

**AGENDA
CITY OF IONE
PLANNING COMMISSION MEETING**

*Mark Hopkins, Chairman
Amber Hoiska, Vice Chairman
Mark Gebhardt, Commissioner
Michael Politi, Commissioner
Larry Rhoades, Commissioner*

**Public Teleconference Line: 1-872-240-3311
Access Code: 827-343-277
<https://global.gotomeeting.com/join/827343277>**

In Compliance with the Governor's Executive Order N-25-20, the City of Ione will be Conducting its meeting via teleconference. While this meeting will still be conducted in-person at 1 E. Main Street, we strongly encourage the public to participate from home by calling-in using the following number:

**Tuesday, July 14, 2020 at 6:00 p.m.
City Council Chambers, 1 E. Main Street, Ione 95640**

**PLEASE LIMIT PUBLIC COMMENT/TESTIMONY TO FOUR MINUTES
Government Code 54954.3**

The Ione Planning Commission welcomes, appreciates, and encourages participation in the Ione Planning Commission Meeting. The Planning Commission reserves the right to reasonably limit the total time for public comment on any particular noticed agenda item as it may deem necessary.

Full staff reports and associated documents are available for public review at the Office of the City Clerk, City Hall, 1 E. Main Street, Ione, California. Hard copies may be obtained for \$3.60 for pages 1-5 and \$.45 for each additional page. Documents that are not available when the agenda is posted will be made cents per page. Documents that are not available when the agenda is posted, will be made available for public review at the meeting.

AGENDA

- A. CALL TO ORDER: 6:00 PM**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. APPROVAL OF AGENDA**
- E. PRESENTATIONS/ANNOUNCEMENTS: None**
- F. PUBLIC COMMENT: EACH SPEAKER IS LIMITED TO 4 MINUTES**

*This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. Persons may address the Ione Planning Commission at this time on any subject within the jurisdiction of the Ione Planning Commission. **Please be mindful of the 4 minute time limit per person.***

Pursuant to the Brown Act, the Planning Commission may not take action or engage in a detailed discussion on an item that does not appear on the Agenda. However, matters that require Commission action will be referred to staff for a report and/or recommendation for possible action at a future Commission meeting.

Is there any person in the audience who wishes to address the Commission at this time?

G. PUBLIC HEARING: Continued from June 9, 2020

1. Request for Variance for Construction of a Carport at 1718 Shakeley Lane – Applicant: Mr. Michael Politi and Ms. Dolores Schiller

H. REGULAR AGENDA: None

I. CITY PLANNER REPORTS/PLANNING COMMISSIONER REPORTS/FUTURE AGENDA ITEMS

J. ADJOURNMENT

NOTICE REGARDING APPEALS

Pursuant to §17.16.060 of the Zoning Code, appeals of a final action by the Planning Commission must be filed with the City Clerk no later than ten calendar days after the day on which the final action was taken, along with the appropriate fee.

NOTICE REGARDING CHALLENGES TO DECISIONS

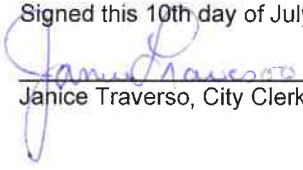
Pursuant to all applicable laws and regulations, including without limitation, California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, this public hearing.

ADA COMPLIANCE STATEMENT

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Clerk Janice Traverso at (209) 274-2412, 102. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

I, Janice Traverso, the City Clerk of the City of Lone, declare under the penalty that the foregoing agenda for the July 14, 2020 regular meeting of the Lone Planning Commission was posted on July 10, 2020 at the office of the City of Lone, City Hall at 1 East Main Street, Lone, CA 95640 and was available for public review at that location.

Signed this 10th day of July, 2020 at Lone, California



Janice Traverso, City Clerk, City of Lone



City of Ione
P.O. Box 398
1 E. Main Street
Ione, CA 95640



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Planning Commission of the City of Ione on June 9, 2020 will hold a public hearing to give the public the opportunity to comment on the following item:

Property located at 1718 Shakeley Lane, Ione, Ca:

- 1) Decision of the Planning Commission to approve a variance from development standards for the above-captioned property to allow the construction of a carport.

Under the California Environmental Quality Act, the project described herein is exempt from CEQA review (Section 15303) *New Construction or Conversion of Small Structures*.

IN COMPLIANCE WITH THE GOVERNOR'S EXECUTIVE ORDER N-25, THE PLANNING COMMISSION OF THE CITY OF IONE WILL BE CONDUCTING ITS MEETING VIA TELECONFERENCE. THE CHAIR WILL CALL THE PUBLIC HEARING TO ORDER AND AFTER PLANNING COMMISSION INPUT, WILL INVITE THE PUBLIC TO COMMENT VIA PHONE TO RECEIVE PUBLIC COMMENT. PUBLIC COMMENT WILL ALSO BE ACCEPTED BY EMAIL AT jtraverso@ione-ca.com. ALL EMAILS **MUST BE** RECEIVED PRIOR TO THE START OF THE MEETING AND WILL **BE INCORPORATED** INTO THE **RECORD**. **WRITTEN** COMMENTS MAY ALSO BE SUBMITTED TO THE CITY CLERK, CITY OF IONE, P.O. BOX 398, IONE, CA 95640 AND **MUST** BE RECEIVED NOT LATER THAN 6:00 P.M. TUESDAY, JUNE 9, 2020.

Additional information on this item is available for public review on the City's website. The material may be made available for review at the Ione City Hall by appointment.

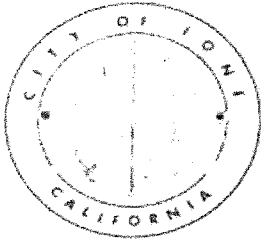
NOTICE REGARDING CHALLENGES TO DECISIONS

Pursuant to all applicable laws and regulations, including without limitation California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written or email comments received by the City at, or prior to, this public hearing.

ADA COMPLIANCE STATEMENT

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at jtraverso@ione-ca.com. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

To be published on: Friday, May 29, 2020
Janice Traverso, City Clerk



CITY OF IONE PLANNING COMMISSION STAFF REPORT



DATE: JUNE 9, 2020

TO: HONORABLE PLANNING COMMISSION

FROM: APRIL WOODEN, CITY PLANNER

**SUBJECT: REQUEST FOR VARIANCE FOR CONSTRUCTION OF A
CARPORT AT 1718 SHAKELEY LANE**

General Plan Designation: PD Planned Development

Zoning: PD Planned Development

Current Use: Single Family Residence

STAFF RECOMMENDED ACTION:

Staff recommends that the Planning Commission:

1. Receive the staff report and review all attachments;
2. Open the Public Hearing and take public comment; and
3. Adopt a Resolution Denying a Variance for construction of a carport at 1718 Shakeley Lane, Ione, CA.

BACKGROUND:

Mr. Michael Politi and Ms. Dolores Schiller, property owners, purchased a single-family residence located at 1718 Shakeley Lane. Prior to construction, the City provided plan check review of the proposed residence. However, prior to occupancy, the builder made certain modifications to the site plan. These modifications included shifting the footprint of the residence approximately 2.5' to the west and installing an additional driveway on the east side of the residence. According to the applicant, the developer advertised this lot as providing RV parking. The modification to the original site plan requesting the shifting of the residence to the west was submitted to building for review, but not to planning. The construction of the additional driveway was not submitted to the City at all prior to installation.

On May 6, 2020 the property owners filed an application for a variance from development standards to permit the construction of a carport structure at 1718 Shakeley Lane on top of the additional driveway on the east side of the residence. The applicants are requesting a variance from the City's zoning development standards. This variance would reduce the sideyard setback for the proposed structure from the 5' currently required by the City's zoning development standards to 3'.

Section 17.080.010 of the Ione Municipal Code identifies the requirements for submittal of a variance application:

- A completed city application form indicating, among other things, the applicant's name, address, and telephone number;
- Address of the property for which the request is being made;
- Detailed project description describing the need for requested variance;
- Site plan showing the location of the proposed structure(s) in relation to the surrounding properties and structure and location of the requested variance; and
- Such other relevant information as may be requested by the city planner or his or her designee in order to provide the approving authority with adequate information on which to base a decision.

The property owners submitted an application for a variance on May 6, 2020. The application was deemed incomplete since the following required items were not included in the application:

1. Detailed project description describing the need for the requested variance;
2. Site plan showing the location of the proposed structure in relation to the surrounding properties;
3. Design of the structure proposed.

Staff responded with a letter on May 11, 2020 detailing the information missing from the application. Mr. Politi and the City Planner also discussed the application in a telephone call on Monday, May 18, 2020 during which staff explained the high bar which is required for the granting of a variance and the requirement that hardship be established. The property owners were informed of the missing material and promptly provided it to the City Planner. The application was deemed complete on Monday, May 18, 2020. An additional telephone call with Mr. Politi occurred on Tuesday May 26, 2020 at which time staff verbally explained the issues with establishing the required hardship finding and discussed the applicants' need for the variance.

ANALYSIS:

In accordance with California Government Code Section 65906, a variance request allows the city to grant exception to its development standards and the provisions of the municipal code in cases where, because of special circumstances applicable to the property, the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zoning districts. A variance approval is required to grant exception from any of the development standards and provisions of the City of Ione Municipal Code. Variance applications may not be granted for uses or activities not otherwise permitted by zoning district regulations.

The designated approving authority for a variance is the planning commission. The city planner provides a recommendation and the planning commission approves, conditionally approves, or denies the variance in accordance with the requirements of the municipal code.

Variances are, in essence, permission to break rules that others must follow. As a result, variances are granted only when a hardship can be shown. When deciding whether to grant a variance, the Planning Commission must make written findings explaining why a variance is justified. These findings must be backed up with facts that also become part of the written record of the decision.

Variances are limited to those situations where the peculiar physical characteristics of a site make it difficult to develop under standard regulations. The variance is granted in order to bring the

disadvantaged property up to the level of use enjoyed by nearby properties located in the same zoning district. Review of a proposed variance is limited solely to the physical circumstances of the property. The standard of hardship with regard to applications for variances relates to the property, not to the person or persons who own it, or the location of existing structures on the property, or financial hardship, or community benefit, or approval of the neighbors, or the worthiness of the project.

The planning commission may approve a variance application only if the applicant can demonstrate to the planning commission that the circumstances of their particular case can justify making all of the following findings:

1. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of this title deprives such property of privileges enjoyed by other property owners in the vicinity and under identical land use zoning district classifications.
2. That granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use zoning district in which such property is located.
3. That granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
4. That the granting of the variance is consistent with the objectives of the general plan and zoning code.

The justifications for the variance as provided by the property owners include:

1. The carport is needed to protect the east side of the residence from heat. The applicant has provided information indicating that they are experiencing extremely high temperatures.
2. The carport provides protection to the owners' vehicles which are parked on the additional driveway located to the east of the residence.
3. The distance to the neighbor on the east is about 70', because the golf cart path is between the residences.
4. The property owners are seniors with health issues.

Unfortunately, the basis of the hardship, as outlined above and presented in the materials submitted by the property owners, is not legally sufficient for the granting of a variance, given the statutory findings required for approval. The property owners have made no claim that the property suffers from a deficiency when compared to surrounding lots. They have cited nothing about the lot that warrants allowing an accessory structure to be located closer to the property line than the City's development standards permit.

Staff is not without sympathy for the situation in which the owners find themselves. The temperature readings provided by the applicant clearly demonstrate a significant issue with heat on that side of their residence. However, the driveway was installed without a review or approval from planning. There are landscaping options and other methodologies for reducing heat on that side of the house that could have been implemented had the driveway not been constructed. Had staff been consulted about the issue of heat on the east side of the residence, information and materials about methods of landscaping within the sideyard that would create shade on the east side of the residence, could have been provided. Staff would have been pleased to provide information about these other types of solutions. In addition, while the carport might block the side of the residence,

the carport itself will apparently be subjected to these extreme temperatures.

The additional driveway was not reviewed by City staff prior to installation. The City Engineer is concerned that drainage from the lot has been affected. The City Engineer has requested that, in the event that the variance is approved, the project be conditioned with the language provided below:

The applicant shall provide details (drawings showing locations and sizes of pipe and structures) with the building permit application showing how the storm water runoff from the proposed carport is going to be transmitted to the gutter fronting the property. Additionally, the applicant shall demonstrate what provisions have been or will be installed along the easterly property line to ensure that drainage from the backyard of the property is being transmitted to the street in accordance with the plot plan that was originally approved with this parcel.

The Building department has requested that, in the event that the variance is approved, the project be conditioned with the language provided below:

The wall of the carport adjacent to the lot line will need to be 1-hour fire-resistive construction due to the carport being proposed to be less than 5' to such property line. If the carport is sprinklered, this can be reduced to 3' without fire-resistive construction.

While sympathetic to the situation that the homeowners describe, staff must recommend the denial of the variance. The applicant may appeal the decision of the Planning Commission to the City Council; however, the City Council's decision must be based on the same statutory findings.

RECOMMENDED ACTION:

Staff recommends that the Planning Commission adopt Resolution No. 2020-07 A Resolution of the Planning Commission of the City of Ione Denying a Variance for the Construction of a Carport structure at 1718 Shakeley Lane.

While Findings are only required for approval of a variance, staff suggests that the Commission may wish to make the following Findings for the record:

1. That there are NOT special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of this title deprives such property of privileges enjoyed by other property owners in the vicinity and under identical land use zoning district classifications because the lot in question is not different in any relevant way from neighboring lots. The hardship description provided by the property owners relies on the temperature on the east side of their residence and their health issues. This hardship description fails to identify a unique or different characteristic of their property which justifies the granting of a variance.
2. That granting the variance WOULD constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use zoning district in which such property is located because it would allow the construction of a structure that would not be consistent with the development standards imposed on other lots in the neighborhood.

3. That the granting of the variance is INCONSISTENT with the objectives of the general plan and zoning code because it is the intent that development standards be applied consistently throughout each general plan designation and zoning district.

ATTACHMENTS:

1. A Resolution of the Planning Commission of the City of Ione Denying a Variance for the Construction of a Carport Structure.
2. Exhibit A – Application materials
3. Exhibit B – City Planner letter dated May 11, 2020
4. Exhibit C – emails from property owners dated May 18, 2020 and June 3, 2020

RESOLUTION NO. PC2020-07

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IONE DENYING
A VARIANCE FOR THE CONSTRUCTION OF A CARPORT STRUCTURE**

WHEREAS, the applicants, Michael Politi and Dolores Schiller, filed an application requesting a variance of development standards for property located at 1718 Shakeley Lane to allow the construction of a carport structure; and

WHEREAS, the applicants submitted written information to establish the existence of a hardship which the applicants believed would support the granting of a variance; and

WHEREAS, the Planning Commission reviewed the staff report which included analysis of the purported hardship in relation to the requirements and findings which are necessary to the granting of a variance pursuant to California Government Code and the City of Ione Municipal Code; and

WHEREAS, the Planning Commission carefully considered the staff report, testimony, and application for the variance; and

WHEREAS, pursuant to California State Law and the City of Ione Municipal Code, public hearing notices were mailed to all property owners within a 300-foot radius of the project and a public hearing notice was published on Friday, May 29, 2020 not less than 10 days prior to the hearing; and

WHEREAS, on June 9, 2020 at a regular meeting, the Planning Commission held a public hearing at which time interested persons had an opportunity to testify regarding the proposed variance;

NOW THEREFORE BE IT RESOLVED, the Planning Commission of the City of Ione makes the following findings, determinations, and recommendations with respect to the proposed variance of development standards for the construction of a carport structure at 1718 Shakeley Lane:

FINDINGS:

1. That there are NOT special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of this title deprives such property of privileges enjoyed by other property owners in the vicinity and under identical land use zoning district classifications because the lot in question is not different in any relevant way from neighboring lots. The hardship description provided by the property owners relies on the temperature on the east side of their residence and their health issues. This hardship description fails to identify a unique or different characteristic of their property which justifies the granting of a variance.
2. That granting the variance WOULD constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use zoning district in which such property is located because it would allow the construction of a structure that would not be consistent with the development standards imposed on other lots in the neighborhood.
3. That the granting of the variance is INCONSISTENT with the objectives of the general plan and zoning code because it is the intent that development standards be applied consistently throughout each general plan designation and zoning district.

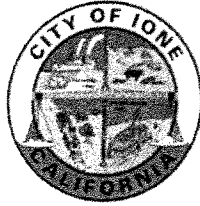
The foregoing Resolution of the Planning Commission of the City of Ione was duly introduced and adopted by the Planning Commission at a regular meeting on June 9, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mark Hopkins, Chairman

ATTEST:

Janice Traverso, City Clerk



May 11, 2020

Mr. Michael Politi
1718 Shakeley Lane
Ione, CA 95640

Re: Application for Variance to permit the installation of a free-standing metal carport at a single-family home at 1718 Shakeley Lane (APN 005-490-038)

Dear Mr. Politi:

I have received your application for a variance for the above-captioned matter and I have deemed the application incomplete. The Municipal Code Chapter 17 Zoning, Section 17.08.010 sets forth the submittal requirements for a variance application. The following information is required to be submitted:

1. A detailed project description describing the need for requested variance:

In order to consider this application complete, please provide a more detailed description of why the variance is needed. A variance can only be granted when there is a "hardship"; i.e. *the special circumstances regarding the property that deny you the same benefits enjoyed by your neighbors* that justify the granting of a variance from the City's development standards.

2. A site plan showing the location of the proposed structure(s) in relation to the surrounding properties (properties adjacent to your lot) and in relation to the existing structures on your lot and the specific location of the requested variance; and

3. Pictures or illustrations of the proposed carport.

The Planning Commission must hold a public hearing and consider the request for a variance. The planning commission may only approve a variance application if the applicant can demonstrate to

the planning commission that the circumstances of their particular case can justify making all of the following findings:

1. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of this title deprives such property of privileges enjoyed by other property owners in the vicinity and under identical land use zoning district classifications.
2. That granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use zoning district in which such property is located.
3. That granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
4. That the granting of the variance is consistent with the objectives of the general plan and zoning code.

Should you have any questions about this information, please do not hesitate to contact me. If you determine that the Findings required by the Municipal Code cannot be made and you wish to withdraw your application, the City will promptly refund your application fee.

Sincerely,

April Wooden, City Planner
City of Lone, California
(831) 915-2189
awooden@denovoplanning.com



PERMIT/PLAN SUBMITTAL ROUTING SHEET
Return to Building Department When Complete

Project Address: 1714 Shaker Ln. Permit #: 321

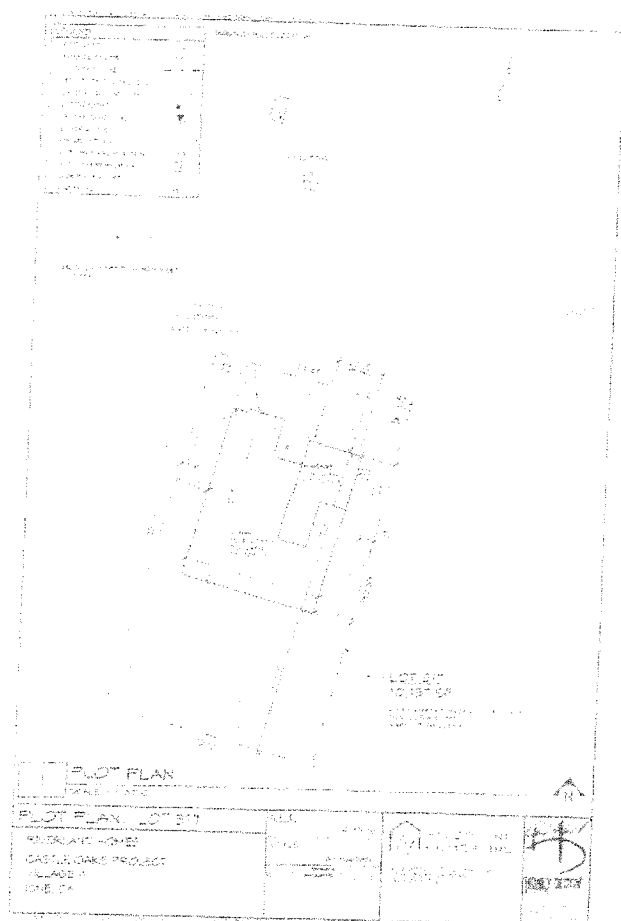
Applicant/Owner Name: Portland Homes Inc. Phone/Email: 503.443.9121/portlandhomes.com

Project Description: New SFD - Lot 302 - 222% Acre - R-20-15

Plan Check 1 ☒ Plan Check 2 ☐ Plan Check 3 ☐ Plan Check 4 ☐

	Reviewed By	Date	Approved	Rejected	5 Year
Building					
Date Routed:	Comments:				
Engineering					
Date Routed:	Comments:				
Fire					
Date Routed:	Comments:				
Planning					
Date Routed:	Comments:				
Public Works					
Date Routed:	Comments:				
Environmental Health					
Comments:					
Parks					
Comments:					

Ready to Issue (date and initials): _____





City of IONE PLANNING APPLICATION FORM

Type of application:

- ☒ Variance
☐ Conditional Use Permit
☐ Site Plan Review
☐ Historic Architectural Review
☐ Planned Development
☐ Other: _____
- ☐ Rezone
☐ General Plan Amendment
☐ Boundary Line Adjustment
☐ Tentative Map-Parcel Map (1-4 lots)
☐ Tentative Map-Final Map (5+ lots)

*Note: Funds provided with application is a deposit; actual costs will be invoiced to the applicant on a time and materials basis.

CITY USE ONLY

Application No: _____

Date submitted: _____

Rec'd by: _____ Deposit: _____

Receipt No: _____

PROPERTY INFORMATION

Project Name: _____

Assessor's Parcel Number: _____

Property Address/Location: _____

Existing General Plan/Zoning: _____

Gross Acres: _____

Project Detail: (submit separate attachment if necessary)

Existing Use of the Property: _____

The project is served by the following type of water service (check one):

☒ Public water ☐ Well Water

The project is served by the following type of sewage service (check one):

☒ Domestic Sewer ☐ Septic

CONTACT INFORMATION

The Planning Department will notify the applicant and one other individual of all proceedings regarding this application. Please supply the name, address, and phone of the additional person to receive such notification.

Property Owner

Name: [Signature]
Contact: _____
Address: _____
City, Zip: _____
Phone: _____
Fax: _____
Email: _____

Applicant

Name: [Signature]
Contact: _____
Address: _____
City, Zip: _____
Phone: _____
Fax: _____
Email: _____

Billing Address:

Name: "Gale"
Contact: _____
Address: _____
City, Zip: _____
Phone: _____
Fax: _____
Email: _____

INTERDEPARTMENTAL MEETING ACKNOWLEDGEMENT

The applicant(s) hereby acknowledges that the Planning Division will coordinate an interdepartmental meeting to provide an opportunity to discuss the proposed conditions of approval and resolve any issues, concerns and/or make modifications to the proposed conditions. The applicant(s) have the option to decline attendance of the meeting in writing and understand that they may not be given the opportunity to request modifications to the conditions of approval once the project has been scheduled for a public hearing. The applicant(s) understand that if a request is made to modify or add a condition(s) of approval once a public hearing is scheduled, the project may be continued to a future hearing date.

Applicant Signature

Date

Property Owner Signature

Date

HAZARDOUS WASTE AFFIDAVIT

Government Code Section 65962.5 requires each applicant for any development project to consult the State Hazardous Waste and Substance Sites List. Based on this list (available from the Planning Department) the applicant is required to submit a signed statement to the City of Ione indicating whether the project is located on a site which is included on the list before the City accepts the application as complete. If the project site is listed by the State as a hazardous waste or substance site, the applicant must fully describe the nature of the attached hazard and potential impacts in the Initial Study. In either situation the applicant must complete and sign the Affidavit in the space below.

The applicant(s) have been informed by the City of Ione of their responsibilities pursuant to Section 65962.5 to notify the City as to whether the site for which a development application has been submitted is located within an area which has been listed as the location of a Hazardous Waste or Substance Site by the Office of Planning and Research, State of California.

☐ The project site is located in an area listed as a Hazardous Waste or Substance Site.
☒ The project site is not in an area listed as a Hazardous Waste or Substance Site.

The applicant(s) declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.


Applicant Signature

5-6-2020
Date

AGREEMENT AND REPRESENTATIONS OF APPLICANT

This application is not complete, and processing of this application will not begin, until all initials and signatures are provided:

- 1) Applicant(s) acknowledge and agree that by making this application, and under the authority of Government Code Section 65105, that in the performance of their functions, City staff may enter upon the subject property and make examinations and surveys, provided that the entries, examinations and surveys do not unreasonably interfere with the use of the land by those persons lawfully entitled to the possession thereof. _____ (Initial)
- 2) Applicant(s) certify under penalty of perjury that they are the legal owner(s) (all individual owners must sign as they appear on the deed to the land), Corporate Officer(s) empowered to sign for the corporation, Owner's Legal Agent having power of Attorney (a notarized Power of Attorney document must accompany this application), or the owner's authorized representative (include a notarized consent form from the owner). _____ (Initial)
- 3) Applicant(s) acknowledge and agree that they have included all of the required items in hard copy (see submittal checklist for size requirements) and digital format compatible with Microsoft Office Software and understand that missing items may result in delaying the processing of their application; furthermore, all application materials, and any outstanding balances accrued above the original deposit, must be submitted/paid prior to Public Hearing Notice publication. They further acknowledge and agree that by signing this document, they accept the responsibility of posting public site notification boards (inquire with staff) regarding the proposed project at the project site. _____ (Initial)
- 4) Applicant(s) agree to defend, indemnify and hold harmless the City of Ione ("City") and its agents, officers, consultants, independent contractors and employees ("City's Agents") from any and all claims, actions or proceedings against the City or the City's Agents to attack, set aside, void, or annul an approval by the City, or the City's Agents concerning the Project (collectively "Claim"). The City shall promptly notify the Applicant(s) of any Claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the Applicant(s) of any Claim or if the City fails to cooperate fully in the defense, the Applicant(s) shall not thereafter be responsible to defend, indemnify, or hold harmless the City. Nothing in this paragraph shall obligate the City to defend any Claim and the City shall not be required to pay or perform any settlement arising from any such Claim not defended by the City, unless the settlement is approved in writing by the City. Nothing contained in this paragraph shall prohibit the City from independently defending any Claim, and if the City does decide to independently defend a Claim, the City shall bear its own attorney's fees, expenses of litigation and costs for that independent defense. The Applicant(s) may agree to reimburse the City for attorney's fees, expenses of litigation and costs for that independent

City of Ione Planning Application

defense. Should the City decide to independently defend any Claim, the Applicant(s) shall not be required to pay or perform any settlement arising from any such Claim unless the settlement is approved by the Applicant(s). _____ (Initial)

5) Applicant(s) acknowledge and agree that the Deposits (hereinafter "Funds") paid herewith may not be adequate to fully reimburse the City for costs incurred in connection with the Application Process, and that periodically, as the need arises, Applicant(s) may be called upon to make further deposit of Funds. Applicant(s) agree that there shall always remain on deposit with the City sufficient Funds to cover the anticipated costs to be incurred with the Application Process for a period of thirty (30) business days. In the event, for any reason, a City request for further deposit of Funds from Applicant(s) is not fully satisfied, within thirty (30) business days the City shall cease processing of this application and the related project, and shall record the failure to make the requested deposit of Funds as the Applicant(s) request to cease processing the application. In addition, should the Funds on deposit ever fall below an amount, estimated by the City in its sole discretion, sufficient to cover the anticipated costs to be incurred in the Application Process for a period of thirty (30) business days, the City shall cease processing of the application and cancel same, and shall record the lack of Funds as the Applicant(s)' request to cease processing the application. The advance of Funds shall not be dependent upon the City's approval or disapproval of the Applicant(s)' application, or upon the result of any action, and shall in no way influence the Project. Neither Applicant(s) nor any other person providing funding for the Project shall, as a result of such funding, have any expectation as to the results of the Application Process or the selection of an alternative favorable to or benefiting Applicant(s). _____ (Initial)

6) Applicant(s) acknowledge and agree that this application sets forth all covenants, promises, conditions and understandings between the parties regarding the advance of Funds and the uses thereof, and there are no promises, conditions or understandings either oral or in writing between the parties other than as set forth herein. No contemporary or subsequent alteration, amendment, change or addition to this application form shall be binding upon the City unless reduced to writing and signed by the City Manager, or his/her designee. No course of conduct shall be binding upon the City and waiver of one or more provisions or violations shall not be construed as a course of conduct to be relied upon and may not be the basis for any expectation of future waiver or estoppel.

_____ (Initial)

7) No employee, agent, independent contractor or other representative of the City, other than the City Manager or the City Council, has the authority to alter the terms or effect of this application and Applicant(s) acknowledge and agree that they have not relied upon any promises, representations, conditions or understandings other than those set forth in this application. _____ (Initial)

8) This Application shall be a public record. _____ (Initial)

9) This Application is made under, and shall in all respects be interpreted, enforced, and governed by, the laws of the State of California. In the event of a dispute concerning the terms of this Application, the venue for any legal action shall be with the appropriate court in the County of Amador, State of California. Should legal proceedings of any type arise out of this Agreement, the prevailing party shall be entitled to costs, attorney's fees, and legal expenses, including but not limited to expert fees and costs. _____ (Initial)

IT IS SO AGREED:

Applicant Signature

Property Owner Signature

Date

Date

City of IONE

LETTER OF AUTHORIZATION

This form shall serve to notify the City of Ione that I am/we are the legal owner(s) of the property described in the attached application and do hereby authorize the person/firm shown below to file and represent my/our interest in the application(s) listed below.

Authorized Person:

Name/Firm:

Michael A. Polite

Address:

1718 Shady Ln.

City/State/Zip:

Ione CA 95640

Phone:

209-274-4110

Applications:

Legal Owners:

I am/we are the legal owner(s) of the said property; have read the foregoing letter of authorization and know the contents thereof; and do hereby certify that the same is true of my/our own knowledge. I/we certify (or declare) under penalty of perjury under the laws of the State of California that the information contained in the above referenced application(s) is true and correct.

Printed Name

Michael A. Polite

Date 5-6-2020

Signature

[Signature]

Printed Name

Dolores T. Schiller

Date 5-6-2020

Signature

x Dolores T. Schiller

Printed Name

Date

Signature

A letter signed by the property owner(s) may be submitted in lieu of this form. The letter must identify the person being authorized to represent the owner(s) and the application(s) being submitted.

Janice Traverso

From: Michael Politi <mikepoliti2003@yahoo.com>
Sent: Monday, May 18, 2020 9:52 AM
To: awooden@denovoplanning.com
Subject: Fw: Request for variance carport at 1718 Shakeley Lane,lone CA

Good Morning April. I am so sorry,I just assumed that you received the plan and pictures that I submitted to Mark. Will be going to the city and ask Mary if she will scan these and send them to you.

Regarding the free standing carport, it is greatly needed to protect the east side of our home. The heat is absolutely unbearable at times. The master bath is on that side of the house with windows and even with blackout shades the temperature can be as much as 15 degrees warmer than the other side of the house. We also park on that side, we practice off-street parking and need protection for our cars, both from the elements and golf balls that we have had come into our yard. The placement of our home being along side the golf cart path between holes 5 and 6, we have approximately 70 feet to the next door neighbor so there will not be any infringement on their properties. Touching on the health and well being of my wife and myself we are both seniors. I have diabetes, this carport will provide safety and also provide complete utilization of our property.

If there are any other questions that are not covered in this statement of facts and/or the illustrations and pictures that will be sent to you, please feel free to e-mail me or call 209-274-4110. Please time is of the essence, the hot weather is on its way.

Thank you very much.

Michael and Dolores Politi

5/18/2020

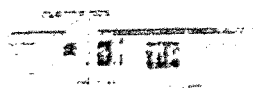
Monday 4-27-2022

Michael AND Dolores Polite
1718 Shakeley Ln Tove Ct. 9564
Phone 274-4110 Cell # 217-6012

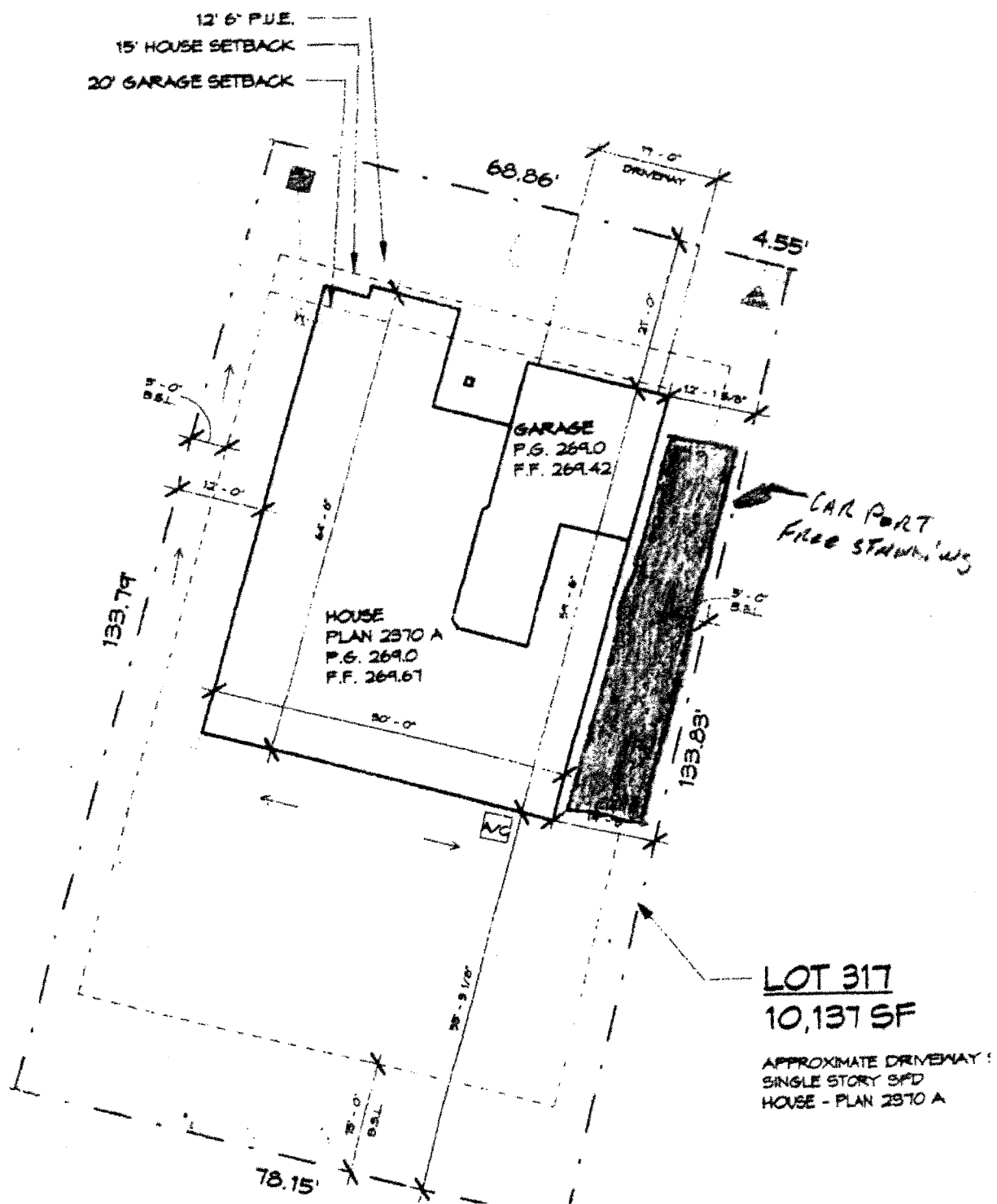
Requesting An "OK" AND Building Permit
To Install Pre-Fab. Metal Car Port
Engineered Set of Plans will be provided
upon approval. Please note the location
that side of the house can be undesirable
we are situated AND need this protection
for our health and wellbeing also to
protect our vehicle we practice off
street parking, this car port is very well
in need.

Thank you
Michael A. Polite

2



OPTION A (REVERSE)



Note:

CAUTION WILL BE FREE STANDING

WILL BE APPROX. 47 FEET LONG

WILL BE 12 FOOT 10 INS. WIDE

WILL BE 10 FOOT HIGH AT THE SIDE OF HOUSE

WILL BE 9 FOOT HIGH AT THE FENCE SIDE

WILL BE APPROX. 8 FEET FROM GOLD KNOT PATH

WILL BE A EARTH TONE COLOR "TAN" TO MATCH THE HOME

COST AT THIS TIME APPROX. \$4500.00

POST WILL BE APPROX. 3 FEET FROM THE WALL

BY PROPERTY LINE.

