



City of Colusa California

STAFF REPORT

DATE: May 10th, 2023
TO: Planning Commission – Public Hearing
FROM: Jesse Cain, City Manager

AGENDA ITEM: Consideration to construct an 8' high redwood fence within the side yard along Birchwood Place at the home address located at 44 Birchwood Place.

Recommendation: Commission may approve this variance once they have taken testimony from the public hearing and applicant.

BACKGROUND ANALYSIS: It's our understanding the applicant desires to construct an 8 foot high fence with a 6 foot setback behind the back of the sidewalk to allow better utilization of the backyard space:

"Fences in front and Side yards shall be constructed in such a manner as not to create a solid visible barrier. The surface area of the fence is to be open so passersby can view activity on the other side of the fence for not less than thirty percent of the surface area per square foot."

Side Yard Set-back: Ten Feet."

Notwithstanding, the planning commission under section 34.01 may make findings that this circumstance justifies a variance, or not. Section 34.01 states the following:

Sec. 34.01. - *Variances.*

Where practical difficulties, unnecessary hardships or results inconsistent with the purposes and intent of this ordinance may result from the strict application of certain area, height, yard and space requirements thereof, *variances* in such requirements may be granted, as provided in this section, by the planning commission.

(a) *Variance* Application and Fee.

1. Application for a *variance* shall be made to the city planning department in writing on a form prescribed by the city. Such application shall be accompanied by a fee in an amount as established from time to time by resolution of the city council, statements, plans and other evidence showing:

a. That, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance provisions deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

b. That granting of the *variance* requested will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

c. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health, or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

2. A public hearing shall be held within sixty days after a filing of application for a *variance*, notice of which shall be given by one publication in a newspaper of general circulation published and circulated in the City of Colusa and by mailing notice to the applicant and owners of all property within three hundred feet of any boundary of the lot or parcel for which the *variance* has been filed, as such owners are shown on the last equalized assessment roll of the County of Colusa. Notice in each case is to be given at least ten days prior to such public hearing.

(b) Action by the Planning Commission.

1. Within thirty days after the public hearing the planning commission shall make a finding of facts showing whether the qualifications under [Section 34.01](#) apply to the land, building or use for which *variance* is sought and whether such *variance* shall be in harmony with the general purposes of this ordinance.

2. After making findings the planning commission shall either approve, with or without conditions, or deny said *variance*.

BUDGET IMPACT: None

ATTACHMENT:

Resolution 23-

Application and pictures