

RESOLUTION NO. 010197

A.P.# 103-051-028-000

In the matter of the application of  
**Irving and Marjorie Weiser (PLN010197)**

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 the construction of a 189 sq. ft. addition to the second level of an existing three-level single family dwelling within the 30' front yard setback to road easement, expansion of existing parking area and retaining walls; and Design Approval; located at 5105 Paseo Venadis, Carmel, Greater Monterey Peninsula area, came on regularly for hearing before the Zoning Administrator on December 13, 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 (PLN010197), as described in condition #1, for a 189 sq. ft. addition to an existing single family dwelling within the 30' front yard setback to road easement, expansion of existing parking area and retaining walls. The property is located at 5105 Paseo Venadis, Carmel (Assessor's Parcel Number 103-051-028-000), Greater Monterey Peninsula area. The parcel is zoned "RDR/B6-UR-D-S". Except for the Variance request, the project, as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, the Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 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 the General Plan and Greater Monterey Peninsula Area 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 on October 5, 2001 to verify that the proposed project complies with the Monterey County Zoning Ordinance.  
**EVIDENCE:** Design Approval Request form with plans recommended for approval by the Greater Monterey Peninsula 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:** The project is categorically exempt from environmental review pursuant to section 15301 of CEQA. 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 21 is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- EVIDENCE:** Additions to single family dwellings are permitted with an Administrative Approval under the property's zoning designation. The existing residence was approved with a variance to encroach into the required 30' setback from a road easement due to topography constraints and thus, the residence is located 8 feet from the road easement. The proposed addition is to a room that is situated in the 30 feet setback, but not closer to the road easement than the rest of the residence.
- 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:** The property is part of a previously approved minor subdivision creating three parcels for residential development. The constraints of this parcel are similar to others in the area under the same zoning classification but would not be construed as the granting of a special privilege based on the specific site constraints encountered for this specific building area as related to the existing house design. Similar house designs proposed on adjacent lots would require similar variances to front yard setbacks. The requested variance does not encroach further into the already granted 8-foot front yard setback. The proposed addition meets the required side setback and the creation of additional off-street parking area will be beneficial to the surrounding property owners served by the existing narrow access road.
- EVIDENCE:** File and application materials contained in project file PC7488.
- EVIDENCE:** The application and plans submitted for the Variance, including the justification letter contained in project file PLN010197 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 Sections 21.16 and 21.45 of the Zoning Ordinance.
6. **FINDING:** The qualifications of Findings 3 and 4 apply to the land, structure, or use of which the Variance is sought.
- EVIDENCE:** The Variance is a request to construct an addition to a single family dwelling and expand an existing parking area within the required 30-foot setback. As described in Findings 3 and 4, 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 3 and 4.

7. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.
- EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, Cypress Fire Department, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.
- EVIDENCE:** File and application materials contained in project file PLN010197.
8. **FINDING:** The project is appealable to the Planning Commission.
- EVIDENCE:** Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21).

### **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 an Administrative Permit and Design Approval, allows for the construction of a 189 sq. ft. addition to the second level of an existing three-level single family dwelling within 30' required front yard setback to road easement, expansion of existing parking area and retaining walls, and Design Approval. The property is located at 5105 Paseo Venadis, Carmel. The 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 the Issuance of Grading and Building Permits:**

2. The applicant shall record a notice which states: "A permit (Resolution 010197) was approved by the Zoning Administrator for Assessor's Parcel Number 103-051-028-000 on December 13, 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)**
3. Project conditions required in project permit PC7488 shall be implemented pursuant to requirements of this permit. **(Planning and Building Inspection)**
4. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

**Prior to Final Building Inspection/Occupancy:**

5. 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. **(Cypress Fire District)**
6. 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 and legible from the road on which the address is located. **(Cypress Fire District)**
7. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Cypress Fire District)**
8. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**

**PASSED AND ADOPTED** this 13<sup>th</sup> day of December, 2001.

  
LYNNE MOUNDAY  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **DEC 14 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 **DEC 26 2001**

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 90<sup>th</sup> day following the date on which this decision becomes final.

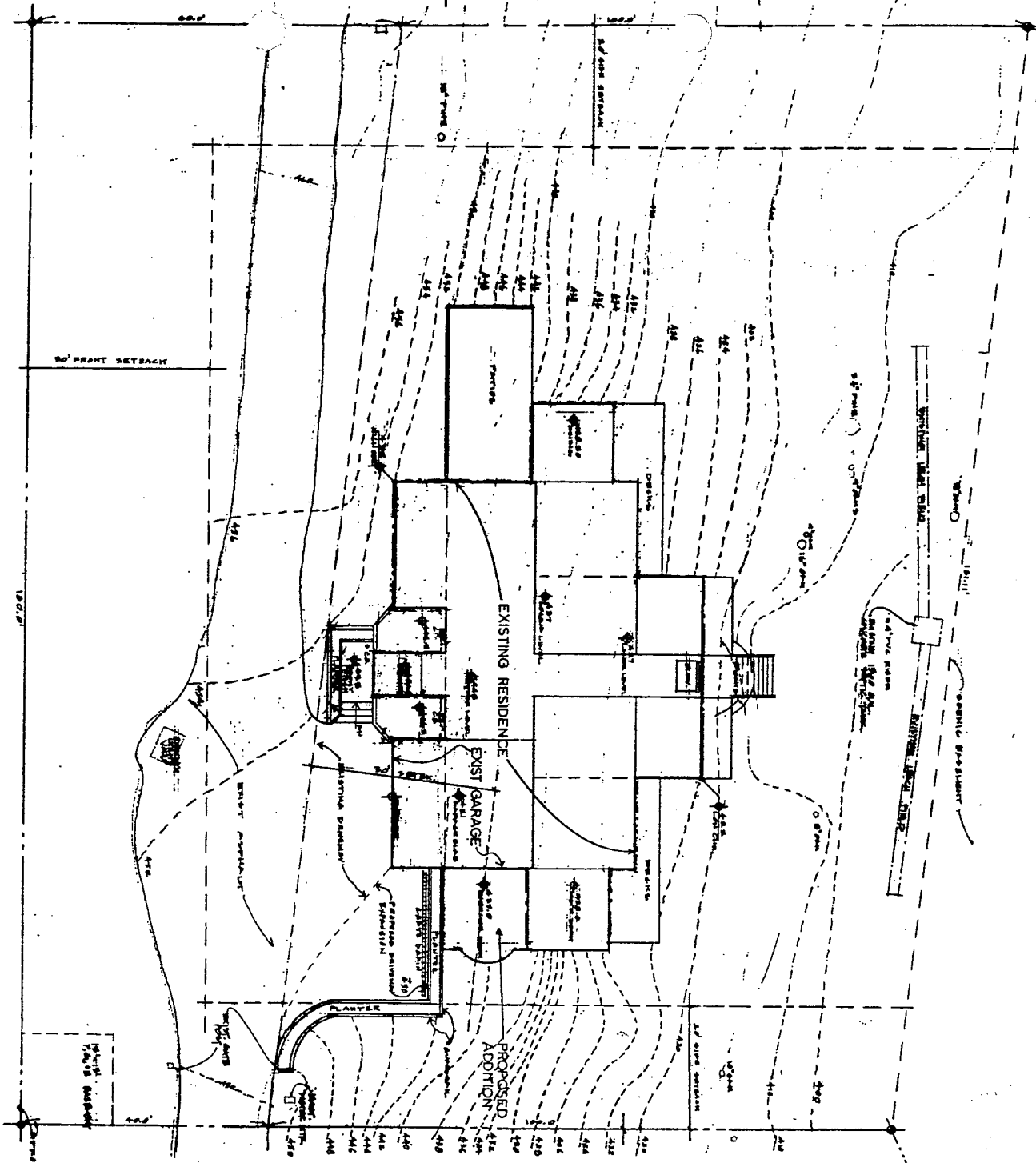
NOTES

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 Marina.

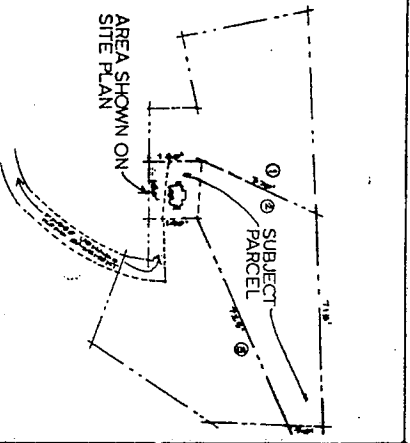
2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.



site plan



plot plan



PLANNING INFORMATION	
PROJECT DESCRIPTION:	EXISTING RESIDENCE TO BE EXPANDED
PROJECT ADDRESS:	1172 LANTANA AVE. PASADENA, CALIF. 91105
DATE:	12/15/83
APPLICANT:	IRV & MARGE WEISER
OWNER:	IRV & MARGE WEISER
PREPARED BY:	JOHN E. MATTHAMS
DATE:	12/15/83
SCALE:	AS SHOWN
REVISIONS:	
DATE:	12/15/83
APPROVED:	
SCALE:	
CONSULTANT:	

vicinity map



	<b>JOHN E. MATTHAMS</b> 1172 LANTANA AVE. PASADENA, CALIF. 91105 872 LIGHTHOUSE AVE. PASADENA, CALIF. 91105	
	DRAWING NO. _____ APPROVED _____ SCALE _____	DATE: 12/15/83 REVISIONS: _____ CONSULTANT: _____
EXERCISE ROOM ADDITION/EXPAND PARKING <b>IRV &amp; MARGE WEISER</b> 5105 PARK VENADIS, CARMEL, CALIFORNIA A.P.N. 103-031-028		(Small text box with additional project details and notes)