SUMMARY OF PROCEEDINGS
DIRECTOR'S HEARINGS
Conference Room
Date: September 14, 2006

ATTENDANCE: Hearing Officer: James E. Ellis
Staff: Kathe Malouf

The hearing convened at 10:00 a.m.

Mr. Ellis explained the purpose of the hearing and appeal procedure; noting that existing zoning determines the use of the property and the density; and the hearing is to ensure that development is in accordance with Ordinance and PD standards.

CONTINUED CASES

1. Tentative Parcel Map 11414 proposing to divide a 24.28-acre parcel into four parcels ranging in size from 2.51 acres to 5.65 acres for limited agricultural use and a 5.26-acre designated remainder; two limited design variations – North and south sides of Lance Avenue, north of Lebec Oaks Road, Lebec area – Negative Declaration – Jeff and Nancy Good by Nelms Surveying

   Richard Aldridge was in attendance representing the applicants. The applicants have requested that this case be continued to October 12, 2006.

   The Hearing Officer continued this case to October 12, 2006.

2. A Zone Variance to allow a second dwelling unit (mobilehome) during a temporary period of medical hardship (Section 19.16.060) in an E (10) RS MH (Estate - 10 acres - Residential Suburban Combining - Mobilehome Combining) District – 7865 Caliente-Bodfish Road, Caliente – Categorically Exempt, Section 15303(a) – Brenda Poppe

   Brenda Poppe was in attendance and stated she had reviewed the staff report and recommended conditions of approval. Ms. Poppe stated she had a question regarding Conditions (3)(a) and (3)(b). Mr. Ellis explained that at the time she submitted her request for an installation permit, the Kern County Fire Department and Kern County Environmental Health Services Department will review the installation permit to ensure adequate access and water suppression is available.

   There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer approved the Zone Variance (Notice of Decision #98-06) subject to the recommended conditions.

NEW CASES

3. A Precise Development Plan for the development of general retail and automotive repair buildings (Section 19.32.020.C.2 and Section 19.32.020.C.5) in a C-2 PD (General Commercial - Precise Development Combining) District – 10111 Rosedale Highway, Bakersfield – Categorically Exempt, Section 15303 – Matt Hayes by CSI Contractors, Inc.
Matt Hayes was in attendance and stated he had reviewed the recommended conditions and did not have any questions. Mr. Ellis stated he would revise Condition (4)(g) to require construction of a six-foot-high solid masonry wall. Mr. Hayes stated they were prepared to construct a six-foot-high masonry wall.

There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer approved the Precise Development Plan (Notice of Decision #99-06) subject to the recommended conditions, with the following change:

Revise Condition (4)(g) to read as follows:

(4)(g) A six-foot-high solid masonry wall shall be constructed along the entire length of the rear property line.

4. A Zone Modification to allow (a) two 4-foot 9-inch side-yard setbacks, where five is required (Section 19.20.070.B); (b) an eight-foot side-yard setback, where ten feet is required (Section 19.20.070.B); and (c) a 43-foot front-yard setback, where 55 feet is required (Section 19.20.070.A.1), in an R-2 PD (Medium-density Residential - Precise Development Combining) District – Between Oswell Street and Quantico Avenue, south side of Virginia Avenue, east Bakersfield area; (a) Lot 19 (south side of Dorrance Street); (b) Lot 49 (corner lot where Alta Verde Drive and Belize Drive intersect); and (c) Lot 50 (southwest corner of Ixtapa Drive and Alta Verde Drive) of Tract 6123-A – Categorically Exempt, Section 15303 – HomeCrete Homes, Inc.

Byron Bulford was in attendance representing the applicant and stated he had reviewed the staff report and did not have any questions.

There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer approved the Zone Modification (Notice of Decision #100-06) subject to the recommended conditions.

5. A Zone Variance to allow a second dwelling unit (mobilehome) during a temporary period of medical hardship (Section 19.16.060) in an E (2 1/2) RS MH (Estate - 2 1/2 acres - Residential Suburban Combining - Mobilehome Combining) District – 7153 East Wilson Road, Bakersfield – Categorically Exempt, Section 15303(a) – Michael Brink

Cynthia Brink was in attendance and stated Condition (5)(a) states she would be residing in the mobilehome and, in fact, her daughter Lisa Brink (Apple) and son-in-law Don Apple would be residing in the unit.

There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer approved the Zone Variance (Notice of Decision #101-06) subject to the recommended conditions, with the following change:

Revise Condition (5)(a) to read as follows:

(5)(a) The subject mobilehome is permitted for a temporary use during a period of medical hardship and shall be occupied only by Lisa and Don Apple for a period not to exceed 5 (five) years. The mobilehome shall be completely removed from the premises when the medical hardship ceases, or prior to September 28, 2011, whichever occurs first. An extension of time will be considered if filed before the noted expiration date. Any request for an extension of time must be accompanied by a physician's statement attesting to the occupant's continuing medical hardship, as well as the required filing fees.
VIOLATION

6. Consideration of violation findings – 10842 - 268th Street, Rosamond – General Rule, Section 15061(b)(3) – Duain Preitz

Duain Preitz and Michael Kelly were in attendance. Mr. Kelly stated that since the previous hearing, Mr. Preitz has placed more than 30 dogs into good homes by posting photographs of the dogs on his website. Mr. Kelly stated the expedient way to resolve this issue would be if Mr. Preitz could have more time, possibly into December, to place the remaining dogs. Mr. Kelly continued to state that if Mr. Preitz could place the remaining dogs, he would probably withdraw the application for a conditional use permit. Mr. Kelly stated there were approximately 70 dogs remaining. Mr. Ellis stated that since he did not have the authority to delay any enforcement action, he suggested Mr. Preitz meet with Kern County Engineering and Survey Services Department/Code Enforcement to advise them of the progress that has been made and of his intent to place the remaining dogs. Mr. Ellis further stated that Code Enforcement typically wants a schedule of when their department can expect compliance. Mr. Ellis stated he was encouraged that 30 dogs have been placed and he would not take any action different from the action taken at the previous hearing on July 6, 2006, which was to deny the retention of the dogs on the project site and required the removal of the dogs within 90 days of that decision. Mr. Ellis explained to Mr. Preitz he could appeal the decision, in which case, the case would be considered by the Planning Commission. Mr. Ellis offered to contact a representative from Code Enforcement to see if someone would be available to meet with the applicant to discuss a time schedule for compliance.

There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer denied the request for findings to authorize the retention of dogs on the project site and required the removal of the dogs from the project site within 90 days of this decision (Notice of Decision #97-06).

Meeting adjourned at 10:30 a.m.

JAMES E. ELLIS, Planning Operations Division Chief

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