodriguez, and carried unanimously that the minutes of the regular meeting of September 22, 2016, be approved.

III. CONFLICT OF INTEREST DECLARATION

None.

V. PUBLIC HEARINGS

Item A CUP-16-002 – A Conditional Use Permit for an Electronic Message Board Monument Sign, located at 725 17th Street; submitted by the Modesto Central Seventh-Day Adventist Church
Contact Info: Jonnie Lan, 577-5267 jlan@modestogov.com

Motion/Action (Approved)

It was moved by Board Member Pollard, seconded by Board Member Vohra, and carried by majority (Morris, Pollard, Rodriguez, Vohra, ayes; none, noes; Selover, absent; none, recused) that the Board of Zoning Adjustment adopt **Resolution No. 2016-09** A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO THE MODESTO CENTRAL SEVENTH DAY ADVENTIST CHURCH FOR THE REPLACEMENT OF A FREESTANDING SIGN WITH AN ELECTRONIC MESSAGE BOARD MONUMENT SIGN LOCATED AT THE SOUTHEAST CORNER OF H STREET AND 17TH STREET, 725 17TH STREET (MODESTO CENTRAL SEVENTH-DAY ADVENTIST CHURCH)

Item B CUP-16-003 – A Conditional Use Permit for an Electronic Message Board Sign, located at 409 Paradise Road; submitted by Diana and Kimberly Soranno
Contact Info: Katharine Martin, 577-5267 kamartin@modestogov.com

Motion/Action (Approved)

It was moved by Board Member Pollard, seconded by Board Member Rodriguez, and carried by majority (Morris, Pollard, Rodriguez, Vohra, ayes; none, noes; Selover, absent; none, recused) that the Board of

Zoning Adjustment adopt **Resolution No. 2016-10** A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO DIANA AND KIMBERLY SORANNO FOR AN ELECTRONIC MESSAGE BOARD SIGN ON AN EXISTING 20-FOOT HIGH FREESTANDING SIGN LOCATED AT THE SOUTHEAST CORNER OF THE PARADISE CENTER SHOPPING CENTER, 409 PARADISE ROAD (DIANA AND KIMBERLY SORANNO)

VI. OTHER BUSINESS

None.

VII. ORAL COMMUNICATIONS

City Attorney Adam Lindgren announced to the Board that he was working with Staff on a presentation for a workshop that would be scheduled for all members in a few weeks. Staff is waiting to include the newly appointed members.

VIII. MATTERS TOO LATE FOR THE AGENDA

None.

IX. ADJOURNMENT

The meeting was adjourned at 10:23 am.

Original, signed copy on file in CEDD

Patrick Kelly, Secretary



CITY OF MODESTO
BOARD OF ZONING ADJUSTMENT STAFF REPORT
 1010 10TH STREET
 MODESTO CA 95354
 (209) 577-5267 – (209) 491-5798 (fax)

TO: Chairperson Morris and Members of the Board of Zoning Adjustment

PREPARED BY: Jonnie J Lan, AICP, Associate Planner
 Contact Info: 577-5267 jlan@modestogov.com

APPROVED BY: Patrick Kelly, Planning Manager

DATE: January 26, 2017

SUBJECT: VAR-16-004 – An application to allow a variance from the 5 foot rear yard setback for a new two-story accessory structure with an accessory dwelling unit on the second floor proposed on the rear property line off the alley, located at 935 Magnolia Avenue; submitted by Sam Garrett

RECOMMENDATION

That the Board of Zoning Adjustment adopt the attached resolution granting a variance new two-story accessory structure with an accessory dwelling unit on the second floor to be built on the property line, encroaching 5 feet into the required 5 foot rear yard setback on property located at 935 Magnolia Avenue.

BACKGROUND

The project site is a 9,525 square foot lot with a single-family dwelling built around 1929, located at the southwest corner of Magnolia and W. Fairmont Avenues. The current code requires that the second story to an accessory structure be setback 5 feet from the rear yard property line.

PROJECT DESCRIPTION

This is an application for a variance from Section 10-4.102 of the Modesto Municipal Code entitled "Development Standards" to allow a new two-story accessory structure with an accessory dwelling unit on the second floor, located on the rear property line adjacent to the alley. The code requires that two-story accessory buildings and accessory structures used for human habitation be setback 5 feet from the rear property line. The applicant requests to be allowed to build a two car garage with an accessory dwelling unit on the second floor. The placement of this new structure on the rear property line encroaches into the required 5 foot setback for a two-story accessory structure. The applicant proposes to create a two-story structure comprised of a brick façade, matching the existing primary unit located at the front of the lot.

ANALYSIS

Section 10-9.601, Article 6 (Variances) of the Municipal Code states that: "The sole purpose of a variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same zone and immediate vicinity."

The applicant has provided specific reasons for making the required findings for a variance (see attached Variance Questionnaire). Staff supports and agrees that the findings meet the requirements for Board approval as set forth in the Code, for the following reasons:

- 1 There are special circumstances or conditions applicable to the property or building in question which do not exist for other property or buildings in the same zone and immediate vicinity. This neighborhood was developed prior to the adoption of the City of Modesto Zoning Code. Because of this, there are existing garages built within the required 5 foot setback, on the rear property line, some with accessory dwelling units on the second floor. There is a pool located at the center of the back yard. The pool's size and location would make it very difficult to place a second unit elsewhere on the lot in compliance with required setback provisions. In addition, this lot is bounded on the west by an alley which provides a physical buffer from the western neighbor. This minimizes the impact of such a proposal. The Board has, as recently as 2013, approved variances that are similar in nature and scope.
- 2 The special circumstances or conditions are such that strict application of the provisions of Section 10-4.102 of Title 10 of the MMC, would deprive the applicant of practical use of the property or buildings. This proposal requests that the applicant build a two car garage with a second story accessory dwelling unit above. This unit is being built where the current accessory building is located. Because of this, the improvements leading to the new garage currently exist. The applicant is proposing to continue using these improvements, including driveway apron, driveway and parking area for the primary dwelling unit. In addition, a pool exists at the middle, rear of the property. Its size and location make it difficult to site this unit elsewhere without deviating from the required setback.
- 3 Granting the variance will be consistent with the intent and purpose of the provisions of Section 10-4.102 of Title 10 of the MMC and will not be detrimental to the neighborhood or public welfare. The proposed project is generally consistent with the character of the older neighborhood. There are other properties nearby which have accessory structures and secondary dwelling units, some of them built above garages, built within required setbacks. The proposed two-story second-unit is not immediately adjacent to the existing dwelling on site, but instead, sits at the southwest corner, at the rear of the property, and will not be immediately noticeable from Magnolia and W. Fairmont Avenues. The applicant has placed the second-story dwelling's windows facing north, thereby not infringing on the privacy of neighboring properties. This placement represents minimal impact to the neighborhood and privacy issues. In addition, this lot is bounded on the west by an alley which provides a physical buffer from the western neighbor. This minimizes the impact of such a proposal.

Based on the findings presented above, staff supports the variance application and therefore, staff recommends that the Board approve the variance request.

Second-Story Review

In addition to the variance, the project is also subject to second story review (a staff-level approval). A second-story review process exists so that staff can confirm if the proposal is in compliance with the Neighborhood Compatibility Guidelines. These guidelines are intended in part to ensure that new two-story residential development is consistent and compatible with the design and character of existing neighborhoods by providing guidelines for privacy, scale and massing, and other site development guidelines. Because the project involves a variance, the second-story review has been combined with the variance request.

Staff has reviewed the proposed two-story structure and finds the proposal in conformance with the Neighborhood Compatibility Guidelines, with respect to privacy and massing concerns. Notification of

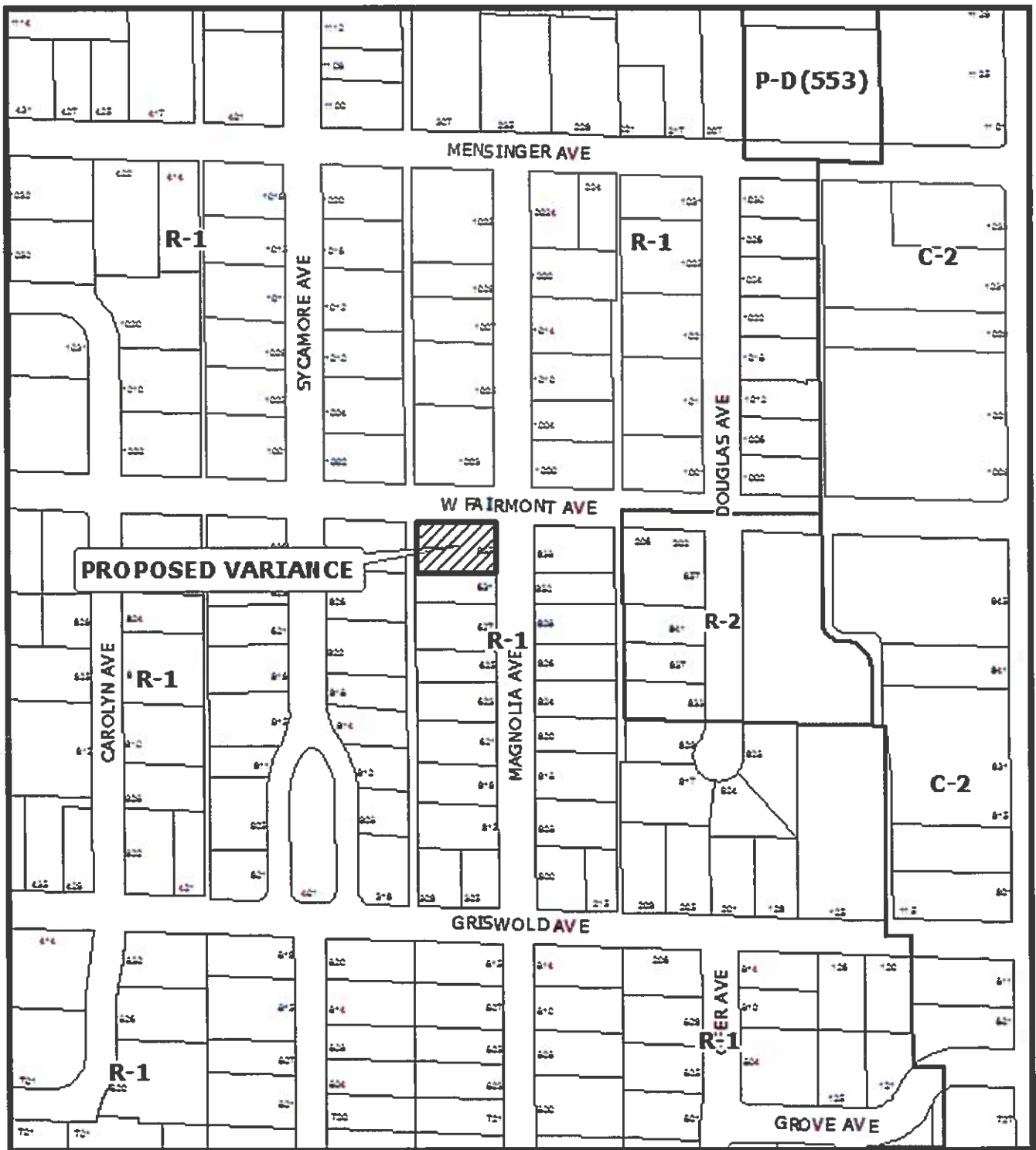
the project is typically sent to property owners within 150 feet of the property involved. However, in this case, notification of the proposed variance has been sent to property owners within 300 feet, as required for a variance. Staff received a letter dated 1/15/17 from the neighboring property owner which expresses opposition to the proposed structure. The concerns of the neighboring property owner, including privacy and additional noise, were reviewed. The second story unit, as proposed, will not have any windows facing the neighboring properties. The only windows on the second floor will face north toward the applicant's property. Given that there are no windows facing neighboring properties, the concern regarding an increase in noise is mitigated.

ENVIRONMENTAL ASSESSMENT

The proposed variance is exempt from CEQA, pursuant to Section 15305(a) of the CEQA Guidelines, which exempts one single-family residence, or a second dwelling unit in a residential zone and minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.

ATTACHMENTS (included with Commissioners' packets only)

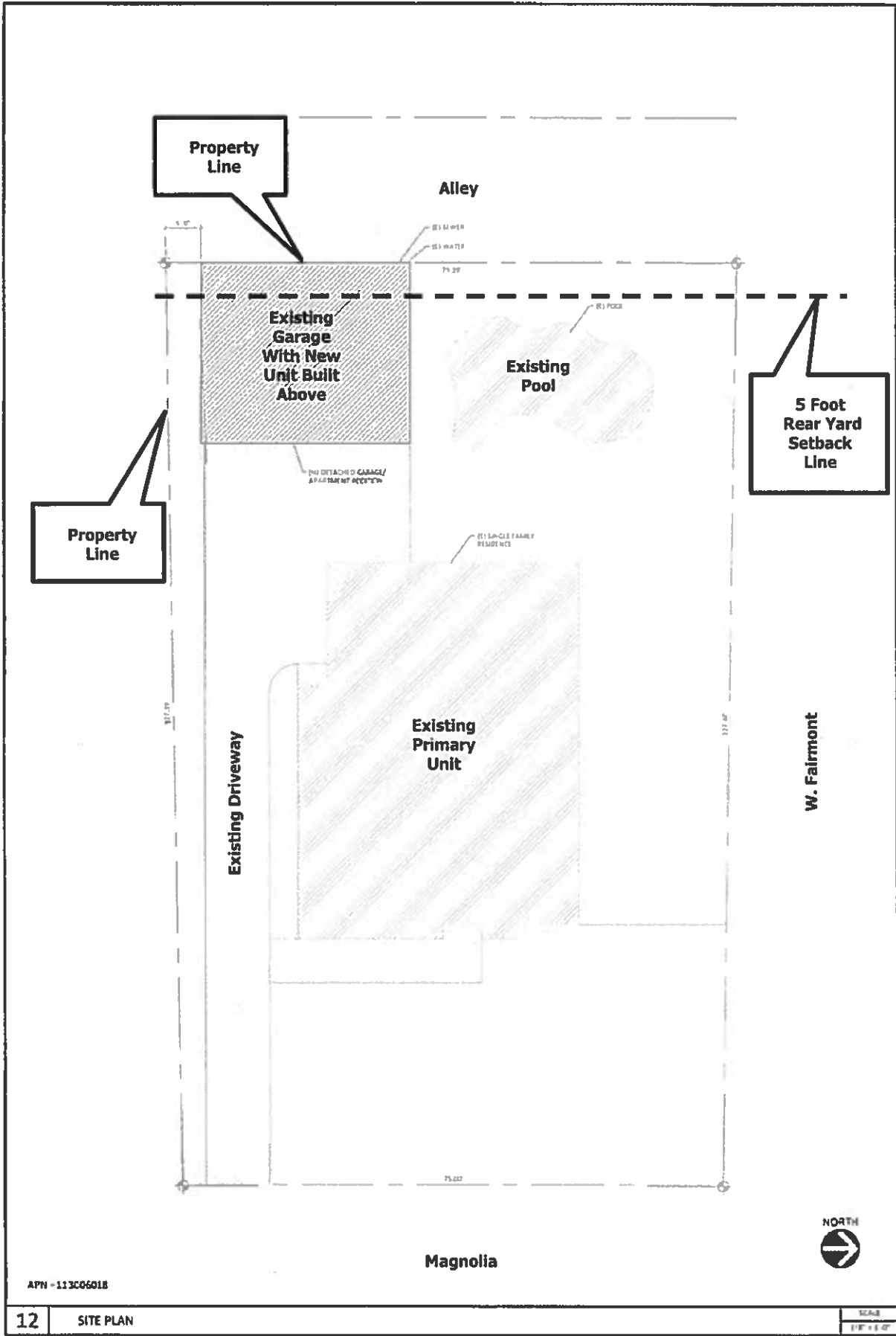
1. Draft Board of Zoning Adjustment Resolution – January 26, 2017
2. Variance Questionnaire
3. Financial Interest Disclosure Form
4. Site Plan
5. Elevations
6. Floor Plan
7. Letter From Neighbor



AREA MAP OF PROPOSED VARIANCE

VAR-16-004





BOARD OF ZONING ADJUSTMENT
RESOLUTION NO. 2017-XX

A RESOLUTION GRANTING A VARIANCE FROM THE 5 FOOT REAR YARD SETBACK FOR A NEW TWO-STORY SECONDARY DWELLING UNIT PROPOSED ON THE REAR PROPERTY LINE OFF THE ALLEY ON PROPERTY LOCATED AT 935 MAGNOLIA AVENUE

WHEREAS, an application for a variance from the provisions of Section 10-4.102 of the Modesto Municipal Code to permit construction of a new two-story secondary dwelling unit within the required 5 foot rear yard setback proposed on the rear property line off the alley on property located at 935 Magnolia Avenue, was filed by Sam Garrett on December 12, 2016; and

WHEREAS, Section 10-9.102 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant variances subject to findings specified in Section 10-9.602; and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on January 26, 2017, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the proposed variance is exempt from CEQA, pursuant to Section 15305 (a) of the CEQA Guidelines, which exempts one single-family residence, or a second dwelling unit in a residential zone, and minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Adjustment that based upon such evidence it finds and determines that:

1. There are special circumstances or conditions applicable to the property or building in question which do not exist for other property or buildings in the same zone and immediate vicinity. This neighborhood was developed prior to the adoption of the City of Modesto Zoning Code. Because of this, there are existing garages built within the required 5 foot setback, on the rear property line, some with accessory dwelling units on the second floor. There is a pool located at the center of the back yard. The pool's size and location would make it very difficult to place a second unit elsewhere on the lot in compliance with required setback provisions. In addition, this lot is bounded on the west by an alley which provides a physical buffer from the western neighbor. This minimizes the impact of such a proposal. The Board has, as recently as 2013, approved variances that are similar in nature and scope.
2. The special circumstances or conditions are such that strict application of the provisions of Section 10-4.102 of Title 10 of the MMC, would deprive the applicant of practical use of the property or buildings. This proposal requests that the applicant build a two car garage with a second story accessory dwelling unit above. This unit is being built where the current accessory building is located. Because of this, the improvements leading to the new garage currently exist. The applicant is proposing to continue

using these improvements, including driveway apron, driveway and parking area for the primary dwelling unit. In addition, a pool exists at the middle, rear of the property. Its size and location make it difficult to site this unit elsewhere without deviating from the required setback.

3. Granting the variance will be consistent with the intent and purpose of the provisions of Section 10-4.102 of Title 10 of the MMC and will not be detrimental to the neighborhood or public welfare. The proposed project is generally consistent with the character of the older neighborhood. There are other properties nearby which have accessory structures and secondary dwelling units, some of them built above garages, built within required setbacks. The proposed two-story second-unit is not immediately adjacent to the existing dwelling on site, but instead, sits at the southwest corner, at the rear of the property, and will not be immediately noticeable from Magnolia and W. Fairmont Avenues. The applicant has placed the second-story dwelling's windows facing north, thereby not infringing on the privacy of neighboring properties. This placement represents minimal impact to the neighborhood and privacy issues. In addition, this lot is bounded on the west by an alley which provides a physical buffer from the western neighbor. This minimizes the impact of such a proposal.

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment that it grants to Sam Garrett a variance from the provisions of Section 10-4.102 of the Modesto Municipal Code entitled "Development Standards" to permit construction of a new two-story secondary dwelling unit proposed on the rear property line off the alley on property located at 935 Magnolia Avenue.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on January 26, 2017, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at the regular meeting of the Board of Zoning Adjustment held on _____, by _____, who moved its adoption, which motion was seconded by _____ and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF
MODESTO.

Original, signed copy on file in CEDD

Patrick Kelly, Secretary



CHG STRUCTURAL CONSULTANTS

920 13TH STREET
 MODESTO CA 95354
 www.chgstructural.com
 209.946.8100

CONSULTANT

SEAL



PROJECT TITLE

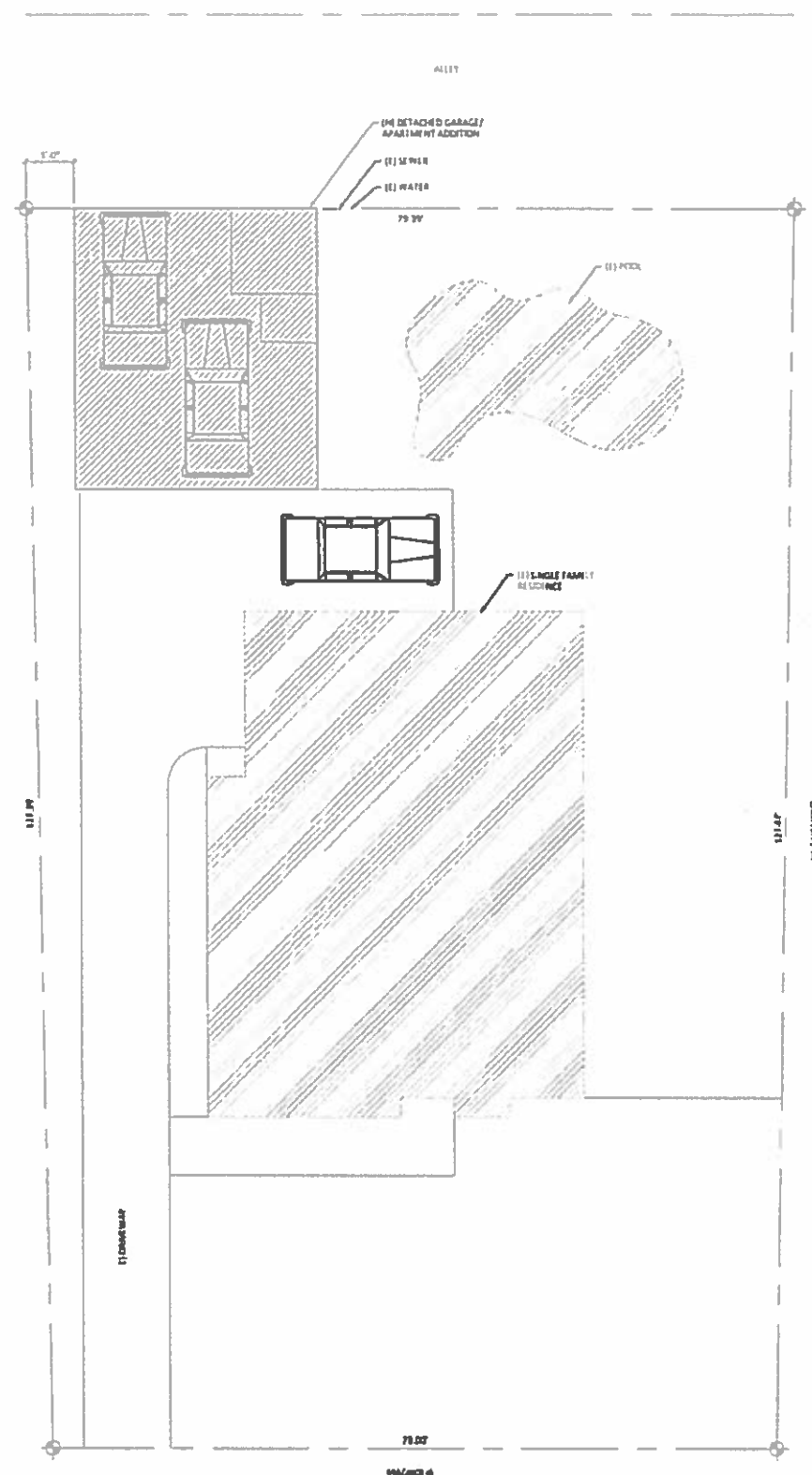
GARRETT RESIDENCE
 DETACHED GARAGE
 APARTMENT ADDITION
 935 MAGNOLIA AVE
 MODESTO, CA 95354

SHEET TITLE

SITE PLAN

SHEET NO.

T1.2



APN - 113006018

12 SITE PLAN

SCALE 1/2" = 1'-0"

6

SCALE 1" = 1'-0"

3

SCALE 1" = 1'-0"

NOT USED

NOT USED

NOT USED

NOT USED

NOT USED

RECEIVED
 DEC 29 2016
 City of Modesto
 Planning Department



CHG STRUCTURAL CONSULTANTS
 930 13TH STREET
 MODESTO CA 95354
 www.chgstructural.com
 209.968.8368

CONSULTANT

SEAL



PROJECT TITLE

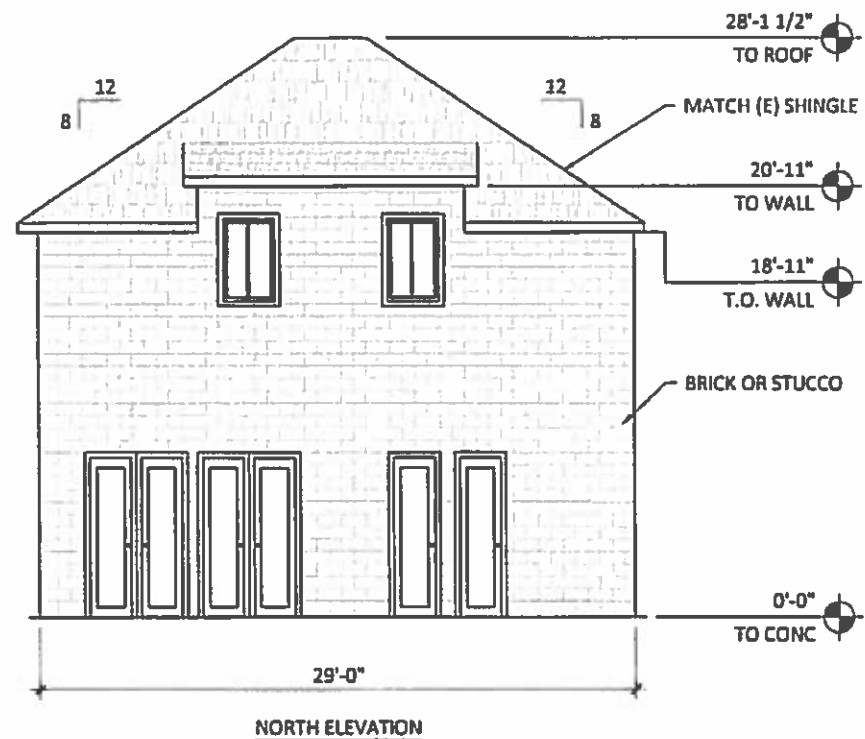
**GARRETT RESIDENCE
 DETACHED GARAGE
 APARTMENT ADDITION**
 935 MAGNOLIA AVE
 MODESTO, CA 95354

SHEET TITLE

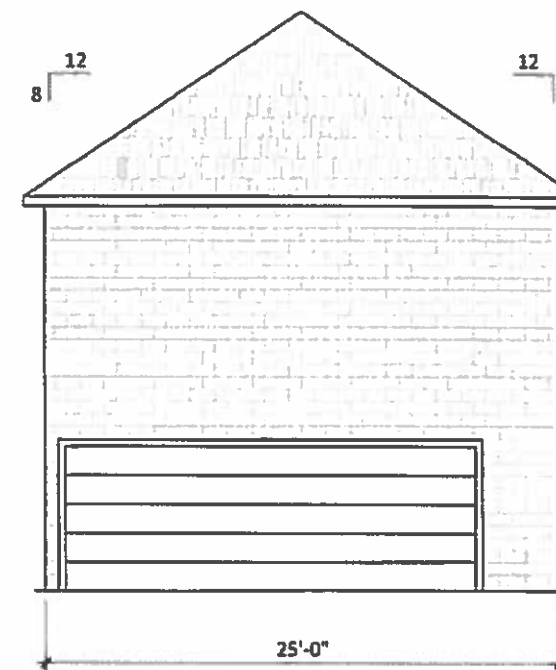
ELEVATIONS

SHEET NO

S3.3



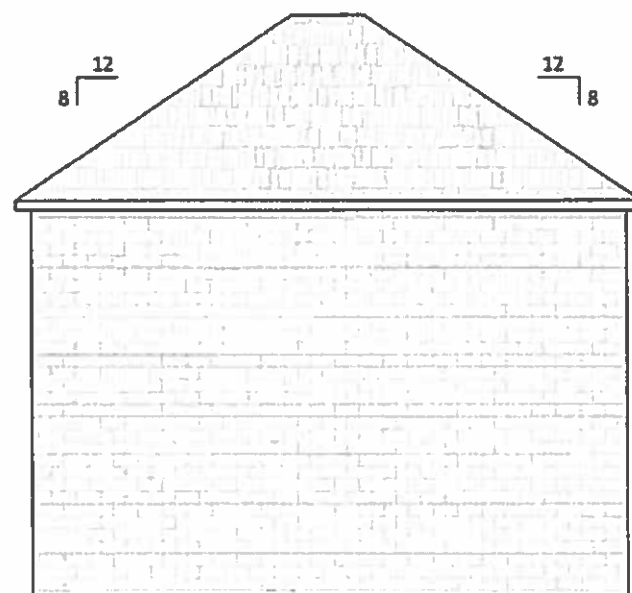
NORTH ELEVATION



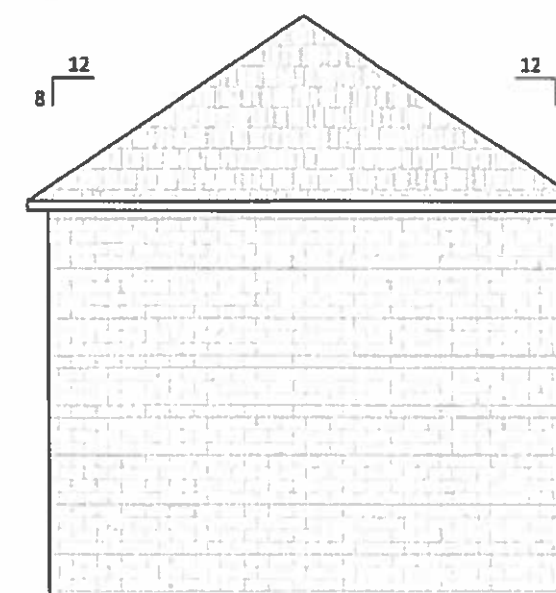
EAST ELEVATION

11 NORTH & EAST ELEVATIONS

SCALE
 1/8" = 1'-0"



SOUTH ELEVATION



WEST ELEVATION

12 SOUTH & WEST ELEVATIONS

SCALE
 1/8" = 1'-0"



**CHG STRUCTURAL
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 920 13TH STREET
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 539 948 6300

CONSULTANT

SEAL



PROJECT TITLE

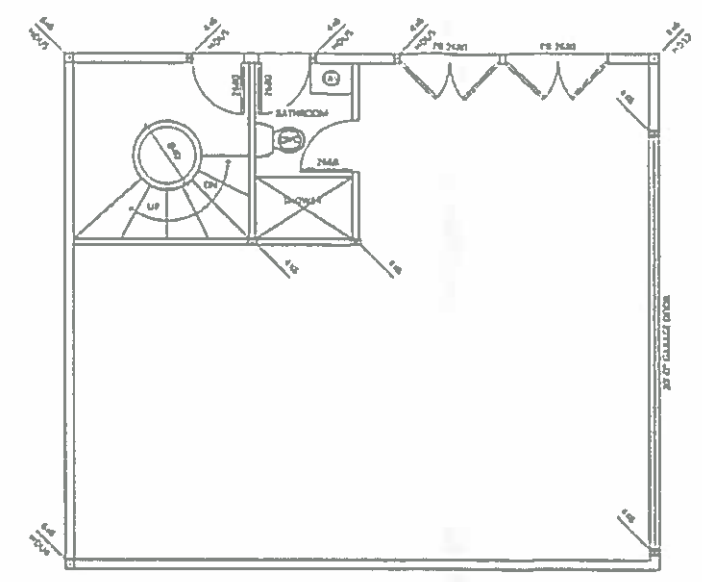
**GARRETT RESIDENCE
 DETACHED GARAGE
 APARTMENT ADDITION**
 935 MAGNOLIA AVE
 MODESTO, CA 95354

SHEET TITLE

**1ST & 2ND
 FLOOR PLAN**

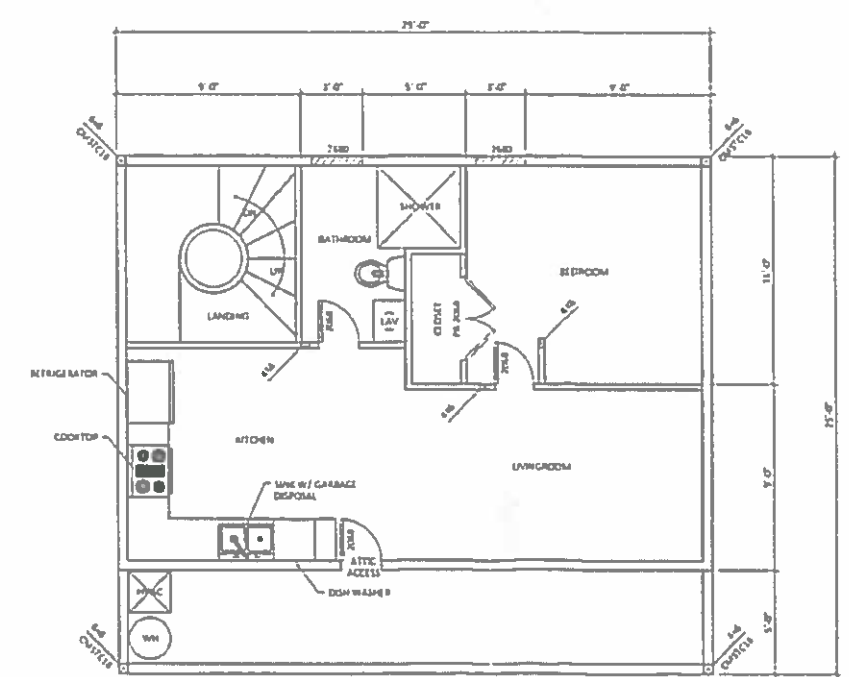
SHEET NO.

S2.1



10 1ST FLOOR PLAN

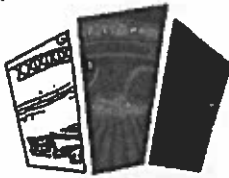
SCALE
 1/4" = 1'-0"



12 2ND FLOOR PLAN

SCALE
 1/4" = 1'-0"

935 MAR 2014



MODESTO
CALIFORNIA

CITY OF MODESTO

Community and Economic Development Department/Planning Division
1010 Tenth Street, Suite 3300, P.O. Box 642
Modesto, CA 95353
(209) 577-5267 (209) 491-5798 FAX

Questionnaire for Variances

Municipal Code Section 10-9.601 Purpose of a Variance.

When practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this chapter result from the strict and literal interpretation and enforcement of its provisions, the board may grant variances. The sole purpose of a variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same zone and immediate vicinity.

List the Section(s) of the Zoning Ordinance from which a variance is sought:

Describe the nature and extent of the variance:

TO SITE A GARAGE WITH A PUBLISHING UNIT ON THE SECOND FLOOR WHO SET BACK TO THE REAR PROPERTY LINE. A 20' ALLEY EXISTS AT THE REAR PROPERTY LINE. THERE IS NOT ACCESS TO THE GARAGE FROM THE ALLEY

In granting a variance the Board must make three findings as discussed below.

Please provide information to substantiate the required findings. All of the three findings must be substantiated by adequate and accurate information. Attach additional information if necessary.

1. There are special circumstances or conditions applicable to the property or buildings in questions which do not exist for other property or buildings in the same zone and immediate vicinity because:

MOST ADJACENT PROPERTIES HAVE NO ACCESS TO THE GARAGE AT THE ALLEY. THIS PROPERTY HAS ACCESS FROM THE STREET WHICH LIMITS THE PLACEMENT OF THE HOUSE & GARAGE IN ORDER TO MAXIMIZE THE USE OF THE FRONTING LOT PROVIDING CODE SETBACKS WOULD REDUCE THE USE OF THE PROPERTY

2. The special circumstances or conditions are such that strict application of the provisions of this Chapter would deprive the applicant of practical use of the property or buildings because:

PROVIDING CODE SETBACKS TO THE REAR PROPERTY LINE DO NOT ANTICIPATE A 20' ALLEY THE SETBACKS ARE TO "SOFTEN" THE IMPACT OF ADJACENT PROPERTY OWNERS. PREVIOUS ZONING IN THIS AREA RECOGNIZED THIS ISSUE THEREFORE MOST SIMILAR SITUATIONS WERE NOT RESTRICTED. MOST OF THESE UNITS ARE SITED ON THE REAR PROPERTY LINE TO NOT WASTE THE ARROYO SQUARE COMMON AREA IN THE REAR YARD

3. Granting the variance will be consistent with the intent and purpose of this chapter and will not be detrimental to the neighborhood or public welfare because:

AS STATED IN 2, THIS IS THE NORM FOR THE NEIGHBORHOOD. THE 2ND STORY BACKUP INSURES THAT THIS ADDITION WILL NOT BE DETRIMENTAL TO THE ADJOINING NEIGHBORS

FINANCIAL INTEREST DISCLOSURE FORM

All persons included within the meaning of either of the following tests have a material financial interest in an agreement, or application for development rights, submitted for approval or disapproval by the City Council, and shall be identified by the applicant, by name.

Tests of Materiality:

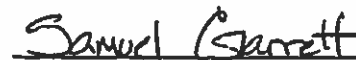
1. Whether it is foreseeable to a reasonable person that the value of their interest in property available for use by an applicant, or their interest in the applicant itself, may increase or decrease by an amount greater than \$2,000.00 as a direct or indirect result of Council action on the applicant's agreement or application for development rights.
2. Whether it is foreseeable to a reasonable person that the person's gross income from the applicant may increase or decrease by a sum greater than \$2,000.00 as a direct or indirect result of Council action on the agreement or application for development rights.

It is the legal obligation of all applicants for approval of an agreement or of an application for development rights to verify in writing, under penalty of perjury, that the identity of each person having a material financial interest in the agreement or application or development rights is true, correct and complete. The applicant understands that this information is provided under penalty of perjury, and that intentionally supplying misinformation or deception may result in either invalidation of the agreement or application, or criminal prosecution for misdemeanor violation of the Modesto Municipal Code, or both. Negligent provision of misinformation shall be grounds for invalidation. In accordance with the Modesto Municipal Code, each applicant has a continuing obligation to maintain the truth, accuracy and completeness of the financial interest disclosure information provided below until after final consideration by the City Council of any matter arising out of or relating to the agreement or application.

PROJECT: _____



APPLICANT SIGNATURE



APPLICANT NAME (type or print)

NAMES

Property Owner(s) – (Please list name of company and names of individual names of said company)

Developer(s) – (Please list name of company and names of individual owner(s) of company)

Architect(s), Engineer(s) or Other Design Professional(s) – (Please list name of company and names of individual owner(s) of company)

Handwritten: [scribble] Hawn CHG

Attorney(s) or Representative(s) – (Please list name of company and names of individual owner(s) of company)

Real Estate Agent(s) – (Please list name of company and names of individual owner(s) of company)

Contractor(s)

Other – (Investors, Trustees, etc.)

Date: January 15, 2017

From: Donna McIntyre
929 Magnolia Ave
Modesto, CA 95350

To: Board of Zoning Adjustment

Att: Patrick Kelly, Secretary

Re: Proposed Variance Application – Sam Garrett
935 Magnolia Avenue
Modesto, CA 95350

Dear Mr. Kelly,

The purpose of this communication is to express opposition to Mr. Garrett's proposed variance.

Upstairs windows or additional square footage allowed in this space, would invade my personal privacy throughout my entire yard and swimming pool area. When my pool was installed in 1977/78, the garage next door (935 Magnolia) was a functional garage with no windows. Since that date, the owner prior to Mr. Garrett, installed windows without benefit of a permit.

Additional square footage typically indicates more occupants. Allowing square footage to be added to the garage would increase the noise level at the second story, and place occupants closer to my property than the current home.

In speaking with a relative of Mr. Garret, this is considered a 'family home'. As such, the home is occupied by numerous family members on a continual basis. Currently an average of 4-6 cars plus storage of one large motor home and occasional business vehicles occupy the street. According to Mrs. Garrett, someone has reported the motor home as being parked too long in a residential neighborhood. It was then moved from Magnolia, to Fairmont, to the driveway.

I have lived in my home for 55 years. I am 75 years old and have trusted the city with the protection of my privacy. I understand ordinances are in place for this reason and am thankful that you are protecting the serenity of our neighborhood.

I thank you for your consideration.

Donna McIntyre

Donna McIntyre
209-524-0232