

NO. 000694

A.P.# 416-391-060-000

In the matter of the application of  
**Norman and Virginia Wood (PLN000694)**

**FINDINGS & DECISION**

for a Variance to Section 21.42.030F, in accordance with Title 21 (Zoning) Chapter 21.72 (Variances) of the Monterey County Code, to allow for a variance in the front-yard setback requirement to allow for a single-family residence addition, guesthouse, deck and trellis; Design Approval; located at 27452 Vista del Toro, south of Corral de Tierra Road, Toro area, came on regularly for hearing before the Zoning Administrator on March 29, 2001.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto, now makes the following findings and decision:

FINDINGS OF FACT

1. **FINDING:** The proposed single-family residence addition, guesthouse, deck and trellis is consistent with the Toro Area Plan which designates the property as "Resource Conservation, 10 Acres per Unit," and with the policies of the Monterey County General Plan.  
**EVIDENCE:** The Land Use Plan and the text and policies of the Toro Area Plan and the Monterey County General Plan were evaluated during the review of the application. No conflict or inconsistencies with the Plan, or with the text or policies, were found. No testimony, either written or oral, was received during the administrative proceedings to indicate that there is any inconsistency with said plans.
2. **FINDING:** The proposed single-family residence addition, guesthouse, deck and trellis is consistent and with the "RC/B-8-D" (Resource Conservation) zoning of the property.  
**EVIDENCE:** Under Chapter 21.36 of Title 21 (Zoning) of the Monterey County Code, single-family dwellings and guesthouses uses are permitted under the "RC" zoning. Under Chapter 21.42, additions to single-family dwellings, guesthouses, and non-habitable accessory structures are permitted under the "B-8" zoning.
3. **FINDING:** Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of Title 21 of the Monterey County Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.  
**EVIDENCE:** When the subject 2.5-acre parcel was created, an extensive scenic easement was placed on more than one-half of the parcel, greatly limiting the buildable area. In addition, a 30-foot utilities and access easement was placed along the eastern boundary of the property creating a "front yard" and front setback requirement of 30 feet. This "access" easement, however, followed a straight line, failed to recognize the rugged terrain of the parcel, and was never used for access purposes. A second, more indirect, but more usable, access easement to the building site was subsequently created. The proposed single-family residence addition is 51 feet from the eastern property line, and 21 feet from the first access easement, while the proposed guesthouse is 44 feet from the eastern property line, and 14 feet from the first access easement. Under these unique circumstances, the strict application of Title 21,

which requires a 30-foot front setback, would deprive the subject property of privileges enjoyed by other properties in the vicinity, and would preclude construction of the proposed additions. The rugged, steep terrain of the parcel would preclude construction of the proposed additions on other parts of the property.

4. **FINDING:** The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zone in which such property is located.  
**EVIDENCE:** See Evidence No. 1 above. The surrounding area is characterized by rugged, steep terrain creating an irregular lot pattern, and necessitating the varied placement of structures on these lots dictated by this natural terrain.
5. **FINDING:** This project is categorically exempt under Section 15305 of the Monterey County CEQA Guidelines relating to variances.  
**EVIDENCE:** Application and materials in File 970482(ZA).
6. **FINDING:** The subject parcel is in a "D" or Design Control District requiring review pursuant to Chapter 21.44 of the Monterey County Code. To this end, the applicant has provided the Zoning Administrator with a Design Approval Request, drawings, and a statement of materials and colors to be used.  
**EVIDENCE:** Application and materials in Project File PLN000694.
7. **FINDING:** The establishment, maintenance, or operation of the uses and buildings applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood, or to the general welfare of the County.  
**EVIDENCE:** The project has been reviewed by the Monterey County Planning and Building Inspection, Public Works, and Health Departments, Water Resources Agency, and Salinas Rural Fire District. The conditions incorporate the concerns and recommendations of these departments and agencies.
8. **FINDING:** This project is appealable to the Planning Commission.  
**EVIDENCE:** Section 21.80.040 of Title 21 of the Monterey County Code.

### **DECISION**

THEREFORE, it is the decision of said Zoning Administrator that said application for Variance be granted as shown on the attached sketch, and subject to the following conditions:

1. This permit is a Variance for reduction on the front-yard setback requirement to allow a single-family residence addition, a guesthouse, and a deck and trellis, and a Design Approval, in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal

action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)

2. The applicant shall comply with Ordinance No. 3539, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
  - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources)
3. When construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8-inch stroke, and contrasting with the background colors of the sign. (Salinas Rural Fire District)
4. Remove flammable vegetation from within 30 feet of structures; limb trees 6 feet up from the ground. Remove limbs within 30 feet of chimneys. (Salinas Rural Fire District)
5. All landscaped areas and/or fences shall be continuously maintained by the applicant, and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)
6. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. (Planning and Building Inspection)
7. Applicant shall record an agreement which states: "The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or

proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless." Proof of recordation of this agreement shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)

8. Applicant shall record a notice which states: "A Permit (Resolution # 000694) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 416-391-060 on March 29, 2001. The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)

**PASSED AND ADOPTED** this **29th** day of **March**, 2001.

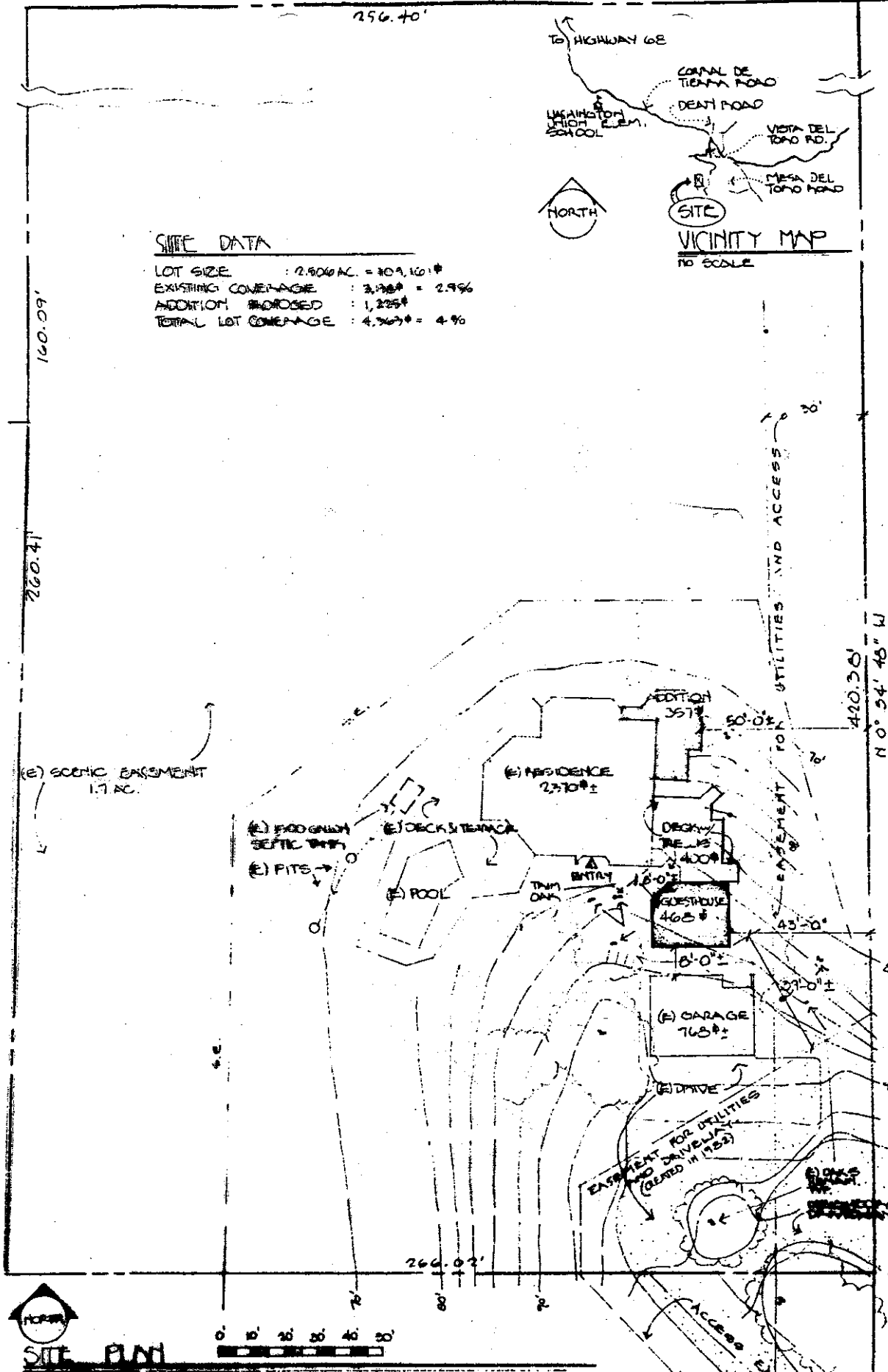
  
\_\_\_\_\_  
DALE ELLIS, AICP  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **APR 1 0 2001**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **APR 2 0 2001**

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.  
  
Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.  
  
Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.
2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.

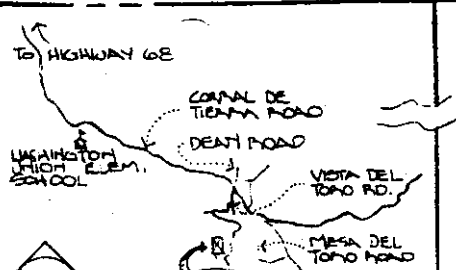


**SITE DATA**

LOT SIZE : 2.806 AC. = 109,161 sq ft  
 EXISTING COVERAGE : 2,988 sq ft = 2.99%  
 ADDITION PROPOSED : 1,225 sq ft  
 TOTAL LOT COVERAGE : 4,213 sq ft = 4%



**VICINITY MAP**  
NO SCALE



160.09'

260.41'

(E) SCENIC EASEMENT  
1.7 AC.



**SITE PLAN**



SITES : 27452 VISTA DEL TONO  
 APN : 416-344-060-000  
 ZONE : RC/B-2-D (SEE ALSO ZA-5135, VARIANCE)



PART 110.1  
 REVISION:  
 1  
 2  
 3

RESIDENTIAL DESIGN, DRAFTING, ETC.  
**MARK EDWIN MORRIS**  
 144 PINE (HICKS) • SALINAS • 95061  
 424-3114 FAX 424-3114

ADDITION, REMODELING & GUEST HOUSE  
**INDOOR** NORMAN & VIRGINIA  
 21452 VISTA DEL TONO • SALINAS • 95068  
 424-9257

Job GREAT 1 2021 OF 3

