

City of Bishop
PLANNING COMMISSION MINUTES
City Council Chambers – 301 West Line Street
Bishop, California 93514

August 27, 2013

CALL TO ORDER:

Chairman Malloy called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Malloy.

COMMISSIONERS PRESENT:

Huntley, Lowthorp, Heckman, Hardy, Garcia, Bhakta, and Malloy

COMMISSIONERS ABSENT:

None

OTHERS PRESENT:

Gary Schley, Public Services Officer
Keith Caldwell, City Administrator / Planning Director
Michele Thomas, Secretary

PUBLIC COMMENT

Chairman Malloy asked if anyone wished to speak on a subject not calendared on the agenda. There was no public comment.

CORRESPONDENCE

None

(1) APPROVAL OF MINUTES

MOTION

Commissioner Huntley moved to approve the minutes of the June 25, 2013 meeting as written.

Ayes: Huntley, Lowthorp, Heckman, and Malloy
Abstain: Hardy, Bhakta, and Garcia

MOTION CARRIED: 4-0

PUBLIC HEARING

- (2) Request for a Conditional Use Permit to set aside the side yard setback from 5 feet to 10 inches and eliminate the requirement for curb, gutter, and sidewalks for a proposed residential construction project at 606 East Line Street.

The Public Hearing opened at 7:03 p.m.

Schley explained that the proposed project is a demolition of an existing single family residence to build a new single family residence at 606 East Line Street. The owners of the property are requesting to set aside the side yard setback to maintain an existing carport that they would like to attach to the newly constructed building. Schley stated he included in the staff report the municipal code for side yard setbacks and also all new construction requires curb, gutter, and sidewalks.

Malloy broke down the Conditional Use Permit requests into three separate parts. First, to set aside the side yard setback. Second is to eliminate sidewalks and planter strips. And third is to eliminate curb and gutter. Schley agreed that there are three requests to make decisions on.

John Harris, co-property owner, addressed first the subject regarding curb, gutter, and sidewalk. Currently the property does not have sidewalk nor does the property to the west. Harris stated that he and his wife do not want a sidewalk so to preserve the country-rural feel of the property. He also said that they feel a sidewalk would stand out because of no other sidewalks existing on either side of the property. Harris added that the street is several inches higher than his lot. To accommodate sidewalks it would be a huge cost because fill dirt would need to be brought in to make the property level with the asphalt.

Harris explained that the reason they would like to maintain the existing carport is so they can build the new house on the current foot print. If they build more to the east, a number of mature Elm trees would need to be removed.

Hardy asked Harris if he had an estimate for the sidewalks and Harris said he has received quotes from \$15,000 - \$50,000.

Carol Harris, co-owner, shared with the commission her love of the area and that she hopes to keep the same footprint of the house.

The Public Hearing closed at 7:28 p.m.

NEW BUSINESS

- (3) Request for a Conditional Use Permit set aside the side yard setback from 5 feet to 10 inches and eliminate the requirement for curb, gutter, and sidewalks for a proposed residential construction project at 606 East Line Street.

Malloy would like the commission to address the issues separately, the carport and then the sidewalks with curb and gutter.

Hardy said that he is not too concerned about the existing carport as much as he is regarding curb, gutter, and sidewalk. Heckman brought up that he believes the setback is for fire access. Schley stated that as long as there is fire separation, you may build on property lines. Malloy pointed out

that on the plans provided in the packet, it noted there will be a firewall built. And he also showed that the house to the west is also within the 5 feet setback. Huntley stated that as commissioners, they have the opportunity to make changes for the future instead of always granting the past as is. Lowthorp stated that with the existing house being demolished completely, the owners should look into another location for a covered parking space. Lowthorp also said that he feels this is a time to remedy a bad situation.

Malloy asked Schley if there would be a fire impediment with the submitted plans. Schley said that he cannot speak for the fire chief, but he doesn't feel there is a problem because there is access around the building from other sides, as well as for the house next door to the west. Bhakta verified that the firewall would bring the carport up to code and Schley confirmed.

Heckman commented that he doesn't think a sidewalk is necessary, but a curb and gutter would be appropriate. Heckman also believes there should be a 5 foot side yard setback. Garcia said that adding a curb, gutter, and sidewalk would add additional value to the property.

Malloy brought up the concern with future homeowners and neighbors. Although no one from the public commented on this project, approving the requests as presented could potentially have some negative impact in the future.

Lowthorp brought up the possibility of making the #3 parking space that is east of the house covered and then removing the cover of the existing covered parking space in question.

Huntley asked the contractor, Ken Carpenter, why the house footprint could not be moved 5 feet. Carpenter stated that in order to move the footprint of the house, various trees would need to be removed. The owner is hoping to not have to remove any of the trees on the property.

Lowthorp, Malloy, and Hardy do not have a problem with granting the portion of the CUP application to eliminate the requirement for curb, gutter, and sidewalk. But the three have concerns regarding the existing covered carport. Malloy confirmed with Schley that there would not be any drainage issues with water coming down Line Street onto the property. Schley doesn't anticipate any issues pertaining to drainage problems.

Hardy made a motion to grant the portion of the Conditional Use Permit eliminating the requirement for curb, gutter, and sidewalks for a proposed residential construction project at 606 East Line Street.

Ayes: Huntley, Lowthorp, Heckman, Garcia, Hardy, Bhakta and Malloy

MOTION CARRIED: 7-0

Malloy made a motion to grant the request for a Conditional Use Permit set aside the side yard setback from 5 feet to 10 inches.

Ayes: Malloy

Noes: Huntley, Lowthorp, Heckman, Garcia, Hardy, and Bhakta

MOTION DENIED WITHOUT PREJUDICE: 6-1

(4) Presentation of Inyo County 2013 General Plan and Zoning Code Update

Elaine Kabala and Josh Hart of Inyo County gave a presentation to provide highlights for the Inyo County General Plan and Zoning Code updates. Inyo County is in the process of updating its General Plan and Zoning Code, and is asking the community to provide input

to help shape the future of their community for the next 20 to 30 years. The General Plan is a policy document used to guide decisions affecting land use, public services and facilities, economic development, housing, circulation, open space conservation, natural resources, and public safety. The Zoning Code is used to implement the goals of the General Plan by regulating land use to preserve the character of the community, discourage incompatible uses from developing adjacent to each other and protect the health, safety and welfare of the community.

STAFF AND COMMISSION REPORTS:

Caldwell shared with the commission that the City is in the process of working on their General Plan as well. It is a five year update that begins 2014, and staff will be working with our consultant over the next several months. Schley added that it will be the Housing Element portion of the General Plan.

ADJOURNMENT:

Chairman Malloy adjourned the meeting at 8:29 P.M. The next scheduled meeting will be September 24, 2013 at 7:00 P.M. in the City Council Chambers.

Chairman Malloy

Michele Thomas, Secretary