

BOARD OF ZONING ADJUSTMENT
RESOLUTION NO. 2022-10

A RESOLUTION DENYING A VARIANCE FOR DAVID AND ALICIA KOMOROWSKI
TO ALLOW A 20-FOOT BY 20-FOOT CARPORT IN THE FRONT YARD AND SIDE
YARD SETBACKS PROPERTY LOCATED AT 1438 MELROSE AVENUE

WHEREAS, Section 10-9.102 of the Modesto Municipal Code authorizes the Board of Zoning Adjustment to grant variances subject to findings specified in Section 10-9.602; and

WHEREAS, an application for a variance from provision of Section 10-4.102, Table 4.1-1 of the Modesto Municipal Code to consider a 20' x 20', 400 square foot carport to be built within the required front yard and side yard setbacks for property located at 1438 Melrose Avenue was filed by David and Alicia Komorowski on August 3, 2022; and

WHEREAS, there are not special circumstances or conditions applicable to this property, because this rectangular property measuring about 50 feet by 140 feet is more than the standard size and shape for the Low Density Residential (R-1) Zone in which it is located; and

WHEREAS, strict application of the provisions of Title 10 would not deprive the applicant of practical use of the property because property maintains an existing small garage with driveway that allows parking and there are not any other carports on the block built in the front yard setback.; and

WHEREAS, the granting of this variance will be inconsistent with the intent and purpose of Title 10 and will be detrimental to the neighborhood because by allowing this carport, staff would have to allow any carport in the front yard setback, creating visual blight and potential sight line safety issues.; and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on October 27, 2022, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Adjustment that it finds and determines that:

1. There are not special circumstances or conditions applicable to this property because this rectangular property measuring about 50 feet by 140 feet is more than the standard size and shape for the Low Density Residential (R-1) Zone in which it is located.
2. Strict application of the provisions of Title 10 would not deprive the applicant of practical use of the property because property maintains an existing small garage with driveway that allows parking. There are not any other carports on the block built in the front yard setback.
3. The granting of this variance would be inconsistent with the intent and purpose of Title 10 and will be detrimental to the neighborhood because by allowing this carport, staff would have to allow any carport in the front yard setback, creating visual blight and potential sight line safety issues.

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment that the application of 1438 Melrose Avenue for a variance be denied.

The foregoing resolution was introduced at the regular meeting of the Board of Zoning Adjustment on October 27, 2022, by Blom, who moved its adoption, which motion was seconded by Vohra, and carried by the following vote:

Ayes:	Blom, Desai, Niskanen, Riddle, Vohra, Goriel
Noes:	None
Absent:	None
Recused:	None

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD
Paul Liu, Interim Secretary