

**Jackson Planning Commission**  
**Minutes**  
**Regular Meeting of September 21, 2015**

**COMMISSION MEMBERS PRESENT:**

Walt Hoeser, Chairman  
Paul Molinelli, Jr., Vice-Chairman  
Bob Stimpson  
George White

**CITY STAFF PRESENT:**

Susan Peters, City Planner  
Gisele Wurzbarger, City Clerk

**COMMISSION MEMBERS ABSENT:**

Fred Hall

Note: The Staff Report Packet prepared for the Planning Commission is hereby incorporated into these minutes by reference as though set forth in full. Any Staff Report, recommended findings, mitigation measures, conditions, or recommendations which are referred to by Commissioners in their action motions on project decisions, which are contained in the Staff Reports, are part of these minutes. Any written materials, petitions, packets or comments received at the hearing also become part of these minutes. Actions minutes and audio recordings are retained for those desiring more detail on particular agenda item discussion. These audio recordings provide an accurate and comprehensive backup of Planning Commission deliberations and citizen discussion.

Chairman Hoeser called the meeting to order at 6:30 p.m.

**1. Public Matters Not on the Agenda.**

None.

**2. Approval of Minutes.**

- a. Minutes from the August 17, 2015 meeting.

**Moved by Vice-Chairman Molinelli, seconded by Commissioner Stimpson and carried by a 4 to 0 vote (Commissioner Hall absent) to approve the Planning Commission Minutes from August 17, 2015 as amended. Motion passed with the following vote:**

**AYES: Hoeser, Molinelli, Stimpson, White**

**NOES: None**

**ABSENT: Hall**

**ABSTAIN: None**

**3. Variance to allow Construction of a Retaining Wall in the Five Foot Side Yard Setback, Scott & Cheryl Oneto. 10365 Spunn Road APN 044-360-011.**

City Planner Peter reported the applicants are requesting a variance to allow for construction of a retaining wall in the ten foot rear yard setback, site plan was provided. The General Plan Land Use Designation and Zoning of the project site is Residential Single Family. While variances are typically subject to the California Environmental Quality Act (CEQA), projects which have no possibility of causing an environmental impact can be categorically exempted from CEQA review in accordance with Section 15061(b)(3) of CEQA.

Findings: In accordance with Development Code Section 17.82.030 - Findings and Decision, the following findings must be made for approval of the requested variance:

1. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of the Development Code deprives the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts;
2. The Variance authorized does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zoning district;
3. The approval of the Variance is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that could not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted; and
4. Granting the Variance:
  - a. Does not allow a use or activity which is not otherwise expressly allowed in the applicable zoning district;
  - b. Would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located; and
  - c. Is consistent with the General Plan and any applicable Specific Plan.
5. The Variance is the minimum departure from the requirements of the Development Code necessary to grant relief to the applicant, consistent with 1 and 2, above.

Should the Planning Commission chose to approve the variance and exterior design for Scott & Cheryl Oneto at 10365 Spunn Road (APN 044-360-011) the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving Variance 2015-02 and project design for Scott & Cheryl Oneto at 10365 Spunn Road (APN 044-360-011) based on the Findings in this report.

Chairman Hoeser opened public hearing. Hearing no discussion from the public Chairman Hoeser closed the public hearing.

After considerable discussion among the Planning Commission and staff the following motion was made:

**Moved by Vice-Chairman Molinelli, seconded by Commissioner Stimpson and carried by a 4 to 0 vote (Commissioner Hall absent) to approve:**

- 1. Instruct Staff to file a Categorical Exemption; and,**
- 2. Adopt a Resolution approving Variance 2015-02 and project design for Scott & Cheryl Oneto at 10365 Spunn Road (APN 044-360-011) based on the Findings in this report.**

**Motion passed with the following vote:**

**AYES: Hoeser, Molinelli, Stimpson**  
**NOES: None**  
**ABSENT: Hall**  
**ABSTAIN: None**

**4. Administrative Reports.**

City Planner Peters reported on the following:

Adjourn 6:44 p.m.

Attest:

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Gisele L. Wurzbürger, City Clerk

Date Approved: November 16, 2015