



**STAFF REPORT  
HOLLISTER PLANNING COMMISSION  
MEETING DATE: June 12, 2025  
REPORT # Community Development-2025-42**

**AGENDA ITEM: APPEAL 2025-1 ALAN LEON, 1381 CARRIAGE ROAD FENCE EXTENSION APPEAL.**

**DEPARTMENT HEAD:** William Via, Public Works Director

**STAFF CONTACT:** Marco Martinez, Associate Engineer

**RECOMMENDED ACTION:** Deny the appeal and have the 1381 Carriage Road homeowner push return the fence to the original location of six feet from the back of walk at the time the home was purchased. **CEQA:** The appeal is exempt from CEQA pursuant to Section 15061(b)(3) as it does not have any potential for causing a significant effect on the environment.

**PROJECT DESCRIPTION:** At the March 27, 2025, meeting of the Planning Commission, the Commission held a public hearing to consider an application for Appeal 2025-1, filed by Alan Leon related to the location of fencing in the Mirabella II Subdivision. Following the public hearing, the Planning Commission continued the item directing staff to return with the following: plot plan for 1380 Cavalier Ct, the building inspection report for 1381 Carriage Road, and all active code enforcement violations in the Mirabella II subdivision. Figure 1 below is the approved plot plan for 1380 Cavalier Court, the southern lot abutting against 1381 Carriage Court. The plot plan for 1380 Cavalier Court does not show a fence in the Public Utility Easement. However, City staff acknowledge the developer did not install the side yard fence per the approved plot plan.



Below are the active code compliance cases pertaining to fence extensions (**Figure 2A**) within the Mirabella II Subdivision. Active cases are at the following locations are; 1381 Carriage Road, 1400 Cavalier Lane. 1400 Cavalier Lane compliance order (25-535) differs from compliance order (24-2522) at 1381 Carriage Road as the 1400 Cavalier Lane applicant failed to abide by their approved fence extension application.

### Figure 2A. Active Code Compliance Cases as of March 2025

**HOLLISTER**  
**POLICE**

*Integrity, Professionalism, Respect, Commitment, Accountability*  
  
*Carlos Reynoso, Chief of Police*

March 12, 2025

**COMPLIANCE ORDER**

**Owner:** LOPEZ SAMANTHA & RUBEN  
**Mailing Address:** 1400 CAVALIER LN  
**Mailing City:** HOLLISTER CA 95023  
**Site Address:** 1400 CAVALIER LN  
**Case number:** 25-535

The City of Hollister Code Enforcement Department has identified a violation of the City Ordinance on your property located at **1400 Cavalier Ln.** A Follow up with the City of Hollister Engineering department identified a permit was on file. The fence was extended beyond the scope of the approved permit. were pulled or on file with City 's Engineering department for the unpermitted fence extension on your property. Please find below a list of corrections and the due dates by which they must be completed.

**CORRECTIONS:**

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1. On or before **April 14, 2025**, return the side fence on your property facing North Gonzalez Drive to what was approved on the permit issued by the City of Hollister Engineering division. The fence was not approved to be protruding East to encroach into the 10' Utility easement. **(picture attached) (Approved permit attached)**
2. On or before **April 14, 2025**, pay administrative citation **AC# 009605** has been issued in the amount of 250.00. Payment can be submitted to **Payment by Mail City of Hollister c/o Parking Services Center P.O. box 11923 Santa Ana Ca 92711** Payment by Credit card <https://www.paymycite.com/hollister> Payment by phone: 1-888-282-0784

**VIOLATIONS:**

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**8.32.060 Prohibited activities and unlawful conditions.**

- A. It is unlawful for any person owning, leasing, occupying or having charge or possession of any property in the city, or any other person, to cause, or to permit, or to maintain thereon the following:
  6. Buildings, structures or their appurtenances which are deemed to be substandard, or a public nuisance, or were constructed or altered without required approvals or permits, or whose condition is in violation of any provision of city codes:



- E. The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.
- F. The hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the citation prior to issuing a written decision

**1.18.130 - Advance deposit hardship waiver.**

- A. Any person who intends to request a hearing to contest an administrative citation, and who is financially unable to make the advance deposit of the penalty as required in Section 1.18.060(A), may file a request for an advance deposit hardship waiver which shall include a sworn affidavit as described in subsection C of this section.
- B. The request shall be filed, along with the request for hearing form, with code enforcement on an advance deposit hardship waiver application form, available from the code enforcement office, within 30 days of the date of the administrative citation.
- C. The city manager or designee may waive the requirement of an advance deposit and issue the advance deposit hardship waiver only if the cited party submits to code enforcement a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the city manager the person's actual financial inability to deposit with the city the full amount of the penalty in advance of the hearing. In determining the cited party's financial ability or inability to deposit the full amount of the penalty in advance, the city manager shall consider the amount of the penalty imposed, the income of the cited party, the expenses of the cited party, and any other factors that are reasonably related to the cited party's ability to deposit the full amount.
- D. The requirement of depositing the full amount of the penalty as described in Section 1.18.060(A) shall be stayed unless or until the city manager makes a full determination not to issue the advance deposit hardship waiver.
- E. If the city manager makes a determination to deny the advance deposit hardship waiver application, a written determination listing the reasons for said denial shall be issued. The written determination to deny the waiver shall be final.
- F. The written determination of the city manager's denial of the advance deposit hardship waiver shall be served by mail upon the person who applied for the waiver

**Please contact the City of Hollister Code Enforcement at 831-636-4356 when violation has been corrected.**

**WARNING**

**Failure to correct all violations listed in this order, before the indicated deadlines, may result in administrative penalties up to \$1000 per day for each violation until such compliance is achieved, as well as the assessment of all administrative costs. This action is in addition to all other legal remedies, criminal and civil, which may be pursued by the City of Hollister in response to any violation.**



12. A violation of any provision of city approvals or codes;

**17.16.050 Fencing, screening, and walls.**

- A. *Purpose.* The purpose of this section is to protect economic and aesthetic values and ensure safe travel and vision clearance by regulating the development of fences, walls, and screening.
- B. *Applicability.* The requirements of this section apply to all fences and walls unless otherwise stated. Fences exceeding the general height limit or setback requirements in the applicable zoning districts will require a land use permit.

**1.18.060 Hearing request.**

- A. Any recipient of an administrative citation may contest the citation by completing a request for hearing form and returning it to code enforcement located within the Hollister Police Department (365 Fourth Street Suite A, Hollister, Ca 95023) within 30 days from the date of the administrative citation, together with an advance deposit of the total penalty amount or an advance deposit hardship waiver application form. Please bring the administrative citation.
- B. A request for hearing form may be obtained from City Hall.
- C. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.
- D. If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five days prior to the date of the hearing.

**1.18.070 - Hearing procedure.**

- A. No hearing to contest an administrative citation before a hearing officer shall be held unless the penalty has been deposited in advance in accordance with Section 1.18.060(A) or an advance deposit hardship waiver has been filed with and accepted by the code enforcement department.
- B. A hearing before the hearing officer shall be set for a date that is not less than 15 days and not more than 60 days from the date that the request for hearing is filed in accordance with the provisions of this chapter.
- C. At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.
- D. The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the penalty and a failure to exhaust his or her administrative remedies.

**HOLLISTER** *Integrity, Professionalism, Respect, Commitment, Accountability*  
**POLICE** *Carlos Reynoso, Chief of Police*

Thank you,  
CHRISTOPHER DORN  
Code Enforcement Officer  
Hollister Police Department



Unpermitted fence extension encroaching into the 10' utility easement.



*Integrity, Professionalism, Respect, Commitment, Accountability*

*Carlos Reynoso, Chief of Police*

11/1/2024

### COMPLIANCE ORDER

#### 2<sup>nd</sup> Notice

**Owner:** LEON ALAN  
**Mailing Address:** 1381 CARRIAGE RD  
**Mailing City:** HOLLISTER CA 95023  
**Site Address:** 1381 CARRIAGE RD  
**Case number:** 24-2522

The City of Hollister Code Enforcement Department has identified a violation of the City Ordinance on your property located at 1381 Carriage Road. Follow up with the City of Hollister Engineering department identified no proper permits were pulled or on file with City's Engineering department for the unpermitted fence extension on your property.

On October 28, 2024, the Hollister Police Code Enforcement received an email from the City of Hollister Engineering division stating that the property is in recurring violation.

**On or before December 1, 2024, contact the Engineering division to submit the application as advised for an approved City of Hollister permit to prevent an administrative citation.**

#### 1.16.040 Administrative penalties.

The city may impose administrative penalties for the violation of any code provision in an amount not to exceed \$1,000.00 for each day during which any person commits, continues, allows or maintains a violation of any provision of a city code.

(Prior code § 1A-5; Ord. 891, § 1, 1997)

Please find below a list of corrections and the due dates by which they must be completed.

#### **CORRECTIONS:**

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1. On or before December 1, 2024, visit the City of Hollister Engineering department and submit your application with the corrections advised to you on the comments letter from the Engineering division, for the fence extension on your property; Engineering is located at 361 Fifth Street, Hollister, CA 95023. **(picture attached)**
2. On or before December 1, 2024, an approved permit must be obtained and work on the fence should be started.

#### **VIOLATIONS:**

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  - 6. Buildings, structures or their appurtenances which are deemed to be substandard, or a public nuisance, or were constructed or altered without required approvals or permits, or whose condition is in violation of any provision of city codes;
  - 12. A violation of any provision of city approvals or codes;

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- D. If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five days prior to the date of the hearing.

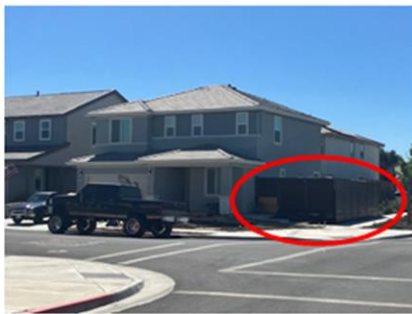
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**HOLLISTER** *Integrity, Professionalism, Respect, Commitment, Accountability*  
**POLICE** *Carlos Reynoso, Chief of Police*

Please contact the City of Hollister Code Enforcement at 831-636-4356 when the violation has been corrected.

Thank you,  
Christopher Dorn  
Code Enforcement Officer  
Hollister Police Department



Fence extended closer to sidewalk

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**POLICE**

*Carlos Reynoso, Chief of Police*



Rear extension of the fence line



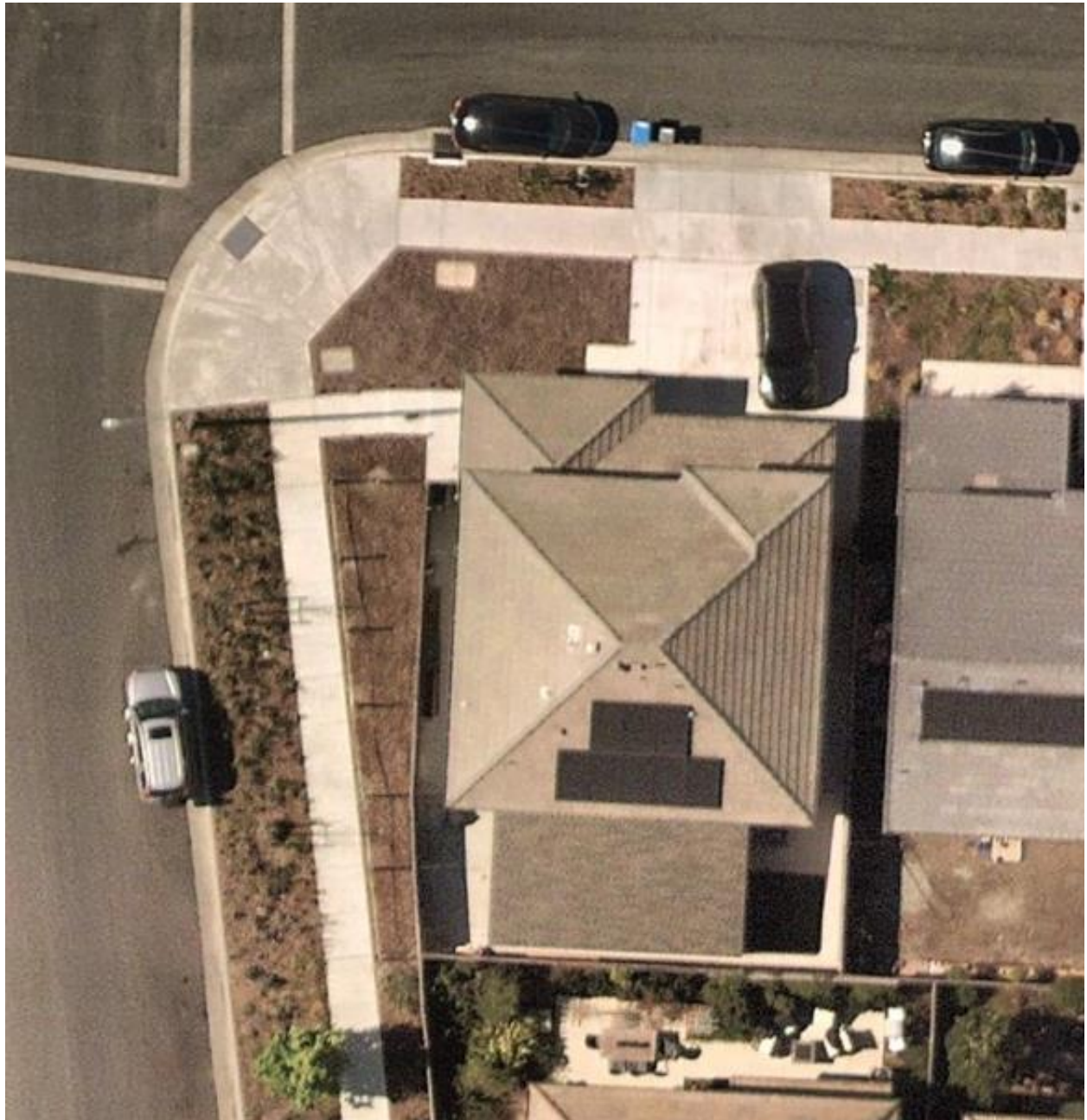
As requested in the March 27, 2025 discussion, the final inspection report (**Figure 3**) for 1381 Carriage Road is provided below; no additional inspection notes were indicated by the building inspector at the time of final sign-off.

**Figure 3. Building Permit #20211008 Final Inspection Signoff for 1381 Carriage Road**

5/07/2025 2:49 PM		INSPECTION HISTORY REPORT					PAGE: 1	
PROJECT #	DESCRIPTION	STATUS	PROPERTY	GEN CONTRACTOR				
20211008	NEW RESIDENTIAL CONSTRUCTION	COMPLETED	1381 CARRIAGE ROAD	OWNER	-OWNER			
SEGMENT	PHASE	TASK	INSPECTOR	STATUS	DATE	TIME	RESULTS	
RESIDENTIAL PLUMBING								
	FINAL	INSPECTION	4leaf	CLOSED	12/17/2021	8:42AM	APPROVED	
	GAS TEST	INSPECTION	4leaf	CLOSED	10/06/2021	12:33PM	APPROVED	
	SEWER SERVICE	INSPECTION	4leaf	CLOSED	5/26/2021	2:30PM	APPROVED	
	WATER SERVICE	INSPECTION	4leaf	CLOSED	6/24/2021	7:21AM	APPROVED	
	GAS METER RELEASE	INSPECTION	4leaf	CLOSED	11/15/2021	2:25PM	APPROVED	
	UNDERSLAB PLUMBING	INSPECTION	4leaf	CLOSED	5/26/2021	2:29PM	APPROVED	
	ROUGH PLUMBING	INSPECTION	4leaf	CLOSED	9/28/2021	2:06PM	APPROVED	
RESIDENTIAL CONSTRUCTION								
	FINAL	INSPECTION	4leaf	CLOSED	12/17/2021	8:44AM	APPROVED	
	FOUNDATION	INSPECTION	4leaf	CLOSED	6/07/2021	2:25PM	APPROVED	
	ROOF NAIL	INSPECTION	4leaf	CLOSED	7/19/2021	3:13PM	APPROVED	
	SHEAR NAIL	INSPECTION	4leaf	CLOSED	7/19/2021	3:13PM	APPROVED	
	SHEETROCK NAIL	INSPECTION	4leaf	CLOSED	10/06/2021	12:33PM	APPROVED	
	EXTERIOR LATH NAIL	INSPECTION	4leaf	CLOSED	10/06/2021	12:33PM	APPROVED	
	FRAME	INSPECTION	4leaf	CLOSED	9/28/2021	2:05PM	APPROVED	
	INSULATION	INSPECTION	4leaf	CLOSED	10/04/2021	12:02PM	APPROVED	
RESIDENTIAL ELECTRICAL								
	FINAL	INSPECTION	4leaf	CLOSED	12/17/2021	8:43AM	APPROVED	
	ELECTRICAL METER RELEASE	INSPECTION	4leaf	CLOSED	8/04/2021	3:24PM	APPROVED	
RESIDENTIAL MECHANICAL								
	FINAL	INSPECTION	4leaf	CLOSED	12/17/2021	8:42AM	APPROVED	
RSDNTL CONST-IMPACT FEES								
	MISCELLANEOUS	INSPECTION	4leaf	CLOSED	12/17/2021	8:44AM	APPROVED	
	IMPACT FEE_FINAL	APPROVED_PAID	4leaf	CLOSED	12/17/2021	8:44AM		
TOTAL ACTIONS PRINTED:		20						
TOTAL PROJECTS PRINTED:		1						

In addition to the documents requested by the commission at the March 27, 2025, meeting, staff is providing historical satellite imagery from when the home was originally built in 2021. **Figure 4A** shows the fence location from when the home was built back in 2021 (not per approved plot plan). **Figure 4B** shows the fence location after it was further extended into the existing P.U.E. without a fence extension permit.

**Figure 4A: Historical Imagery of the site (Original Fence Location)**



**Figure 4B: Historical Imagery of the site (Unapproved Fence Extension)**



The Historical Images indicate the developer did not install the fence at 1381 Carriage Road and at 1380 Cavalier Court per the approved plot plans. The City acknowledges the inability to go back in time to rectify the mistakes and exceptions that were made.

In addition to the historical imagery, City Staff have also retrieved all of the plot plan records for corner lots within the Mirabella II Subdivision. All thirty-one (31) approved plot plans, as





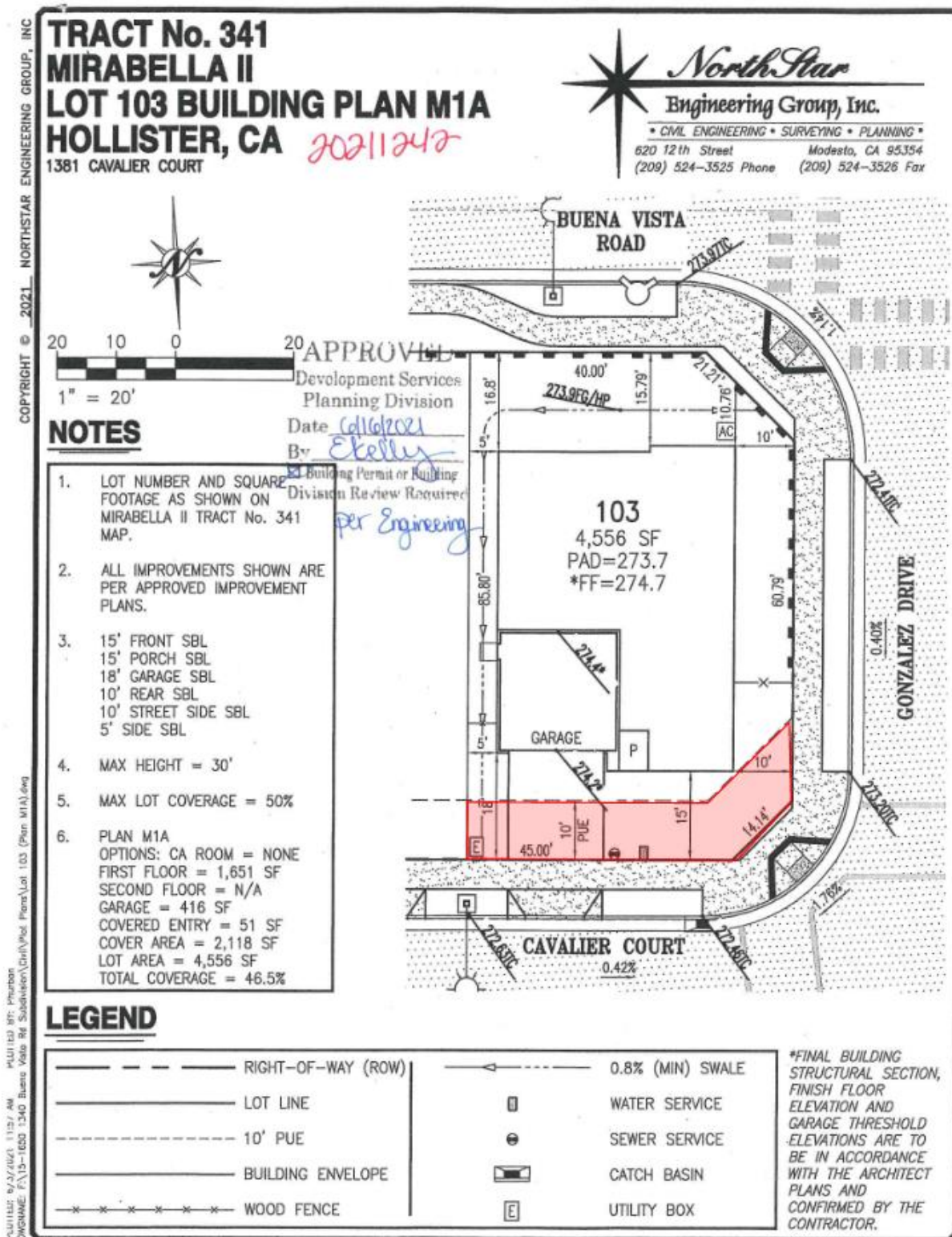


Figure 5D: Plot Plan for 1400 Cavalier Lane

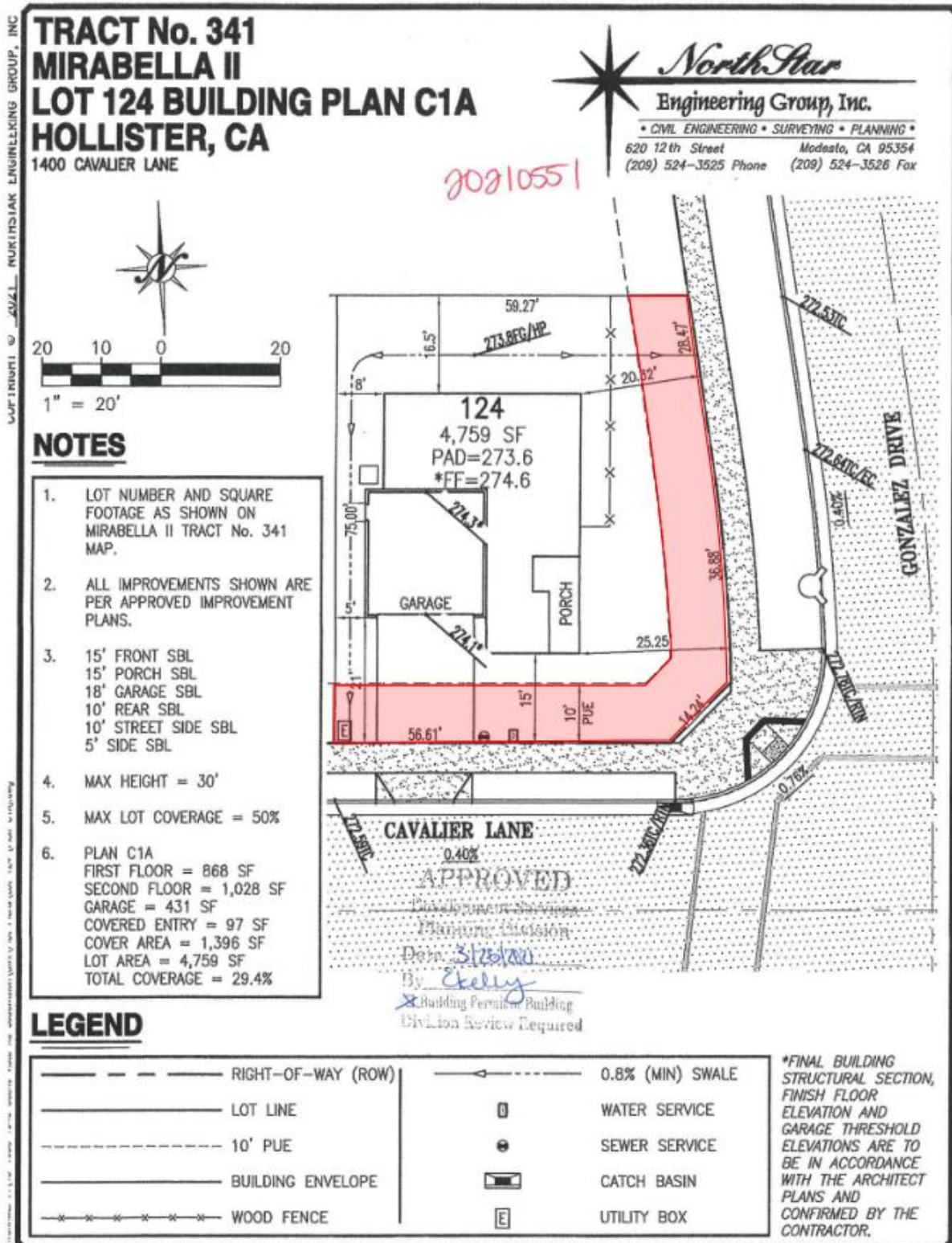


Figure 5E: Plot Plan for 1401 Cavalier Lane

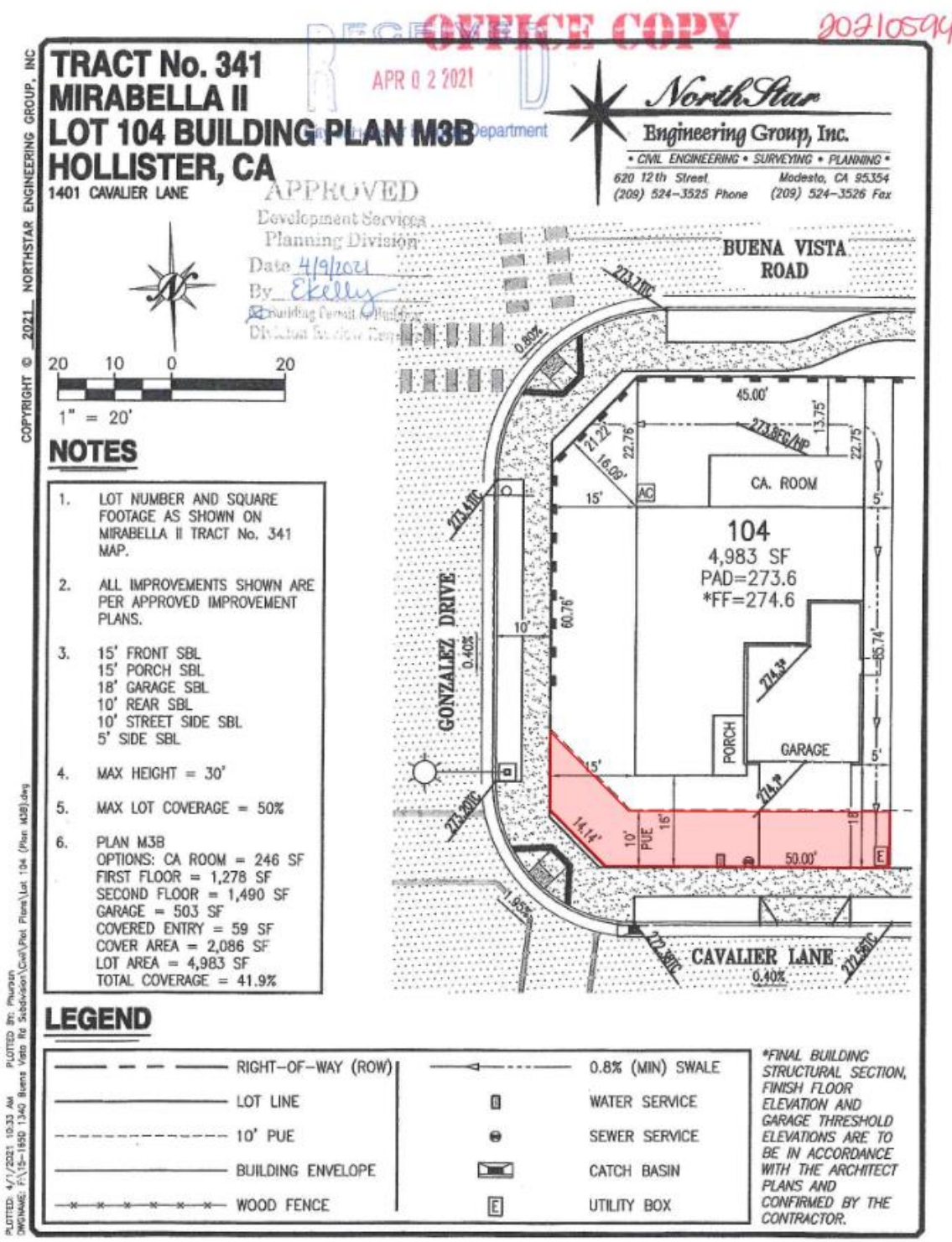


Figure 5F: Plot Plan for 1470 Cavalier Lane

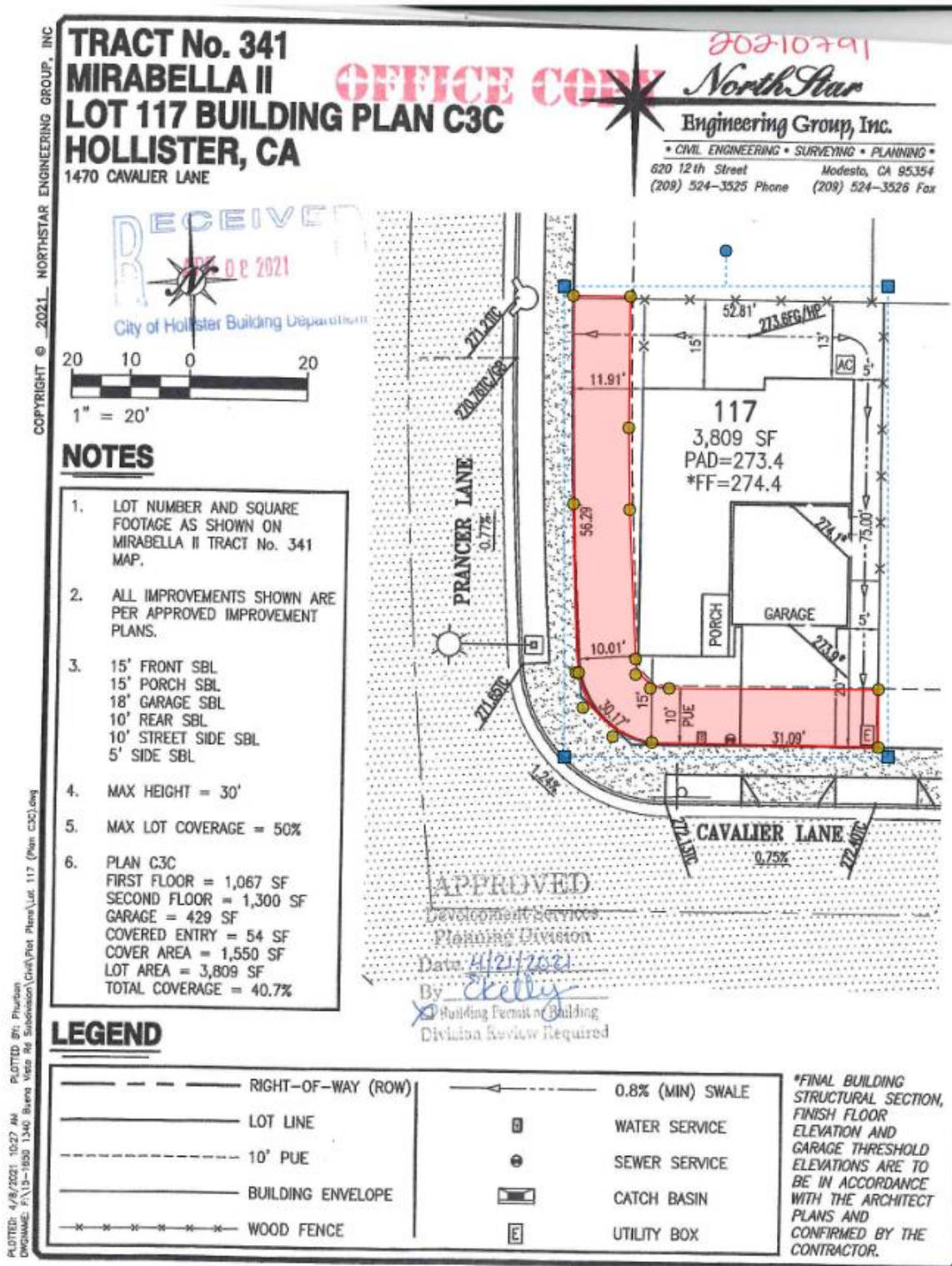


Figure 5G: Plot Plan for 1300/1304 Cavalier Lane

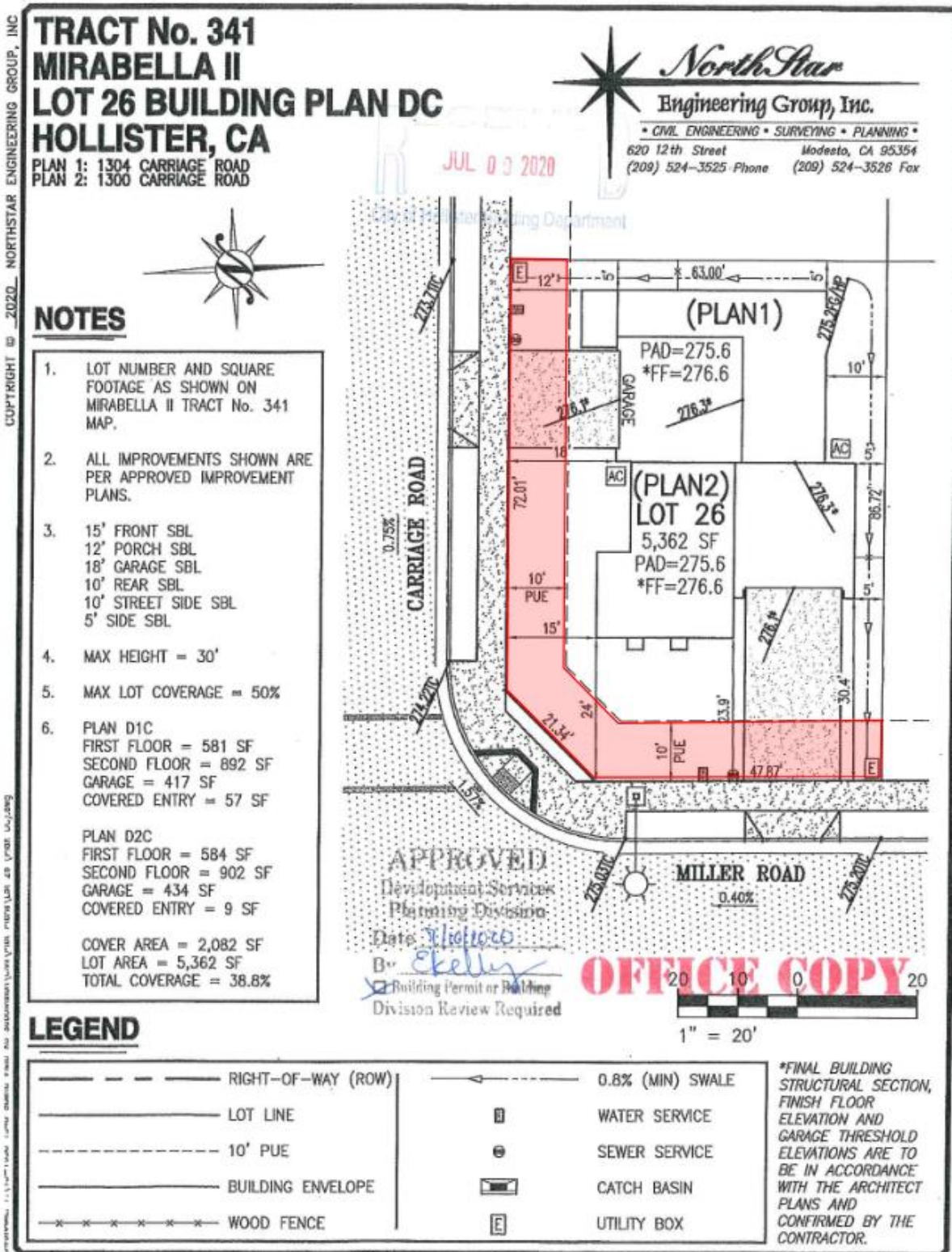


Figure 5H: Plot Plan for 1301 Carriage Road

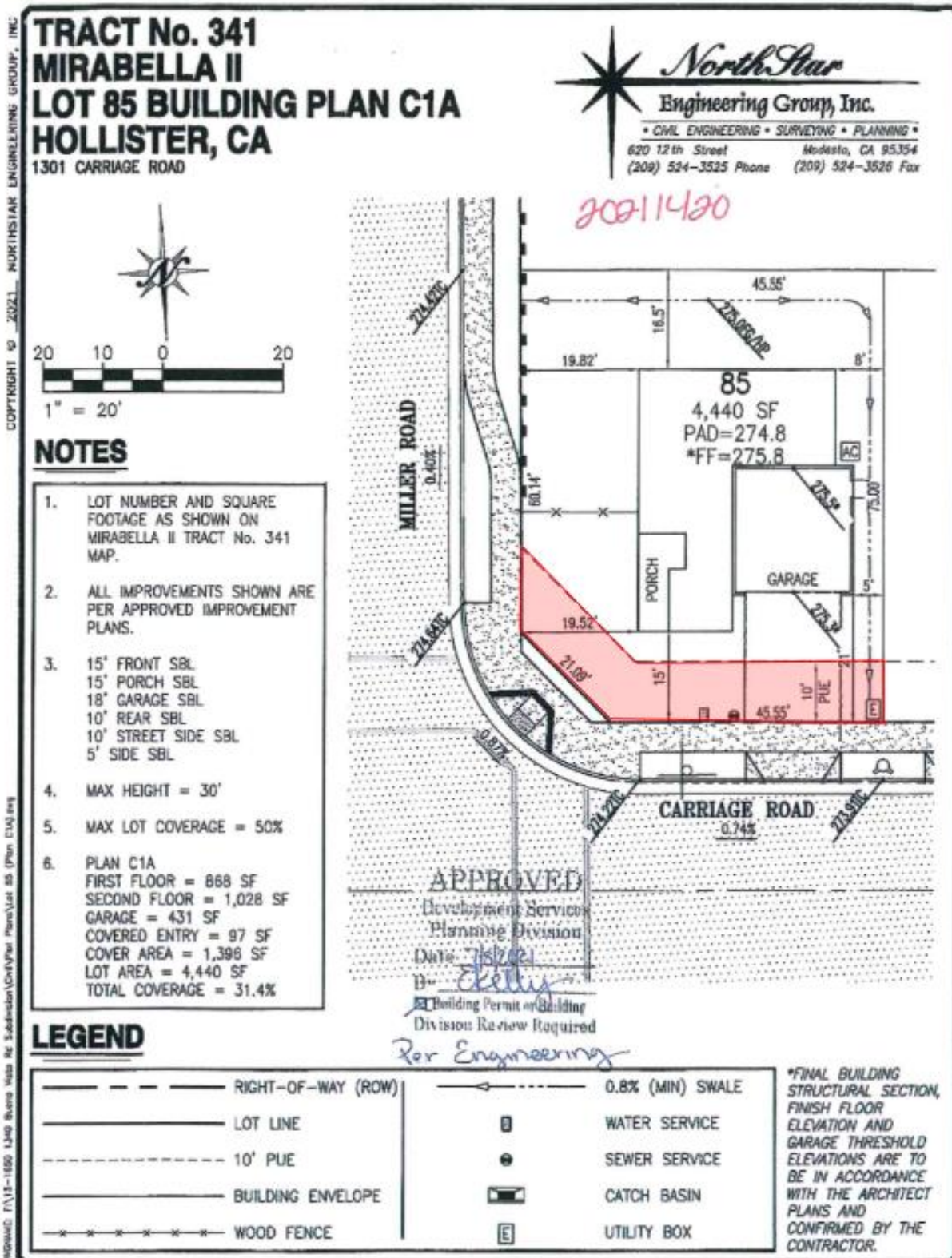


Figure 5I: Plot Plan for 1308/1310 Carriage Road

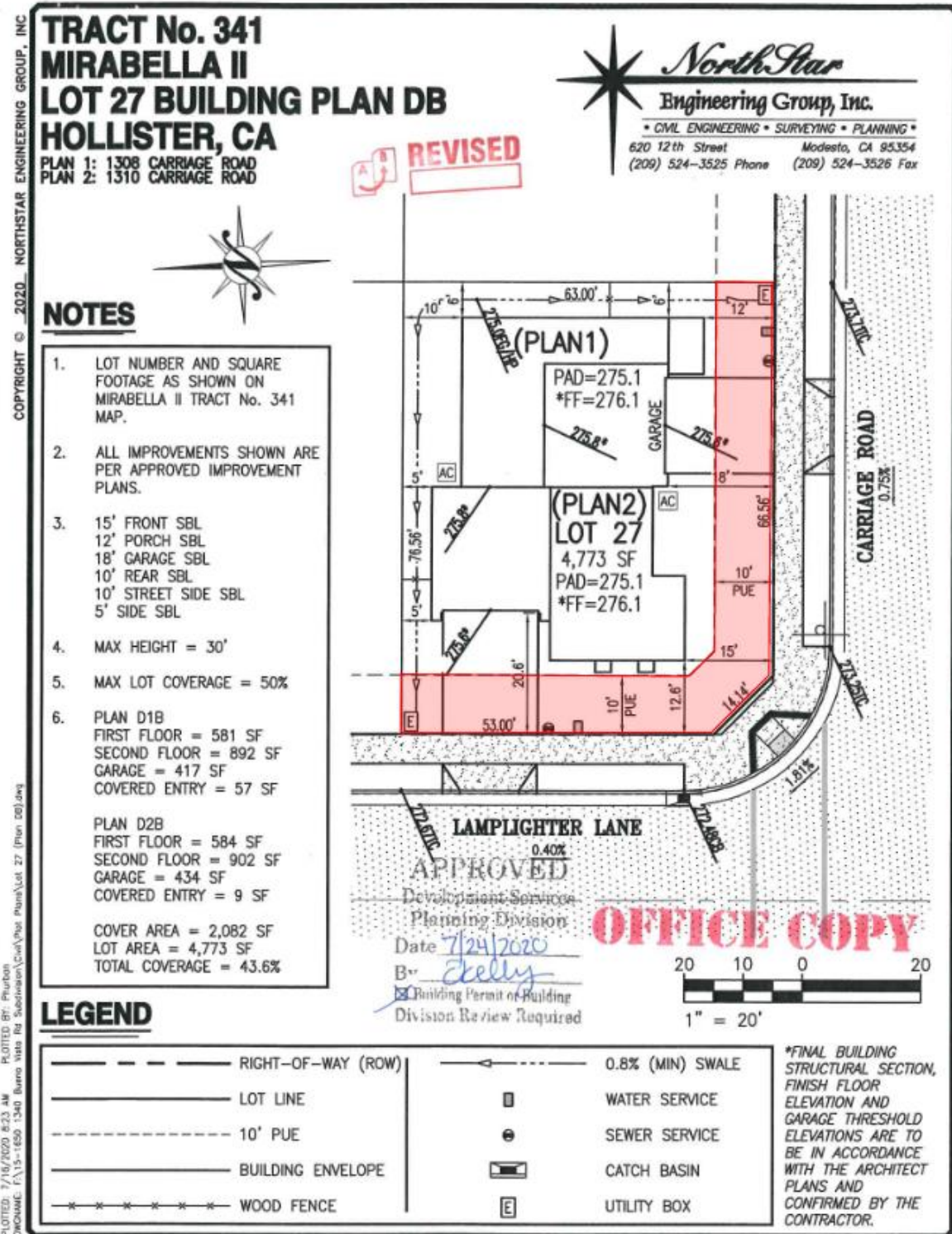


Figure 5J: Plot Plan for 1340/1360 Carriage Road

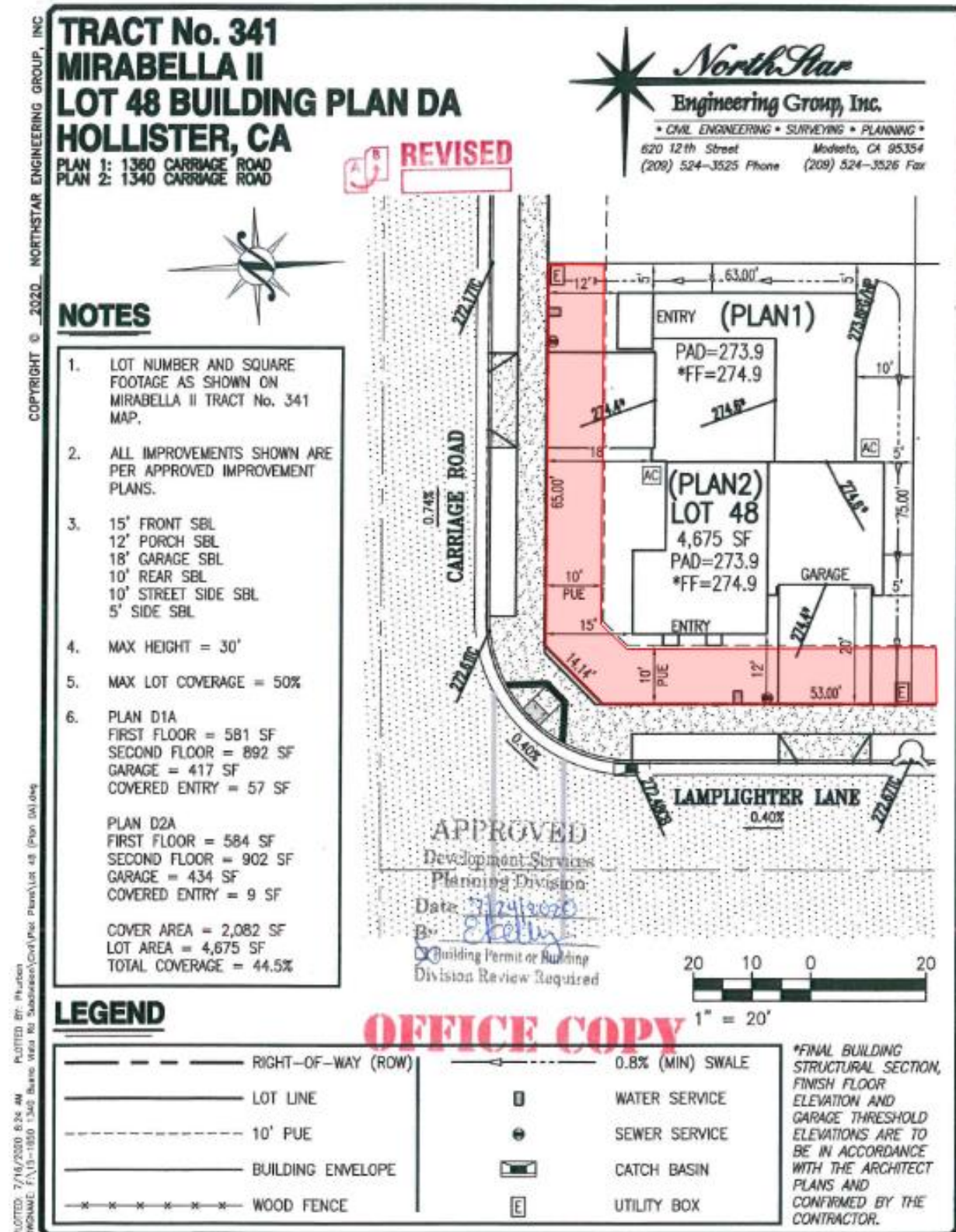


Figure 5K: Plot Plan for 1380/1390 Carriage Road

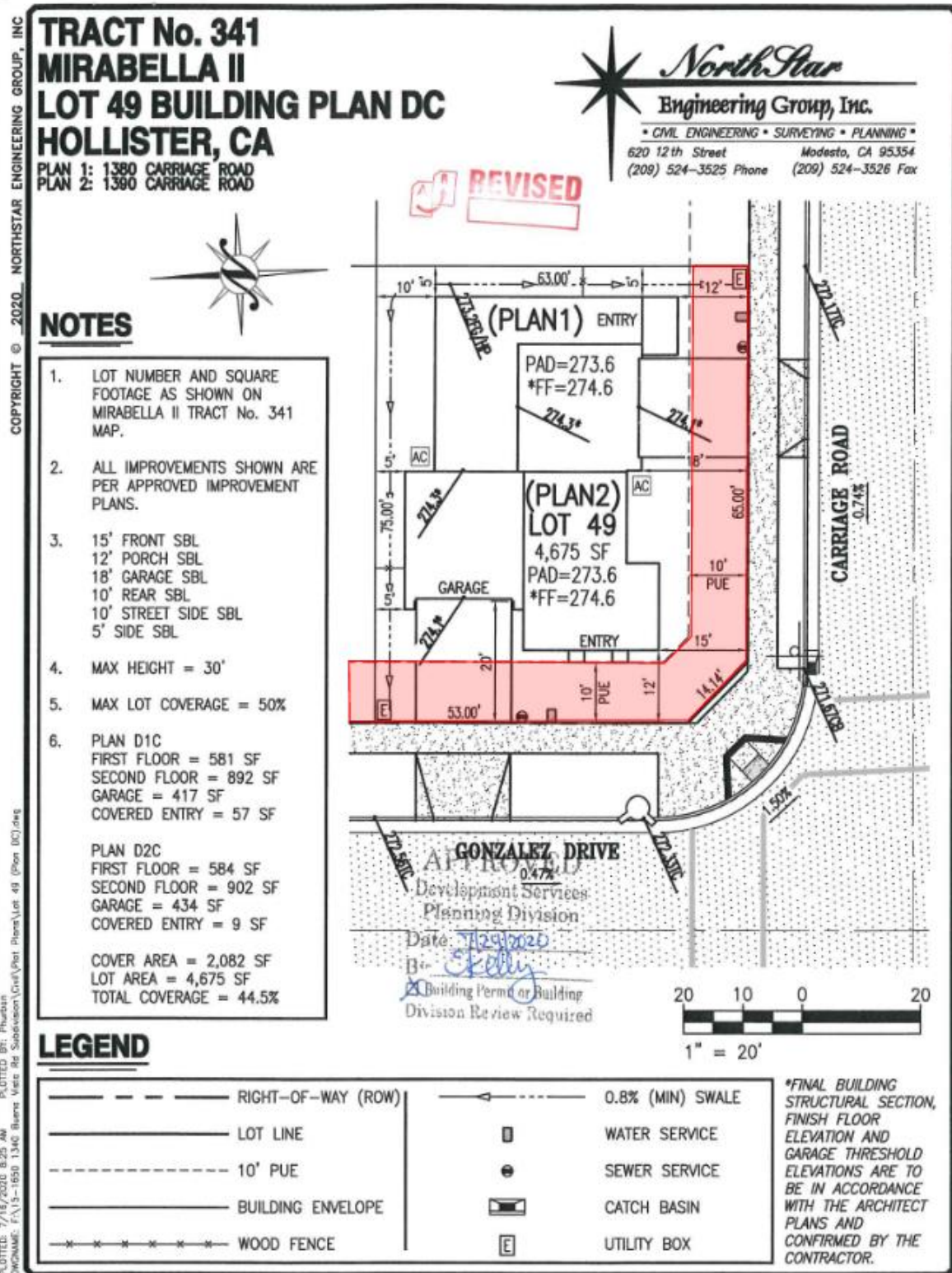


Figure 5L: Plot Plan for 1400/1410 Carriage Road

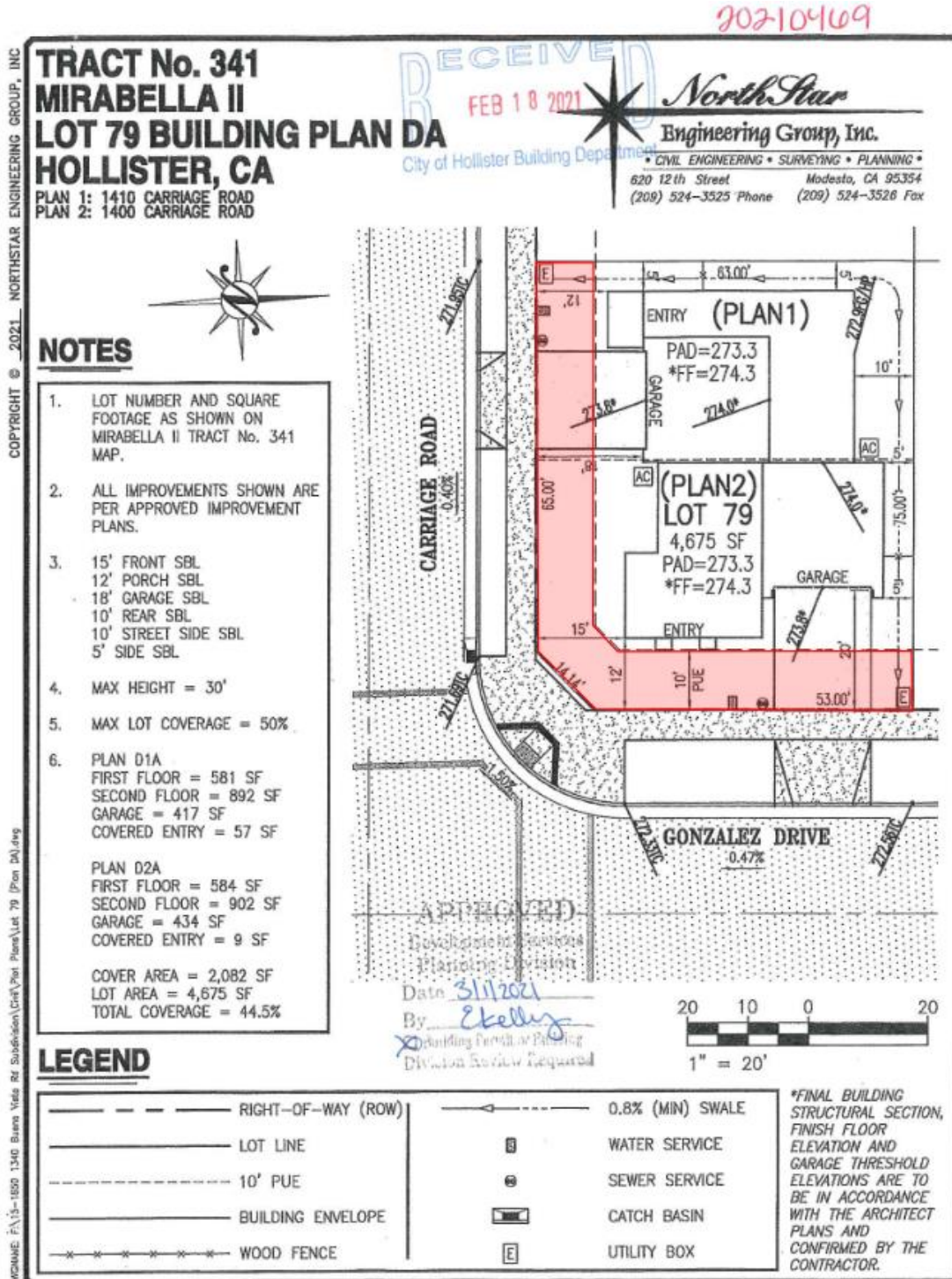


Figure 5M: Plot Plan for 1401 Carriage Road

20210315

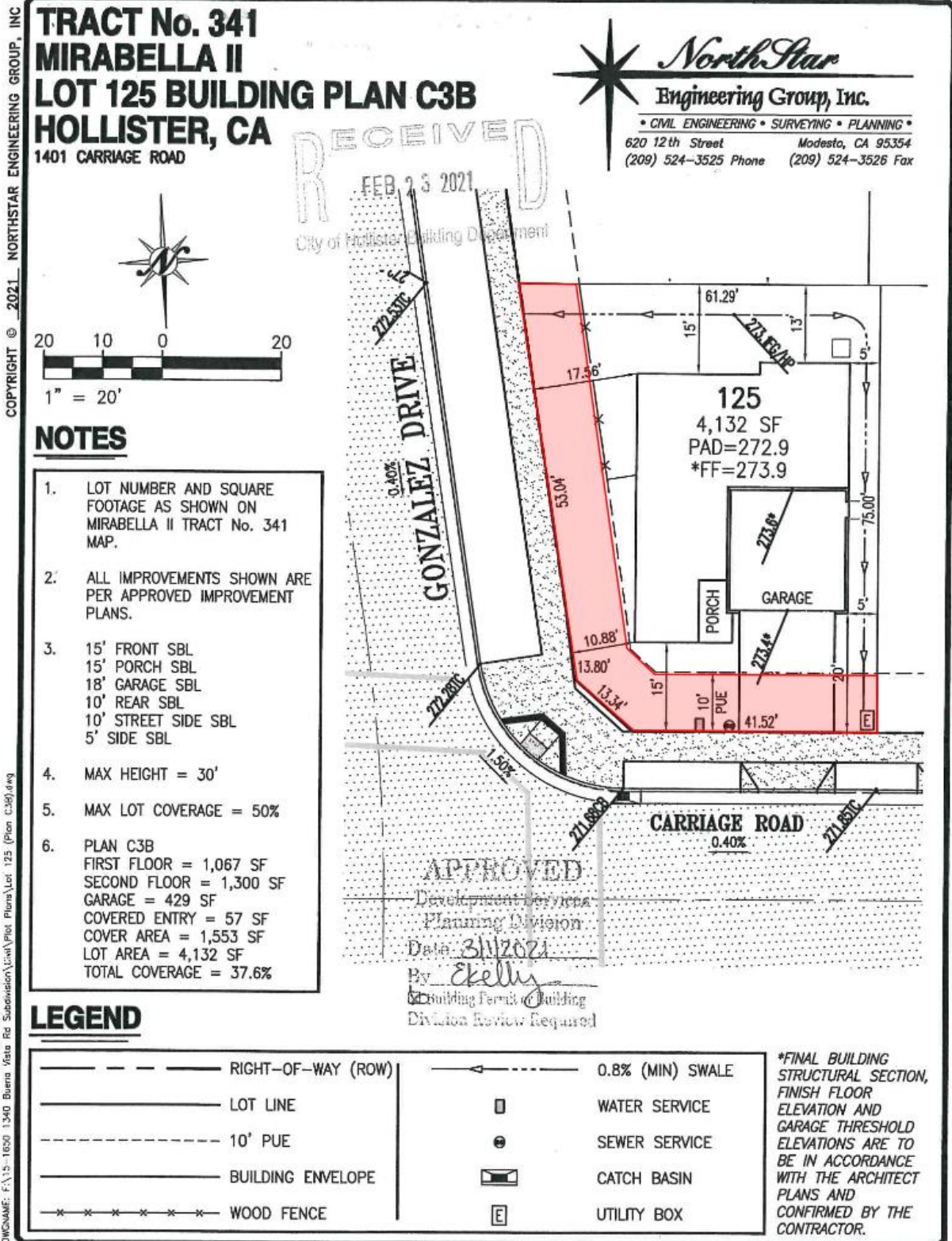


Figure 5N: Plot Plan for 1420/1430 Carriage Road



20210310

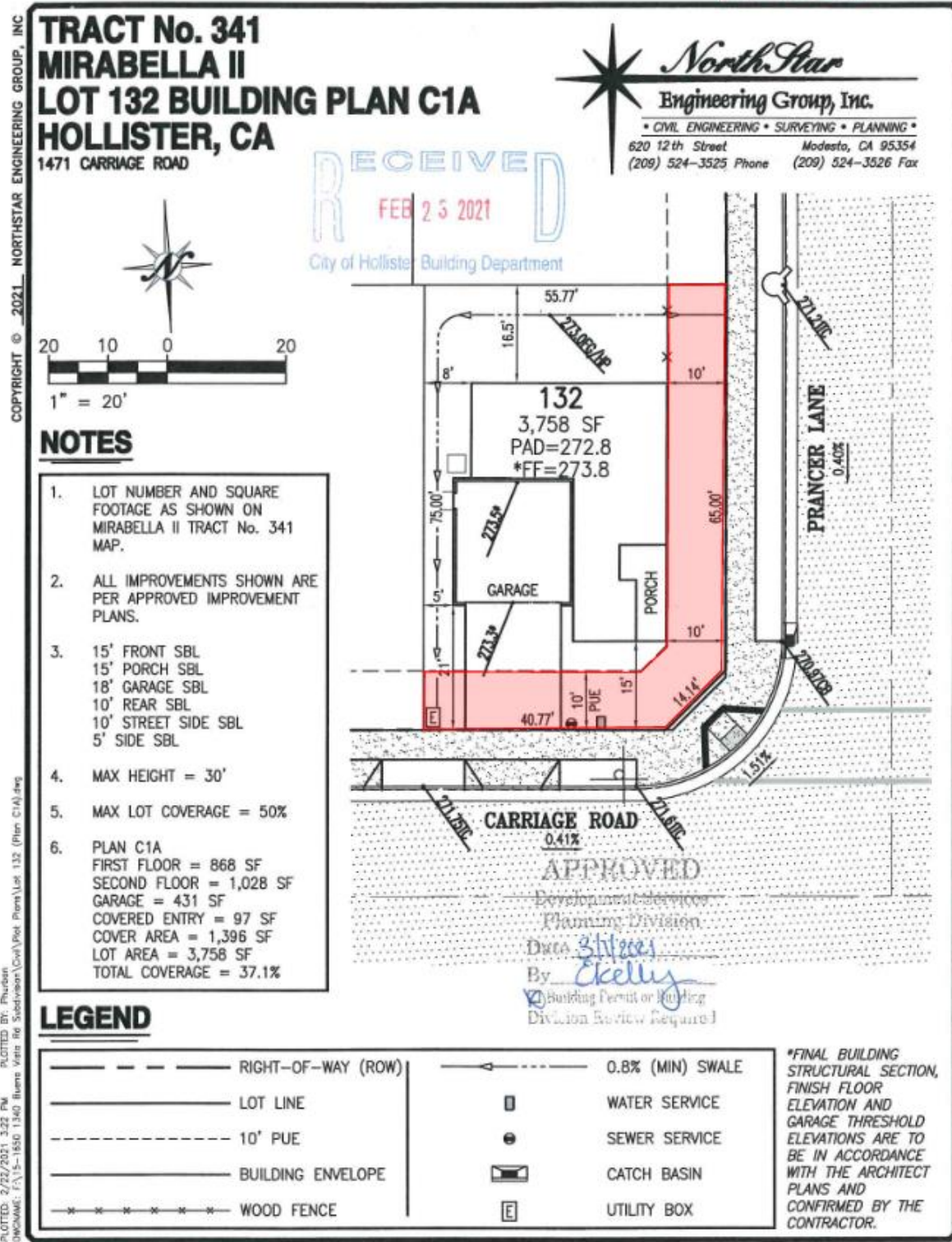


Figure 5P: Plot Plan for 160/180 Prancer Lane

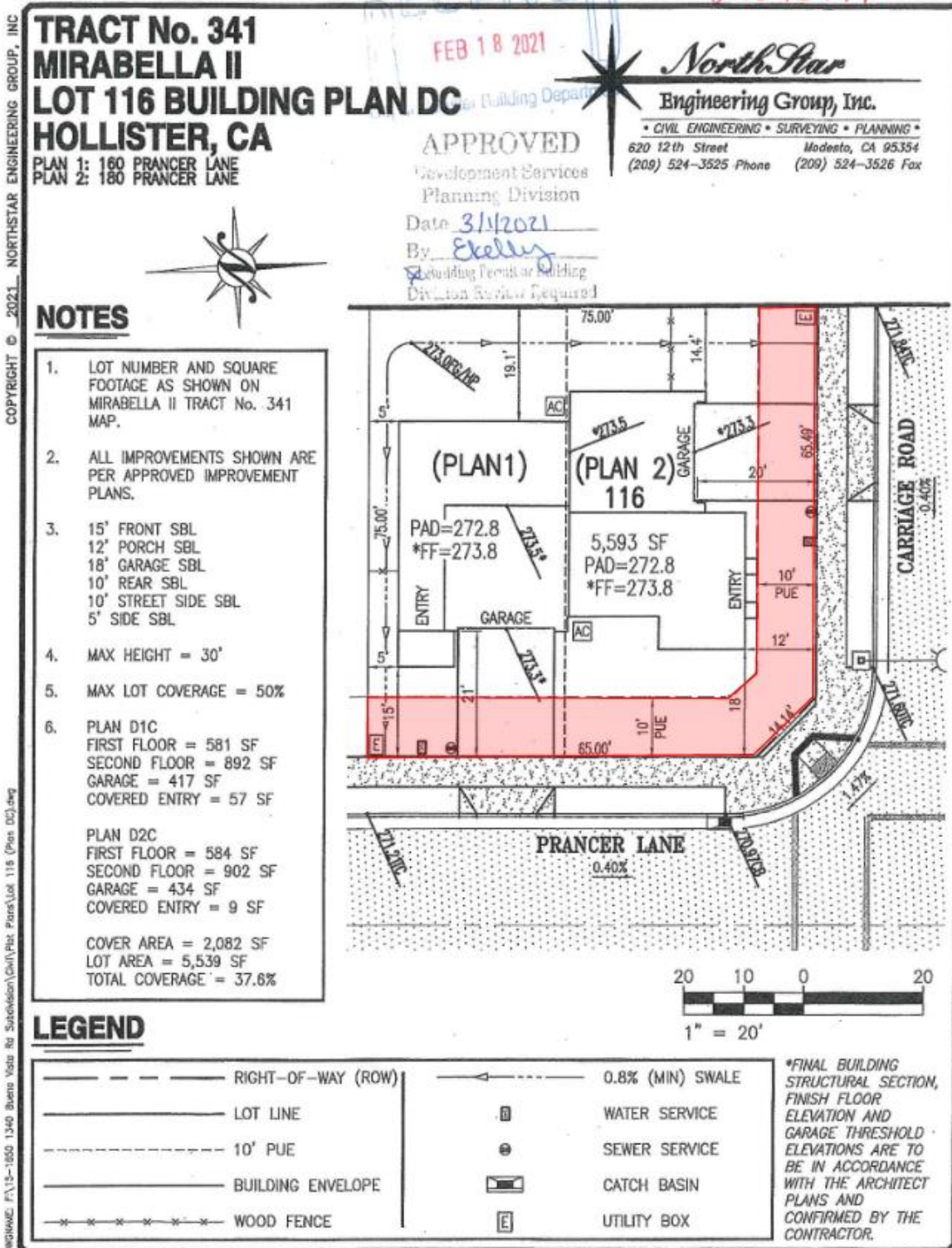


Figure 5Q: Plot Plan for 1400 Waterwheel Lane

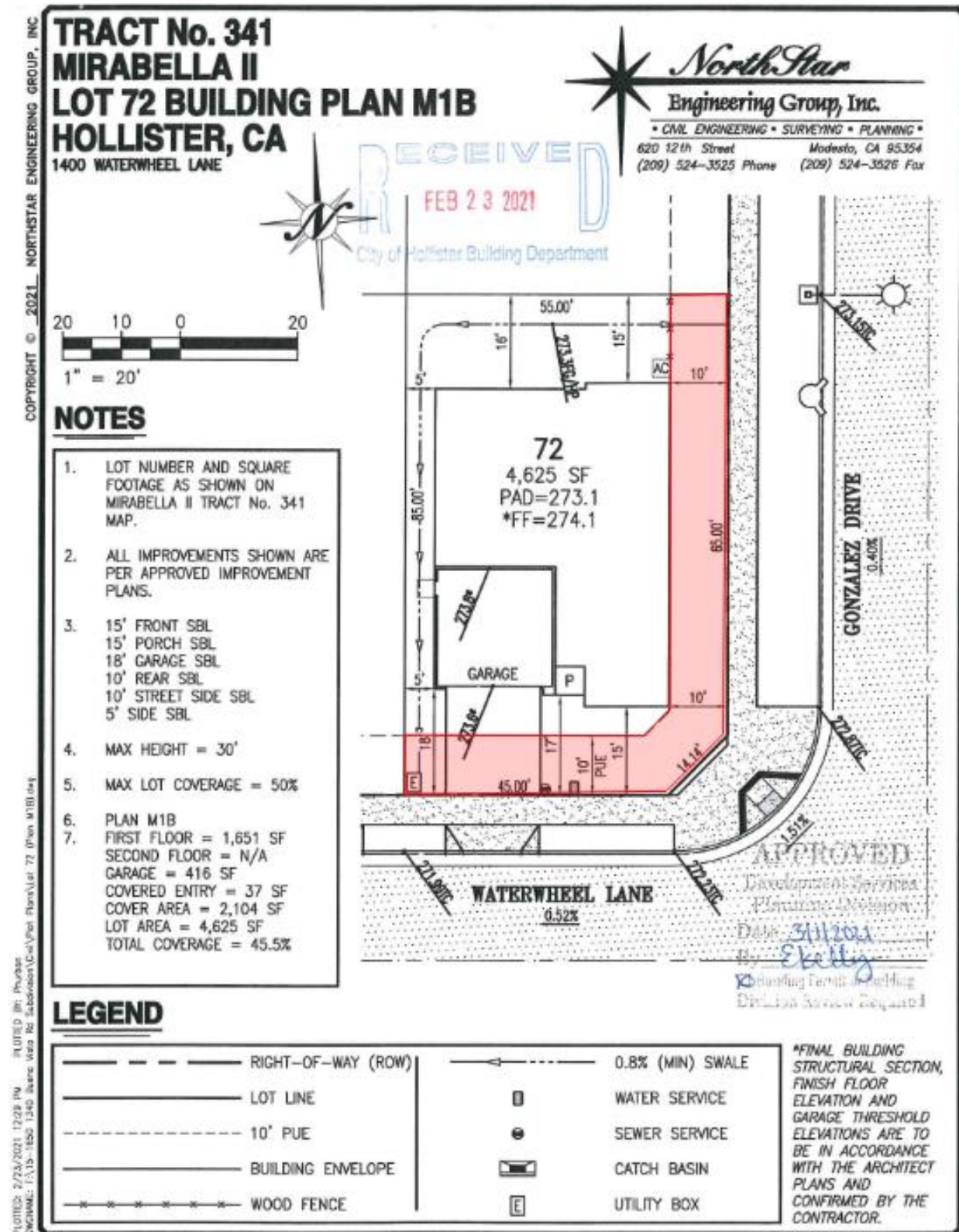


Figure 5R: Plot Plan for 1401/1411 Waterwheel Lane

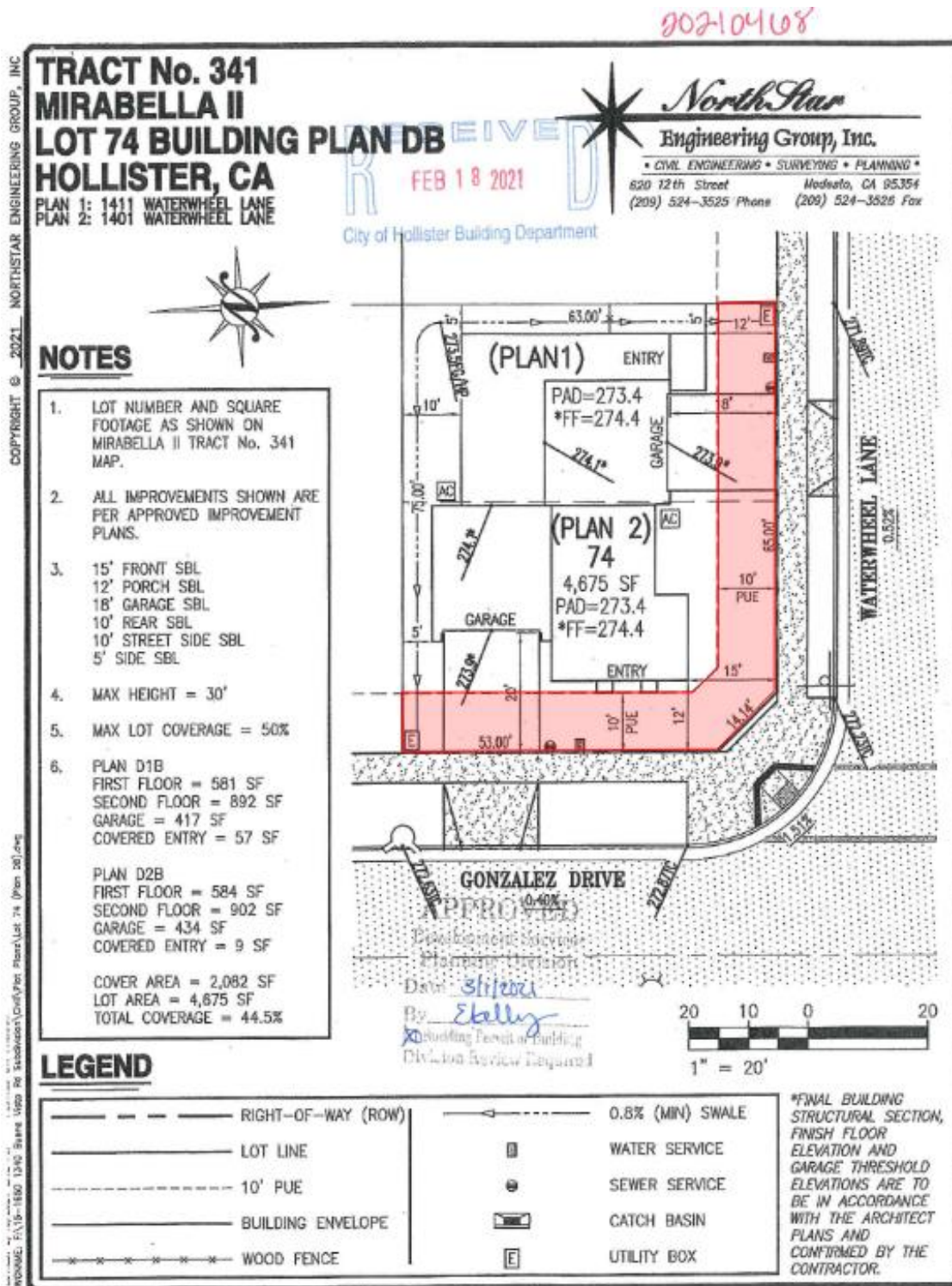


Figure 5S: Plot Plan for 1421/1431 Waterwheel Lane

20210407

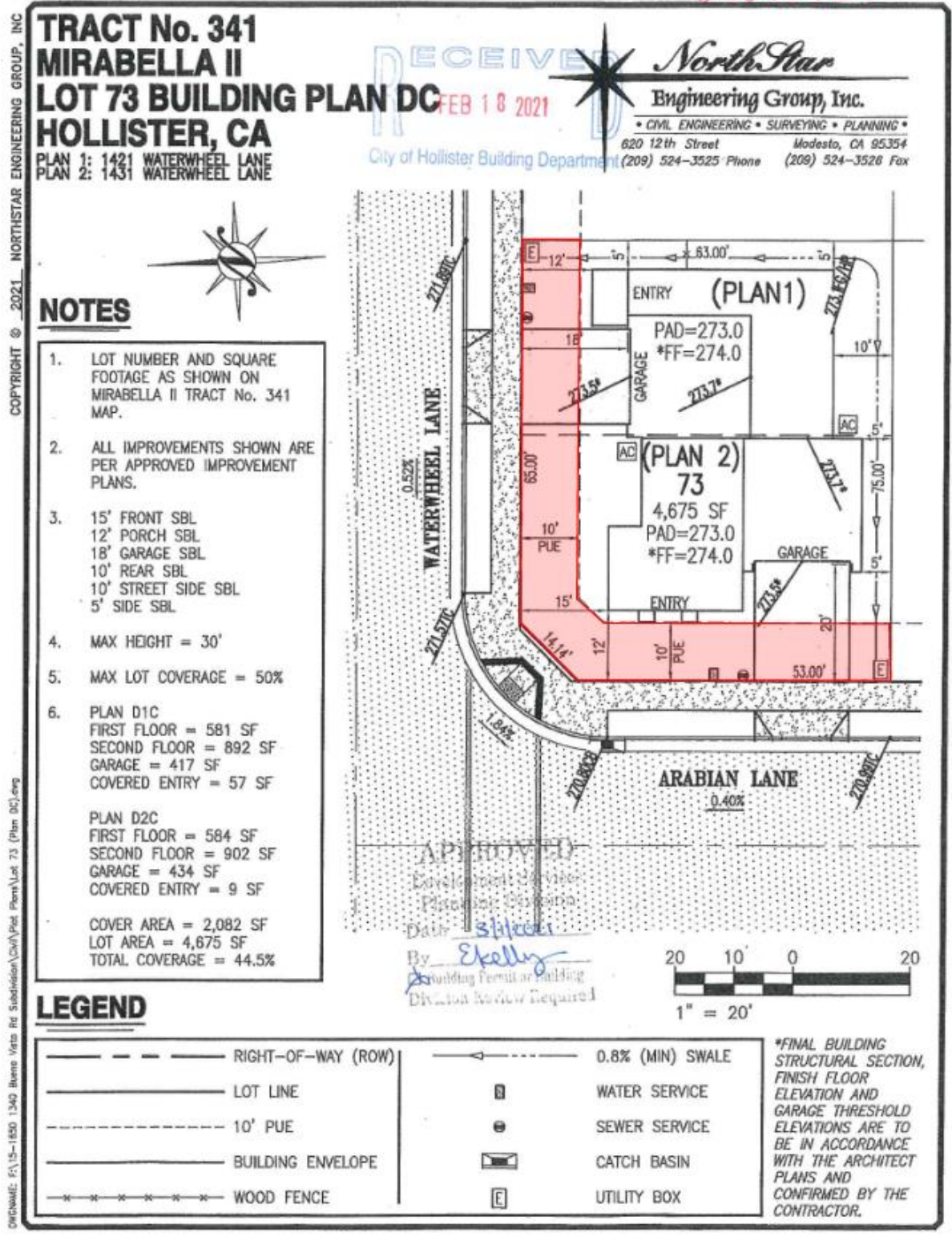
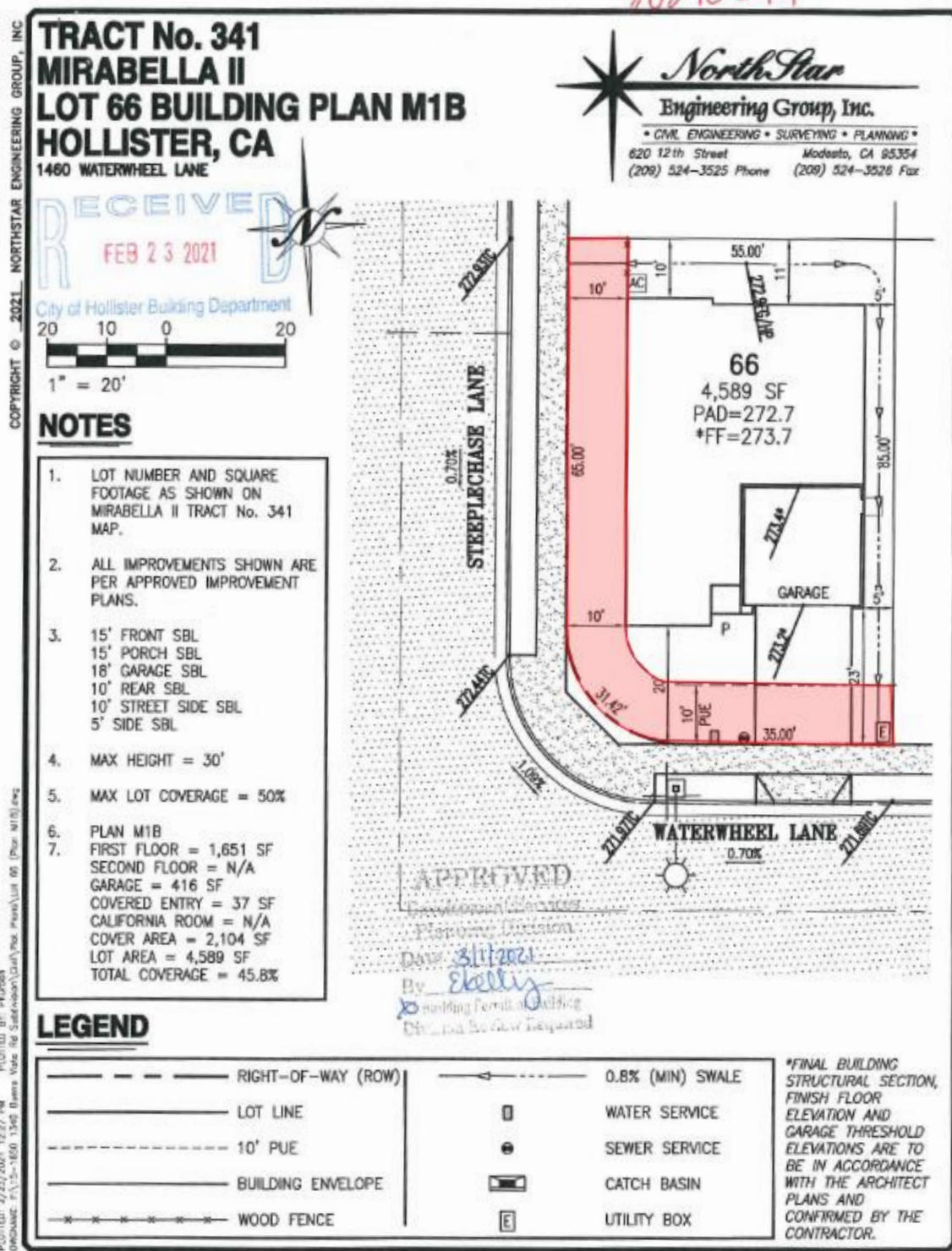


Figure 5T: Plot Plan for 1460 Waterwheel Lane



*\*FINAL BUILDING STRUCTURAL SECTION, FINISH FLOOR ELEVATION AND GARAGE THRESHOLD ELEVATIONS ARE TO BE IN ACCORDANCE WITH THE ARCHITECT PLANS AND CONFIRMED BY THE CONTRACTOR.*

Figure 5U: Plot Plan for 1300 Chariot Road

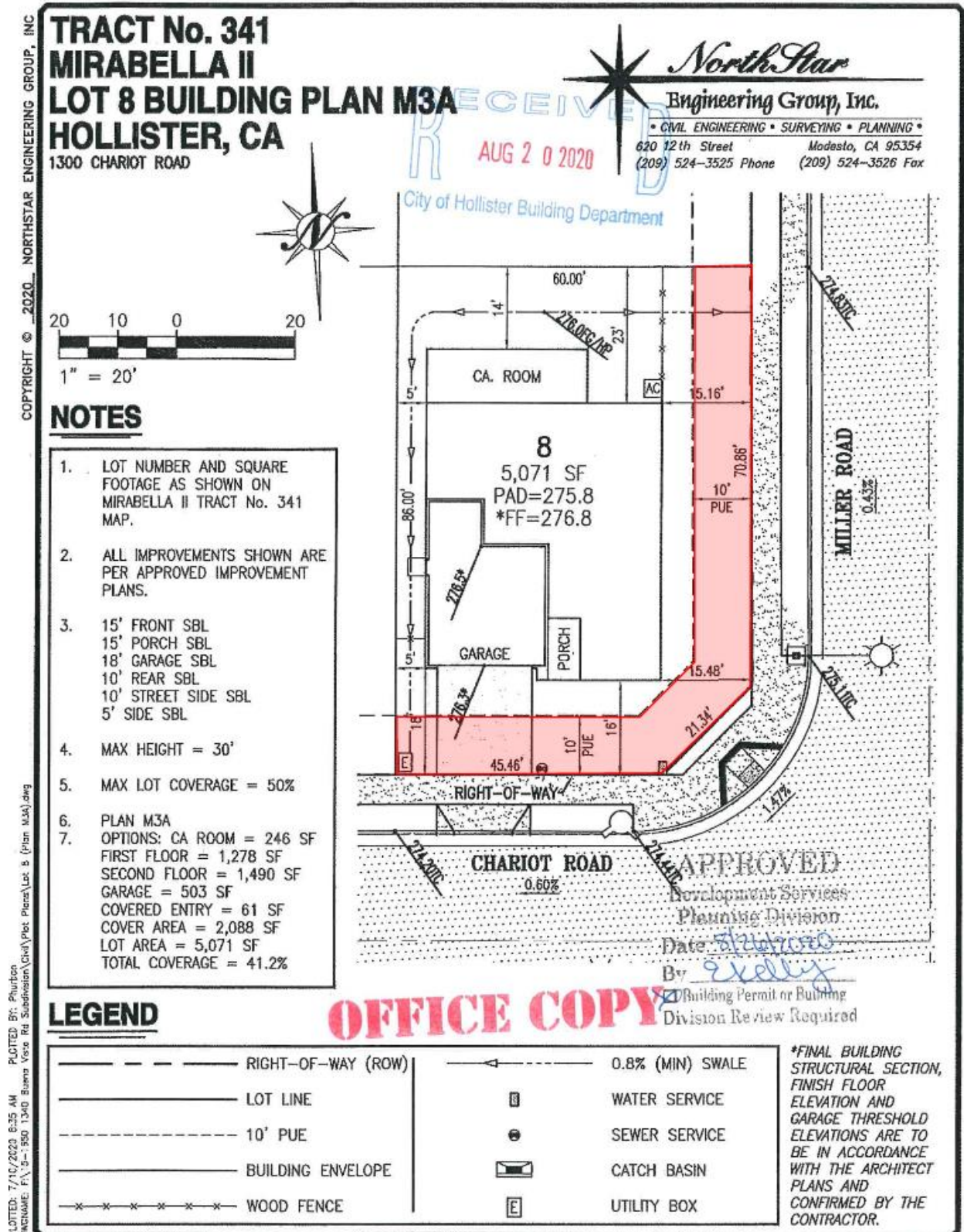
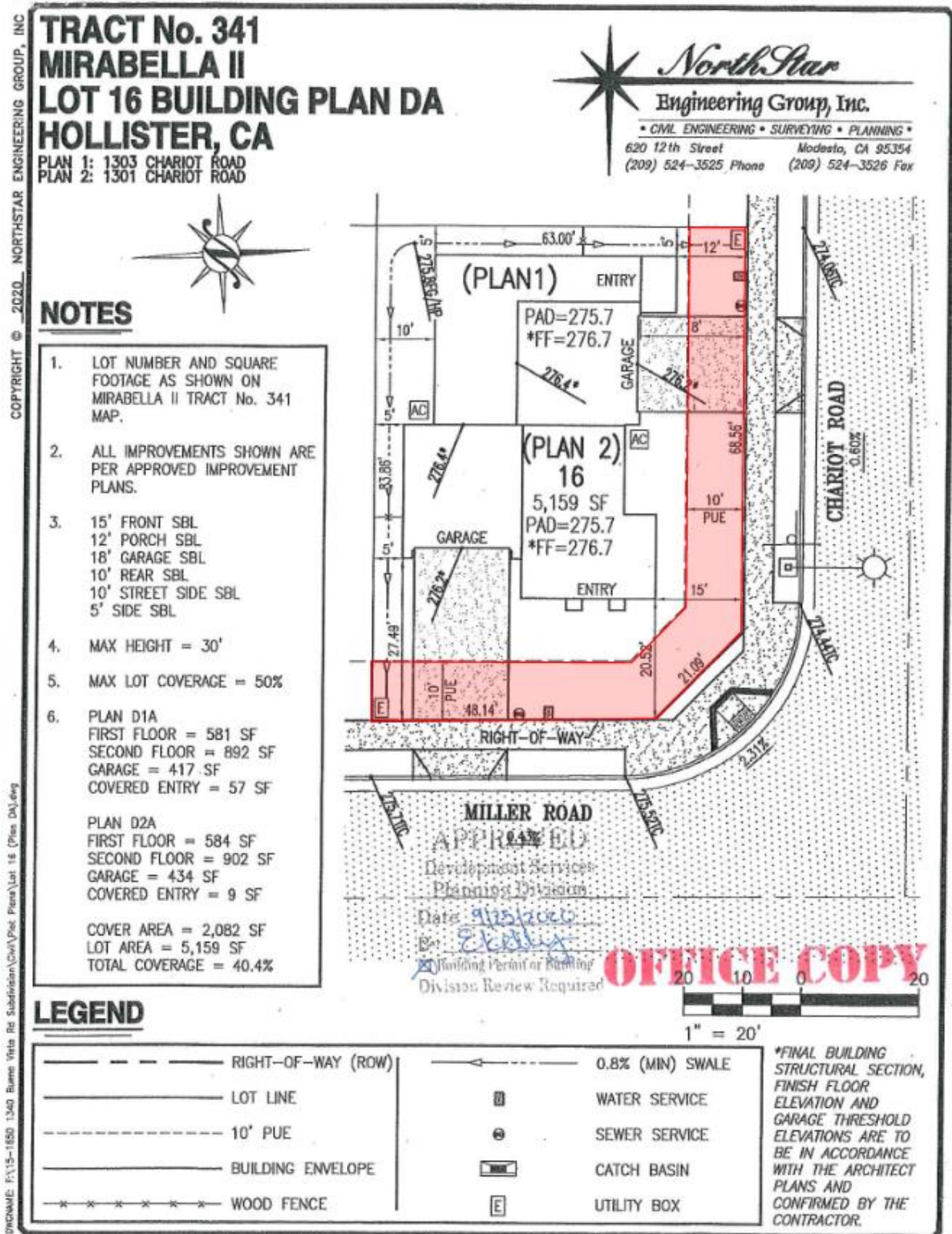


Figure 5V: Plot Plan for 1301/1303 Chariot Road



COPYRIGHT © 2020 NORTHSTAR ENGINEERING GROUP, INC. DWGNAME: F:\15-1650 1340 Buena Vista Rd Subdivision\DWG\Plot Plans\Lot 16 (Plan DA).dwg

Figure 5W: Plot Plan for 1311/1307 Chariot Road

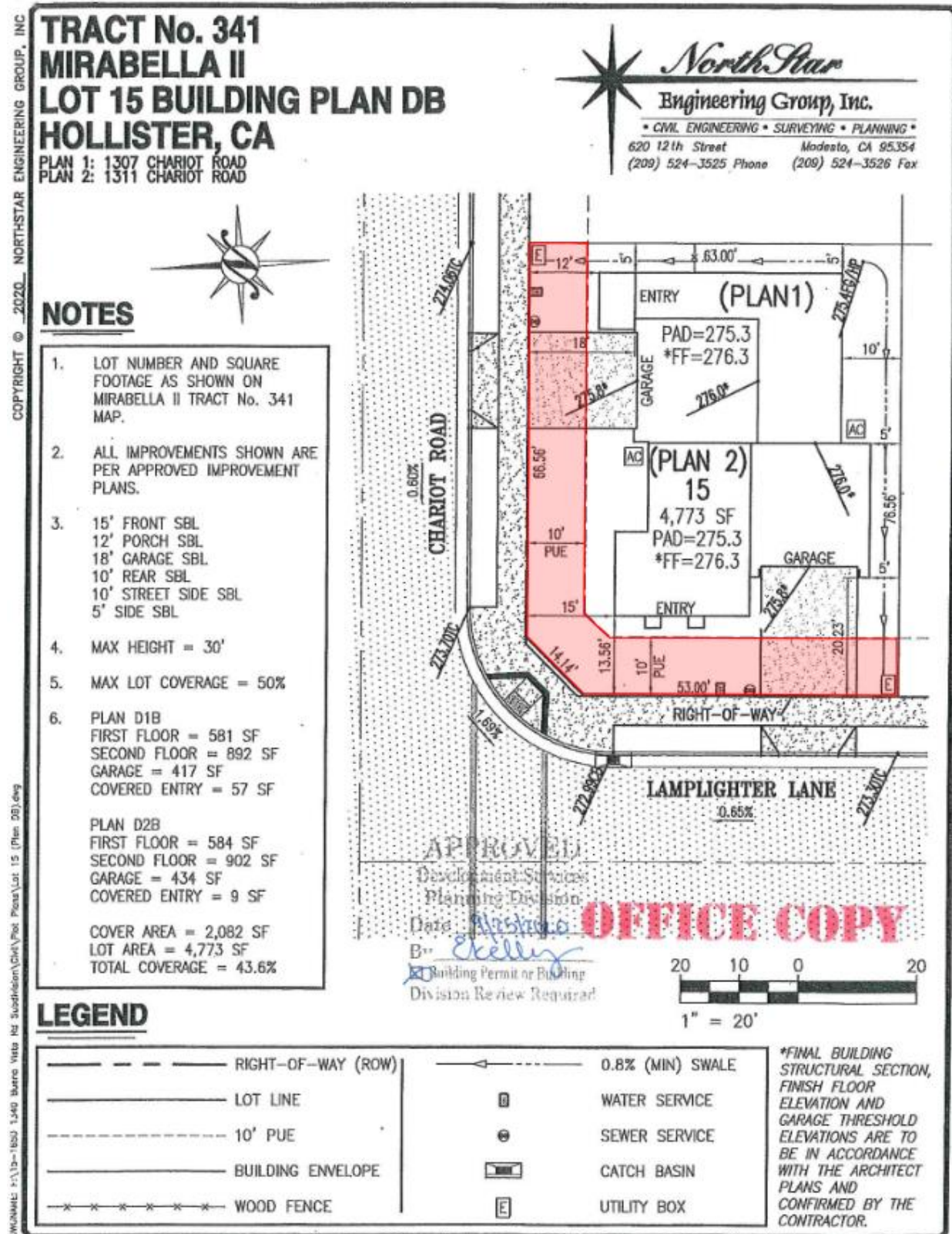


Figure 5X: Plot Plan for 1341/1361 Chariot Road

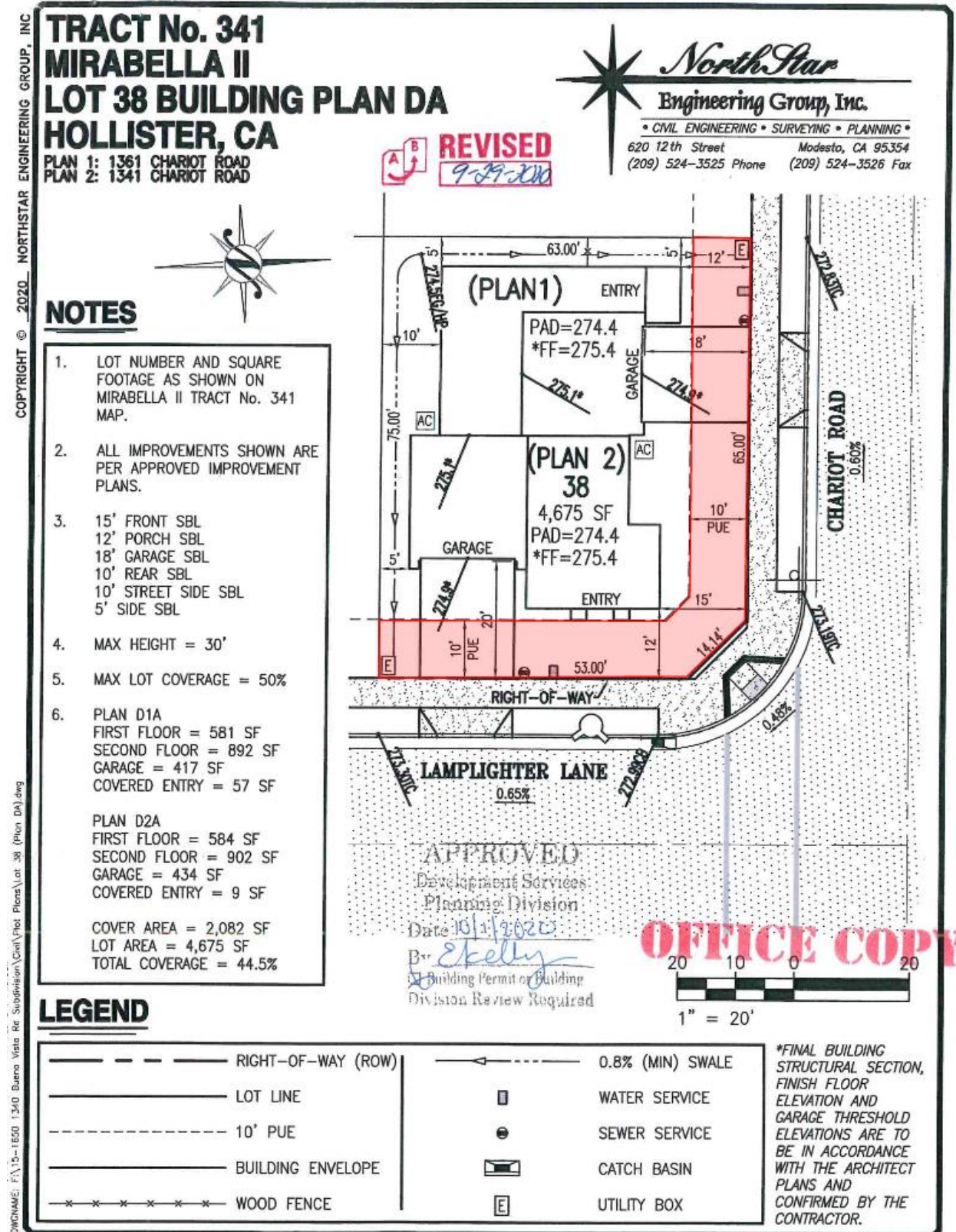
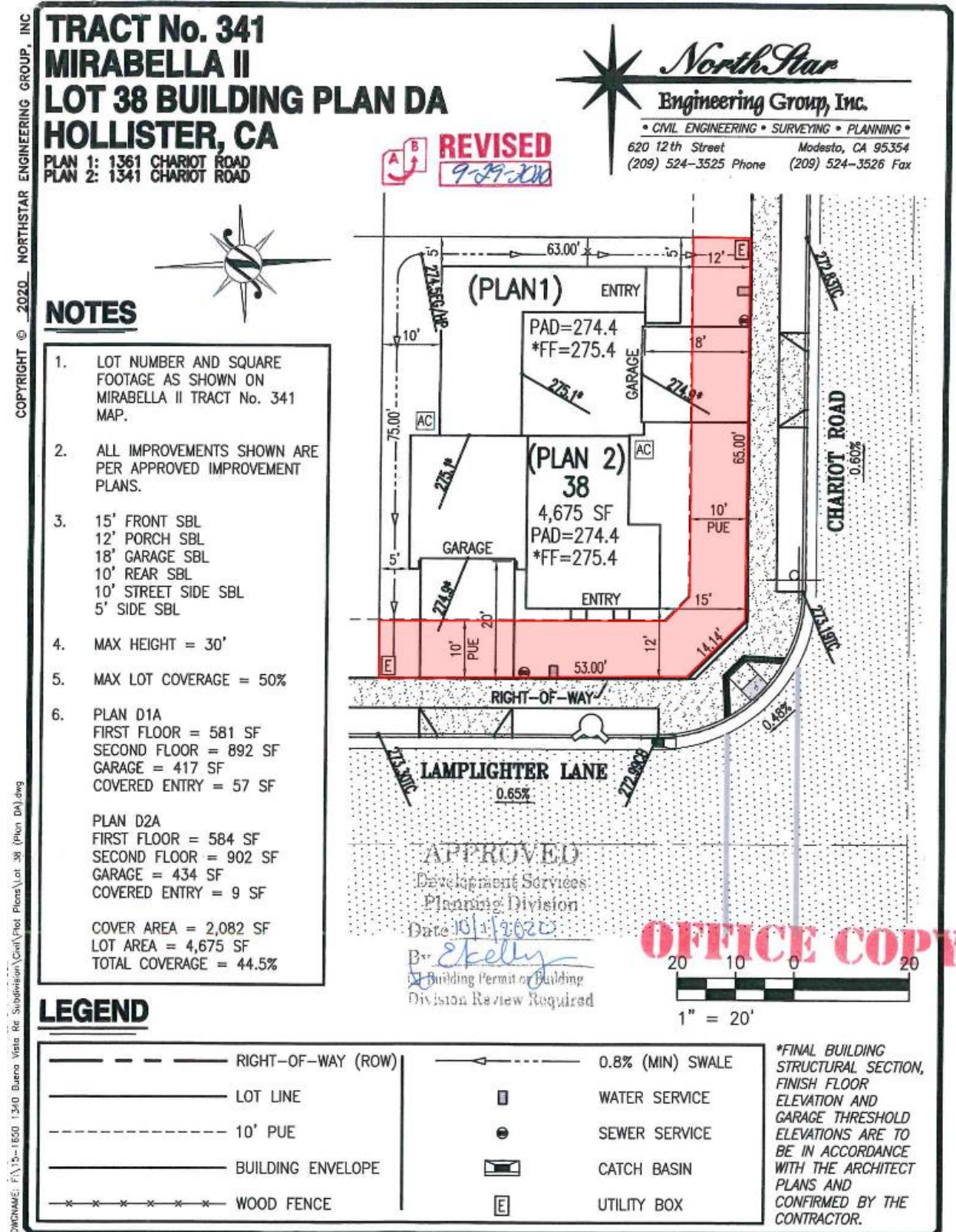


Figure 5X: Plot Plan for 1341/1361 Chariot Road



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DRAWING: F:\15-1650 1340 Buena Vista Re Subdivision\Civil\Plot Plans\Lot\_38\_Plan\_Da.dwg

Figure 5Y: Plot Plan for 1380 Chariot Road

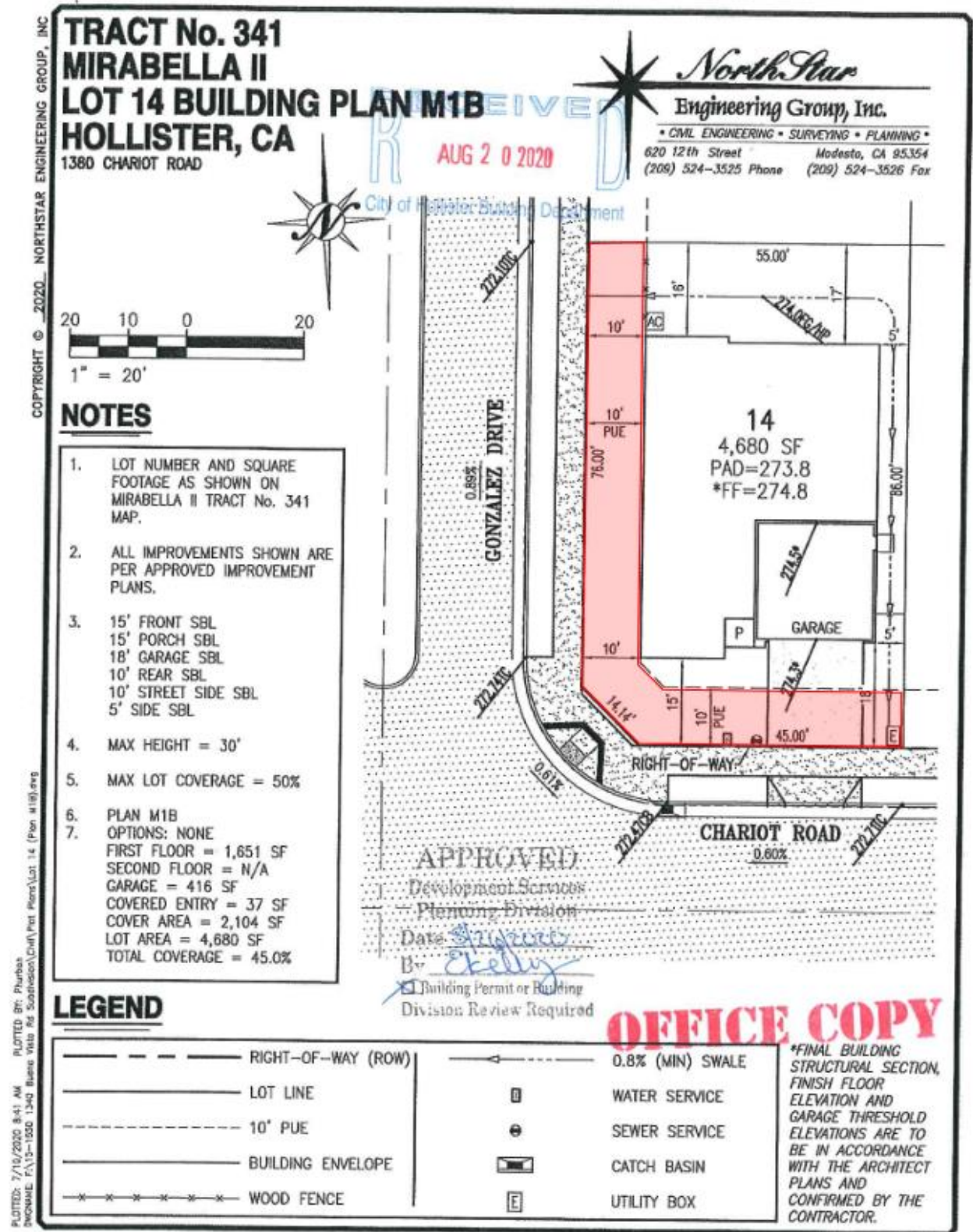


Figure 5Z: Plot Plan for 1381/1391 Chariot Road

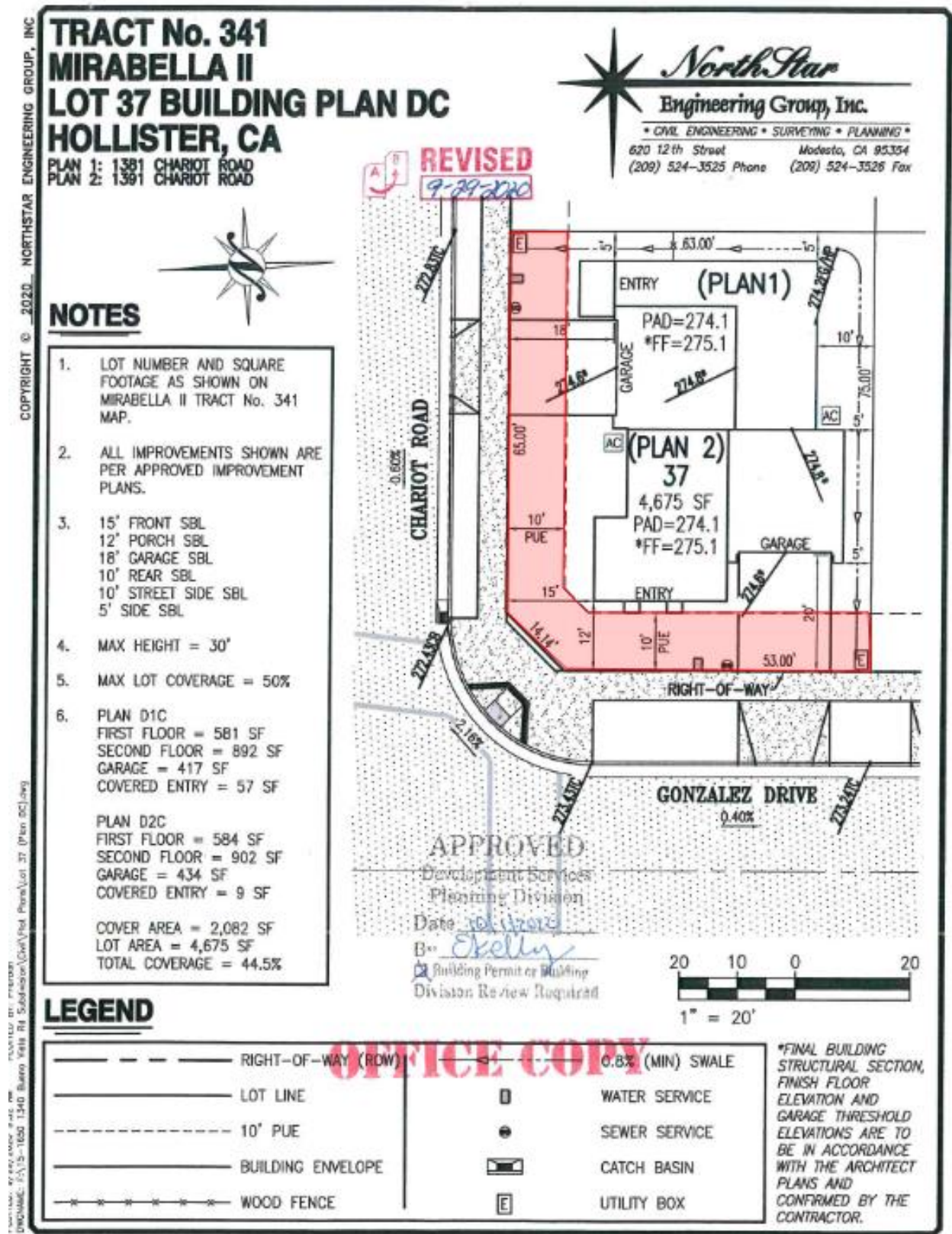


Figure 5AA: Plot Plan for 1400 Chariot Road

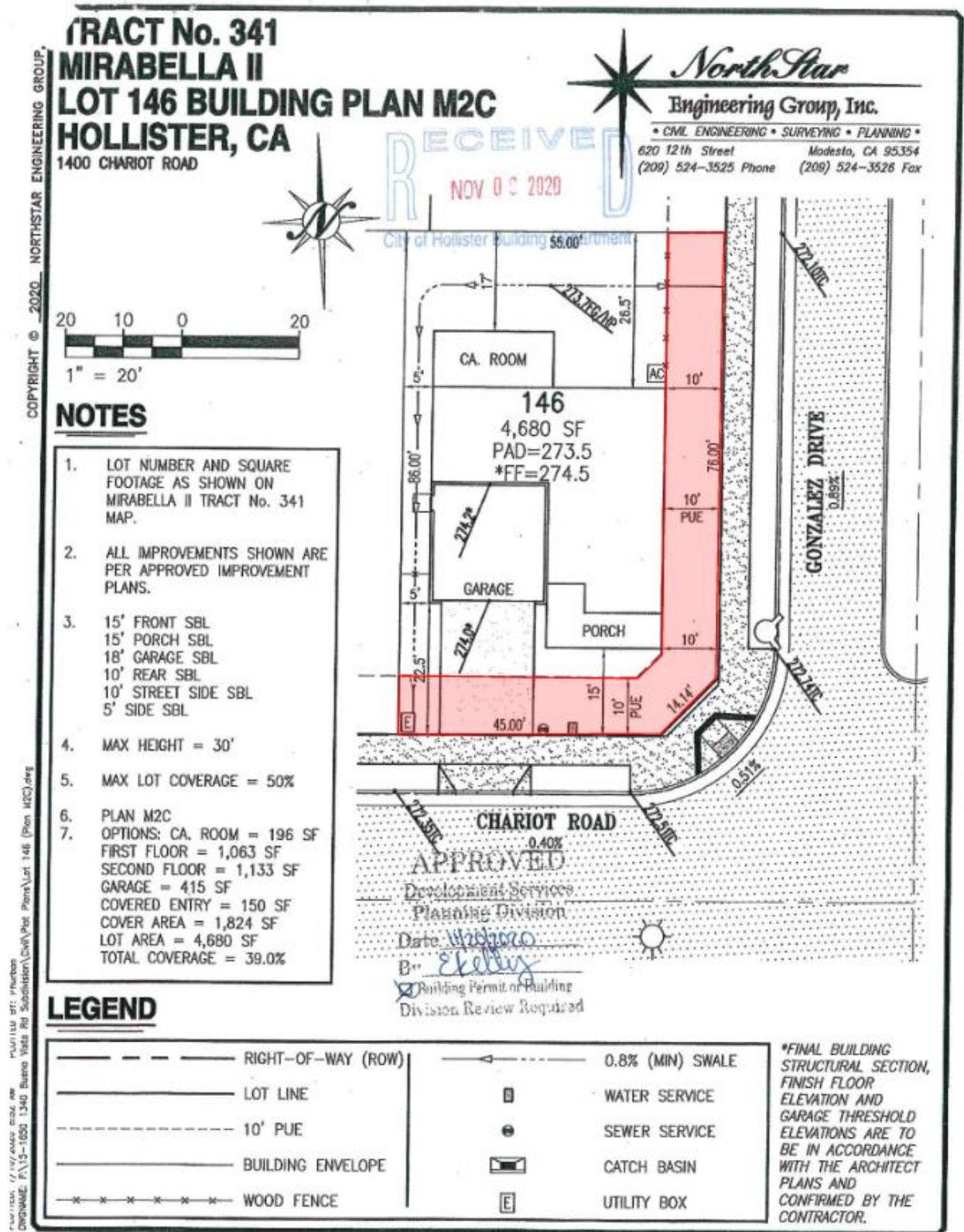


Figure 5AB: Plot Plan for 1401 Chariot Road

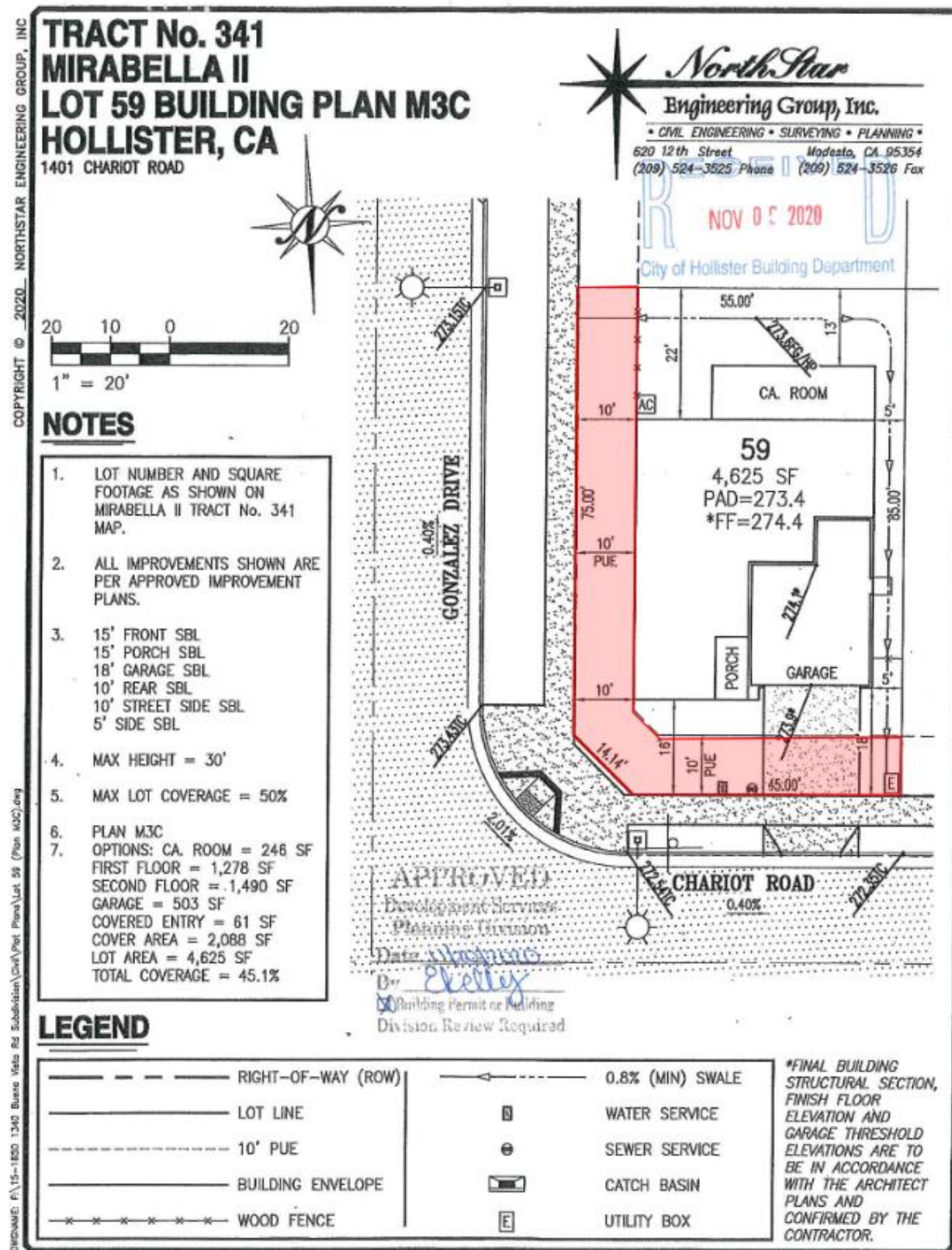


Figure 5AC: Plot Plan for 1461 Chariot Road

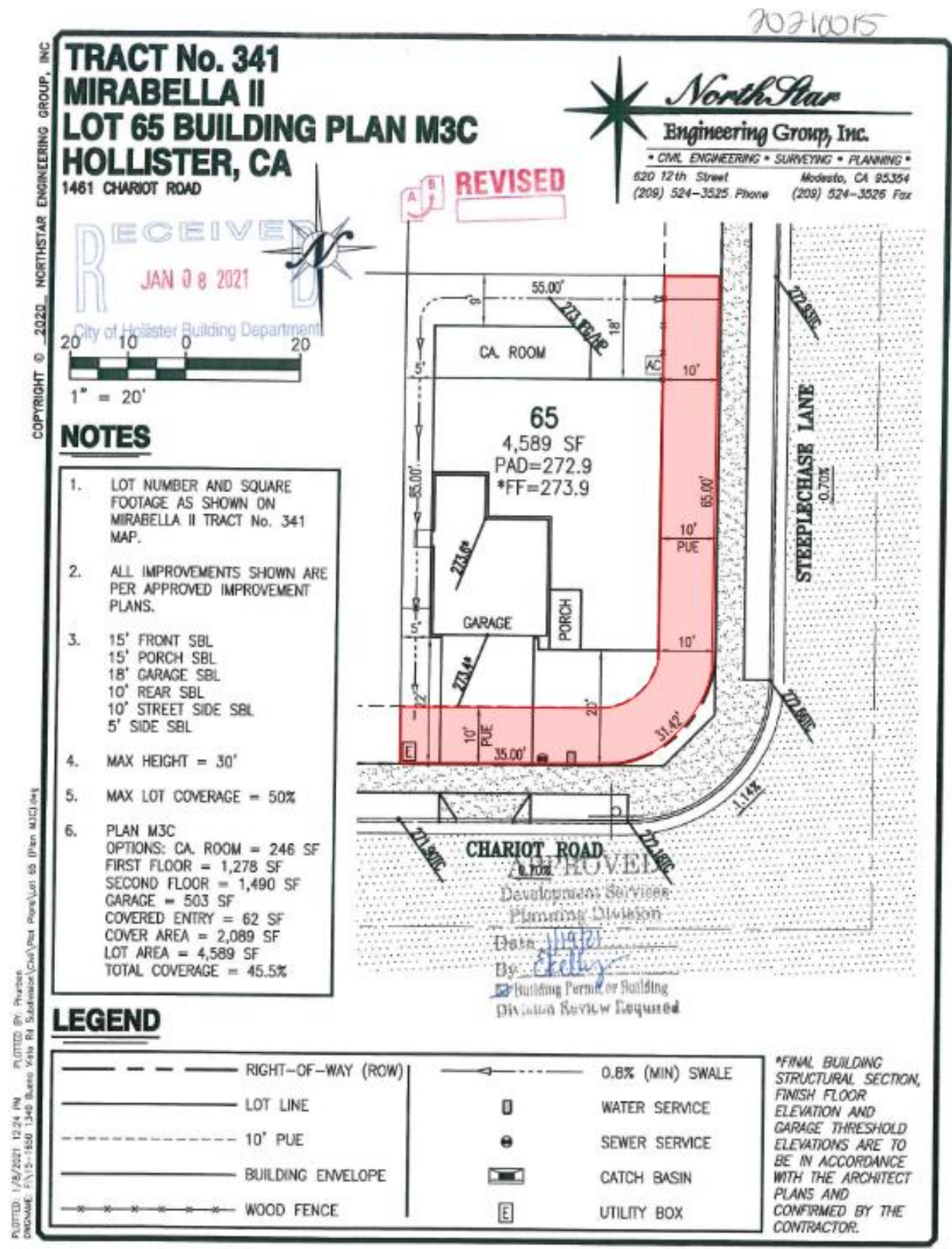


Figure 5AD: Plot Plan for 1301 Westside Road

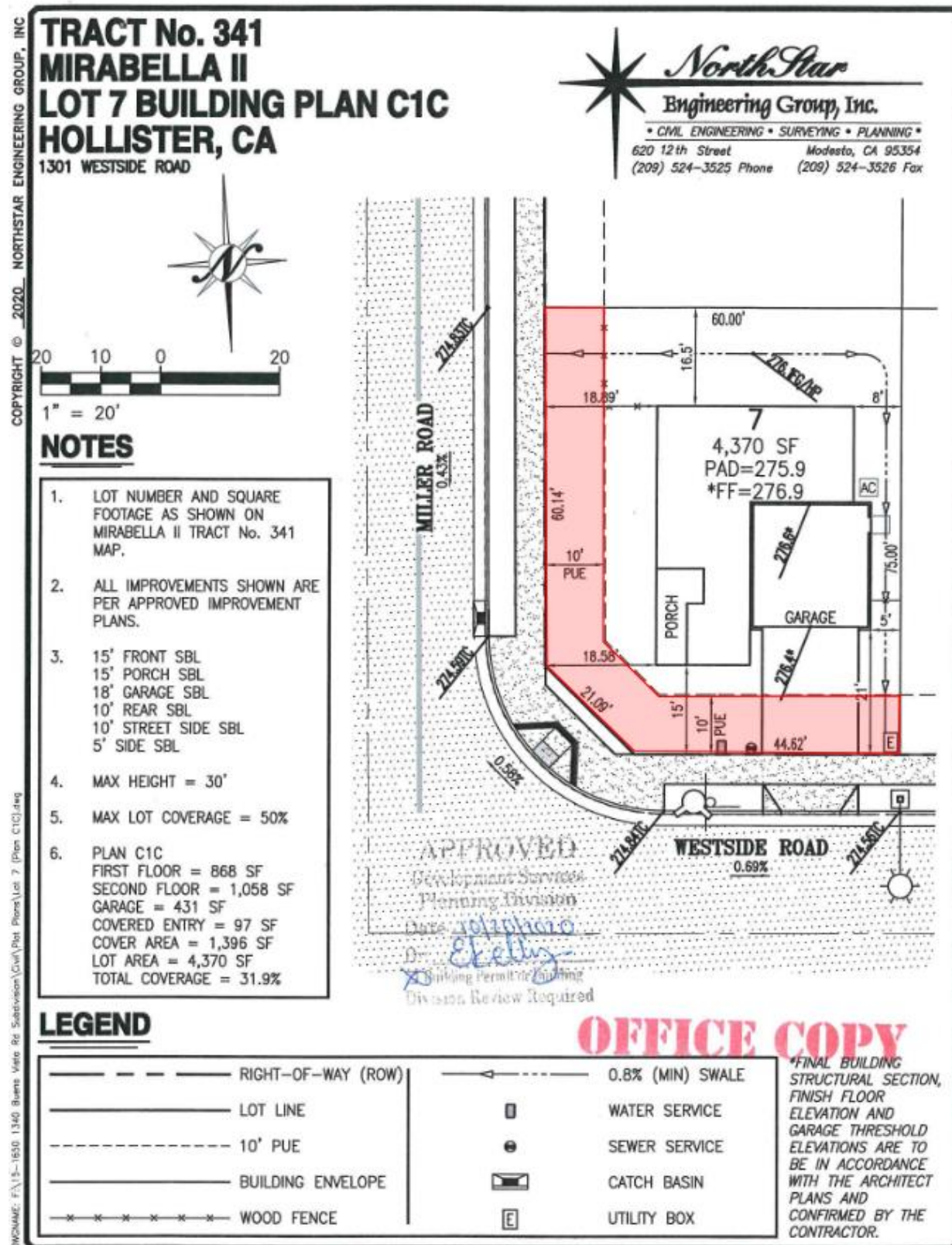


Figure 5AE: Plot Plan for 1381 Westside Road

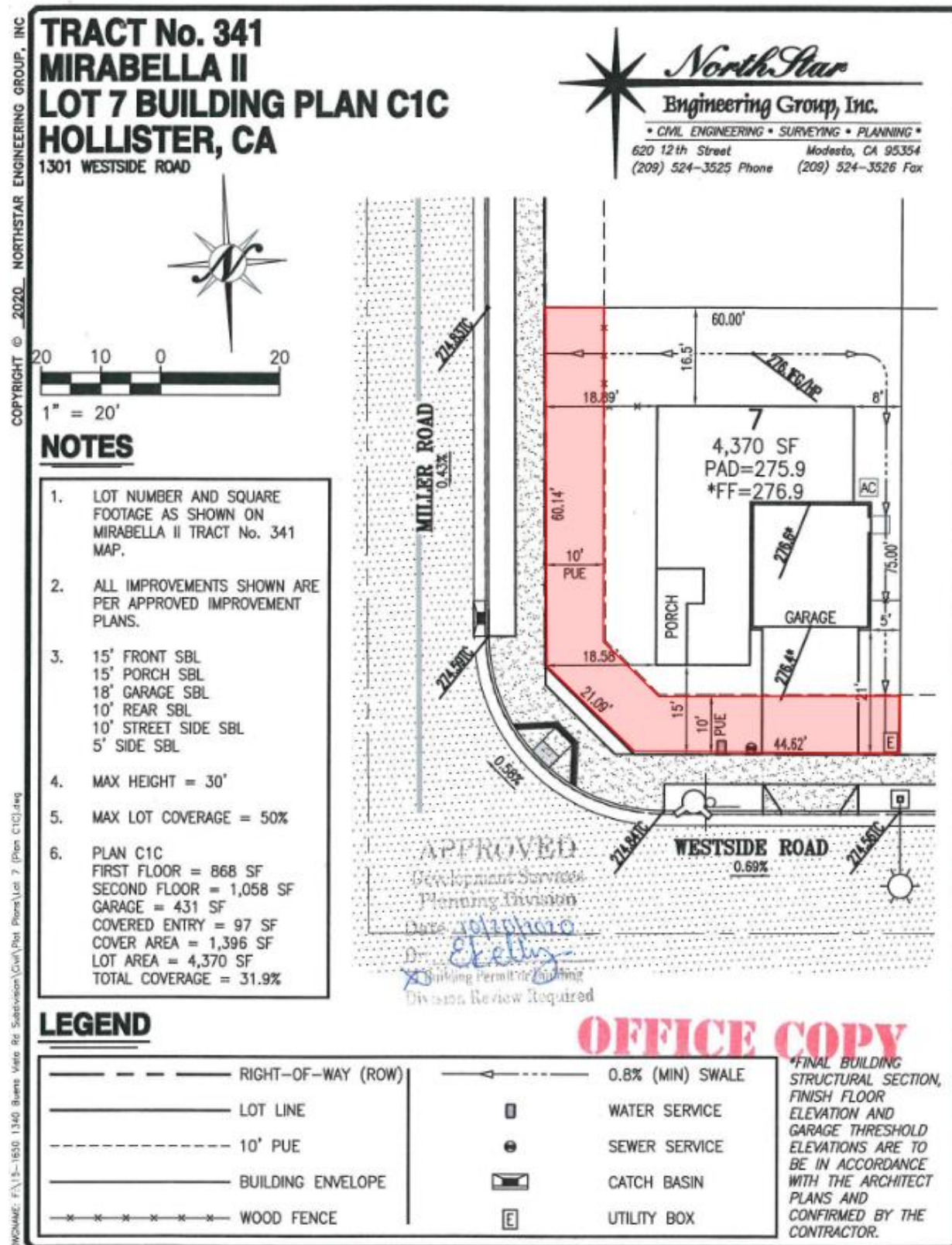
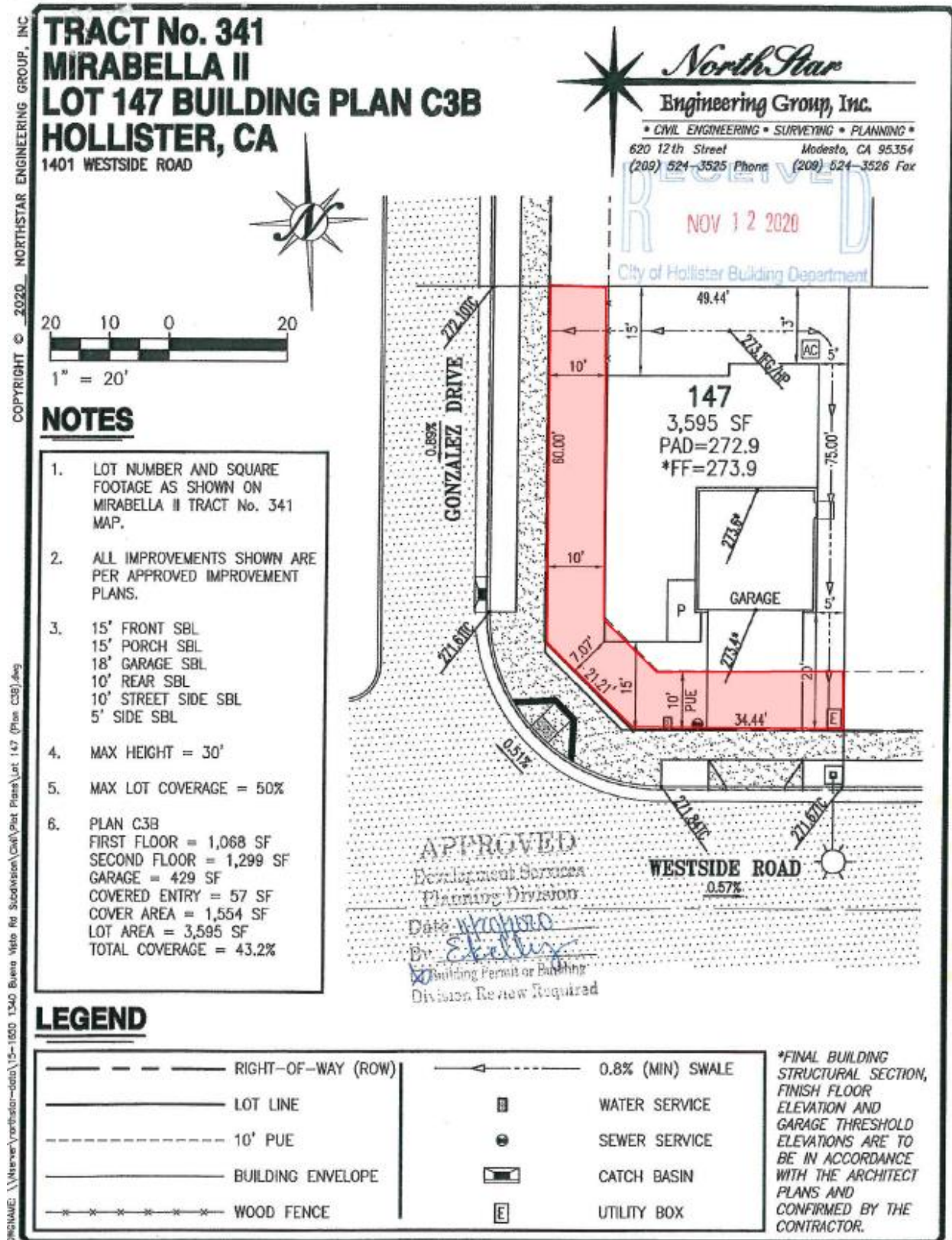


Figure 5AE: Plot Plan for 1401 Westside Road



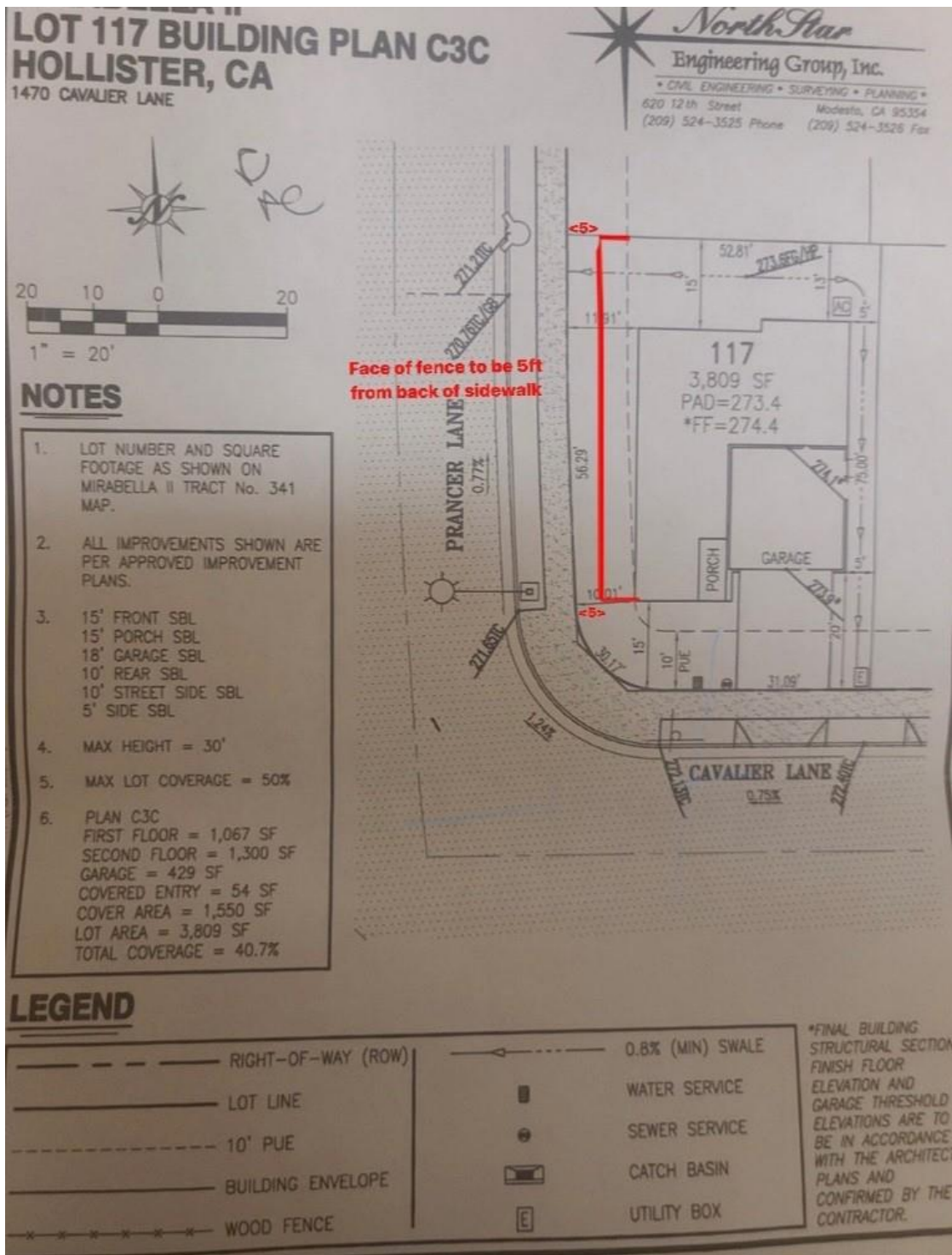
City staff have further investigated using historical imagery records and have determined the

developer only built some of the corner lots in accordance to their approved plot plan. The City should have caught this deviation at the time of construction and acknowledges its inability to correct the mistakes from the past.

City Staff were able to obtain email records for other fence extension inquiries after the final acceptance of the Mirabella II subdivision. Multiple inquirers mentioned, Kiper Homes (the developer for the subdivision), assured the original homeowners of their ability to extend their fence without any issue. The developer informed the homeowners of the City's fence extension restrictions set forth by Section 17.16.050 of the City's Municipal Code. This may have been a sales strategy used by the developer to have owners pay a premium for a corner lot. Either way, the City acknowledges the mistakes and past exceptions.

Furthermore, email records indicate the City also provided fence extension exceptions at the following locations: 1460 Waterwheel Lane and 1470 Cavalier Lane. On October 13, 2021, 1460 Water Wheel Lane was granted an exception of a 3.5' encroachment into the existing P.U.E and on January 3, 2022, 1470 Cavalier Lane was granted an exception for a 5' encroachment into the P.U.E. Both exceptions were granted under the direction of a previous Director. 1470 Cavalier Lane was granted 5 feet of encroachment into the P.U.E. to provide the homeowner with minimal access from the West side of their home to the rear yard. The exception at 1470 Cavalier Lane was approved as shown in **Figure 6**.

Figure 6: Exception made at 1470 Cavalier Lane



Email records also indicate an overwhelming number of fence extension exception requests within

the Mirabella II subdivision and the department head halted any further exemptions. Since 2022, the City has been working to uphold Section 17.16.050 of the City's municipal Code and has been consistent with not allowing fences in the P.U.E..

**CEQA:** The location of fencing which is the subject of the appeal is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA guidelines as it does not have any potential for causing a significant effect on the environment.

**CONCLUSION:** Staff have reviewed the applicant's request for the placement of the rear yard fence of Lot 91 in the Mirabella Subdivision, within the 10-foot street side setback of the lots and within the established P.U.E., and pursuant to Section 17.16.050 have determined that placement of the fence on the property line would create potential safety hazards and is inconsistent with the P.U.E. dedicated on the subdivision properties.

Staff have also conducted additional research and determined the developer deviated from the approved plot plans, thus wrongfully installing a fence that did not abide by the City's Municipal Code. Based on email records and the subdivision's approved corner lot plot plans, staff did their due diligence to uphold Section 17.16.050 of the City's Municipal Code upon plot plan review. The historical satellite imagery (**Figure 4A**) for 1381 Carriage Road clearly identifies the developer/builder deviated from the approved plot plans. The City acknowledges the fence was installed incorrectly by the developer and the deviation should have been rectified before building permit final sign off, but that there should be no further perpetuation of a violation to the City's municipal code.

Staff recommend that the Planning Commission deny the appeal and required the homeowner of 1381 Carriage Road return the fence to its original location at the time the home was built in 2021. The location of the fence would need to be 6 feet from the back of walk. This recommendation will allow Mr. Leon to keep the side access path to the backyard that came as a premium with the purchase of the home. The recommendation will also enable the City and other utilities to access a portion of the established P.U.E. for future improvements and/or to maintain essential infrastructure.

**PREVIOUS COUNCIL OR COMMISSION ACTION:**

The Planning Commission continued the item to the next commission date scheduled for June 12, 2025. The following information was requested: plot plan for 1380 Cavalier Ct, the building inspection report for 1381 Carriage Road, and all active code enforcement violations in the Mirabella II subdivision.

**PLANNING COMMISSION OPTIONS:**

The Planning Commission have the following options regarding the Appeal:

1. Adopt a resolution denying Appeal 2025-1 based on the findings contained in the draft resolution.
2. Adopt a resolution approving the Appeal and reversing the determination of staff based on findings established by the Planning Commission.
3. Continue the item and request additional information or clarification from staff.

**ATTACHMENTS:**

1. Resolution denying Appeal 2025-1
2. Staff Report for Appeal 2025-1 from March 27<sup>th</sup>, 2025 Planning Commission Meeting

**GENERAL INFORMATION:**

<b>Applicant</b>	Alan Leon
<b>Property Owner</b>	Alan Leon
<b>Location/Address</b>	1381 Carriage Road (Lot 91, Mirabella II Subdivision)
<b>Assessor Parcel Number(s)</b>	052-390-0200
<b>General Plan Designation</b>	Medium Density Residential
<b>Zoning District</b>	R3-MPZ (Medium Density Residential/Performance Overlay) Zoning District

**SURROUNDING USES:**

<b>Location</b>	<b>Zoning Designation</b>	<b>General Plan Land Use</b>	<b>Current Use of Property</b>
Project Site	R3-M/PZ	Medium Density Residential	Residential
North	R3-M/PZ	Medium Density Residential	Residential
South	R3-M/PZ	Medium Density Residential	Residential
East	R3-M/PZ	Medium Density Residential	Residential
West	R3-M/PZ	Medium Density Residential	Residential