

APPLICATION FOR ENCROACHMENT PERMIT
(to be completed by applicant)

SERGIO A. VELASQUEZ, the x Owner Lessee of the property located at 4357 NEWBY DR. in the City of Riverside, Assessors Parcel No. 142-071-002 hereby requests permission to ~~CONSTRUCT & MAINTAIN A~~ HIGH UPRIGHT IRON FENCE. ENCROACHING 9 FEET

*FENCE IS "EXISTING" WP

in the public right of way of NEWBY DR. /or the _____ easement at the rear/ side/ front of said property. The attached drawing shows the requested encroachment. Upon issuance of this permit, I agree to comply with the attached terms and conditions.

x Date 7-12-94

[Handwritten Signature]

.....
ENCROACHMENT PERMIT APPROVAL
(to be completed by City)

This permit shall become effective upon the approval of the Departments listed below. Issuance of this permit shall not be construed as a waiver of any other applicable permit or requirement, but is only revocable permission to use the land for the purpose described.

- Public Utilities Water B. Simpson 7/15/94
- Public Utilities Electric D. J. Reddy 7/11/94
- Planning certified as to compliance of fence w/ zoning Code. City of Riverside 8-2-94 Max. 4' high
- Parks and Recreation _____
- (other) _____
- (other) _____

Upon obtaining the above signatures, return this permit to the Public Works Department for final approval.

Date 8/4/94 *will* *[Handwritten Signature]*
Public Works Director

Encroachment Permit No. E-1270

TERMS AND CONDITIONS

The following indicated terms and conditions apply to encroachment permit no. E-1270.

1. Permittee acknowledges that the area of encroachment is owned or controlled by the City of Riverside.
2. Permittee acknowledges that the described property could be needed for a proposed or planned public improvement and the City may revoke this permit. Upon written notice of revocation, the permittee shall, within the time prescribed by the City, remove all improvements placed, constructed or maintained. If the permittee fails to abide by the removal order of the City, the City shall have the right to remove and destroy the improvements without reimbursement to the permittee. The cost of such removal shall be paid by the permittee to the City and shall constitute a debt owed to the City.
3. Permittee waives the right of claim, loss, damage or action against the City resulting from revocation, termination, removal of improvements or any action of the City, its officers, agents or employees taken in accordance with the terms herein.
4. If the City Council of the City of Riverside finds that the permittee is in default of the terms of this permit, that shall be cause for revocation.
5. Permittee herewith agrees to hold the City of Riverside harmless from and against all claims demands, costs, losses, damages, injuries, actions for damages and/or injuries, and liability in connection with the construction, encroachment, and/or maintenance to be done by permittee within the described property.
6. Prior to any construction taking place on City controlled property, permittee shall obtain a Construction Permit or Street Opening Permit from the City Public Works Department.
7. The permittee agrees to insure that construction of their improvements will not interfere in any way with existing City or utility facilities. The existing facilities will require future maintenance, reconstruction and revisions and facilities may be added, any of which may result in removal or alteration of the permittee's improvements without

reimbursement to the permittee. Prior to construction, Permittee shall contact Underground Service Alert to field locate existing utility lines. Any conflicts discovered will void the permit until acceptable revisions are made.

8. Other _____

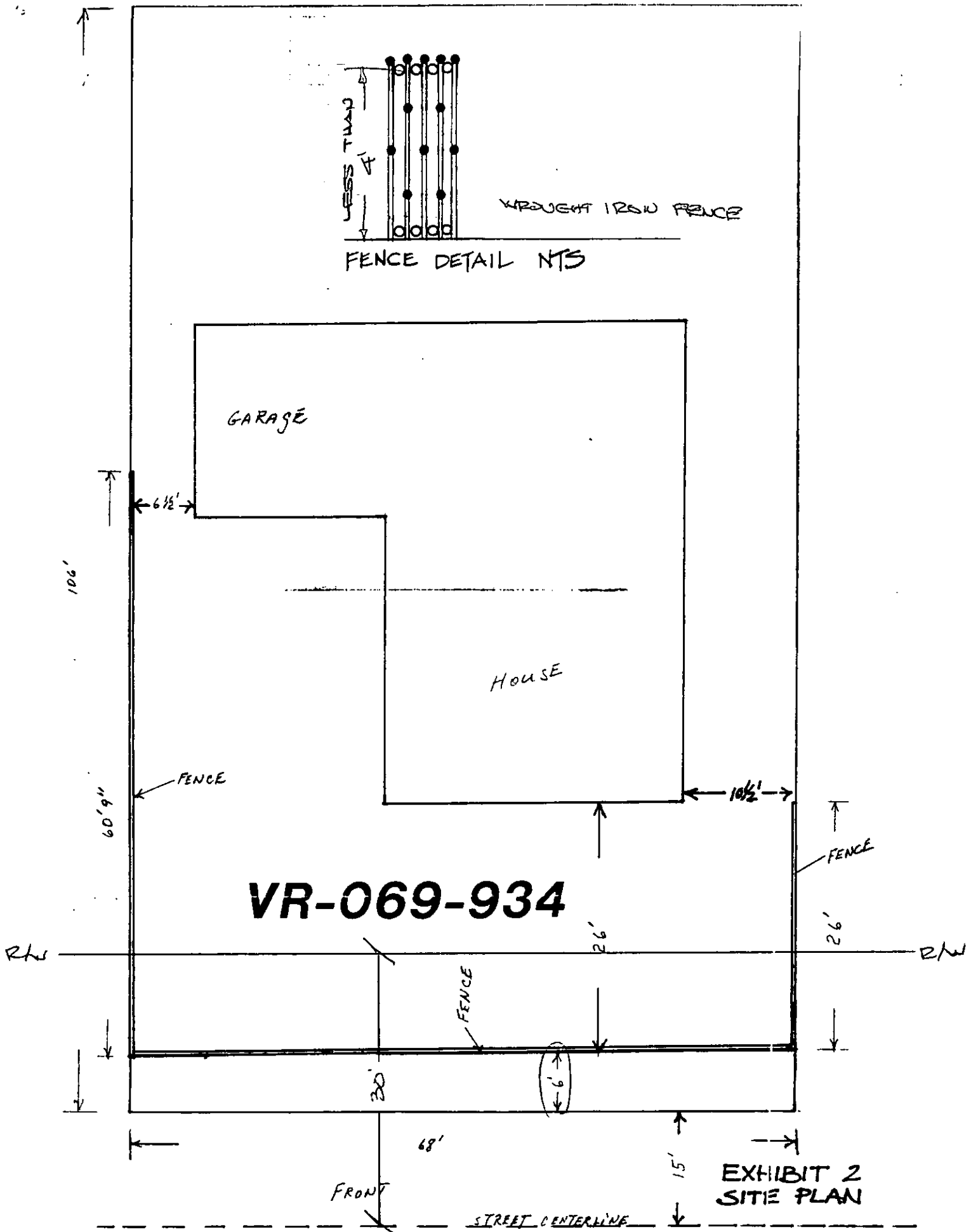
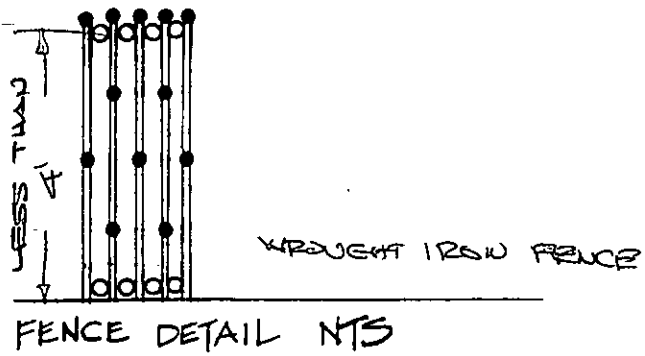
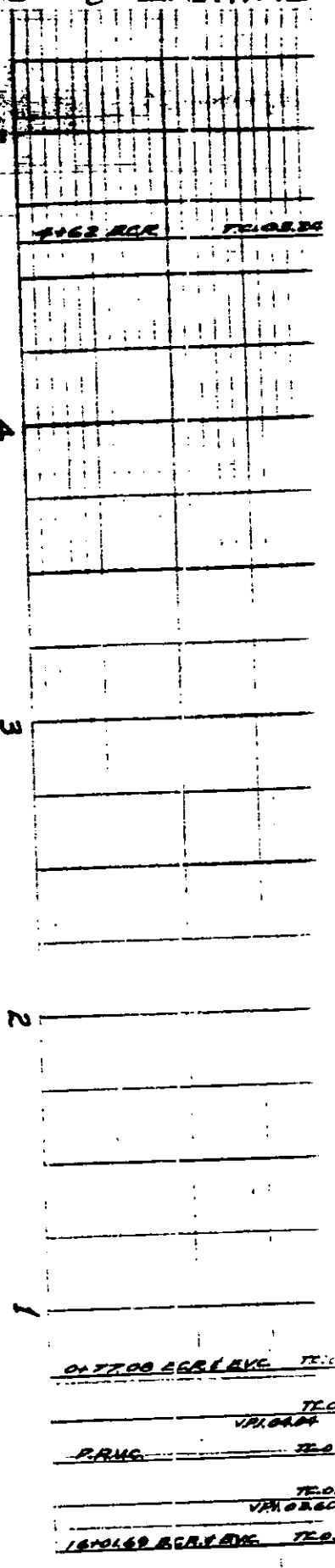
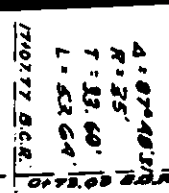
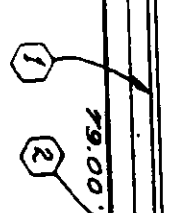
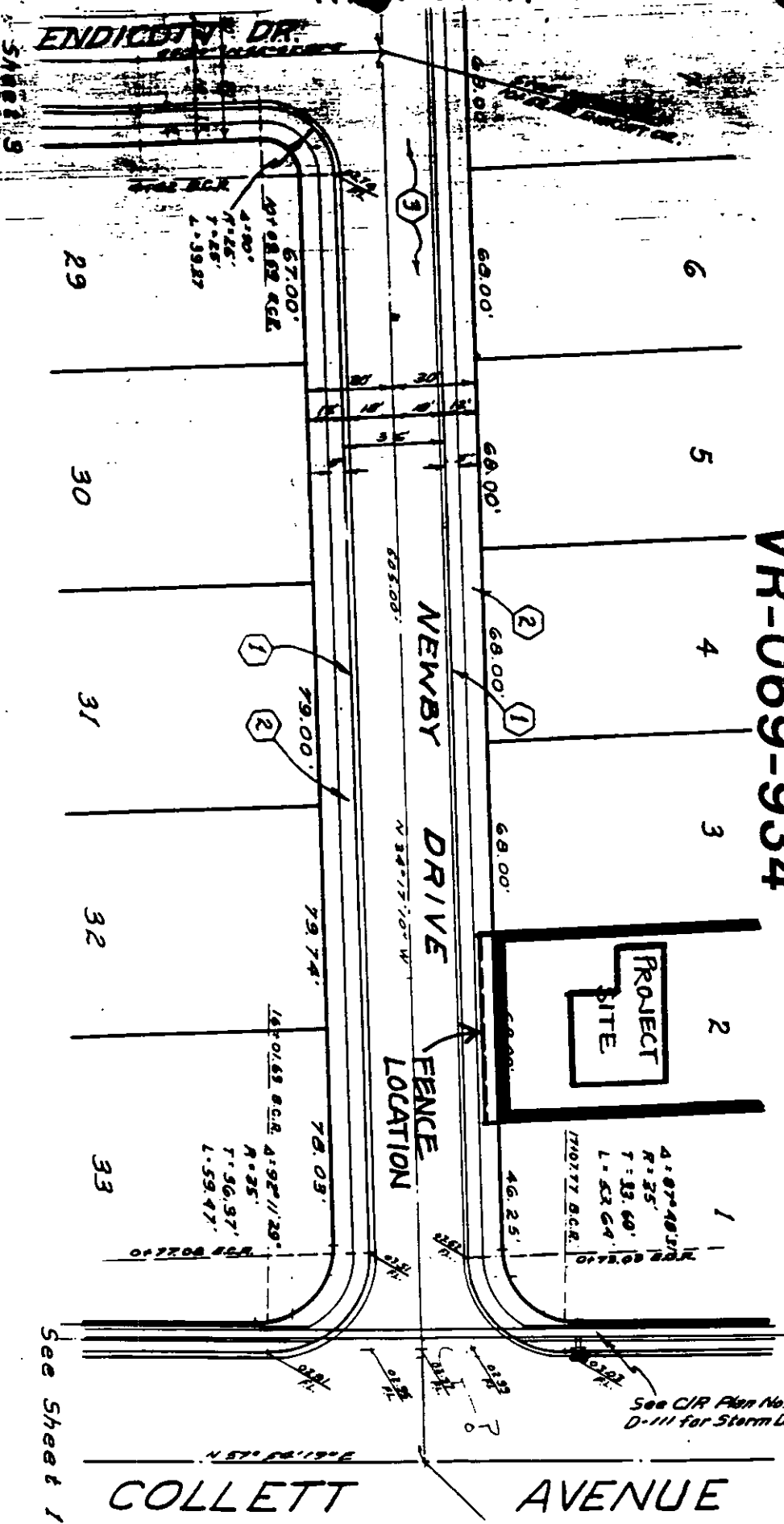


EXHIBIT 3 - SHEET IMPROVEMENT PLAN



VR-069-934



017700 BCR 1/2" TC: 1/8" TC: 1/16" TC: 1/32" TC: 1/64" TC: 1/128" TC: 1/256" TC: 1/512" TC: 1/1024" TC: 1/2048" TC: 1/4096" TC: 1/8192" TC: 1/16384

COLLETT AVENUE

TO: Wally Fryc
Sr Land Records Tech

FROM: Code Compliance
CITY OF RIVERSIDE
PUBLIC WORKS DEPARTMENT
3900 Main Street
Riverside, California 92522

RECEIVED
AUG 4 1994

DEPT. OF

PUBLIC WORKS

SUBJECT: Fence Encroachment Permit 4557 Newby DATE 8/3/94

MESSAGE: I Inspected the Fence at this location on 7/26/94 and found that it is below 4 feet in height

SIGNED



5717

REPLY: BARRY,

BASED ON ABOVE, THE FENCE CONFORMS TO THE ZONING CODE. PLANNING DEPT. DIDN'T MAKE THE "ERROR" TO CHECK WITH CODE COMPLIANCE

SIGNED



DATE

8/9/94

MINOR VARIANCE

CITY OF RIVERSIDE



BAAZA Meeting Date: June 20, 1994

VARIANCE CASE VR-069-934: Proposal of S. Velazquez to legalize an existing approximately 5 foot high wrought iron fence within the right of way of a single family residence at 4357 Newby Drive, situated on the northeast side of Newby Drive, northwesterly of Collett Avenue in the R-1-65 - Residential-1 Zone. Minor variance requested: To allow an approximately 5-foot-high wrought iron fence along the front property line within the right-of-way where a maximum fence height of 4 feet is permitted.

I. GENERAL INFORMATION:

- A. Applicant: S. Velasquez
- B. Property Address: 4357 Newby Drive
- C. General Location: Northeastly side of Newby Drive, northwesterly of Collett Avenue
- D. Zoning: R-1-65 - Single Family Residential
- E. Lot Dimensions: Lot Width of 68 foot; Lot Depth of 106 foot; Total Square Footage of the Lot 7,208.
- F. Lot coverage after the proposed addition N/A.
- G. Exhibits:
 - 1. Vicinity Map
 - 2. Site Plan
 - 3. Street Improvement Plan

H. PROPOSED MINOR VARIANCE:

The subject site is developed with a single family residence built in 1967. Subsequently, in 1971 and 1978 permits were issued for the construction of an approximately 288 square foot patio cover and an approximately 450 square foot swimming pool. Since that time, the applicant has constructed an approximately 5 foot, 2 inch high wrought iron fence within the front yard setback. However, the Zoning Code only allows a maximum 4 foot high wrought iron fence within the 20 foot front yard setback. Since the fence is one foot, two inches over the allowable height, the applicant is requesting a variance to allow the overheight fence to be located within the required 20 foot front yard setback.

A review of street plans indicates the actual right-of-way is 30 feet from the centerline of Newby Drive, including a 5 foot wide sidewalk with a 7 foot wide parkway between the property line and the sidewalk. During a visual inspection of the site, it was noted that the fence is located approximately 4 inches behind the sidewalk (Exhibit 3). Therefore, the fence is encroaching approximately 7 feet into the right-of-way. An encroachment permit from the Public Works Department will be required to retain the fence in the existing location.

Planning Department approval of the encroachment permit is required. The Planning Department typically approves encroachment permits for front yard fences, but does not approve fences which are in excess of the permitted height.

II. FINDINGS:

The staff cannot support the applicant's justification and staff prepared findings are attached.

III. RECOMMENDATIONS:

Since the Planning Department is not able to make all of the required findings in the applicant's favor, it is recommended this variance case be denied. Should the Board wish to approve the requested variances and can make the necessary findings, the following conditions are recommended by staff.

IV. CONDITIONS OF APPROVAL:

A. General Conditions

1. The granting of this request shall in no way exclude or excuse compliance with all other applicable rules and regulations in effect at the time this variance is exercised.
2. The subject property shall be developed substantially as shown on the plot plan on file with this case except for any specific modification which may be required by these conditions of approval.
3. There shall be a one-year time limit in which to obtain the necessary permits and commence construction of the project beginning the day following approval by the BAAZA.

B. Additional Conditions

1. An encroachment permit shall be obtained from the Public Works Department or the fence shall be relocated out of the right of way.

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rev.03/22/94
cw:

STAFF PREPARED VARIANCE JUSTIFICATION FINDINGS:

Case Number: VR-069-934

Meeting Date: June 20, 1994

Findings:

1. The strict application of the provisions of the Zoning Regulations would not result in practical difficulties or unnecessary hardships in the development of this property.

The strict application of the Zoning Code would require reducing the fence height by 1 foot, 2 inches or removing the fence altogether within the front 20 foot building setback. While the applicant has indicated this would be expensive, financial reasons are not an acceptable finding. The staff feels reducing the fence height can be accomplished with a minimal amount of work and time.

2. There are not exceptional circumstances or conditions applicable to this property or to the intended use or development of this property which do not apply generally to other property in the same zone or neighborhood.

Although this fence is existing, staff can find no exceptional circumstances that would justify the keeping of an overheight fence. The applicant indicates the fence provides security; however, the security concerns of this residence are no different than that of other residences within the neighborhood. A fence constructed to the Code permitted height of 4 feet would still provide some security, and, if additional security is desired, alternative security measures are available. The Police Department has offered assistance in exploring alternate security measures.

3. The granting of this request could prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.

Staff believes approval of this variance could establish a negative precedent and encourage similar variance requests within the neighborhood. This could result in a walled in appearance from the street and a negative visual impact to this area.

4. The granting of this request will not be contrary to the objectives of the General Plan.

The General Plan does not pertain in this instance.

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cw:slp