

RESOLUTION NO. 010049

A.P.# 241-311-014-000

In the matter of the application of
Frederick and Kathryn Baron (PLN010049)

FINDINGS & DECISION

for a Variance in accordance with Title 20 (Zoning) Chapter 20.78 (Variances) of the Monterey County Code, to allow addition to lot coverage for a remodel and addition to an existing single family residence, allowing a total of 160 additional square feet, exceeding the 15% maximum lot coverage (total of 17.1%), located at 180 Van Ess Way, westerly of state Highway 1, Carmel Highlands area, came on regularly for hearing before the Zoning Administrator on October 11, 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 subject Variance and Design Approval, as described in condition #1 " is for a Variance to allow an addition to lot coverage for a remodel and addition to an existing single family residence, allowing a total of 160 additional square feet, exceeding the 15% maximum lot coverage (total of 17.1%) for Kathy and Frederick Baron. The property is located at 180 Van Ess Street in the Carmel Land Use Plan area of the Coastal Zone. The parcel is zoned "LDR/1 (CZ)" or Low Density Residential, 1 Acre per Unit. Except for the Variance request, the project described in the application and accompanying materials, and as conditioned, conforms with the plans, policies, requirements and standards of the Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, or any other applicable provisions of Title 20 and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The certified Carmel Area Land Use Plan
- b) The certified Monterey County Coastal Implementation Plan regulations for Low Density Residential or the "LDR (CZ)" District in the Coastal Zone, and
- c) Chapter 20.14 Monterey County Coastal Implementation Plan regulations for development in the Carmel Area Land Use Plan.

EVIDENCE: The application and plans submitted for the Variance, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The project planner conducted a site visit to verify that the proposed project complies with the Monterey County Coastal Implementation Plan (Part 4).

EVIDENCE: Design Approval Request form with plans recommended for approval by the which Carmel Highlands Land Use Advisory Committee.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

- 2. FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15305 (a) of the Monterey County CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.
- 3. FINDING:** Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of Title 20 is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

EVIDENCE: The subject parcel of approximately 1/3 of acre, is nonconforming to the present zoning of "LDR/1" (Low Density Residential, 1 Acre per Unit), resulting in restrictions applicable to a much larger parcel. At least three other properties in the immediate vicinity have been the subject of approved Variances within the past three years. By removing existing structures, the proposed remodel and addition will not result in the addition of any lot coverage,

EVIDENCE: The application and plans submitted for the Variance, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.
- 4. FINDING:** The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

EVIDENCE: This property, and most properties in the immediate area, was created prior to the current 1 acre minimum lot size. This has resulted in Setback and Lot Coverage standards applicable to much larger parcels.

EVIDENCE: The application and plans submitted for the Variance, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.
- 5. FINDING:** The Variance does not grant a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE: The use is allowed per Section 20.14 (Low Density Residential) Uses Allowed in the "LDR (CZ)" (Low Density Residential) zoning district.
- 6. FINDING:** The qualifications of Findings 4 and 5 apply to the land, structure, or use of which the Variance is sought.

EVIDENCE: The Variance is a request to allow addition to lot coverage requirements to allow a remodel and addition to an existing single family residence. As described in Findings 4 and 5, a Variance can only be approved where the limitation causing the Variance request meets all of the following criteria: 1) a physical constraint related to the subject property, 2) deprives the property of privileges enjoyed by other similarly situated properties, and 3) the Variance would not be a grant of special privileges inconsistent with other similarly situated properties. See evidence for Findings 4 and 5.
- 7. FINDING:** The project is appealable to the Board of Supervisors, but not the California Coastal Commission.

EVIDENCE: Sections 20.78.050.E, 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

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. The subject Variance, including a Coastal Development Permit and Design Approval, is for a Variance (PLN010049) to allow an addition to lot coverage for a remodel and addition to an existing single family residence, allowing a total of 160 additional square feet, exceeding the 15% maximum lot coverage (total of 17.1%) for Kathy and Frederick Baron. The proposed project is 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)**

Prior to Issuance of Building and Grading Permits:

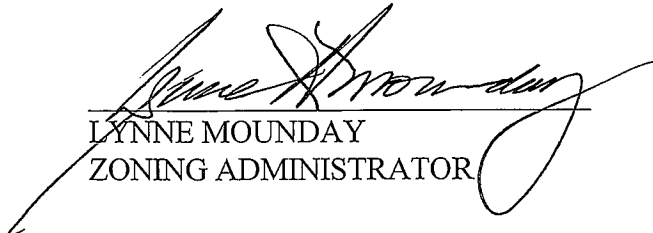
2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the 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. **(Planning and Building Inspection)**
3. The applicant shall record a notice which states: "A Variance and Design Approval (Resolution 010049) was approved by the Zoning Administrator for Assessor's Parcel Number 241-311-014-000 on October 11, 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)**

4. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property, in the form of an approved Water Release Form. **(Water Resources Agency)**.

Prior to Final Building Inspection/Occupancy

5. The applicant shall comply with Ordinance No. 3932 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 Agency)**
6. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. **(Carmel Highlands Fire Department)**
7. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible from the road on which the address is located. **(Carmel Highlands Fire Department)**
8. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. A 30 foot perimeter around the structure is necessary for protection of the home. **(Carmel Highlands Fire Department)**

PASSED AND ADOPTED this 11th day of **October**, 2001.


LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **OCT 16 2001**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **OCT 26 2001**

This project is located in the Coastal Zone and is appealable to the Board of Supervisors. This project is not appealable to the California Coastal Commission.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

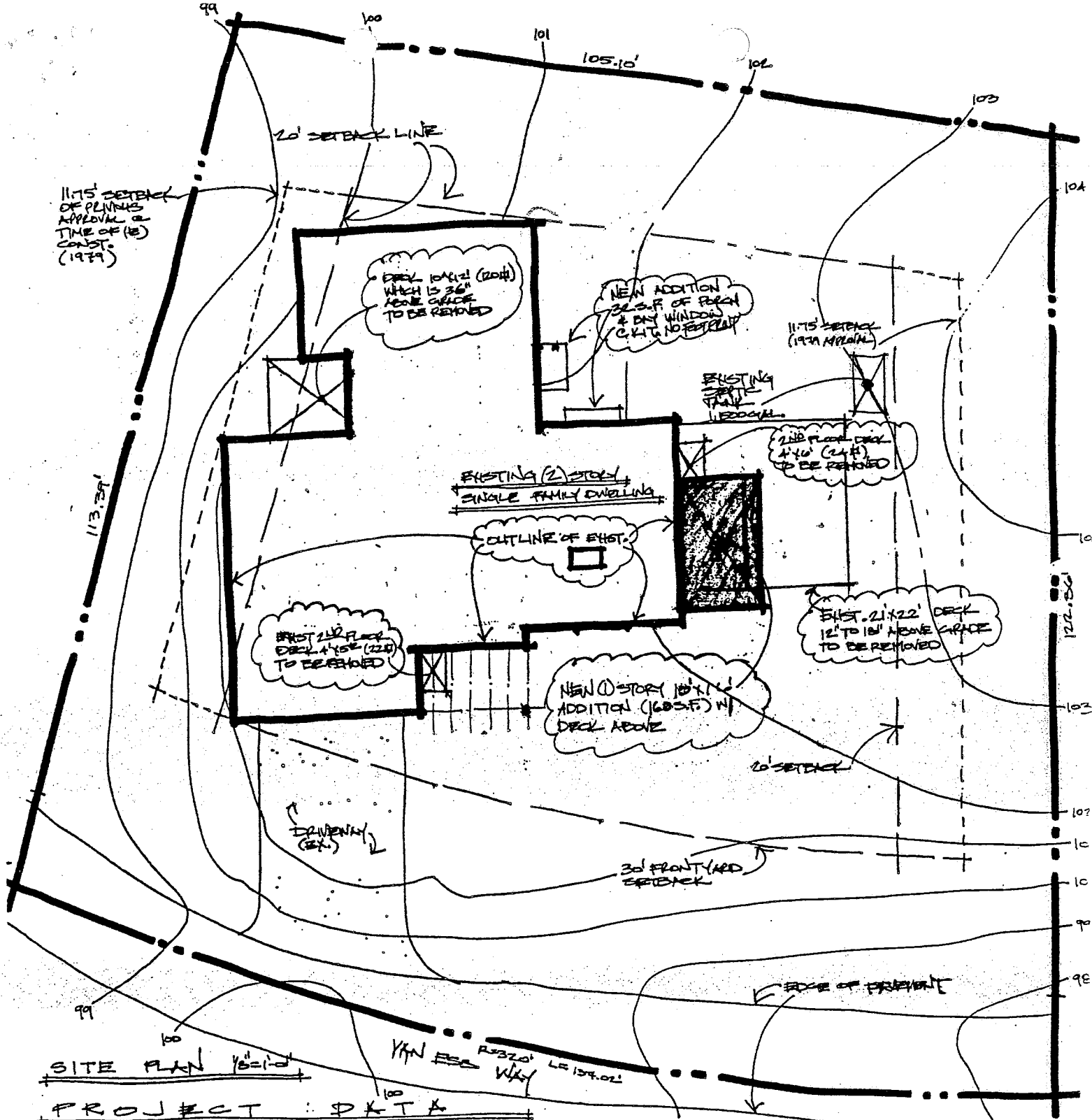
NOTES

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 PLAN 1/8"=1'-0"

PROJECT: D K T A

A.P.N. 241-311-014
 LOT SIZE 14,691 SQ FT
 COVER AGE LOR-1-CZ (STRAIGHT)

EXIST.	2,522 SQ	17.1%
ALLOW.	4,204	15%

*NO CHANGE OR INCREASE TO EXISTING FOOTPRINT
 160 SF OF EXIST. REMOVED
 160 SF OF NEW PROPOSED

OWNERS: KATH & FREDERICK BARN
 521 LOWELL AVE.
 PALO ALTO, CA. 94301
 (650) 328-3747

SCOPE OF WORK

NEW FLOOR AREA	160 SF
NEW ROOF TOP DECK	160 SF
NEW PORCH & BAY WINDOW C.K.T.G.	32 SF

*NO TREES TO BE REMOVED
 NEW DOORS & WINDOWS TO MATCH (E)
 NEW EXTERIOR SIDING (NATURAL REDWOOD) TO MATCH EXIST.

FLOOR AREA: EXIST. 14,691 SQ FT LIVING, PROGR. = 2,421 SF
 NEW 1,600 SF LIVING, TOTAL (E) 3,950 SF

PETER DAVIS		C 21300
architect		196 Upper Walden Rd Carmel, Ca. 93923 (408) 624-1838 / 6827
Sheet 91	Project: PROPOSED NEW ADDITION/REMODEL BARN RESIDENCE 150 VAN BUREN WAY CARMEL, CA. 93923	Date: APRIL