

City of

# CORCORAN

A MUNICIPAL CORPORATION

FOUNDED 1914

**PUBLIC HEARING  
ITEM #: 5-A**

## **MEMORANDUM**

**TO:** Corcoran City Council

**FROM:** Kevin J. Tromborg: Community Development Director  
Planner, Building Official, Transit Director

**SUBJECT: Appeal to the City Council regarding Planning Commission's Decision concerning zoning code violation regarding fence location for address 2102 Kern River Avenue owned by Marco A, Villarreal.**

**DATE: January 22, 2020**

**MEETING DATE: January 28, 2020**

**RECOMMENDATION:** (VV) Staff recommends upholding the Planning Commission's decision to deny the exception based on the Planning Commission and City Council approved Sub-division map and utility easement.

**DISCUSSION:** The City of Corcoran has specific regulations regarding fence locations, height, materials and setbacks. (*See Attachment A*). Sub-divisions are planned with various reasons as it pertains to easements, line of sight, traffic, walkability, and the beautification of the entire subdivision and community. On or about August 10, 2016 Code Enforcement, during routine patrol observed a fence that had been moved from its original location of fifteen (15') feet from the face of the curb to just inches from the sidewalk. The location of the property is 2102 Kern River Avenue. (APN 034-310-037) (*See Attachment B*) The height of the fence and the material used were in conformance. However, the property is a corner lot and the approved Subdivision map shows a five (5) foot side walk set back and a ten (10) foot utility easement setback. (*See Attachment C*) The owner of the property, Mr. Marco Villarreal moved his fence on the east side of his property over the utility easement and up to the sidewalk. An initial of violation letter was sent on August 10, 2016. A second letter was sent October 16, 2017 and a third on November 28, 2017. On September 28, 2018 a letter was sent with an administrative fine of \$100.00 if the violation continued past October 28, 2018 (*See attachment D, letters*). At that time Mr. Villarreal came to City Hall to discuss the letters and administrative fine.

Mr. Villarreal stated that he called Community Development prior to moving the fence and asked if a permit was required for a wood fence. Staff informed him that building permits were not required. However, there may possibly be planning issues that might need to be addressed such as setbacks. Mr. Villarreal also stated that the building inspector gave him verbal and written permission to move his fence up to the sidewalk. The written permission referred to by Mr. Villarreal was a city business card with the initials/signature of the former building inspector. (*See Attachment E*). I spoke with the now retired building inspector and he does not remember giving permission or signing the card. It should be noted that a building inspector is not authorized to circumvent zoning codes, building codes, municipal codes or established plans approved by the Planning Commission and or the City Council.

Staff informed Mr. Villarreal in April of 2019 that the Planning Commission was going to allow property owners that were in violation regarding fence regulations to file for an exception. The applications for exceptions were to be allowed for a six month period only, and each application was to be heard on individual basis. The six month period started on February 1, 2019, ending on August 31, 2019. Mr. Villarreal file for an exception on May 2, 2019 and the administrative fine was waived by the Community Development Director. (*See Attachment F*).

On June 17, 2019, The Planning Commission at its regularly scheduled meeting put Mr. Villarreal exception application on hold pending notification of other property owners in the subdivision that may be in violation of required setbacks. (*See attachment G*).

At the regular Planning Commission meeting held on September 17, 2019, the Planning Commission heard comments and concerns from staff and the property owner. After deliberating the Planning Commission stated that the sub-division plan was approved with a ten (10) foot public utility easement dedicated for underground utilities and that consent from a city employee does not negate the fact the fence was moved over or on the easement that was approved by the Planning Commission. The Commission then voted 5 to 0 with two commissioners absent to deny Mr. Villarreal exception application. (*See attachment H, minutes*)

On September 26, 2019 Mr. Villarreal, as outlined in the Zoning Code, filed an Appeal to the City Council with the City Clerk regarding the Planning Commission's decision to deny the exception request. (*See attachment I*)

#### Attachments

- A. Chapter 11-12 Corcoran Zoning Code
- B. APN Information & Pictures
- C. SD map with Utility Easement
- D. Code Enforcement letters, Administrative citation and Certified mail notice.
- E. Copy, city business card with signature.
- F. Zoning exception application
- G. City letter zone exception request on hold.
- H. Minutes to PC meeting on September 16, 2019
- I. Denial letter & Appeals application

## Chapter 11-12 FENCES, WALLS, AND SCREENING

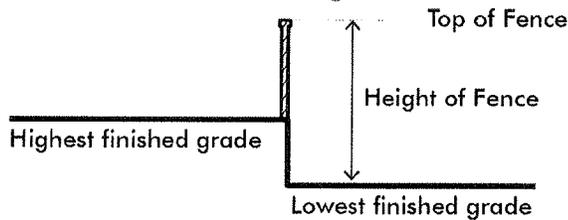
### Sections:

- 11-12-1 Measurement of Fence and Wall Height
- 11-12-2 Height Limits
- 11-12-3 Design Standards
- 11-12-4 Screening

### 11-12-1 Measurement of Fence and Wall Height

- A. The height of a fence or wall is measured from the adjacent finished grade at the base of the fence or wall to the top edge of the fence or wall.
- B. Ornamental features that provide a screening function and are 50 percent or more opaque are included in the height measurement of a fence or wall.
- C. If a fence is atop a wall, the total height is measured from the base of the wall. See Figure 11-12-1.
- D. If the adjacent finished grade is different on opposite sides of the fence or wall, the height is measured from the side with the highest finished grade to the highest point on the fence.

Figure 11-12-1 Fence and Wall Height



### 11-12-2 Height Limits

- A. A fence or wall shall not exceed the maximum permitted height as shown in Table 11-12-1 and Figure 11-12-2.

TABLE 11-12-1 MAXIMUM HEIGHT OF FENCES AND WALLS

Fence or Wall Location	Figure Number	Residential Zoning Districts (RA, R-1, RM) and Professional Office (PO)	Industrial Zones	Resource Conservation and Open Space (RCO)
Within front setback area	A	3 ft.[1]	3 ft. [2]	-
Within street side setback area	B	7 ft.	-	-
Within side and rear setback areas	C D	7 ft.	6 ft.	-
Traffic Safety Visibility Area		3 ft.	4 ft. [3]	-

Notes:

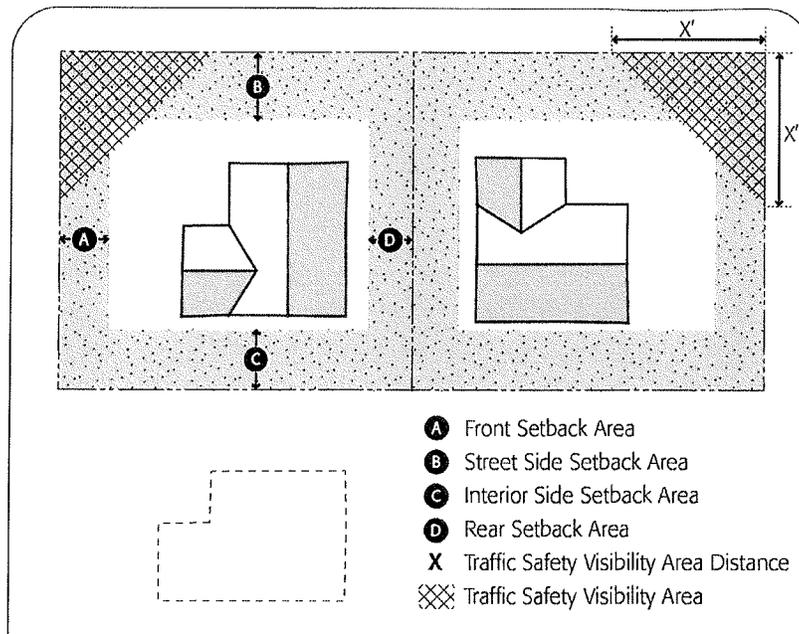
- [1] A 4 feet height is permitted, provided that the top one foot is at least 50 percent open.
- [2] A chain link fence greater than 3 feet in height may be located in any portion of a required front setback.
- [3] The top one foot shall be 50 percent or more open.

- B. Traffic Safety Visibility Area.** The minimum requirement for a traffic safety visibility area is based on a zoning district as shown in Table 11-12-2. The traffic safety visibility area is the area formed by measuring the distance “X” along the front and side property lines from the point of intersection, and then diagonally connecting the ends of the two lines. See Figure 11-12-2.

TABLE 11-12-2 TRAFFIC SAFETY VISIBILITY AREA DISTANCE BY ZONING DISTRICT

District	Distance “X”
Residential and PO	25 feet
Industrial	30 feet

Figure 11-12-2 Height Limits for Fences and Walls



- C.** Within residential zones, an additional 2 feet of height is permitted for ornamental features that do not provide a screening function, such as an archway over a gate or ornamental figures intermittently situated along the top of a fence or wall.

**11-12-3 Design Standards**

The following design standards for fences and walls shall apply in all zoning districts.

- A.** Fences and walls shall be constructed of decorative masonry, ornamental steel or iron, bricks, stone, formed vinyl, or wood. Other materials may be considered if the Community

Development Department determines the design to be compatible with adjacent structures and its surrounding neighborhood.

- B. Fences and walls shall not be constructed of inappropriate materials such as sheet metal, vehicles, underground/above-ground tanks, garage doors, aluminum siding, corrugated tin, non-constructed or dumped piles of rock, soil or debris, OSB sheets, plywood sheets, word sheets, corrugated metal or plastic, vinyl, cloth tarps, and other similar materials not specifically designed for use as fencing.
- C. Fence and wall design shall conform to the California Building Code and all development standards required for safety.
- D. Materials of fences, walls, hedges, and trellis shall be uniform in its construction.
- E. The use of barbed wire, razor wire, electrified wire, and other similar materials requires administrative approval in industrial and commercial zoning districts. The use of such materials is prohibited in residential zoning districts unless required by federal or State regulations.

#### 11-12-4 Screening

- A. **Material and Height.** An ornamental solid fence, masonry wall, compact growth of natural plant materials (with solid gates where necessary), or other similar type of screening device not less than 6 feet in height shall be used for screening.
- B. **Outdoor Uses.** The following outdoor uses shall be screened:
  - 1. Any agricultural use involving a business, service, or process not completely enclosed in a structure shall be screened when located on a site abutting on or across a street or alley from a residential district.
  - 2. Any industrial use not conducted entirely within a completely enclosed structure on a site across a street or an alley from an RA, R-1, or commercial zoning district.
- C. **Outdoor Storage.** Open storage of materials and equipment shall be screened, except as may be modified under the site plan review provisions of Chapter 11-22 (Permit Application and Review) of this Title. Materials or equipment stored shall not be visible above said fence or wall.
- D. **Property Lines.**
  - 1. Where a commercial lot adjoins or is located across a street or alley from an RCO, RA, R-1, RM, or PO zoning district, screening shall be located on the property line common to such zoning districts, except in a required front yard.
  - 2. Where an industrial lot adjoins an RA, R-1, PO, or commercial zoning district, screening shall be located on the property line common to such zoning districts, except in a front yard.

Assessment Info



# Assessment Information



[Map](#) **\*\*** [Taxes & Values](#) [Owner History](#) [Physical Characteristics](#) [Supplementals](#)  
[Other Assessments](#)

[Main Menu](#)

The Assessment number is required and consists of 12 digits.

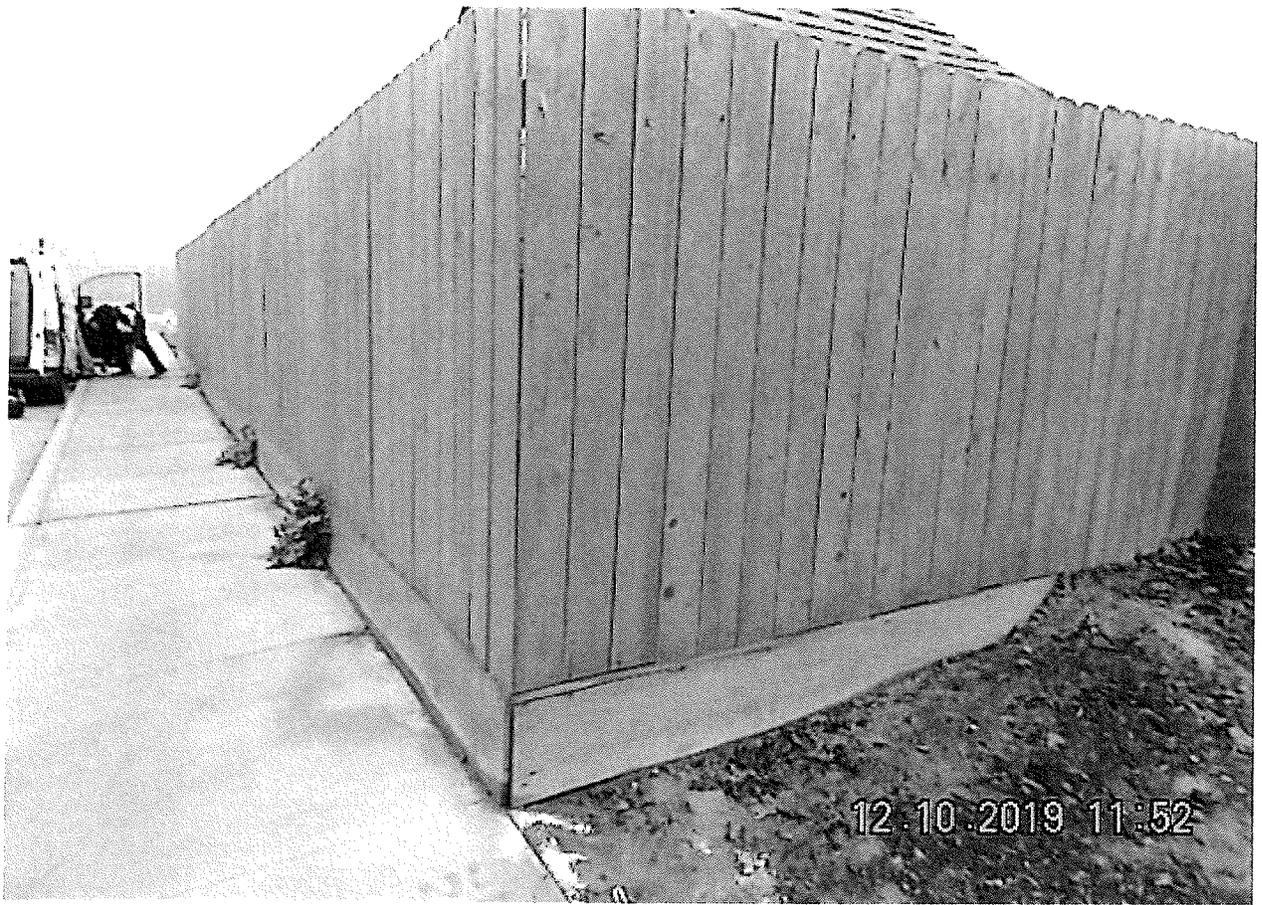
Assessment Number \*  -  -  -

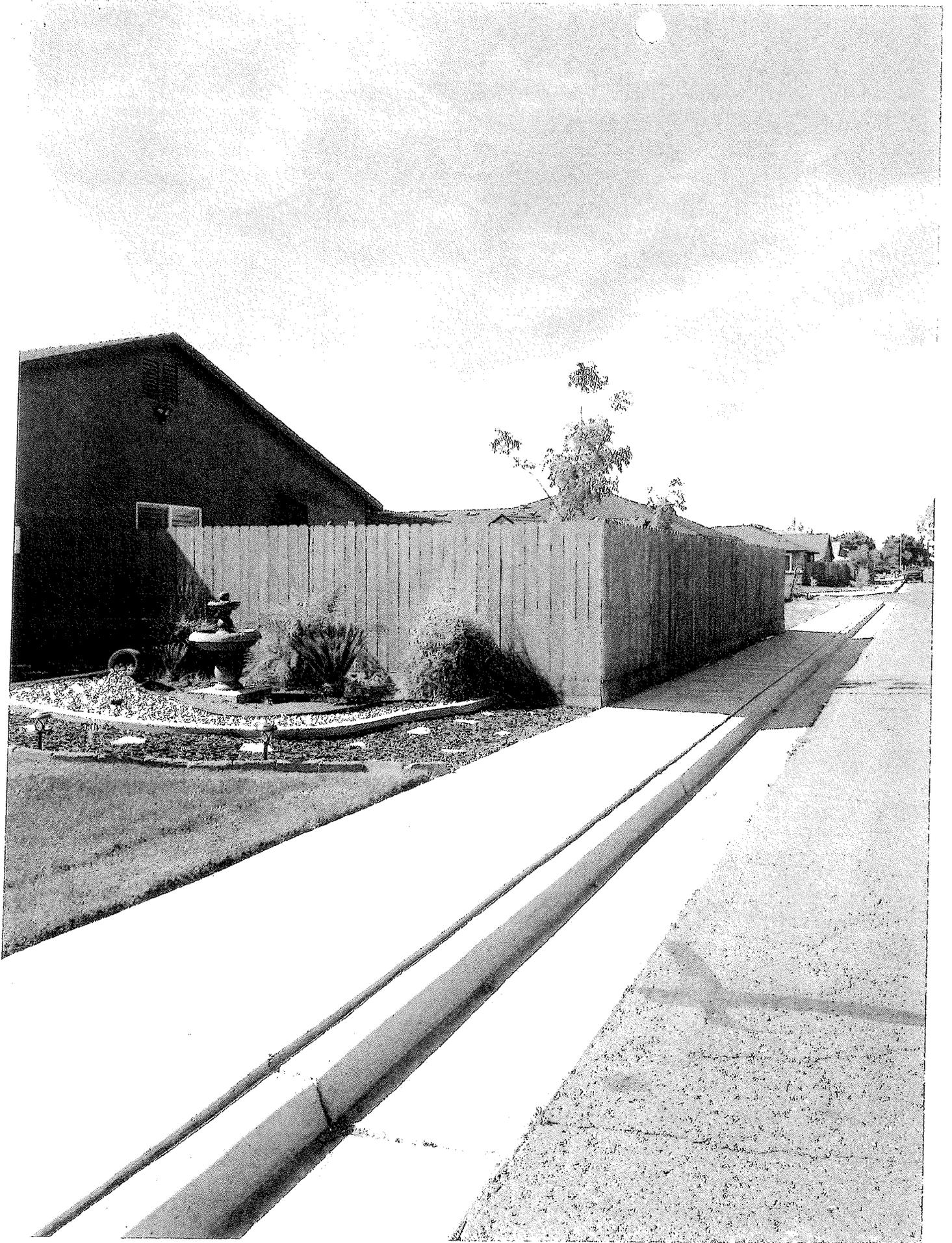
## General Information

Fee Number	<u>034-310-037-000</u>	
Assessment Type	FEE PARCEL	
Active		
Description	LOT 37, THE SEQUOIAS-PHASE I, TRACT #857 22/21/22	<a href="#">Legal Description</a>
Comments	FORMERLY PORTION OF 034-200-002	
Assessed To	VILLARREAL, MARCO A 2102 KERN RIVER AVE CORCORAN CA 93212	<a href="#">Current Owners</a>
Acres	0.00	NORMAL OWNERSHIP
Tax Rate Area	001-002	Zoning
Exemptions	HOMEOWNERS	
Documents	Current <u>2016R1519387</u> 11/25/2015 Created 2008ISM22 23 03/06/2007	
Situs	2102 KERN RIVER AVE CORCORAN	

\*\* Maps require Free Adobe Acrobat Reader. Click  to download now. [Top](#)







# Untitled Map

Write a description for your map.

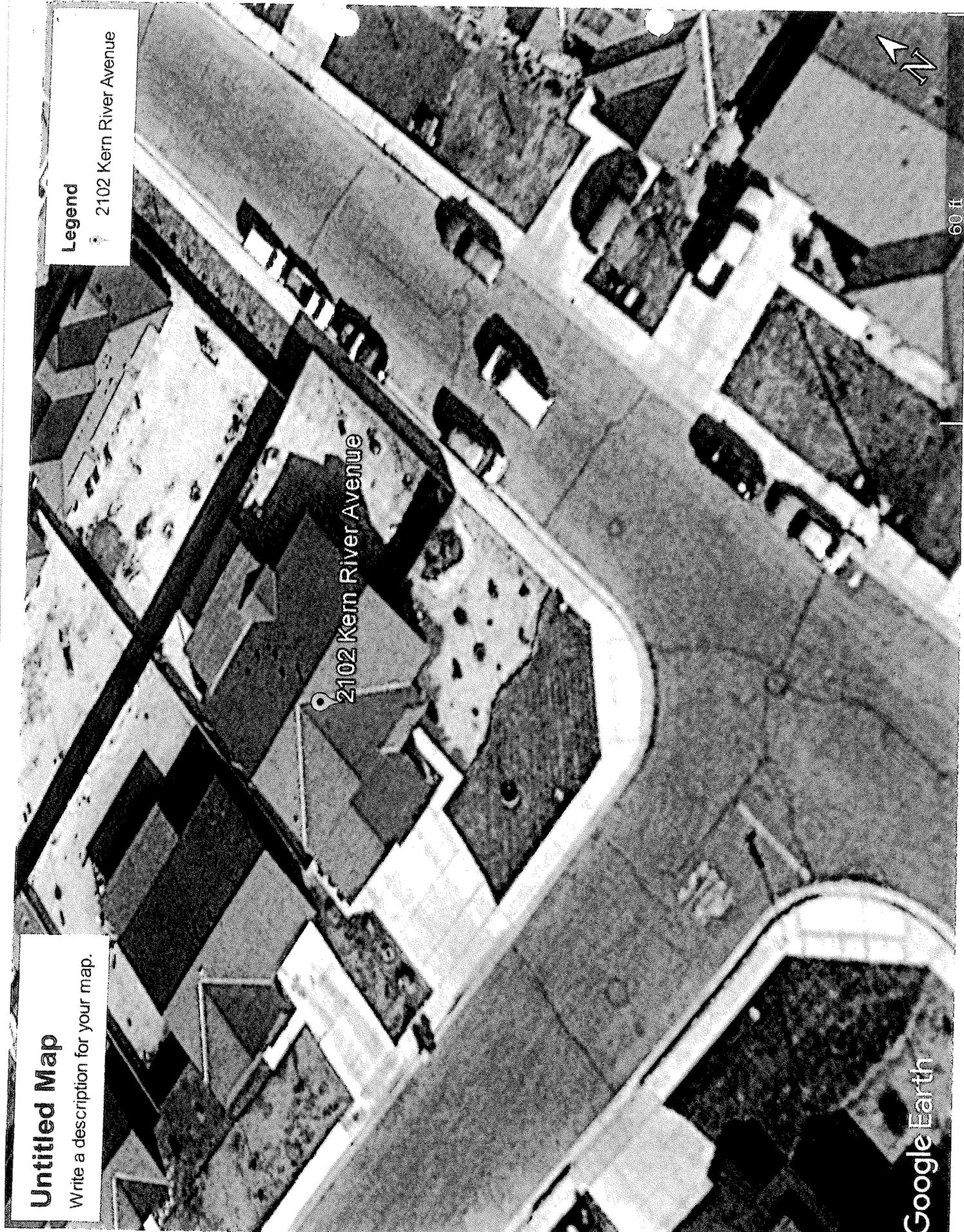
## Legend

📍 2102 Kern River Avenue

📍 2102 Kern River Avenue

Google Earth

60 ft



# Untitled Map

Write a description for your map.



## Legend

2102 Kern River Ave

Google Earth

200 ft







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**Kevin Tromborg**  
**Community Development**  
**Director/Planner/Building Official**  
**kevin.tromborg@cityofcorcoran.com**

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**832 Whitley Ave**  
**Corcoran, CA. 93212**  
**(559) 992-2151 Ext. 232**

August 10, 2016

Marco Villarreal  
2102 Kern River Avenue  
Corcoran Ca 93212

Re: Building a fence within the City Set back.

Dear Mr. Villarreal

The City of Corcoran zoning code has specific requirements regarding fences. Corner lots in Sub-Divisions have additional set back requirements. Sub-Divisions are laid out and planned with different reasons and intentions as it pertains to line of sight, traffic, and the naturalization and beautification of the entire sub-division. The Planning Commission approves the final plan and design of the sub-division. Moving your fence from its original location out to the edge of the sidewalk is not allowed in the Sequoia sub-division. This situation is considered not only a violation of the City Municipal Code, but a public nuisance. To avoid an Administrative citation, Please relocate the fence to its original location within 30 day of the date of this notice.

Thank you for your immediate response to this situation

Sincerely

A handwritten signature in black ink, appearing to read 'Kevin J. Tromborg', written in a cursive style.

Kevin J. Tromborg:  
Community Development Director  
Planner and Building Official

CC: Ma Josephine D. Lindsey  
Community Development Administrative Assistant

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**Kevin J. Tromborg**  
Community Development  
Director/Planner/Building Official  
kevin.tromborg@cityofcorcoran.com



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832 Whitley Ave  
Corcoran, CA. 93212  
(559) 992-2151 Ext. 232

October 16, 2017

**MARCO VILLAREAL**  
2102 Kern River Avenue,  
Corcoran Ca 93212

Dear **Marco Villarreal**:

In August 2016, the City of Corcoran has notified you regarding the zoning code requirements pertaining to fences. Moving your fence to the edge of the sidewalk is not allowed and also considered a public nuisance. City Municipal Code required setbacks is 10 ft. from the curb at the North side and West side of property.

To reiterate, the Sequoia subdivision are laid out and planned with different reasons and intentions as it pertains to line of sight, traffic, and the naturalization and beautification of the entire sub-division. The Planning Commission approved the final plan and design of the subdivision.

The City has received another complaint of the above-mentioned property. We therefore, we request you to move your fence back to its original location by November 16, 2017, otherwise, an administrative citation amounting to \$ 100.00 will be issued and sent for collection.

Thank you for your immediate attention to this matter.

Sincerely

A handwritten signature in black ink, appearing to read "Kevin J. Tromborg", is written over a horizontal line.

**Kevin J. Tromborg**  
Community Development Director/  
Planner and Building Official

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**Kevin J. Tromborg**  
Community Development  
Director/Planner/Building Official  
kevin.tromborg@cityofcorcoran.com



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832 Whitley Ave  
Corcoran, CA. 93212  
(559) 992-2151 Ext. 232

November 28, 2017

**MARCO VILLAREAL**  
2102 Kern River Avenue,  
Corcoran Ca 93212

Dear Marco Villarreal:

The City has received complaints regarding the fence at the above-mentioned property address. Once again, the City of Corcoran Zoning Code required setbacks is 10 feet from the curb at the North and West side of the property. Moving your fence to the edge of the sidewalk is not allowed and also considered a public nuisance.

Further, the Sequoia subdivision are laid out and planned with different reasons and intentions as it pertains to line of sight, traffic, and the naturalization and beautification of the entire subdivision. The Planning Commission approved the final plan and design of the subdivision.

**This is your final notice to move your fence back to its original location by January 5, 2018, otherwise, an administrative citation amounting to \$ 100.00 will be issued and sent for collection.**

If you already correct the violation, please disregard this letter and we thank you for your compliance.

Sincerely

A handwritten signature in black ink, appearing to read "Kevin J. Tromborg", is written over a large, stylized loop.

**Kevin J. Tromborg**  
Community Development Director/  
Planner and Building Official

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**Kevin J. Tromborg**  
Community Development  
Director/Planner/Building Official  
kevin.tromborg@cityofcorcoran.com



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832 Whitley Ave  
Corcoran, CA. 93212  
(559) 992-2151 Ext. 232

September 28, 2018

**MARCO VILLAREAL**  
2102 Kern River Avenue,  
Corcoran Ca 93212

Dear Marco Villarreal:

You have been notified several times regarding your fence that was built in violation of the zoning code. The City of Corcoran Zoning Code required setbacks of ten (10) feet from the curb at the North and West side of the property. Moving your fence to the edge of the sidewalk is not allowed and also considered a public nuisance.

**Enclosed with this notice is an administrative citation amounting to \$ 100.00 that is sent for collection. Additional citation of up to \$ 500.00 per day will again be issued, if violation continues past October 28, 2018.**

If you already correct the violation, please disregard this letter and we thank you for your compliance.

Sincerely

**Kevin J. Tromborg**  
Community Development Director/  
Planner and Building Official

# ADMINISTRATIVE CITATION

C 815

**CITY OF CORCORAN**  
**CODE ENFORCEMENT DEPARTMENT**  
**BUILDING AND SAFETY**  
 832 WHITLEY AVENUE  
 CORCORAN, CA 93212  
 (559) 992-2151



DATE: 10-1-18 TIME: 8:29 AM

LOCATION: 2102 KERN RIVER AVENUE

NAME: MARCO VILLABREAL

ADDRESS 2102 KERN RIVER AVENUE

CITY CORCORAN STATE CA ZIP 93212

PROPERTY OWNER  BUSINESS OWNER  CONTRACTOR   
 TENANT  OTHER  \*

The following conditions exist on this property

CITY OF CORCORAN CODE VIOLATION	PENALTY AMOUNTS		
	1 <sup>ST</sup>	2 <sup>ND</sup>	3 <sup>RD</sup>
Corc. Title 4 Sec. _____ PROPERTY MAINTENANCE _____			
Corc. Title 11 Sec. _____ SIGN REGULATIONS _____			
Corc. Title 11 Sec. <u>11-5-2</u> ZONING REGULATIONS <u>TABLE 11-5-2</u>	<u>100.00</u>		
Corc. Title 4 Sec. _____ WEED ABATEMENT _____			
Corc. Title 4 Sec. _____ TRASH CANS/ENCLOSURES _____			
Corc. Title 9 Sec. _____ BUILDING REGULATIONS _____			
Corc. Title _____ Sec. _____			

DUE DATE: \_\_\_\_\_ TOTAL PENALTY \$ 100.00  
 THE FINE MAY BE WAIVED, PROVIDED THE VIOLATION IS CORRECTED

NAME OF CITING OFFICER [Signature]

IF VIOLATION NOT CORRECTED BY ABOVE DUE DATE, You **MUST PAY** this violation penalty **AND** correct the violation. Failure to comply with the terms of the Administrative Citation may result in subsequent citations and increased fines. **DO NOT SEND CASH.**

MAKE ALL CHECKS PAYABLE TO "CITY OF CORCORAN" FOR THE TOTAL AMOUNT DUE. MAIL YOUR REMITTANCE WITH RECEIPT PORTION IN THE ENVELOPE PROVIDED TO:

CITY OF CORCORAN  
 P.O. BOX 7275  
 NEWPORT BEACH, CA 92658  
 ATTN: CITATION PROCESSING CENTER

PERMITS: NET-BILL BECOMES DELINQUENT 30 DAYS AFTER CITATION DATE UNLESS OTHERWISE NOTED. A PENALTY OF 50% (ONE HALF) WILL BE ADDED TO ANY DELINQUENT BALANCE AND MUST BE RECEIVED WITHIN 60 DAYS OF THE CITATION ISSUANCE DATE. AN ADDITIONAL LATE FEE OF 100% (DOUBLE) OF THE ORIGINAL CITATION WILL BE ADDED AFTER 60 CALENDAR DAYS.

HEREBY ACKNOWLEDGE RECEIPT OF THIS CITATION:  
 Signature: \_\_\_\_\_

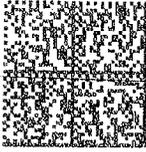
Date \_\_\_\_\_

**CERTIFIED MAIL**

City of  
**CORCORAN**  
A MUNICIPAL CORPORATION  
FOUNDED 1914  
City Offices: 832 Whitley Avenue • Corcoran, CA 93212



91 7159 9991 7039 1742 3688



UNITED STATES POSTAGE  
02 1P

PITREY BOWES  
\$ 006.670

0000862104 OCT 01 2018  
MAILED FROM ZIP CODE 93212

September 28, 2018

**MARCO VILLAREAL**  
2102 Kern River Avenue,  
Corcoran, CA 93212

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. DO NOT ATTEMPT TO REMOVE THIS STICKER.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARCO V. MARCEL  
2182 Kern River Avenue  
Carson CA 93212



9590 9402 4139 8092 1513 55

2. Article Number/Zone/Postage/Insurance/Additional

91 7199 9991 7039 1742 3688

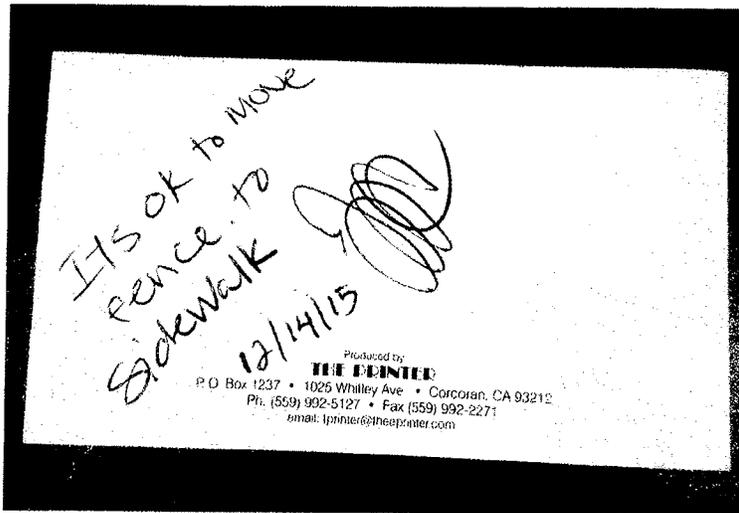
PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent
- X**  Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- Adult Signature Restricted Delivery
  - Adult Signature Restricted Delivery
  - Certified Mail
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery, Restricted Delivery
  - Priority Mail Express
  - Registered Mail™
  - Registered Mail, Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation, Restricted Delivery

Domestic Return Receipt





# Zoning Exception Request FENCE HEIGHT

DAY 6 2 2010

Community Development Department  
832 Whitley Avenue, Corcoran, CA 93212  
Telephone: (559) 992-2151 ext. 232 or 225

Project Address: 2102 KERN RIVER AVE

Estimate date the fence was built: OCTOBER 2015

Applicant's Name: MARCO VILLARREAL

Address: 2102 KERN RIVER AVE

Telephone #: (559)471-9154 Email address: marco-villa11@hotmail.com

Property Owner (if different from the Applicant): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Email address: \_\_\_\_\_

Description of Existing Fence (e.g. height and material used. Please attach a photo of the fence):  
FENCE HEIGHT 6 FT / WIDE 24 FT / LONG 50 FT

ON DECEMBER OF 2015, I CAME TO THE CITY HALL TO SPEAK TO JIM REWARDING MY FENCE. WHEN I PURCHASED MY HOME, I DIDN'T REALIZED HOW SMALL MY YARD WAS UNTIL I GOT MY KEYS. I ONLY HAVE APPROXIMATELY 15 FT OF BACK YARD SPACE FOR MY FAMILY AND PETS. BEING THE OWNER OF A CORNER LOT I CAME TO ASK JIM IF I COULD EXTEND MY FENCE TO THE SIDE TO HAVE MORE PLAY SPACE FOR MY FAMILY AND PETS. JIM SAID I DIDN'T NEED A PERMIT AND TO GO AHEAD AND MOVE MY FENCE. WHEN I ASKED HIM HOW FAR I COULD EXTEND MY FENCE HE ANSWERED "IF I WAS YOU, I WOULD MOVE IT ALL THE WAY TO THE SIDEWALK" AND HE GAVE ME ONE OF HIS CARDS AND WROTE ON THE BACK, "IT'S OK TO EXTEND FENCE TO SIDEWALK" AND DATED. I SPENT MORE THAN \$1500 DOLLARS ON MATERIAL AND LABOR, WHICH I STILL HAVE RECEIPTS FROM MY HOME DEPOT CREDIT CARD. I WOULD LIKE TO KEEP MY FENCE HOW IT IS SINCE I KEEP MY AREA CLEAN, IT DOESN'T AFFECT TRAFFIC VIEWS, SINCE THERE IS A STOP SIGN IN THE CORNER AND I PAY PROPERTY TAXES FOR IT. MY FENCE IS CURRENTLY APPX 40 FT FROM THE FRONT SIDEWALK.

Signature of Property Owner: [Signature] Date: 4/26/19

**Authorization letter is required if applicant is different from the property owner.**

# Assessment Information

[Logout](#)

[Map](#) \*\* [Taxes & Values](#) [Owner History](#) [Physical Characteristics](#) [Supplementals](#)  
[Other Assessments](#)

[Main Menu](#)

The Assessment number is required and consists of 12 digits.

Assessment Number \* 034 - 310 - 037 - 000

## General Information

Fee Number 034-310-037-000

Assessment Type FEE PARCEL

Active

Description LOT 37, THE SEQUOIAS-PHASE I, TRACT #857  
22/21/22

[Legal Description](#)

Comments FORMERLY PORTION OF 034-200-002

Assessed To VILLARREAL, MARCO A  
2102 KERN RIVER AVE  
CORCORAN CA 93212

[Current Owners](#)

Acres 0.00 NORMAL OWNERSHIP

Zoning --

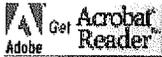
Tax Rate Area 001-002

Exemptions HOMEOWNERS

Documents Current 2016R1519387 11/25/2015

Created 2008ISM22 23 03/06/2007

Situs 2102 KERN RIVER AVE CORCORAN

\*\* Maps require Free Adobe Acrobat Reader. Click  to download now. [Top](#)



# Untitled Map

Write a description for your map.

## Legend

📍 2102 Kern River Avenue

📍 2102 Kern River Avenue



City of

# CORCORAN

A MUNICIPAL CORPORATION

FOUNDED 1914

June 28, 2019

**MARCO VILLAREAL**  
2102 Kern River Ave.  
Corcoran, CA 93212

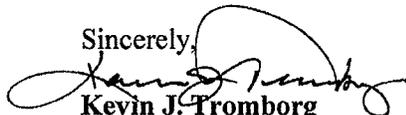
**Re: Zone exception application regarding fence setbacks**

**Dear Marco Villareal:**

On the basis of the application and information submitted, the Planning Commission on its regular meeting on June 17, 2019, put your application for zone exception on hold pending notification of other property owners that are also in violation of required setbacks. The approved subdivision map requires a ten (10) feet Public Utility Easement (PUE) from the face of the curb. The Sequoia Subdivision are laid out and planned with different reasons and intentions as it pertains to line of sight, traffic, and the naturalization and beautification of the entire sub-division.

If you have any question, please call us at (559) 992-2151 ext. 232 or 225.

Sincerely,



**Kevin J. Tromborg**  
Community Development Director

**MINUTES  
CORCORAN PLANNING COMMISSION  
REGULAR MEETING  
MONDAY, September 16, 2019**

The regular session of the Corcoran Planning Commission was called to order by Chairperson, DeVaney, in the City Council Chambers, 1015 Chittenden Avenue, Corcoran, CA at 5:30 P.M.

Chairperson DeVaney, mentioned that item 5.3 was pulled out of the agenda item.

**ROLL CALL**

Commissioners present:      Bega, DeVaney, Jarvis, Kassner and Tristao  
Commissioners absent:      Van Velson and Watkins  
Staff present:                Kevin J. Tromborg and Ma. Josephine Lindsey  
Also present:                 Joseph Beery, City Attorney

**FLAG SALUTE**                The flag salute was led by DeVaney.

A quorum was declared in the presence of five (5) out of seven (7) Commissioners.

1. **PUBLIC DISCUSSION**
2. **APPROVAL OF MINUTES**

Following Commission discussion, a **motion** was made by Kassner and seconded by Tristao to approve the minutes of the regular meeting on June 17, 2019 and August 19, 2019. Motion carried by the following vote:

**AYES:**                        Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:**                 Van Velson and Watkins

3. **RE-ORGANIZATION** – None
4. **PUBLIC HEARING**

**4.1** Public Hearing to consider Conditional Use Permit (CUP 19-02) submitted by Rodrigo Ramirez Vasquez to put up an auto repair and maintenance services on property located at 1520 Dairy Avenue, Corcoran, CA 93212 (APN 034-200-011) was declared open at 5:32 p.m. Tromborg presented the staff report. Having no oral and written testimony received, the hearing was closed at 5:38 p.m.

Mr. Jorge Leal, business owner approached the commission and mentioned that he agreed with all the conditions set by the Planning Commission. He added that he has plan of expanding the business in the future to include repair of commercial truck. Tromborg explained that the property was zoned Neighborhood Commercial and repair of large truck may not be allowed. He was advised to come to City Hall to discuss further the future expansion of business.

Following Commission discussion, a **motion** was made by Tristao and seconded by Bega to approve Conditional Use Permit 19-02 and Resolution No. 19-04, Auto repair and maintenance on property address 1520 Dairy Avenue, Corcoran, CA 93212, APN 034-200-011). Motion carried by the following vote

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

## **5. STAFF REPORTS**

**5.1** The Commission reviewed the applications received for zone exception pertaining to fence height. Tromborg presented the request application one by one.

Following Commission discussion, a **motion** was made by Kassner and seconded by Tristao to approve zone exception request for property address 25241 7<sup>th</sup> Avenue as presented. Motion carried by the following vote:

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

Following Commission discussion, a **motion** was made by Tristao and seconded by Jarvis to approve zone exception request for property address 514 Dairy Avenue as presented. Motion carried by the following vote:

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

Following Commission discussion, a **motion** was made by Tristao and seconded by Kassner to approve the front yard fence zone exception request, for property address 1819 Earl Avenue. Motion carried by the following vote:

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

Following Commission discussion, a **motion** was made by Tristao and seconded by Bega to approve zone exception request for property address 1720 Estes Avenue as presented. Motion carried by the following vote:

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

Following Commission discussion, a **motion** was made by Kassner and seconded by Tristao to approve zone exception request for property address 2920 Whitley Avenue as presented. Motion carried by the following vote:

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

At this point, Mr. Marco Villareal, property owner of 2102 Kern River Avenue, Corcoran, CA 93212, approached the commission. He mentioned that he gathered twenty one (21) signatures from residents of the subdivision having no issue regarding his fence built against the required setbacks. He further explained, that his lot was too small, hence he extended his fence with the approval from city employee.

The commission explained that the subdivision plan has a ten (10) feet Public Utility Easement (PUE) and a five (5) feet sidewalk. The PUE was dedicated for underground utilities. Consent from the city employee does not negate the fact that the fence was built on an easement.

Following Commission discussion, a **motion** was made by Kassner and seconded by Tristao to disapprove zone exception request for property addresses 2101 and 2102 Kern River Avenue. Motion carried by the following vote:

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

**5.2** Following Commission discussion, a motion was made by Tristao and seconded by Jarvis to approve request for extension of Rite Aid for re temporary use of sea train as storage in commercial space for six (6) months. Motion carried by the following vote:

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:** Kassner

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

**5.4** Tromborg presented the staff report on draft ordinance pertaining to Mobile Food and Merchandise Vendors. The rough draft ordinance was for review of the commission and will again be presented in the next Planning Commission meeting.

## **6. MATTERS FOR COMMISSION**

**6.1.** Information item - None.

**6.2** Staff Referrals - *Items of Interest (Non-action items the Commission may wish to discuss)*

**6.3** Committee Reports – None

7. **ADJOURNMENT**

At 6: 50 pm, the meeting was adjourned to the next regular meeting on Monday, October 21, 2019 in the Corcoran City Council Chambers 1015 Chittenden Avenue, Corcoran, CA 93212.

APPROVED ON: \_\_\_\_\_

\_\_\_\_\_  
**Karl Kassner**  
Planning Commission Vice-Chairperson

ATTEST:

\_\_\_\_\_  
**Kevin J. Tromborg**, Community Development Director

City of

# CORCORAN

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October 14, 2019

**MARCO VILLAREAL**  
2102 Kern River Avenue,  
Corcoran, CA 93212

**Re: Zone exception decision on fence**

Dear **Marco Villareal**:

On the basis of the application and information submitted, the Planning Commission on its regular meeting on September 17, 2019, disapproved the zone exception request for your existing fence setbacks. The review was made on case to case, individual basis.

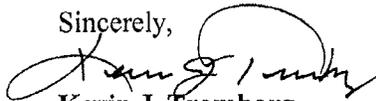
As previously mentioned to you, the approved subdivision map requires a ten (10) feet Public Utility Easement (PUE) from the face of the curb. The Sequoia Subdivision are laid out and planned with different reasons and intentions as it pertains to line of sight, traffic, and the naturalization and beautification of the entire sub-division.

We are request you to correct the violation: front side fence must be bring to three (3) feet wood fence or four (4) feet chain link fence. You are hereby given until March 17, 2020 to comply with the zoning code.

On September 26, 2019, the Community Development Staff received an appeal application address to the City Council regarding the decision of the Planning Commission. The City Council will schedule an appeal hearing within ninety (90) days from the date of the Planning Commission meeting. We will process your appeal and notify you of the date of the hearing.

If you have any question, please call us at (559) 992-2151 ext. 232 or 225.

Sincerely,



**Kevin J. Tromborg**  
Community Development Director

City of

# CORCORAN

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## Appeal to City Council

MARCO VILLARREAL  
(559) 471-9154

\_\_\_\_\_  
Name of person/entity appealing & Address

Name MARCO VILLARREAL hereby appeals the following decision:

1. Appellants are the OWNER (owners/legal representative of that property  
Commonly known as 2107 KERN RIVER AVE. (address or APN #)

2. The order/decision being protested by this appeal is (give date of order/decision and the  
Person making such decision. \_\_\_\_\_

3. State the reasons why you want the order/decision reversed, modified, or otherwise set aside

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I / we declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct to the best of our knowledge. Executed on the \_\_\_\_\_ Day of \_\_\_\_\_ 2019

  
\_\_\_\_\_  
Signature of appellant or its representative with appropriate title





## Appeal to City Council

September 19, 2019

Dear City Council,

My name is Marco Villarreal and my address is 2102 Kern River Ave in City of Corcoran. When I first purchased my house back in 2015, I came to the City Hall to speak to Jim Cutler (Building inspector) regarding my fence. I did not realize how small my back yard was going to be until we got our keys. I only have approximately 15ft of back yard space for my family and pets. Being the owner of a corner lot I came to ask Jim, if I needed to get a permit to extend my fence to the side to have more back yard for my kids. Jim informed me I did not need a permit and that it was okay for me to extend my fence. I asked Jim how far i could extend my fence and he answered, "If I was you, I would move it all the way to the sidewalk". He gave me one of his cards and wrote on the back, "It's ok to extend fence to sidewalk". I went to go buy all the material and hired somebody for labor to move my fence. I spent over \$1,500.00, which I still have receipts. Years later I received a letter from the City of Corcoran telling me I had to move my fence back within 30 days. I went again to the City Hall to talk to Kevin Tromborg (Community Develepment Director) and explained my situation. He said to ingored the letter and give it time to see if anybody complains about my fence. In 2019 we brought the issue to the planning commission and the first meeting, they said I needed to get a petition from my neighbors to see if they were fine with my fence and postpone it for the next meeting. I walked around my subdivision and collected more than 20 signatures from my neighbors, they said they were fine with my fence. Two months later on September 17, 2019 the planning commission denied my request for my fence even though I provided them with a petition form from my neighbors, which they did not even look at it at the meeting. After ignoring my petition, they told me I had to leave 10 ft from the sidewalk because I had PG&E lines underground on that specific area. The next day PG&E, Water Department, Cable company and SO Cal Gas Company came to my house to mark their lines by my house and there was nothing near that area by my fence. I informed the planning commission staff if in the future anybody had to do maintenance around that area, I was going to be responsible to remove my fence, while they do their work. I have the report from USA North 811 attached to this letter. Knowing that there is no pipes or lines around my fence area, I would like to keep my fence the way it is since I keep my area clean, it does not affect traffic views have a front fence set back of approximately 60 feet, and it does not bother my neighbors. There is a lot of corner lots in the City of Corcoran that have thier fences just like mine and I do not see why I am the exception. I hope we can work together and hear good news from you. Thank you for your time, I really appreciate it.

Sincerely,



Marco Villarreal

From: agt\_comm@irth.com  
Subject: Ticket W926000524 - PG&E Response to a USA Locate Request  
Date: Sep 18, 2019 at 4:18:24 PM  
To: marco\_villa11@hotmail.com

=====  
=====

To: P/O VILLARREAL                      Attn: MARCO VILLARREAL  
Voice: 5594719154                      Fax:  
Re: PG&E Response to a USA Locate Request

This is a message from Pacific Gas & Electric Company replying to your request to mark our facilities.

=====  
=====

Ticket: W926000524  
County: KINGS                      Place: CORCORAN  
Address: 2102 KERN RIVER AVE

PGEFNO (Distribution):

P G & E has determined that there is no conflict with our facilities at this excavation site. Always review the excavation area for signs of newly installed facilities before excavating. If a PG&E facility is suspected in the excavation that is not identified on the PG&E USA ticket response, please contact 811. Maps Referenced.;No PG&E owned Electric in delineated area.;Painted "No PGE". Met with Marco Villarreal at 559-471-9154. There's was no delineations when arriving on site, had Marco delineate work area. Performed conductive locate to verify no PGE electric in area

=====  
=====

Please call USA at 8-1-1 if you have questions about white paint or the USA process. If you have a question for PG&E, please call 1-800-743-5000.

=====  
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This message was generated by an automated system. Please do not reply to this email.

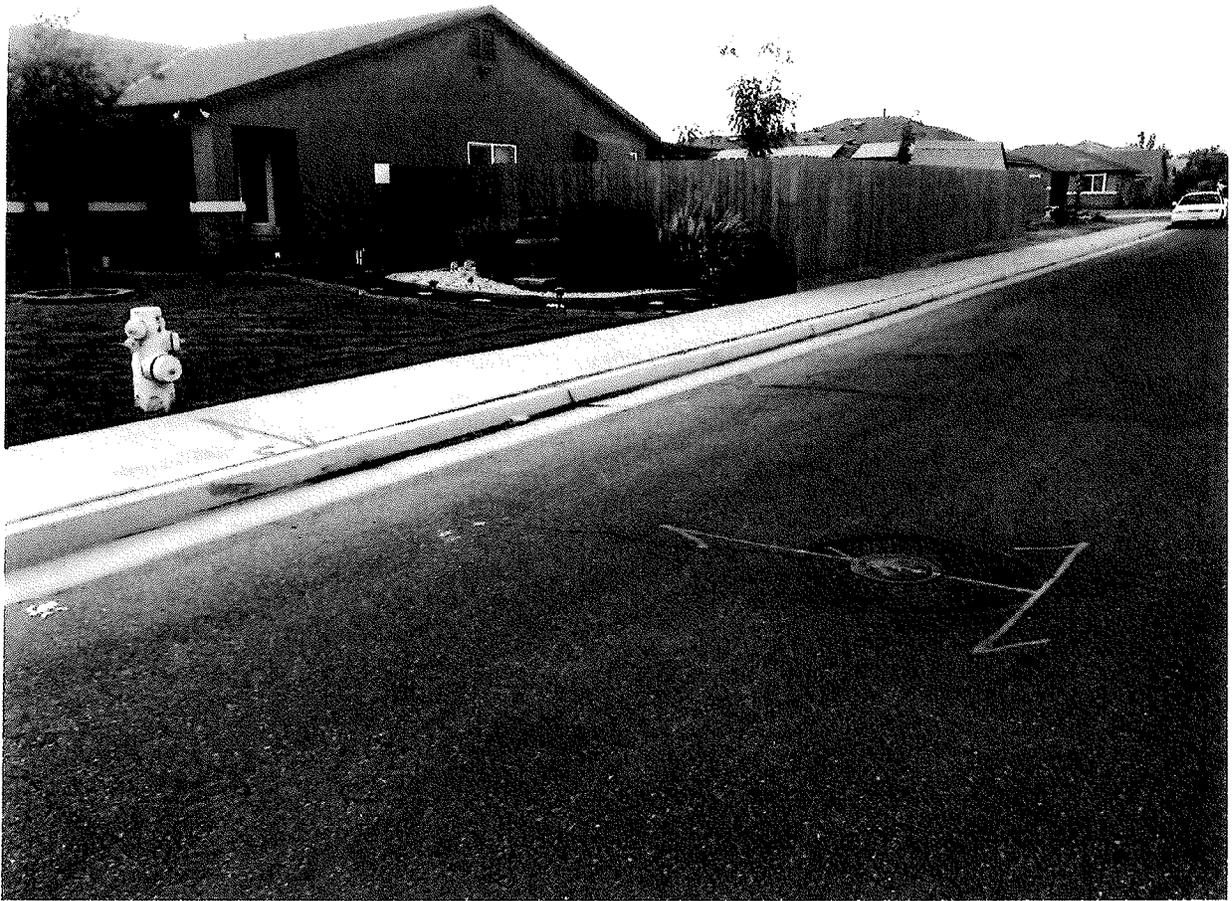
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Subject: USAN EMLCFM 2019/09/19 #02909W W926000524-00W NORM  
RESP LREQ  
Date: Sep 19, 2019 at 5:03:49 PM  
To: marco\_villa11@hotmail.com

EMLCFM 02909W USAN 09/19/19 17:03:52 W926000524-00W NEW  
NORM POLY LREQ

Ticket: W926000524 Rev: 00W Taken: 09/17/19 12:07 PM

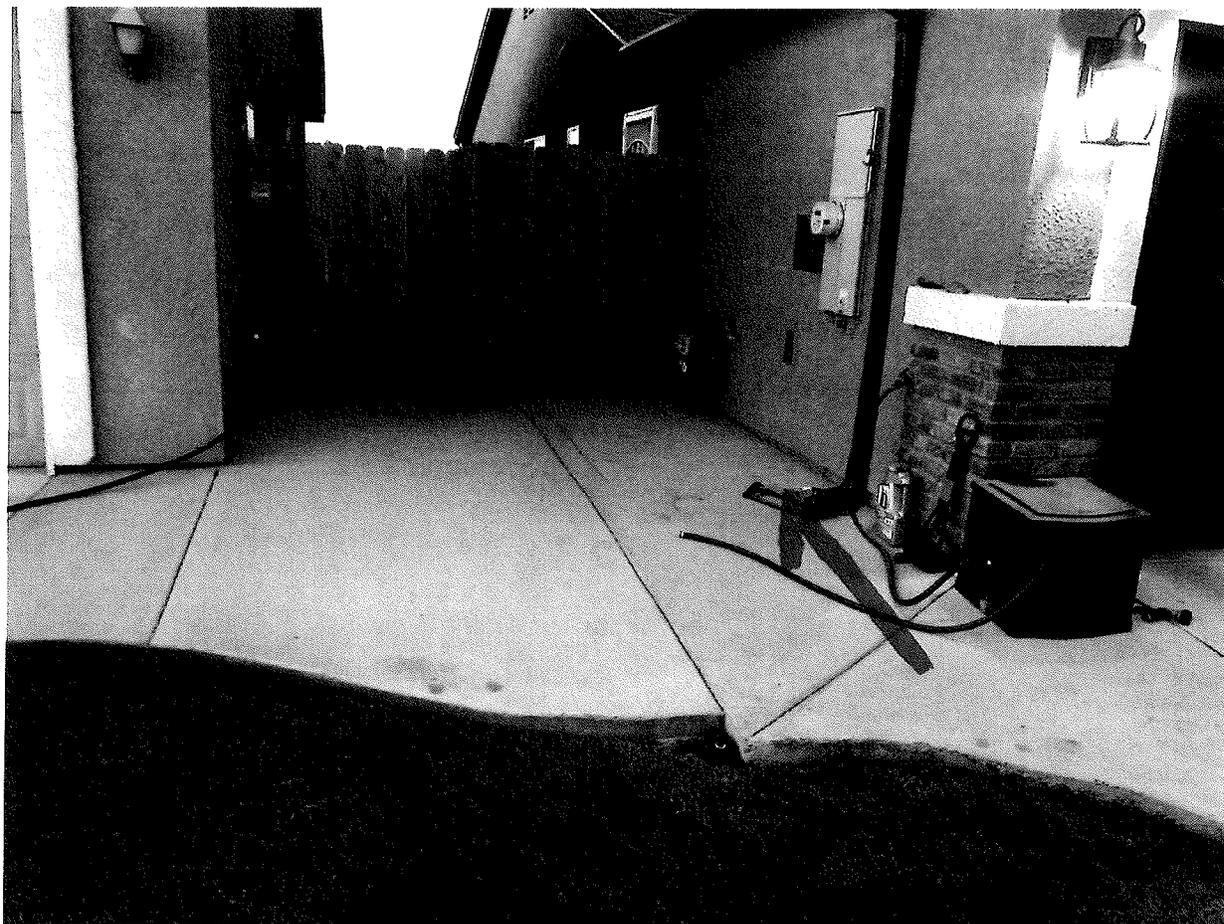
State: CA County: KINGS Place: CORCORAN  
Address : 2102 KERN RIVER AVE

Utility	Description	Response
COMVIS AM 010	COMCAST-VISALIA	09/18/19 09:25
CTYCOR PM 999	LOCATE AREA MARKED CITY CORCORAN	09/19/19 05:01
	Member has not provided 811 center with information to be displayed	
FTRCA2 PM 999	FRONTIER - A CITIZENS COMM CO	09/19/19 05:01
	Member has not provided 811 center with information to be displayed	
PGEFNO PM 999	PGE DISTR FRESNO	09/19/19 05:01
	Member has not provided 811 center with information to be displayed	
SCGVIS PM 999	SO CAL GAS VISALIA	09/19/19 05:01
	Member has not provided 811 center with information to be displayed	











City of

# CORCORAN

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**PUBLIC HEARING  
ITEM #: 5-B**

## **MEMORANDUM**

**TO:** Corcoran City Council

**FROM:** Kevin J. Tromborg: Community Development Director  
Planner, Building Official, Transit Director

**SUBJECT: Appeal to the City Council regarding Planning Commission's Decision concerning zoning code violation regarding fence location for address 2101 Kern River Avenue owned by Oscar G. Rojas.**

**DATE: January 22, 2020**

**MEETING DATE: January 28, 2020**

**RECOMMENDATION:** (VV) Staff recommends upholding the Planning Commission's decision to deny the exception based on the Planning Commission and City Council approved Sub-division map and utility easement.

**DISCUSSION:** The City of Corcoran has specific regulations regarding fence locations, height, materials and setbacks. (*See Attachment A*). Sub-divisions are planned with various reasons as it pertains to easements, line of sight, traffic, walkability, and the beautification of the entire sub-division and community. On or about September 28, 2018 Code Enforcement, during routine patrol observed a fence that had been moved from its original location of fifteen (15') feet from the face of the curb to just inches from the sidewalk. The location of the property is 2101 Kern River Avenue. (APN 034-310-030) (*See Attachment B*) The height of the fence and the material used were in conformance. However, the property is a corner lot and the Subdivision shows a five (5) foot side walk set back and a ten (10) foot utility easement setback (*See Attachment C*) The owner of the property, Mr. Rojas moved his fence on the east side of his property over the utility easement and up to the sidewalk without consulting the city. A letter was sent on September 28, 2018 informing Mr. Rojas of the violation (*See attachment D, letters*). After several weeks Mr. Rojas came to City Hall to discuss the violation. Staff informed Mr. Rojas of the Exception application process. On July 15, 2019 Staff received Mr. Rojas application for Planning Commissions consideration of exception (*See attachment E*).

On June 17, 2019, The Planning Commission at its regularly scheduled meeting put Mr. Rojas exception application on hold pending notification of other property owners in the subdivision that may be in violation of required setbacks (*See attachment F*).

On the regular Planning Commission meeting held on September 17, 2019, the Planning Commission heard comments and concerns from staff and the property owner. After deliberating the Planning Commission voted 5 to 0 with two commissioners absent to deny Mr. Rojas exception application (*See attachment G, minutes*).

On September 26, 2019 Mr. Rojas as outlined in the Zoning Code, filed an Appeal to the City Council with the City Clerk regarding the Planning Commission's decision to deny the exception request (*See attachment H*).

#### Attachments

- A. Chapter 11-12 Corcoran Zoning Code
- B. APN Information & Pictures
- C. SD map with Utility Easement
- D. Code Enforcement letter.
- E. Zoning exception application
- F. City letter zone exception request on hold.
- G. Minutes to PC meeting on September 16, 2019
- H. Denial letter & Appeals application

**Chapter 11-12 FENCES, WALLS, AND SCREENING**

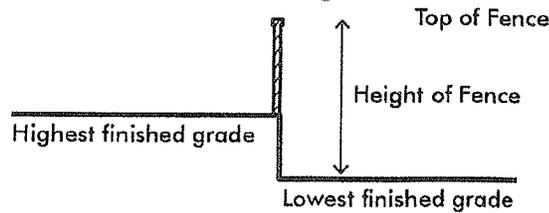
**Sections:**

- 11-12-1 Measurement of Fence and Wall Height
- 11-12-2 Height Limits
- 11-12-3 Design Standards
- 11-12-4 Screening

**11-12-1 Measurement of Fence and Wall Height**

- A. The height of a fence or wall is measured from the adjacent finished grade at the base of the fence or wall to the top edge of the fence or wall.
- B. Ornamental features that provide a screening function and are 50 percent or more opaque are included in the height measurement of a fence or wall.
- C. If a fence is atop a wall, the total height is measured from the base of the wall. See Figure 11-12-1.
- D. If the adjacent finished grade is different on opposite sides of the fence or wall, the height is measured from the side with the highest finished grade to the highest point on the fence.

Figure 11-12-1 Fence and Wall Height



**11-12-2 Height Limits**

- A. A fence or wall shall not exceed the maximum permitted height as shown in Table 11-12-1 and Figure 11-12-2.

TABLE 11-12-1 MAXIMUM HEIGHT OF FENCES AND WALLS

Fence or Wall Location	Figure Number	Residential Zoning Districts (RA, R-1, RM) and Professional Office (PO)	Industrial Zones	Resource Conservation and Open Space (RCO)
Within front setback area	A	3 ft. [1]	3 ft. [2]	-
Within street side setback area	B	7 ft.	-	-
Within side and rear setback areas	C D	7 ft.	6 ft.	-
Traffic Safety Visibility Area		3 ft.	4 ft. [3]	-

Notes:

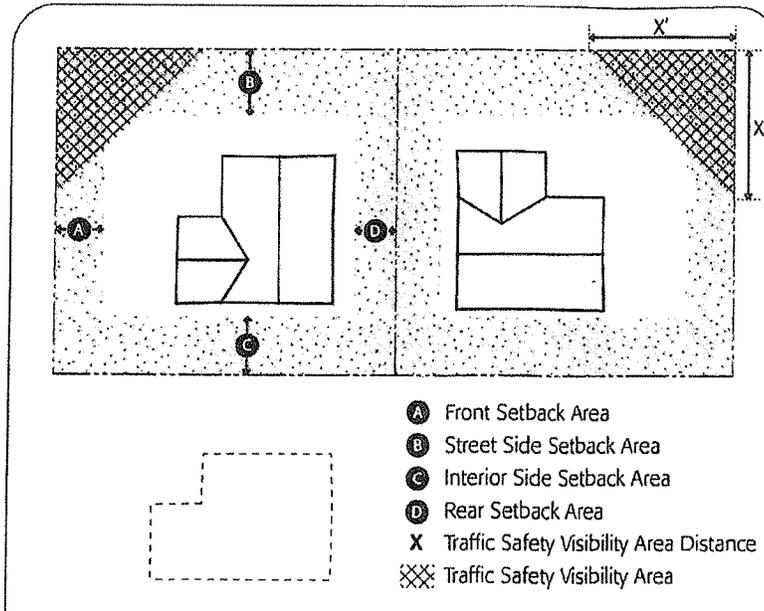
- [1] A 4 feet height is permitted, provided that the top one foot is at least 50 percent open.
- [2] A chain link fence greater than 3 feet in height may be located in any portion of a required front setback.
- [3] The top one foot shall be 50 percent or more open.

**B. Traffic Safety Visibility Area.** The minimum requirement for a traffic safety visibility area is based on a zoning district as shown in Table 11-12-2. The traffic safety visibility area is the area formed by measuring the distance “X” along the front and side property lines from the point of intersection, and then diagonally connecting the ends of the two lines. See Figure 11-12-2.

TABLE 11-12-2 TRAFFIC SAFETY VISIBILITY AREA DISTANCE BY ZONING DISTRICT

District	Distance “X”
Residential and PO	25 feet
Industrial	30 feet

Figure 11-12-2 Height Limits for Fences and Walls



**C.** Within residential zones, an additional 2 feet of height is permitted for ornamental features that do not provide a screening function, such as an archway over a gate or ornamental figures intermittently situated along the top of a fence or wall.

**11-12-3 Design Standards**

The following design standards for fences and walls shall apply in all zoning districts.

**A.** Fences and walls shall be constructed of decorative masonry, ornamental steel or iron, bricks, stone, formed vinyl, or wood. Other materials may be considered if the Community

Development Department determines the design to be compatible with adjacent structures and its surrounding neighborhood.

- B. Fences and walls shall not be constructed of inappropriate materials such as sheet metal, vehicles, underground/above-ground tanks, garage doors, aluminum siding, corrugated tin, non-constructed or dumped piles of rock, soil or debris, OSB sheets, plywood sheets, word sheets, corrugated metal or plastic, vinyl, cloth tarps, and other similar materials not specifically designed for use as fencing.
- C. Fence and wall design shall conform to the California Building Code and all development standards required for safety.
- D. Materials of fences, walls, hedges, and trellis shall be uniform in its construction.
- E. The use of barbed wire, razor wire, electrified wire, and other similar materials requires administrative approval in industrial and commercial zoning districts. The use of such materials is prohibited in residential zoning districts unless required by federal or State regulations.

#### 11-12-4 Screening

- A. **Material and Height.** An ornamental solid fence, masonry wall, compact growth of natural plant materials (with solid gates where necessary), or other similar type of screening device not less than 6 feet in height shall be used for screening.
- B. **Outdoor Uses.** The following outdoor uses shall be screened:
  - 1. Any agricultural use involving a business, service, or process not completely enclosed in a structure shall be screened when located on a site abutting on or across a street or alley from a residential district.
  - 2. Any industrial use not conducted entirely within a completely enclosed structure on a site across a street or an alley from an RA, R-1, or commercial zoning district.
- C. **Outdoor Storage.** Open storage of materials and equipment shall be screened, except as may be modified under the site plan review provisions of Chapter 11-22 (Permit Application and Review) of this Title. Materials or equipment stored shall not be visible above said fence or wall.
- D. **Property Lines.**
  - 1. Where a commercial lot adjoins or is located across a street or alley from an RCO, RA, R-1, RM, or PO zoning district, screening shall be located on the property line common to such zoning districts, except in a required front yard.
  - 2. Where an industrial lot adjoins an RA, R-1, PO, or commercial zoning district, screening shall be located on the property line common to such zoning districts, except in a front yard.

# Assessment Information



[Map \\*\\*](#) [Taxes & Values](#) [Owner History](#) [Physical Characteristics](#) [Supplementals](#)  
[Other Assessments](#)

[Main Menu](#)

The Assessment number is required and consists of 12 digits.

Assessment Number \* 034 - 310 - 030 - 000

## General Information

Fee Number [034-310-030-000](#)

Assessment Type FEE PARCEL

Active

Description LOT 30, THE SEQUOIAS-PHASE I, TRACT #857  
22/21/22

[Legal Description](#)

Comments FORMERLY PORTION OF 034-200-002

Assessed To ROJAS, OSCAR G  
2101 KERN RIVER AVE  
CORCORAN CA 93212

[Current Owners](#)

Acres 0.00 NORMAL OWNERSHIP

Zoning

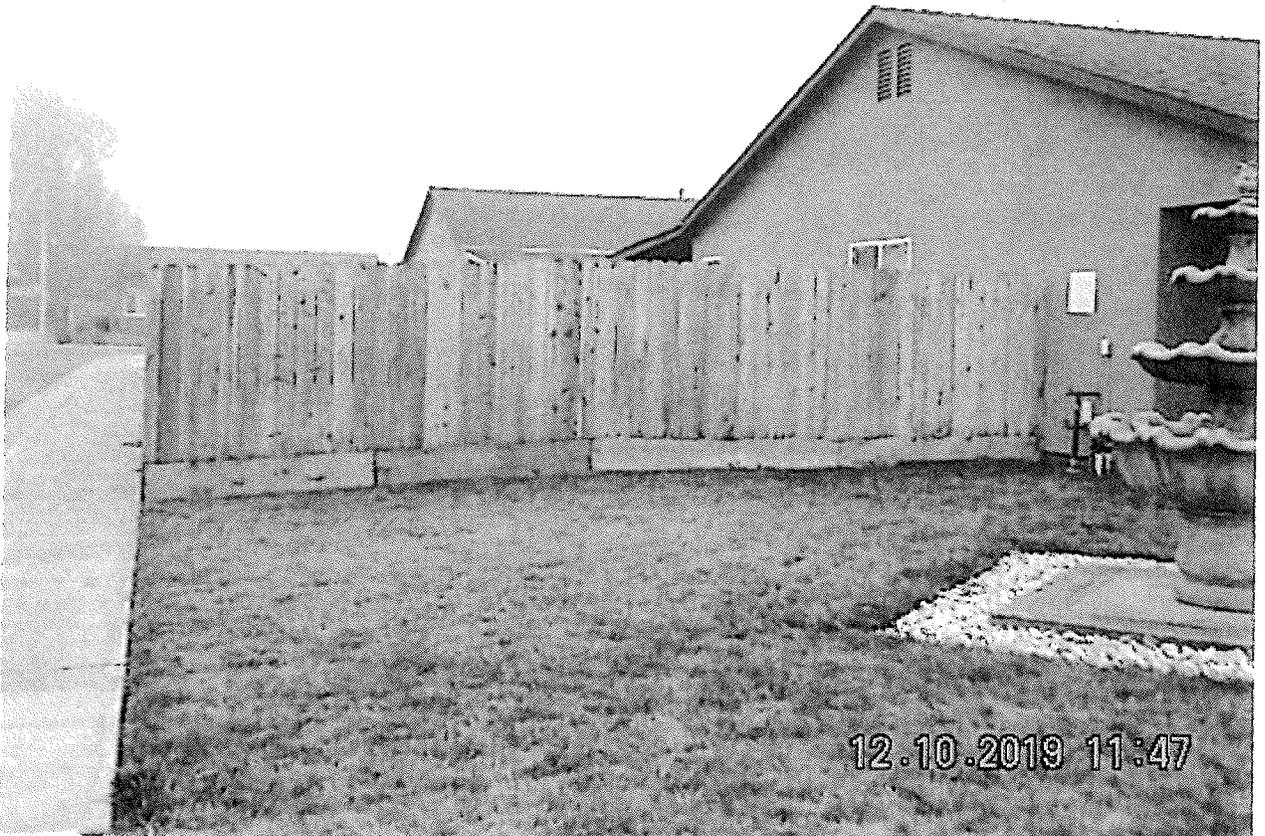
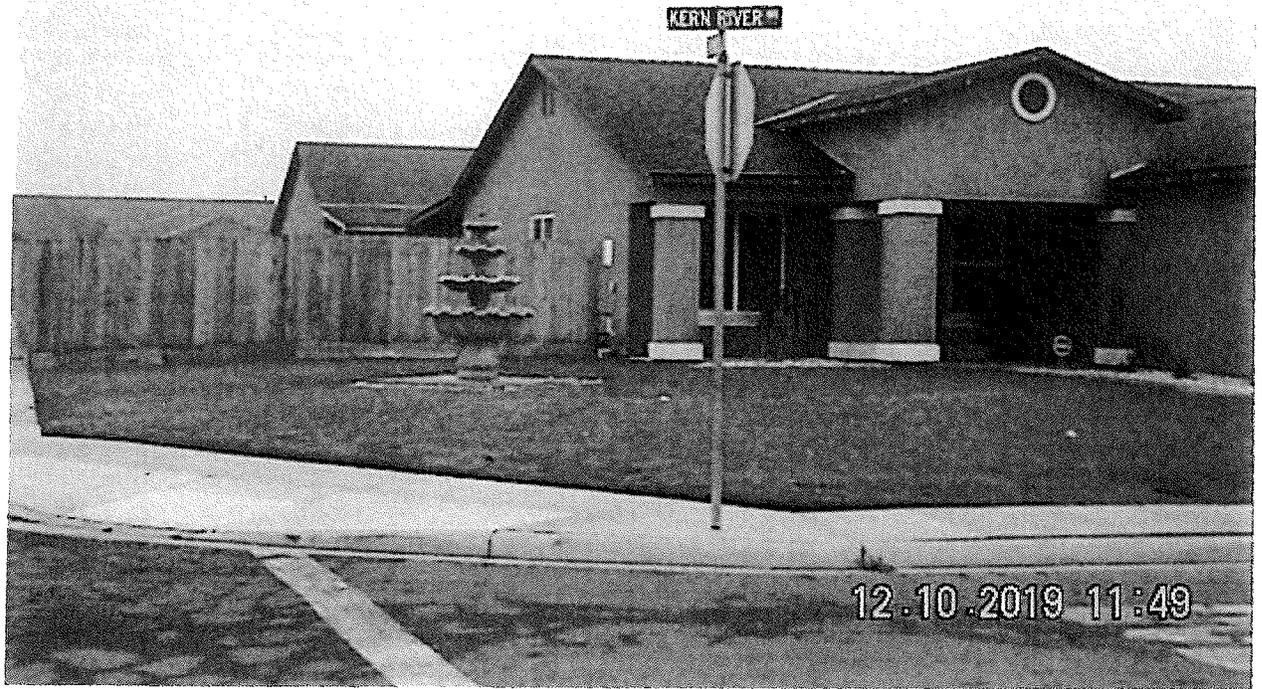
Tax Rate Area 001-002

Documents Current [2016R1520927](#) 12/29/2015

Created 2008ISM22 23 03/06/2007

Situs 2101 KERN RIVER AVE CORCORAN

\*\* Maps require Free Adobe Acrobat Reader. Click  to download now. [Top](#)







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**Kevin Tromborg**  
**Community Development**  
**Director/Planner/Building Official**  
kevin.tromborg@cityofcorcoran.com



---

**832 Whitley Ave**  
**Corcoran, CA. 93212**  
**(559) 992-2151 Ext. 232**

September 28, 2018

Oscar G Rojas  
2101 Kern River Avenue  
Corcoran Ca 93212

Re: *Building a fence within the City Set back.*

Dear Mr. Rojas

The City of Corcoran zoning code has specific requirements regarding fences. Corner lots in Sub-Divisions have additional set back requirements. Sub-Divisions are laid out and planned with different reasons and intentions as it pertains to line of sight, traffic, and the naturalization and beautification of the entire sub-division. The Planning Commission approves the final plan and design of the sub-division. Moving your fence from its original location out to the edge of the sidewalk is not allowed in the Sequoia sub-division. This situation is considered not only a violation of the City Municipal Code, but a public nuisance. To avoid an Administrative citation, Please relocate the fence to its original location within 30 day of the date of this notice.

Thank you for your immediate response to this situation

Sincerely

A handwritten signature in black ink, appearing to read "Kevin J. Tromborg".

Kevin J. Tromborg:  
Community Development Director  
Planner and Building Official

CC: Ma Josephine D. Lindsey, Larry Ronk  
Community Development



**Zoning Exception Request**  
**FENCE HEIGHT**

Community Development Department  
832 Whitley Avenue, Corcoran, CA 93212  
Telephone: (559) 992-2151 ext. 232 or 225

Project Address: 2101 Kern River Ave.

Estimate date the fence was built: March 17, 2018

Applicant's Name: Oscar G. Rojas

Address: 2101 Kern River Ave.

Telephone #: (559) 331-8505 Email address: orojas@jghoswell.com

Property Owner (if different from the Applicant): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Email address: \_\_\_\_\_

Description of Existing Fence (e.g. height and material used. Please attach a photo of the fence):  
24ft x 50ft x 6ft, I purchased all my material  
from Home Depot.

Briefly explain the zoning request for exception: see attachment  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Property Owner: [Signature] Date: 7-15-19

**Authorization letter is required if applicant is different from the property owner.**

I would like to say that the reason I bought a corner lot was because the lots are bigger; therefore, I would have a bigger backyard. When I initially moved in, I noticed that the fence was not all the way to the sidewalk. I decided to extend it because it is part of my property and wanted to maximize the size of my backyard. Also, I am paying the property taxes on that area. Now that I have a baby daughter and a dog, a larger backyard is a necessity for them to play in. I think it's only fair that I am able to leave my fence as is for the reasons mentioned above.



# Assessment Information



[Map \\*\\*](#) [Taxes & Values](#) [Owner History](#) [Physical Characteristics](#) [Supplementals](#)  
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[Main Menu](#)

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[Legal Description](#)

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Assessed To ROJAS, OSCAR G

[Current Owners](#)

2101 KERN RIVER AVE  
CORCORAN CA 93212

Acres 0.00 NORMAL OWNERSHIP

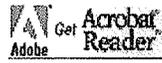
Zoning --

Tax Rate Area 001-002

Documents Current [2016R1520927](#) 12/29/2015

Created 2008ISM22 23 03/06/2007

Situs 2101 KERN RIVER AVE CORCORAN

\*\* Maps require Free Adobe Acrobat Reader. Click  to download now.

[Top](#)

# Untitled Map

Write a description for your map.

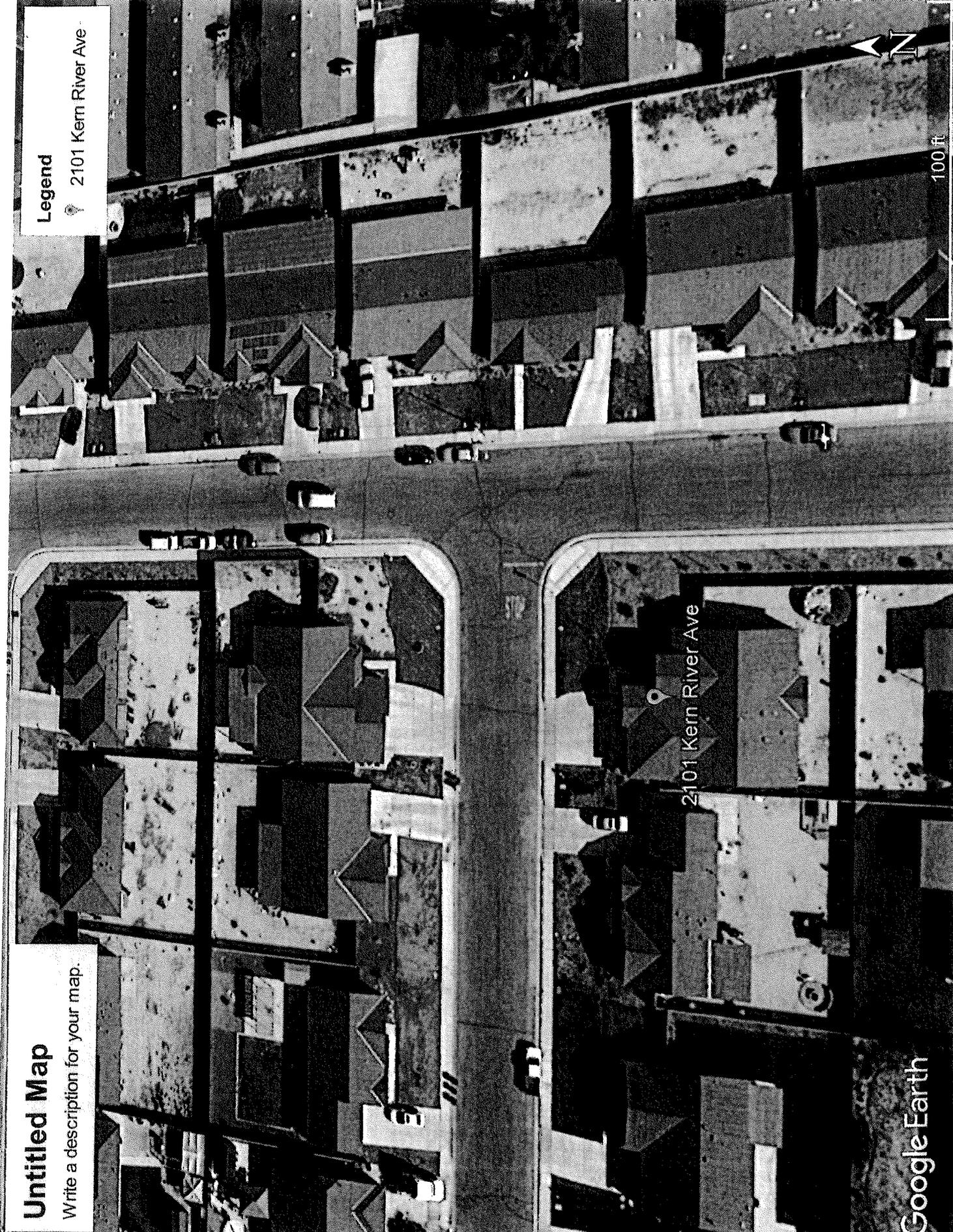
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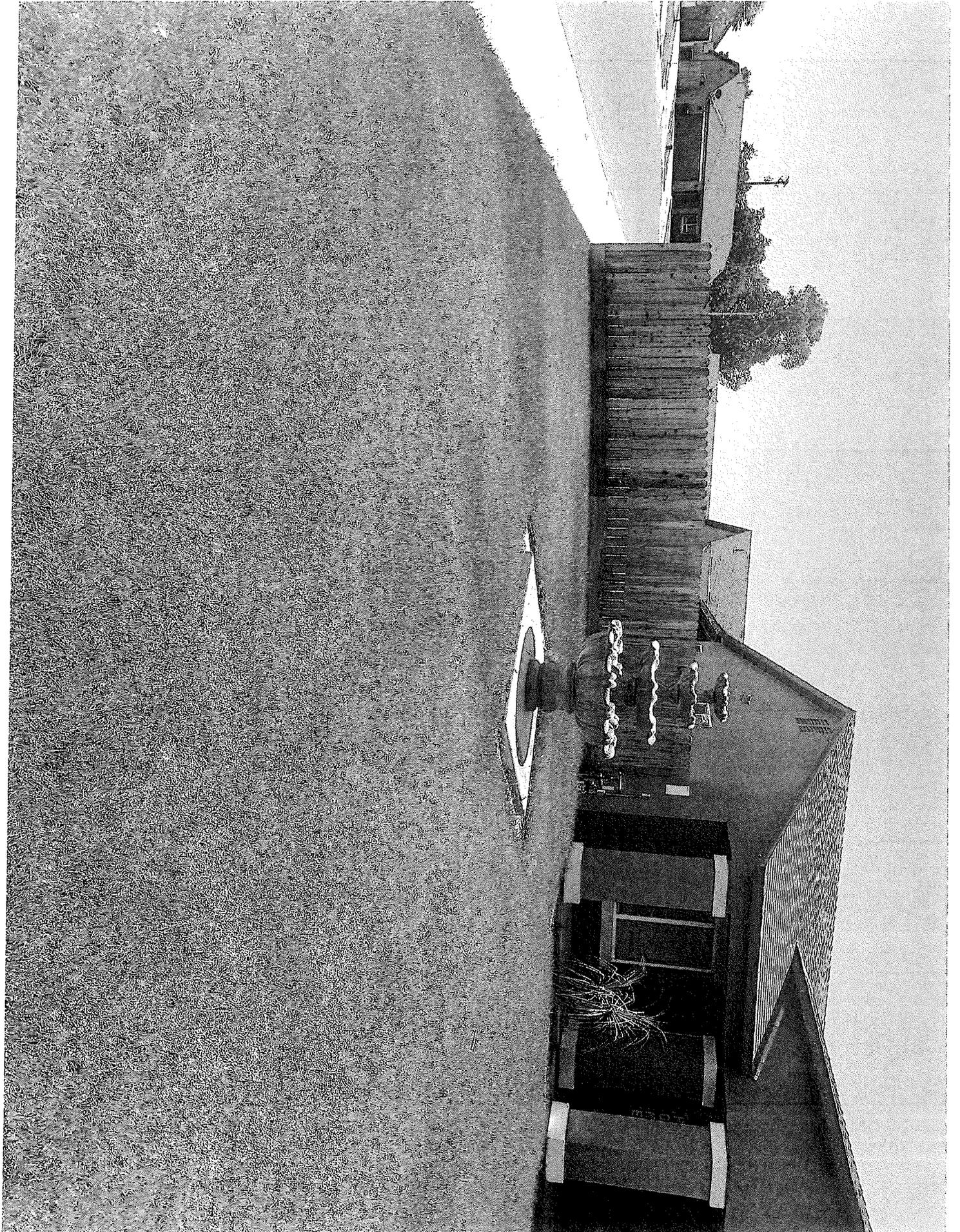
📍 2101 Kern River Ave

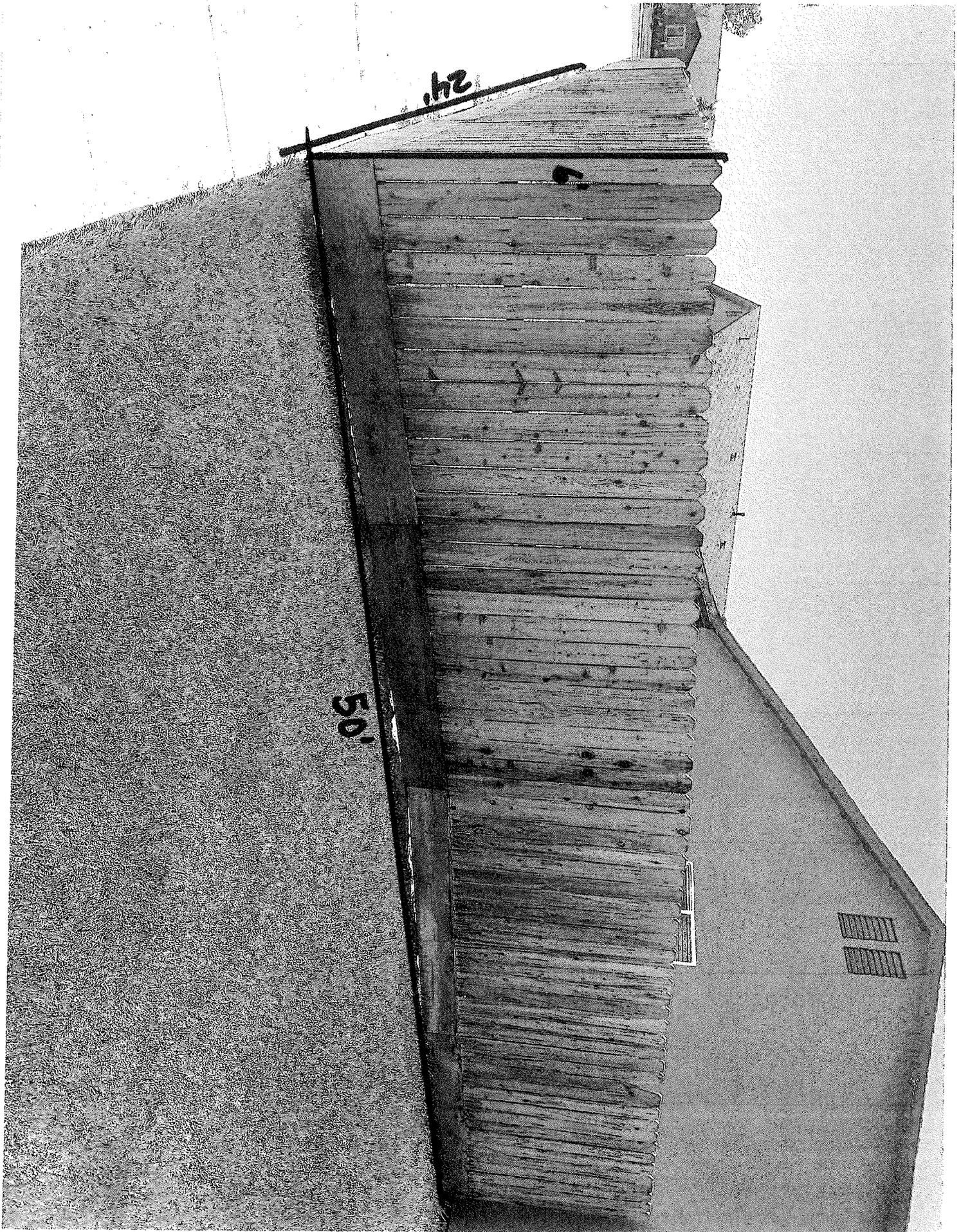
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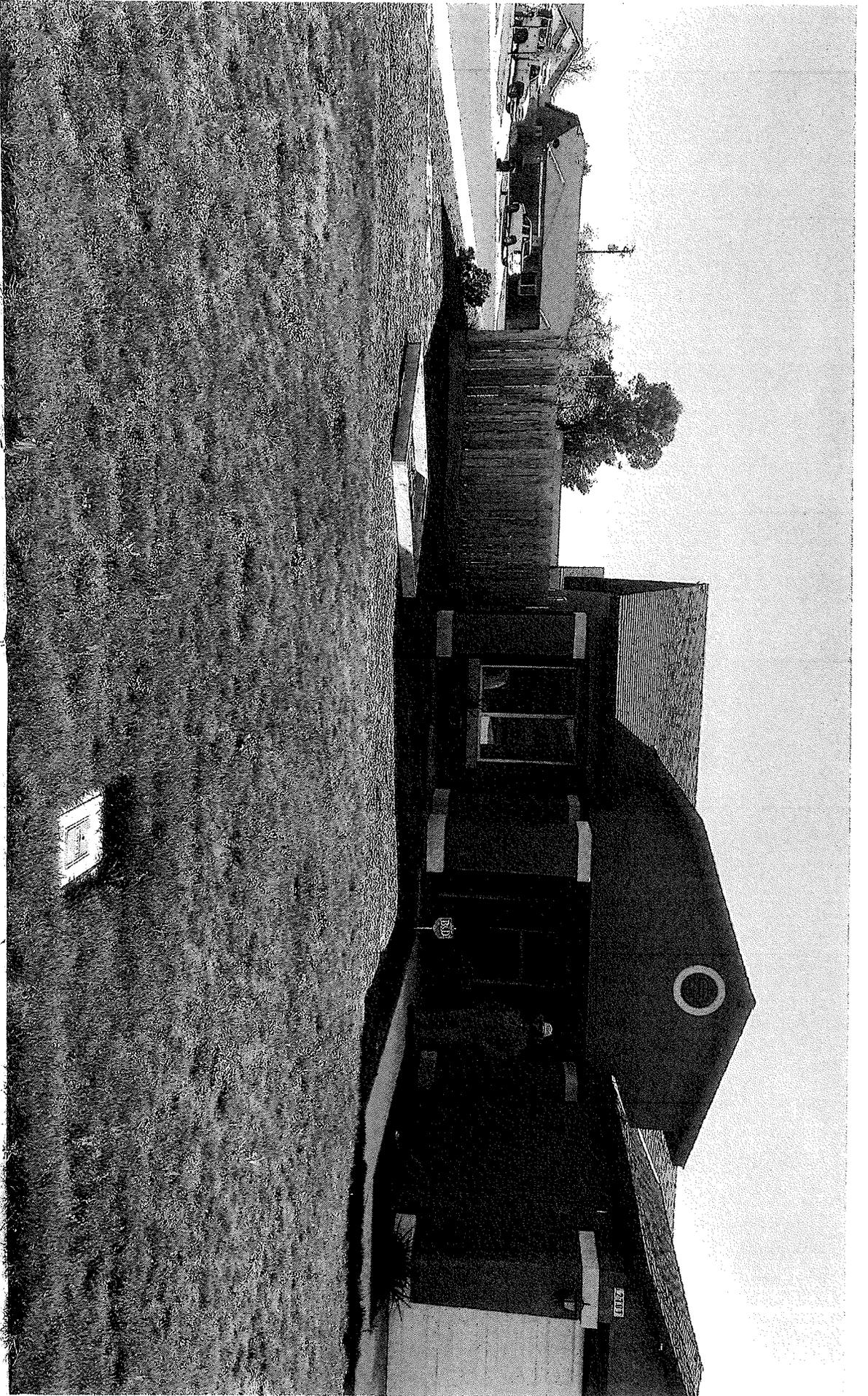
Google Earth

100 ft









City of

# CORCORAN

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June 25, 2019

**OSCAR ROJAS**  
2101 Kern River Ave.  
Corcoran, CA 93212

**Re: Zone exception regarding fence setbacks**

Dear **Oscar Rojas**:

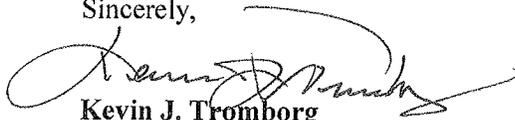
The Planning Commission on its regular meeting on June 17, 2019, discussed an application for zone exception regarding a fence that was built against the required setbacks. The Planning Commission put the application on hold pending notification of other property owners that are also in violation of required setbacks. The approved subdivision map requires a ten (10) feet Public Utility Easement (PUE) from the face of the curb. The Sequoia Subdivision are laid out and planned with different reasons and intentions as it pertains to line of sight, traffic, and the naturalization and beautification of the entire sub-division.

Attached with this letter is an application for zone exception regarding fence. Please fill out the form and submit back to us on or before the next Planning Commission on July 15, 2019. The Commission will again discuss this matter and we highly recommend your presence to the meeting for any question that may arise.

If we do not hear from you, we will assume that you will move your fence back to its original location, otherwise, citation or up to \$ 500.00 will be issued for violation.

If you have any question, please call us at (559) 992-2151 ext. 232 or 225.

Sincerely,



**Kevin J. Tromborg**  
Community Development Director

**MINUTES  
CORCORAN PLANNING COMMISSION  
REGULAR MEETING  
MONDAY, September 16, 2019**

The regular session of the Corcoran Planning Commission was called to order by Chairperson, DeVaney, in the City Council Chambers, 1015 Chittenden Avenue, Corcoran, CA at 5:30 P.M.

Chairperson DeVaney, mentioned that item 5.3 was pulled out of the agenda item.

**ROLL CALL**

Commissioners present:       Bega, DeVaney, Jarvis, Kassner and Tristao  
Commissioners absent:       Van Velson and Watkins  
Staff present:               Kevin J. Tromborg and Ma. Josephine Lindsey  
Also present:                Joseph Beery, City Attorney

**FLAG SALUTE**               The flag salute was led by DeVaney.

A quorum was declared in the presence of five (5) out of seven (7) Commissioners.

**1. PUBLIC DISCUSSION**

**2. APPROVAL OF MINUTES**

Following Commission discussion, a **motion** was made by Kassner and seconded by Tristao to approve the minutes of the regular meeting on June 17, 2019 and August 19, 2019. Motion carried by the following vote:

**AYES:**               Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:**        Van Velson and Watkins

**3. RE-ORGANIZATION – None**

**4. PUBLIC HEARING**

4.1 Public Hearing to consider Conditional Use Permit (CUP 19-02) submitted by Rodrigo Ramirez Vasquez to put up an auto repair and maintenance services on property located at 1520 Dairy Avenue, Corcoran, CA 93212 (APN 034-200-011) was declared open at 5:32 p.m. Tromborg presented the staff report. Having no oral and written testimony received, the hearing was closed at 5:38 p.m.

Mr. Jorge Leal, business owner approached the commission and mentioned that he agreed with all the conditions set by the Planning Commission. He added that he has plan of expanding the business in the future to include repair of commercial truck. Tromborg explained that the property was zoned Neighborhood Commercial and repair of large truck may not be allowed. He was advised to come to City Hall to discuss further the future expansion of business.

Following Commission discussion, a **motion** was made by Tristao and seconded by Bega to approve Conditional Use Permit 19-02 and Resolution No. 19-04, Auto repair and maintenance on property address 1520 Dairy Avenue, Corcoran, CA 93212, APN 034-200-011). Motion carried by the following vote

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

## 5. STAFF REPORTS

5.1 The Commission reviewed the applications received for zone exception pertaining to fence height. Tromborg presented the request application one by one.

Following Commission discussion, a **motion** was made by Kassner and seconded by Tristao to approve zone exception request for property address 25241 7<sup>th</sup> Avenue as presented. Motion carried by the following vote:

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

Following Commission discussion, a **motion** was made by Tristao and seconded by Jarvis to approve zone exception request for property address 514 Dairy Avenue as presented. Motion carried by the following vote:

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

Following Commission discussion, a **motion** was made by Tristao and seconded by Kassner to approve the front yard fence zone exception request, for property address 1819 Earl Avenue. Motion carried by the following vote:

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

Following Commission discussion, a **motion** was made by Tristao and seconded by Bega to approve zone exception request for property address 1720 Estes Avenue as presented. Motion carried by the following vote:

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

Following Commission discussion, a **motion** was made by Kassner and seconded by Tristao to approve zone exception request for property address 2920 Whitley Avenue as presented. Motion carried by the following vote:

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

At this point, Mr. Marco Villareal, property owner of 2102 Kern River Avenue, Corcoran, CA 93212, approached the commission. He mentioned that he gathered twenty one (21) signatures from residents of the subdivision having no issue regarding his fence built against the required setbacks. He further explained, that his lot was too small, hence he extended his fence with the approval from city employee.

The commission explained that the subdivision plan has a ten (10) feet Public Utility Easement (PUE) and a five (5) feet sidewalk. The PUE was dedicated for underground utilities. Consent from the city employee does not negate the fact that the fence was built on an easement.

Following Commission discussion, a **motion** was made by Kassner and seconded by Tristao to disapprove zone exception request for property addresses 2101 and 2102 Kern River Avenue. Motion carried by the following vote:

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:**

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

**5.2** Following Commission discussion, a motion was made by Tristao and seconded by Jarvis to approve request for extension of Rite Aid for re temporary use of sea train as storage in commercial space for six (6) months. Motion carried by the following vote:

**AYES:** Bega, DeVaney, Jarvis, Kassner and Tristao

**NOES:** Kassner

**ABSTAIN:**

**ABSENT:** Van Velson and Watkins

**5.4** Tromborg presented the staff report on draft ordinance pertaining to Mobile Food and Merchandise Vendors. The rough draft ordinance was for review of the commission and will again be presented in the next Planning Commission meeting.

## **6. MATTERS FOR COMMISSION**

**6.1.** Information item - None.

**6.2** Staff Referrals - *Items of Interest (Non-action items the Commission may wish to discuss)*

**6.3** Committee Reports – None

**7. ADJOURNMENT**

At 6: 50 pm, the meeting was adjourned to the next regular meeting on Monday, October 21, 2019 in the Corcoran City Council Chambers 1015 Chittenden Avenue, Corcoran, CA 93212.

APPROVED ON: \_\_\_\_\_

\_\_\_\_\_  
**Karl Kassner**  
Planning Commission Vice-Chairperson

ATTEST:

\_\_\_\_\_  
**Kevin J. Tromborg**, Community Development Director

City of

# CORCORAN

A MUNICIPAL CORPORATION

FOUNDED 1914

October 14, 2019

**OSCAR ROJAS**  
2101 Kern River Avenue,  
Corcoran, CA 93212

**Re: Zone exception decision on fence**

Dear Oscar Rojas:

On the basis of the application and information submitted, the Planning Commission on its regular meeting on September 17, 2019, disapproved the zone exception request for your existing fence setbacks. The review was made on case to case, individual basis.

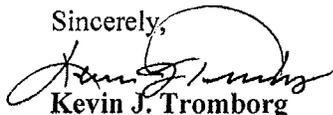
As previously mentioned to you, the approved subdivision map requires a ten (10) feet Public Utility Easement (PUE) from the face of the curb. The Sequoia Subdivision are laid out and planned with different reasons and intentions as it pertains to line of sight, traffic, and the naturalization and beautification of the entire sub-division.

We are request you to correct the violation: front side fence must be bring to three (3) feet wood fence or four (4) feet chain link fence. You are hereby given until March 17, 2020 to comply with the zoning code.

On September 26, 2019, the Community Development Staff received an appeal application address to the City Council regarding the decision of the Planning Commission. The City Council will schedule an appeal hearing within ninety (90) days from the date of the Planning Commission meeting. We will process your appeal and notify you of the date of the hearing.

If you have any question, please call us at (559) 992-2151 ext. 232 or 225.

Sincerely,



**Kevin J. Tromborg**  
Community Development Director

City of

# CORCORAN

A MUNICIPAL CORPORATION

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## Appeal to City Council

Oscar G. Rojas 559-553-3428

2101 Kern River Ave

Corcoran CA, 93212

Name of person/entity appealing & Address

Name Oscar G. Rojas hereby appeals the following decision:

1. Appellants are the \_\_\_\_\_ (owners/legal representative of that property

Commonly known as 2101 Kern River Ave (address or APN #)

2. The order/decision being protested by this appeal is (give date of order/decision and the

Person making such decision. \_\_\_\_\_

3. State the reasons why you want the order/decision reversed, modified, or otherwise set aside

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I / we declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct to the best of our knowledge. Executed on the \_\_\_\_\_ Day of \_\_\_\_\_ 2019

  
Signature of appellant or its representative with appropriate title

CITY OFFICES:

832 Whitley Avenue • Corcoran, CA 93212 • Phone 559/992-2151 • www.cityofcorcoran.com

## **Fence Rezoning Appeal – Oscar Rojas**

My name is Oscar Rojas and I am appealing the rezoning of my fence. When I first purchased a corner lot, I bought it with the idea that I would have a bigger lot. Therefore, I had to invest more money in the initial purchase of my home. Upon completion of the construction of my house, I noticed that the fence was not fully extended out to the sidewalk. As time went on, I knew that I wanted to get married and have a family, thus I would need more space. When I finally made the decision that I wanted to extend my fence it was because I had found out that my wife was pregnant. Therefore, I wanted to provide more space for family gatherings and for my daughter to play. I noticed that my neighbor Marcos Villarreal had extended his fence and decided to ask him about the procedures of the fence extension. He explained to me that the city did not require a permit and that he had been granted permission to proceed with this project. I decided that extending my fence would be beneficial and I felt that space between the previous fence and the sidewalk was considered part of my property. I invested \$1000+ in materials and labor to complete this project. Within a year of extending my fence, the City of Corcoran notified me that I had to move the fence back 10' from the sidewalk. I have worked with my neighbor Marcos Villarreal in obtaining signatures from the community stating that there are no issues with the fences being extended to the sidewalk. The City of Corcoran has stated that there are utilities lines that run along the sidewalk, therefore the fence must be moved back so that the lines can be easily accessed in case of an emergency. But, the utility companies have confirmed that there are no lines that run under this section. I hope that the City of Corcoran and I can come to a peaceful resolution.