

BOARD OF ZONING ADJUSTMENT
RESOLUTION NO. 2013-06

A RESOLUTION APPROVING THE APPEAL TO A STAFF DECISION APPROVING A TWO-STORY BALCONY ADDITION LOCATED AT 1705 BRONSON AVENUE (VICTOR ESCOBAR)

WHEREAS, Section 10-9.1002(b)(5) requires a development plan review by the Community and Economic Development Director for second-story additions/balconies to homes in existing residential areas in the R-1 Zone; and

WHEREAS, on May 8, 2013, George A. Murphy submitted site plans and elevations for a two-story balcony addition located at 1705 Balcony Avenue; and

WHEREAS, per City policy, on May 9, 2013, a letter was mailed to property owners within one hundred fifty (150) feet from the property involved, to inform them of the proposed balcony addition; and

WHEREAS, on May 30, 2013, George A. Murphy submitted revised plans and elevations for the second-story balcony addition located at 1705 Bronson Avenue to address privacy issues identified by staff; and

WHEREAS, on June 12, 2013, the Community and Economic Development Director issued a letter of approval of the two-story balcony addition of the property involved to the applicant and all property owners within one hundred fifty (150) feet, and

WHEREAS, on June 27, 2013, Victor Escobar filed an appeal of the approval of the subject balcony addition to the Board of Zoning Adjustment pursuant to Section 10-9.301 of the Municipal Code; and

WHEREAS, on August 22, 2013, the appeal was originally heard and continued by the Board of Zoning Adjustment, because a consensus decision could not be reached whether to grant or deny the appeal; and

WHEREAS, the Board of Zoning Adjustment considered the appeal of the above mentioned appellants at their regularly scheduled meeting on September 26, 2013, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which meeting evidence both oral and documentary was received and considered, and determined that due to the size and massing of the balcony, in addition to the existing two-story structure, the balcony addition is incompatible with the surrounding neighborhood and thus the proposed second-story balcony addition did not meet the criteria of Section 10-4.110(a) of the Municipal Code and the Neighborhood Compatibility Guidelines, and that therefore, the appeal of Victor Escobar should be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Adjustment that it hereby grants the appeal by Victor Escobar to a staff decision approving the second-story balcony addition at 1705 Bronson Avenue, for the above reasons.

The foregoing resolution was introduced at the regular meeting of the Board of Zoning Adjustment held on September 26, 2013, by Hank Pollard, who moved its adoption, which motion was seconded by Greg Matas, and carried by the following vote:

Ayes: Grover, Matas, Pollard, Swehla
Noes: Bergman, French, Smith
Absent: None
Recused: None

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

Original, signed copy on file at CEDD

Patrick Kelly, Secretary