

## PLANNING COMMISSION RESOLUTION 2025-16

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER APPROVING WITH FINDINGS APPEAL 2025-1, ALLOWING THE APPLICANT TO MAINTAIN THE PRESENT LOCATION OF THE FENCE AT 1381 CARRIAGE ROAD, AND OVERTURNING STAFF'S DETERMINATION OF FENCE EXTENSION APPLICATION 24-09 (ALAN LEON) APN 052-390-0200

**WHEREAS**, on September 25, 2024, The City of Hollister Code Enforcement Department identified a violation of City Municipal Code Chapter 17.16.050 for property located at 1381 Carriage Road. Code Enforcement followed up with the City of Hollister Engineering Division and identified no fence extension permits were approved for the site. Under Code Enforcement Compliance Order (24-2522), the applicant was instructed to submit a fence extension application as a corrective action, on or before October 25, 2024, to rectify the unpermitted fence extension; and

**WHEREAS**, on October 17, 2024, the property owner, Alan Leon, submitted a fence extension application (24-09) package to the Engineering Division. The submitted application requested for the legalization of the non-conforming street side fence fronting North Gonzalez Drive that was extended 10 feet into the Public Utility Easement unpermitted; and

**WHEREAS**, on October 28, 2024, the City of Hollister Engineering Division reiterated to the property owner that the extended fence was in violation of City's Municipal Code Section 17.16.050, which indicates fence extensions must adhere to the required setbacks for the Medium Density Residential/Performance Overlay (R3/PZ) Zoning District. The required setback for the property located at 1381 Carriage Road (APN 052-390-0200) is 10 feet fronting North Gonzales Drive and 15 feet fronting Carriage Road; and

**WHEREAS**, the applicant was informed they would need to revise their fence extension application (24-09) to relocate the unpermitted fence to be outside of the 10-foot Public Utility Easement (P.U.E.); the home was built in 2021 and had a side yard fence that abutted to the S/W corner of the home. The 1381 Carriage Road Plot Plan from when the home was built depicts the 10-foot P.U.E. on the property and no side yard thus complying with the required 10-foot setback. Thereafter, Mr. Leon conveyed to City staff the need to seek legal advice from an attorney; and

**WHEREAS**, on January 10, 2025, The City of Hollister attorney's, Jennifer P. Thompson and Mary Lerner, met with Mr. Leon's attorney, Jason Retterer, regarding Engineering's decision based on the City's Municipal Code. During this meeting the applicant's counsel requested an exception from the City Engineer relying on clause from City Municipal Code Table 17.16-1 which indicates, "An exception to allow a fence height up to six feet in the ten-foot setback on the street side of a corner lot may be allowed with

an administrative approval from the City Engineer which does not create a safety hazard and is consistent with easements and rights-of-way.”; and

**WHEREAS**, the City Engineer, Mark Falgout, was unable to grant an exception to this case as the P.U.E. within Lot 91 in Tract 341 is 10 feet. Granting an exception to the 10-foot setback would not be consistent with the established easement, hence proving the City Engineer’s inability to provide the exception, and affirming that the clause from Municipal Code Table 17.16-1 is unapplicable; and

**WHEREAS**, on January 15, 2025, Mr. Leon was provided with a letter from the City Engineer indicating the inability to provide an exception through the administrative approval process. The letter to Mr. Leon provided instructions on how to proceed with requesting an appeal process as shown in Section 17.24.140 of the City’s Municipal Code; and

**WHEREAS**, on January 29, 2025, in accordance with Section 17.24.140 *Appeals* of the Hollister Municipal Code, the Applicant filed a timely appeal of the City Engineer’s determination with the Planning Division to request the Planning Commission overturn the determination and legalize the already extended street side fence 9.5-feet into a 10-foot Public Utility Easement; and

**WHEREAS**, in accordance with the procedures established in Section 17.24.140 of the Hollister Municipal Code, a staff report was prepared and presented to the Planning Commission; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on March 27, 2025, to consider the Applicant’s request, review the City staff report, and receive written and oral testimony for and against the appeal; and

**WHEREAS**, the Planning Commission made the determination to continue the item directing staff to return with the following information: the approved plot plan for neighboring 1318 Cavalier Court, the building inspection report for 1381 Carriage Road and all active code enforcement violations for the Mirabella II Subdivision; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on June 12, 2025, to consider the continued item from the March 27, 2025 public hearing to consider the Applicant’s request based on the information requested by the Planning Commission, and receive written and oral testimony for and against the appeal; and

**WHEREAS**, after closing the public hearing, the Planning Commission deliberated and the Planning Commission determined to approve Appeal 2025-1 with findings to allow the fence to remain as installed at the time of the hearing in accordance with Section

17.24.140 of the City of Hollister Municipal Code, and based on the facts as presented, and the code requirements as plainly stated; and

**NOW THEREFORE IT IS RESOLVED** that the Planning Commission of the City of Hollister does hereby make the following findings and determinations regarding the proposed Appeal (Appeal 2025-1):

- A. That the original fence was not constructed by the developer according to the approved plot plan, and that there was mixed messaging provided between the applicant and the City of Hollister throughout the application process; and that the appeal is specific to the applicant’s situation at 1381 Carriage Road and that it is acknowledged that the applicant would incur any costs for future encroachment or need of use for the Public Utility Easement.

**BE IT FURTHER RESOLVED**, that the Planning Commission adopts Resolution 2025-16 approving Appeal 2025-1 allowing the applicant to maintain the fence as constructed and identified in Code Enforcement Compliance Order (24-2522).

**PASSED AND ADOPTED**, at a regular meeting of the City of Hollister Planning Commission held on this 12<sup>th</sup> day of June 2025, by the following vote:

**AYES:** Torres De Luna, Belong, Perez  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Mayzouni

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Chairperson of the Planning Commission  
of the City of Hollister

**ATTEST:**

\_\_\_\_\_  
Eva Kelly, Secretary

**Please Note**

*It is the sole responsibility of the project applicant to comply with the conditions as approved, modified, or added by the Planning Commission. It is recommended that the applicant review these conditions carefully and if any questions arise as to compliance with the conditions, please do not hesitate to contact the staff planner. Also, if you do not agree with the proposed conditions, you have an opportunity to present your case to the City Council at their meeting. In addition, the City provides for a 15-day appeal period.*