MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: December 8, 2011 Time: 1:45 P.M	Agenda Item No.: 4		
Project Description: Variance to allow a reduction in rear yard setback requirement from 20 feet			
to two feet six inches to allow a 587 square foot addition to an existing 1,315 square foot single			
family dwelling, and Design Approval, to clear a zoning code violation (File No. 10CE00208).			
The property is located at 8205 El Camino Estrada, Carmel (Assessor's Parcel Number 169-051-			
003-000), Carmel Valley Master Plan area.			
Project Location: 8205 El Camino Estrada,	APN: 169-051-003-000		
Carmel			
Planning File Number: PLN100448	Owner: Steven C. and Frances D. Krebs		
Training Fite Number: 1 EN 100776	Trust		
Planning Area: Carmel Valley Master Plan	Flagged and staked: No		
Zoning Designation: "LDR/2.5-D-S" (Low Density Residential, 2.5 acres per unit with Design			
Control, and Site Plan Review Overlays)			
CEQA Action: Categorically Exempt per CEQA Guidelines Section 15270(a)			
Department: RMA - Planning Department			

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (Exhibit C) to:

- 1) Find the project Categorically Exempt from environmental review pursuant to CEQA Guidelines per Section 15270(a), and
- 2) Deny PLN100448, based on the findings and evidence (Exhibit C);

PROJECT OVERVIEW:

The proposed project could correct an existing Building and Zoning Code violation (10CE00208). The violation is the construction of a 391 square foot addition partially in the required 20-foot rear setback and the conversion of a 196 square foot shed into habitable living area without benefit of a Design Approval, Variance or building permit. In order to grant a Variance, the Zoning Ordinance requires that staff determine if granting the variance would constitute a grant of special privilege. Staff compared the proposed variance with other variances for parcels located in the immediate neighborhood along Meadow Road, a private road off El Camino Estrada. There are ten adjacent and nearby properties on El Camino Estrada, eight of them have nonconforming setbacks and five Variances have been approved. The Variances granted were due to special circumstances as required by the ordinance (Chapter 21.72.040.A of the Zoning Ordinance). Staff is recommending denial of the Variance as staff cannot make the finding required that there are special circumstances that apply to justify granting a Variance. See further discussion in Exhibit B.

CEQA Review

The project is Categorically Exempt pursuant Section 15270(a) categorically exempts projects which a public agency rejects or disapproves.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

RMA - Public Works Department

Environmental Health Bureau

√ Water Resources Agency

Carmel Valley/Monterey County Regional Fire Protection District

Agencies that submitted comments are noted with a check mark (" $\sqrt{}$ ").

The project was referred to the Carmel Valley LUAC Land Use Advisory Committee (LUAC) for review on September 6, 2011. Based on the LUAC procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the LUAC because the project is a Variance. The LUAC voted unanimously (6-0-1) to support the project as proposed (see Exhibit G).

Note: The decision on this project is appealable to the Planning Commission.

Paula Bradley, MCP, AICP, Associate Planner (831) 755-5158, bradleyp@co.monterey.ca.us

November 29, 2011

cc: Front Counter Copy; Zoning Administrator; Carmel Valley/Monterey County Regional Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Planning Services Manager; Wanda Hickman; Project Planner; Paula Bradley; Luis Osorio, Senior Planner; Carol Allen, Senior Secretary; Steven C. and Frances D. Krebs Trust, Owner; The Open Monterey Project; LandWatch; Planning File PLN100448

Attachments: Exhibit A Project Data Sheet

Exhibit B Project Discussion

Exhibit C Draft Resolution, including:

Site Plan, Floor Plan and Elevations

Exhibit D Areas Potentially Available for Proposed Addition

Exhibit E Variances granted, lot sizes and nonconforming setbacks

Exhibit F Vicinity Map

Exhibit G Advisory Committee Minutes (LUAC)

Exhibit H Materials submitted by the applicant:

1. Variance Justification Letter;

2. Site plan/sketch and photos showing adjacent and nearby properties;

3. Assessor's Parcel Map and letters supporting the Krebs' Variance request

Exhibit I Building Permit No. 35538 for a 698 square foot addition in 1985

This report was reviewed by Luis Osorio, Senior Planner

Exhibit A **Project Information Data Sheet** (File PLN100448)

Project Title: Steven C. and Frances D. **Primary APN:**

169-051-003-000

Krebs, Trust

Carmel

Location:

8205 El Camino Estrada,

Coastal Zone:

No

Carmel Valley Master Plan

Zoning:

LDR/2.5-D-S-RAZ

Applicable Plan: Permit Type:

Variance and Design

Plan Designation:

RLD

Approval

Environmental Status:

Exempt per Section

Final Action Deadline: 11/09/2011

15270(a) Advisory Committee:

CV LUAC

Project Site Data:

Lot Size: 0.26 ac

Coverage Allowed: 25%

11,382 sf

1,315

Coverage Proposed:

17%

Existing Structures (sf): Proposed Structures (sf): 587

Height Allowed:

30' **Height Proposed:** 12'

Total Square Feet: 1,902

FAR Allowed: NA

FAR Proposed: NA

Resource Zones and Reports

Environmentally Sensitive Habitat:

NO

Erosion Hazard Zone:

HIGH

Botanical Report #: Forest Mgt. Report #:

NA

Soils/Geo. Report #

NA

NA

Geologic Hazard

Zone:

Geologic Report #:

LIB070619

Archaeological Sensitivity Zone: Archaeological Report #:

HIGH LIB070620

Traffic Report #:

Fire Hazard Zone: VERY HIGH

Other Information:

Water Source: Cal Am

Sewage Disposal (method):

Septic system

Water District/Company:

Cal Am

Sewer District Name:

Fire District:

CARMEL

Grading (cubic yds): None

VALLEY FIRE

DISTRICT

Tree Removal (Count/Type):

EXHIBIT B DISCUSSION

Project Description

A Variance to allow a 587 square foot addition to an existing 1,315 square foot single family dwelling with a two foot six inch rear setback where 20 feet is required, and Design Approval, to clear a zoning code violation (File No. 10CE00208). In 1985 there was a 1,315 square foot dwelling with a detached 196 square foot shed. By attaching the former shed to the main dwelling with an addition, this resulted in the main house and the former shed/addition not conforming with the 20-foot rear setback required by the Zoning Code. The owners stated that the shed was a habitable/bedroom/guestroom when they purchased the property and as noted on the Assessor's Office record and Building Permit No. 35538. The property address is 8205 El Camino Estrada, Carmel, however the subject residence, along with six other residences, is located on a partially paved private road, Meadow Road off El Camino Estrada.

The subject parcel is approximately 11,382 square feet (0.26 acres) in size, and is a shape and size similar to surrounding parcels which range from 5,792 square feet to one acre. The 1,315 square foot home is sited toward the rear of the lot, partially screened by three protected landmark oaks in the front yard. The lot is fairly flat, sloping gently towards Meadow Road. At the rear property line the adjacent property slopes uphill, is heavily vegetated with shrubs and oaks and includes areas of 25% slopes. On this adjacent one acre parcel to the rear of the property, three residences are located on the rear property line (zero rear setback), not visible from the subject property. Similar to other homes in the immediate area the subject home was built prior to the building and planning code requirements (1941); these homes were originally approximately 600 to 900 square feet. The lots are similar in size to the subject lot, and have multiple residences, guesthouses, studios, garages and additions. All parcels are zoned LDR/2.5-D-S-RAZ, and all the lots are considered nonconforming in terms of lot size. Lot sizes range from 5,792 square feet to one acre.

There are ten adjacent or nearby properties on El Camino Estrada and eight of them have nonconforming setbacks, either front, rear and/or side yard setbacks. The applicant provided photos and a site plan/sketch showing these non conforming properties (see Exhibit H-2). Letters were also submitted from seven of these ten neighbors, supporting the subject application for a Variance (see Exhibit H-3). Five Variances have been approved on nearby and adjacent properties (see Exhibit E).

Discussion

Section 21.72.040.A of the Zoning Code requires that a Variance shall only be granted based upon the following findings:

- A. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and
- B. That the variance 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;
- C. A Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property."

Special Circumstances The Variances approved on the five adjacent and nearby parcels were granted due to special circumstances in accordance with Section 21.72.040.A of the Zoning

Ordinance. The subject property is somewhat constrained as follows: 1) the existence of a septic tank and drain field on the west side; 2) the requirement for a back-up drain field site by the Environmental Health Bureau in case of waste water system failure (these facilities are required to be setback ten feet from the property lines and the structures); 3) the protected oaks and reserve area for a back-up drain field in the front yard. However, a small (500 square foot) addition could be constructed on the subject property similar in size to the one proposed (see Exhibit D): 1) to the east of the home; 2) in the open area of the front yard outside of the area near the three protected landmark oaks, or 3) or as a second story addition. An alternative option is to not increase the size of the dwelling and leave it as it was previous to the illegal addition as depicted in Exhibit D the December 8, 2011 Zoning Administrator staff report. As there are options for an addition that could meet the zoning requirements without granting a variance, the subject property is not considered to have special circumstances in accordance with Section 21.72.040.A of the Zoning Ordinance.

With the Kessler Variance the conditions were different, there were no options for the addition other than the location of the existing two illegal additions, and furthermore staff found that they would be deprived of the privilege to have a larger home, a privilege enjoyed by the other properties in the area. Therefore the subject site is considered not to have special circumstances as there are options for a similar addition than the one proposed that could meet the zoning requirements without granting a Variance.

The Applicant stated that they did not want to change the character of the home, disturb the protected oaks, or change the street view with a front or more massive second story addition (see Exhibit H-1, Justification Letter). In addition, the applicant stated that the existing detached guestroom (former shed) which is now connected to the main unit through the unpermitted addition, was in the rear setback when they purchased the home, it is low-profile, it is not visible from the front or to neighbors, and, furthermore, the neighbors support the rear yard addition (see Exhibit H-3). Almost all of the nearby properties have nonconforming setbacks or approved Variances for structures in the front, rear or side setbacks (see Exhibit H-2). The owners wanted to increase the size of their home, in a manner similar to the neighbors' properties, with a number of bedrooms and size of more modern homes. The residences in the neighborhood are for the most part one story and characterized by small scale, Carmel cottage type homes with Carmel Stone facing and materials similar to the residence on the subject property.

Special Privilege To determine if granting the variance would constitute a special privilege, staff compared the proposed variance request with other variances approved for parcels located in the immediate neighborhood along Meadow Road off El Camino Estrada. In all cases, on adjacent and nearby parcels where variances were granted, the lots are substandard in size and are zoned LDR/2.5-D-S-RAZ. Two of the three lots that are one acre or more are the only lots of the ten with conforming setbacks. Due to the fact that there are nonconforming setbacks on most of the nearby properties this Variance would not be considered granting a special privilege in accordance with Section 21.72.040.B of the Zoning Ordinance. Five variances were granted on nearby and adjacent properties for reduced front, side and rear yard setbacks (see Exhibit E), therefore granting a variance for reduced rear setbacks on the subject property would not constitute a grant of special privilege.

The most recent Variance (Kessler - File No. PLN070120) on Assessor's Parcel Number 169-051-002-000 was granted in 2009 for a reduced the rear yard setback of 11 feet allowing a nine foot rear yard setback. This property is to the west and is adjacent to the subject parcel. Similar to the subject property there was a code violation and granting the Variance corrected the

violation for the construction of two illegal additions. The building envelope is limited by physical characteristics including a substandard lot size, other existing structures, 30% slopes, and required area for septic envelopes. The physical constraints cited to support the Variance included that there was there was no build able area other than the existing building footprint due to: 1) the substandard lot size (10,807 square feet); 2) the required septic system envelope; 3) 30% slopes; and 4) prior to the illegal additions, the one-story 640 square foot dwelling had only a one bedroom and one bath. Homes in the neighborhood have two to four bedrooms and two to three bathrooms and from this perspective the Kessler's were considered deprived of the privilege of a larger home without legalizing the two additions. With the Kessler Variance the conditions were different; there were no options for the addition other than the location of the existing two illegal additions, and furthermore staff found that they would be deprived of the privilege to have a larger home, a privilege enjoyed by the other properties in the area. The dwelling was nonconforming in terms of rear setbacks and the Variance increased the nonconformity.

In 1979 a Variance (ZA03753) on Assessor's Parcel Number 169-051-005-000 was granted for reduced front, side and rear yard set backs on a corner lot where there are two front setbacks, including nonconforming setbacks. A second Variance (ZA95007) was granted in 1995 on the same parcel for a reduced front yard setback allowing an encroachment of 22 feet into one of the front setbacks. The addition increased the nonconforming condition.

In 1994 across the street from the subject parcel on Assessor's Parcel Number 169-051-010-000 a Variance (ZA94042) was granted for a reduced front yard setback for the construction of a garage. In 1987 a Variance (ZA06649) on Assessor's Parcel Number 169-051-007-000 allowed a reduced rear yard setback and increased the nonconforming condition. No additional details concerning the specific special circumstances were included in the record for the Variances other than for the Kessler Variance.

Authorized Use

The Variance is for a residential use, allowed by the zoning district, consistent with Section 21.72.040.C of the Zoning Ordinance.

Conclusion

Staff recommends denial of the variance as staff cannot make the finding required by Section 21.72.040 of the Zoning Ordinance, that there are special circumstances that apply to justify granting a Variance. Staff disagrees with the owner that the subject property has special circumstances as they could construct a small addition similar to the proposed addition, in the area to the east of the home, in the front of the residence, or as a second story addition. With the denial of the Variance, the 391 square foot addition would have to be demolished except for a small area (approximately three to five feet) along and outside of the rear setback. The 196 square foot shed could be restored to a non-habitable living space shown on the 1985 Building Permit (Exhibit I).

EXHIBIT C

EXHIBIT C DRAFT RESOLUTION

Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of: Steven C. and Frances D. Krebs Trust (PLN100448) RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorically Exempt from environmental review pursuant to CEQA Guidelines per Section 15270(a), and
- 2) Denying a Variance to allow a reduction in rear setback requirement from 20 feet to two feet, six inches to allow a 587 square foot addition to an existing 1,315 square foot single family dwelling, and Design Approval, to clear a zoning code violation (File No. 10CE00208). The property is located at 8205 El Camino Estrada, Carmel (Assessor's Parcel Number 169-051-003-000), Carmel Valley Master Plan area.

[PLN100448, Steven C. and Frances D. Krebs Trust, 8205 El Camino Estrada, Carmel, Carmel Valley Master Plan (APN: 169-051-003-000)]

The Variance application (PLN100448) came on for public hearing before the Monterey County Zoning Administrator on December 8, 2011 Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:**

INCONSISTENCY – The Project, as conditioned, is inconsistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE:

- During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Carmel Valley Master Plan;
 - Monterey County Zoning Ordinance (Title 21);

Conflicts were found to exist with the Monterey County Zoning Ordinance Section 21.72. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The project does not meet the required minimum 20 foot rear setbacks according to Section 21.14.060.C of the Zoning Ordinance.
- c) Based on the LUAC procedure guidelines adopted by the Monterey

County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the LUAC because the project is a Variance. The project was referred to the Carmel Valley LUAC Land Use Advisory Committee (LUAC) for review on September 6, 2011. The LUAC voted unanimously (6-0-1) to support the project as proposed.

d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100448.

2. **FINDING:**

CEQA (Exempt): - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

EVIDENCE:

a) California Environmental Quality Act (CEQA) Guidelines Section 15270(a), categorically exempts projects which a public agency rejects or disapproves.

3. **FINDING:**

VARIANCE (Special Circumstance) - There are no special circumstances applicable to the subject property, including the size, shape, topography, location or surroundings, where strict application of development standards in the Monterey County Code would deprive the subject property of privileges enjoyed by other properties in the vicinity under and under identical zoning classification.

EVIDENCE:

- The property has a zoning designation of "LDR/2.5-D-S" (Low Density Residential, 2.5 acres per unit with Design Control, and Site Plan Review Overlays). All of the adjacent and nearby parcels are substandard in size ranging in size from 5,792 square feet to one acre. The subject property is similar in size to the other parcels, some are smaller and some are larger, and prior to the illegal addition the property was consistent with setbacks required for the zoning district.
- The subject property is somewhat constrained as follows: 1) the existence of a septic tank and drain field on the west side; 2) the requirement for a back-up drain field site by the Environmental Health Bureau in case of waste water system failure (these facilities are required to be setback ten feet from the property lines and the structures); 3) the protected oaks and reserve area for a back-up drain field in the front yard. However, a small (500 square foot) addition could be constructed on the subject property similar in size to the one proposed: 1) to the east of the home; 2) in the open area of the front yard outside of the area near the three protected landmark oaks, or 3) or as a second story addition. An alternative option is to not increase the size of the dwelling and leave it as it was previous to the illegal addition as depicted in Exhibit D the December 8, 2011 Zoning Administrator staff report. As there are options for an addition that could meet the zoning requirements without granting a variance, the subject property is not considered to have special circumstances in accordance with Section 21.72.040.A of the Zoning Ordinance.
- c) The project planner conducted a site inspection on September 01, 2010 to verify the circumstances related to the property.

d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100448.

FINDING:

VARIANCE (Special Privilege) - The granting of the variance would not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

EVIDENCE: a)

To determine if granting the variance would constitute a special privilege, staff compared the proposed variance request with other variances approved for parcels located in the immediate neighborhood along Meadow Road, a private road off El Camino Estrada. In all cases, on adjacent and nearby parcels where variances were granted, the lots are substandard in size and are zoned LDR/2.5-D-S-RAZ. Two of the three lots that are one acre or more are the only lots of the ten, with conforming setbacks. Five variances were granted on nearby and adjacent properties for reduced front, side and rear yard setbacks, therefore granting a variance for reduced rear setbacks on the subject property would not constitute a grant of special privilege as follows:

The most recent Variance (Kessler - File No. PLN070120) on Assessor's Parcel Number 169-051-002-000 was granted in 2009 for a reduced the rear yard setback of 11 feet allowing a nine foot rear vard setback. This property is to the west and is adjacent to the subject parcel. Similar to the subject property there was a code violation and granting the Variance corrected the violation for the construction of two illegal additions. The building envelope is limited by physical characteristics including a substandard lot size, other existing structures, 30% slopes, and required area for septic envelopes. The physical constraints cited to support the Variance included that there was there was no build able area other than the existing building footprint due to: 1) the substandard lot size (10,807 square feet); 2) the required septic system envelope; 3) 30% slopes; and 4) prior to the illegal additions, the one-story 640 square foot dwelling had only a one bedroom and one bath. Homes in the neighborhood have two to four bedrooms and two to three bathrooms and from this perspective the Kessler's were considered deprived of the privilege of a larger home without legalizing With the Kessler Variance the conditions were the two additions. different; there were no options for the addition other than the location of the existing two illegal additions, and furthermore staff found that they would be deprived of the privilege to have a larger home, a privilege enjoyed by the other properties in the area.

In 1979 a Variance (ZA03753) on Assessor's Parcel Number 169-051-005-000 was granted for reduced front, side and rear yard set backs on a corner lot where there are two front setbacks, including nonconforming setbacks. A second Variance (ZA95007) was granted in 1995 on the same parcel for a reduced front yard setback allowing an encroachment of 22 feet into one of the front setbacks. The addition increased the

nonconforming condition.

In 1994 across the street from the subject parcel on Assessor's Parcel Number 169-051-010-000 a Variance (ZA94042) was granted for a reduced front yard setback for the construction of a garage.

In 1987 a Variance (ZA06649) on Assessor's Parcel Number 169-051-007-000 allowed a reduced rear yard setback and increased the nonconforming condition.

Due to the fact that there are nonconforming setbacks on most of the nearby properties the granting of this Variance would not be considered granting a special privilege in accordance with Section 21.72.040.B of the Zoning Ordinance.

- b) The project planner conducted a site inspection on September 01, 2010 to verify the circumstances related to the property.
- c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100448.
- 4. **FINDING:** VARIANCE (Authorized Use) A Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.
 - EVIDENCE: a) The Variance is for a residential use, allowed by the zoning district, consistent with Section 21.72.040.C of the Zoning Ordinance.

 b) One of the intentions of setback regulations is to comply with Fire Comply wit
 - b) One of the intentions of setback regulations is to comply with Fire Code requirements. The Carmel Valley Fires District has found that the project complies with applicable fire Code requirements.
 - c) The project planner conducted a site inspection on September 01, 2010 to verify the circumstances related to the property.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100448.
- 5. **FINDING:** APPEALABILITY The decision on this project may be appealed to the Planning Commission.
 - **EVIDENCE:** e) Section 21.80.040.B Monterey County Zoning Ordinance (Title 21).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- 1. Find the project Categorically Exempt from environmental review pursuant to CEQA Guidelines per Section 15270(a), and
- 2. Deny a Variance to allow a reduction in rear setback requirement from 20 feet to two feet, six inches to allow a 587 square foot addition to an existing 1,315 square foot single family dwelling, and Design Approval, to clear a zoning code violation (File No.

10CE00208), in general conformance with the attached sketch attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 8th day of December, 2	2011.
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	_, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

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

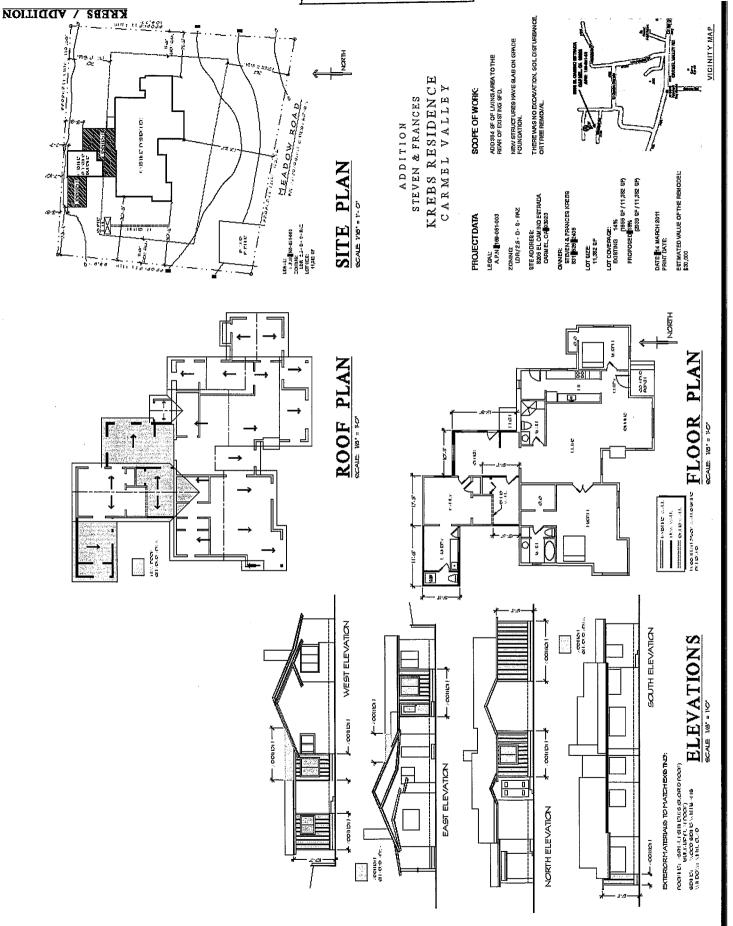
1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

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 Department and Building Services Department office in Salinas.

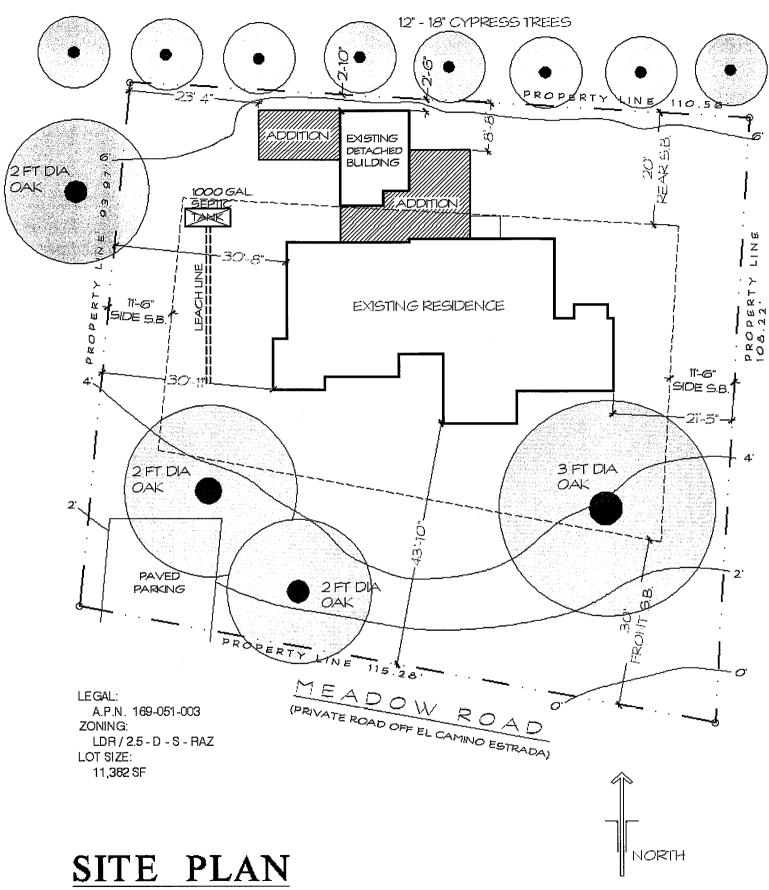
2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 09-22-2011



KREBS DESIGN GROUP ROBOX 201135 CARMELCALMONDA 50522 831 24 502

EXHIBIT C-2



SCALE: 1/6" = 1'-0"

EXHIBIT D

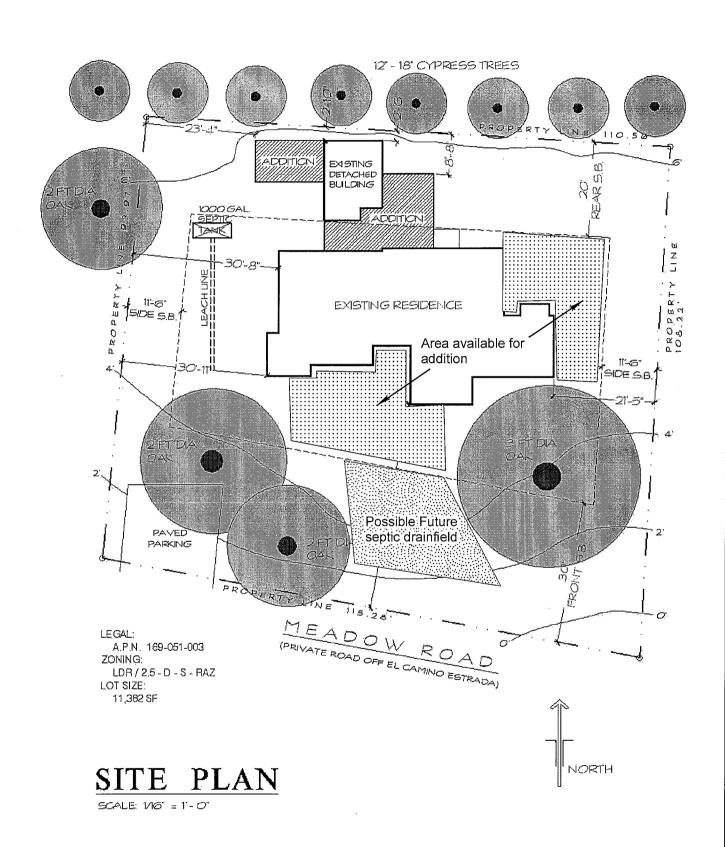


EXHIBIT E

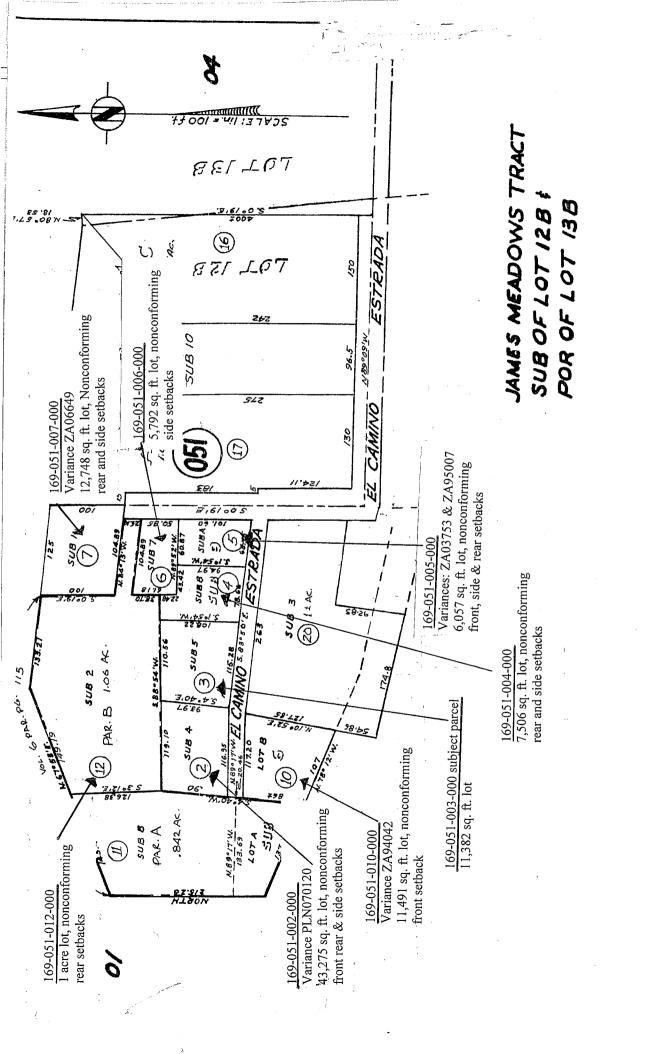


EXHIBIT F

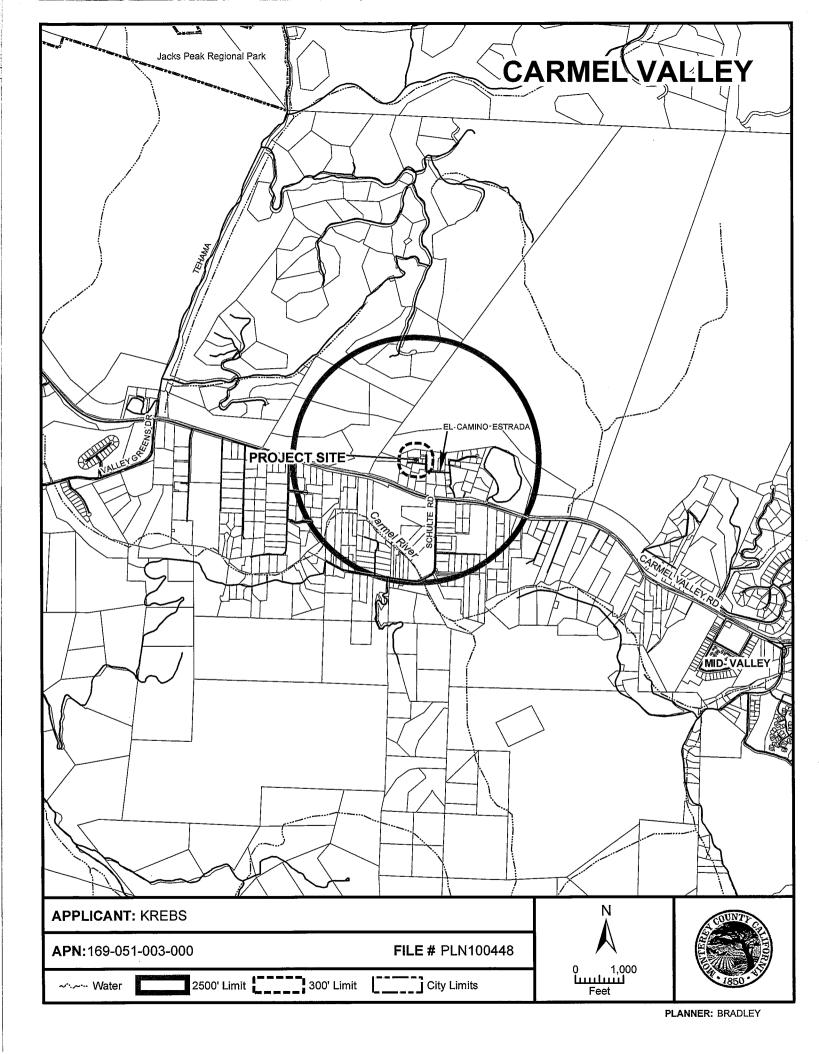


EXHIBIT G

MINUTES

Carmel Valley Land Use Advisory Committee Tuesday, September 6, 2011

PUNIO	00448
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1.	Meeting called to order by JANET BRENNAN	at 6:30 pm
2.	Roll Call	
	Members Present: John Anzini, Judy Mac Clelland,	Dong PEASE, JANET BRENI
	DAVID BURBIDGE, NEIL AGRON,	
	Members Absent: Charles FRANKIIN	RECEIVE
3.	Approval of Minutes:	SEP 19 2011
	A. July 18, 2011 minutes	MUNTEREY COUNTY PLANNING & BUILDING INSPECTION DEPT
	Motion: Tohn Anzini (LUAC Mem	ber's Name)
	Second: DOUG PEASE (LUAC Mem	ber's Name)
	Ayes:	
	Noes:	
	Absent:	
	Abstain:	
5.	Public Comments: The Committee will receive public comment on n purview of the Committee at this time. The length of individual present	on-agenda items that are within the nations may be limited by the Chair.
	JANET BRENNAN: Business center was clar to pick up the packet, so we have no pack	
	John Anzini: The CARMEL VALLEY MID VA Not Post the Notice for this meeting for the prior to the meeting.	

Scheduled Item(s) 6. 7. Other Items: Preliminary Courtesy Presentations by Applicants Regarding Potential Projects SEE ATTACHED PROject packet. B) Announcements NONE Meeting Adjourned: 3:00 8.

John Soin

Minutes taken by: JOHN ANZINI

RECEIVED

SEP 19 2011

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department 168 W Alisal St 2nd Floor Salinas CA 93901 (831) 755-5025



SEP 19 2011

Advisory Committee: Carmel Valley

Please submit your recommendations for this application by: September 6, 2011	MONTEREY COUNTY PLANNING & BUILDING			
Design Titles VDEDS STEVEN C & EDANCES D TDS	INSPECTION DEPT			
Project Title: KREBS STEVEN C & FRANCES D TRS				
File Number: PLN100448				
File Type: ZA				
Planner: BRADLEY				
Location: 8205 EL CAMINO ESTRADA CARMEL				
Project Description:				
Variance to allow a 384 square foot addition to an existing 1,655 square foot single family dwelling with a two foot rear setback where 20 feet is required, and Design Approval, to clear a zoning code violation 10CE00208. The property is located at 8205 El Camino Estrada, Carmel (Assessor's Parcel Number 169-051-003-000), Carmel Valley Master Plan area.				
Was the Owner/Applicant/Representative Present at Meeting? Yes No				
Frances Krebbs				
Was a County Staff/Representative present at meeting? NO	(Name)			
PUBLIC COMMENT:				

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	(suggested changes)
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		,	

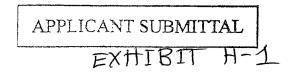
LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
Site Lot Coverage Building SET BACKS		

ADDITIONAL LUAC COMMENTS

RECO	MMENDAT	ION:		
	Motion by:	JOHN 1	w zini	(LUAC Member's Name)
	Second by: _	DAULD	BURBIDGE	(LUAC Member's Name)
X	Support Pro	ject as propose	ed	
	Recommend	l Changes (as i	noted above)	
	Continue the	tem		PECENTE P
	Reason for	Continuance: _		RECEIVED
	Continued to	what date:		SEP 1.9 2011
AYES:	6			 '
NOES:	<u> </u>			PLANNING & BUILDING INSPECTION DEPT
ABSE	NT:			
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EXHIBIT H



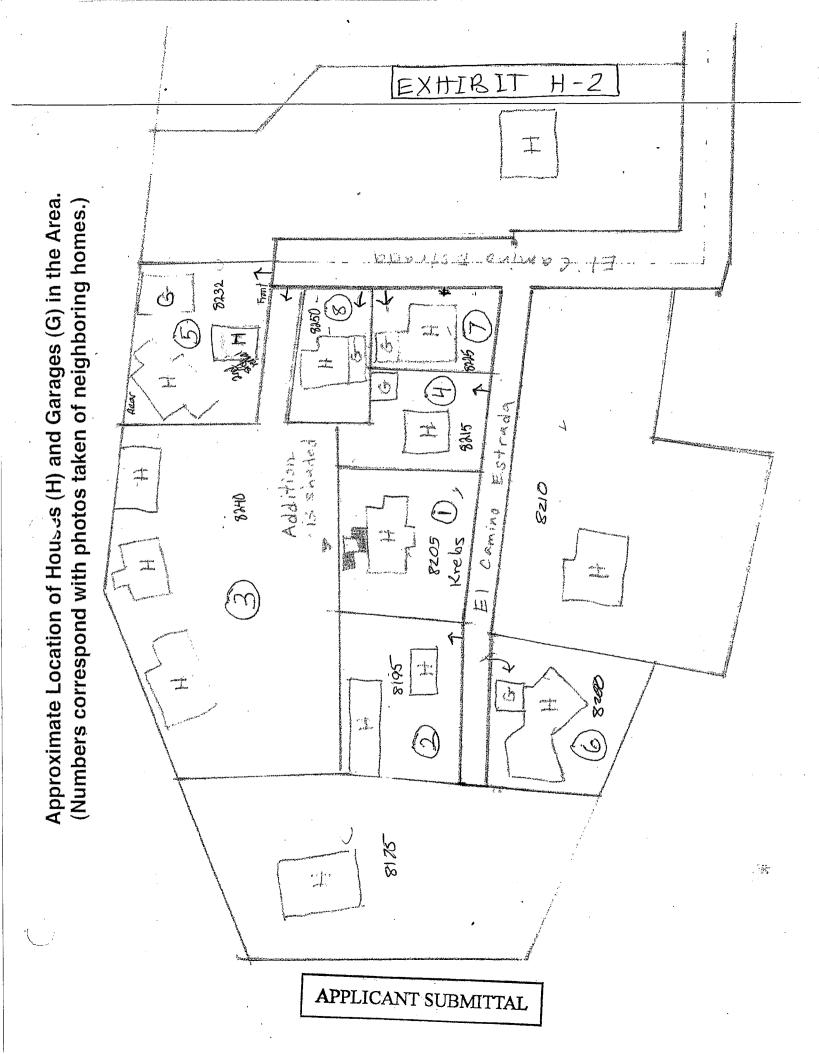
Krebs PLN 100448 Revised 8/18/11

Arguments in Favor of Granting Variance

Arguments in favor of granting a variance for approval of the addition into the rear setback of 8205 El Camino Estrada, Carmel, CA 93923 are as follows:

- 1. The majority of the neighbors support the variance, and are in favor of allowing the 391 SF addition which adds square footage towards the rear of the property by attaching the existing detached 196 SF guest room to the main house, thereby leaving the view of the house from the street unchanged. We have seven letters of support from our neighbors, including every neighbor with property contiguous to ours. (Note: 127 SF of the addition is not within the setback; 264 SF of the addition is within the setback, and therefore requires a variance.)
- 2. The majority of homes in the immediate vicinity of 8205 El Camino Estrada are built within the rear and side setbacks. Therefore, the subject property should also be entitled to have living space within the same areas of the property. The entire neighborhood was built before setback regulations were established. Of the ten properties in our immediate area, eight of them have structures built within the setbacks. The other two that conform to current setback regulations are on very large lots.
- 3. 8205 El Camino Estrada is one of the original homes built in the area. The Carmel stone front of the house establishes the character of the the neighborhood. Adding onto the front of the house would radically change the feel of the neighborhood, and would not, therefore, be supported by the neighbors.
- 3. There are several large, old oak trees in the front yard that would be disturbed if an addition were built onto the front of the house. The County of Monterey supports the protection of oaks.
- 4. The flat area in front of the house that is not within the restricted front setback is the only area on the property that is appropriate for a placement of back up septic tank and leach field, should the existing leach field fail. Building an addition within this area would be foolish and shortsighted.
- 5. Whereas the County of Monterey would allow a second story addition on the property, the neighbors would object because it would negatively impact their views, and alter the character of the neighborhood. Most of the letters of support for the addition in the rear also specify that they would object to a second story addition.
- 6. The lot is 1/4 acre. The maximum allowable lot coverage is 35%. The existing house with the addition covers only 17% of the lot far less than what is allowed.
- 7. The existing detached guest room (that was connected to the main house with the addition in question) has been used by the owner as a third bedroom since they bought the house. Per County of Monterey Building Department, no permits exist for this structure. The Assessor's Office, however, has assessed to property for a 1315 SF main house and a 379 SF garage and guest room, and the owners have paid this assessment for the entire 8+ years that they have owned the property. (Note: the detached guest room is 196 SF, and there is no garage.) Per the Planning Department, this variance is therefore required to legally keep the formerly detached guest room.
- 8. In July of 2007, our next door neighbor was granted a variance to legalize two additions that were built without permits (411 SF), both of which encroached into the rear setback.
- 9. The addition was done by a licensed contractor. The Building Department has indicated that with minor modifications, a building permit could be issued for the work done.
- 10.If the variance is not granted, the owners will still want to increase the value of their home by either building a second story addition or adding onto the front of the house neither of which would gain the approval of the neighborhood.

- 11. The addition, as it stands, is designed to have the least possible impact on the neighborhood. The advantages are as follows:
 - a. The addition is very low profile.
 - b. It cannot be seen from the street.
 - c. No grading was required for the addition.
 - d. No trees had to be trimmed or removed in order to build the addition.
 - e. It does not alter the character of the neighborhood.
 - f. The floor plan, roof plan, and exterior finishes tie in nicely to the existing house. It looks as if it were part of the original structure.
 - g. It is either not visible, or just barely visible, from all neighboring properties.
 - h. Because a flat roof is used, the addition to the east of the existing guest studio only extends one foot above the top of the rear fence.
 - i. The objective of making the house more valuable by adding square footage is achieved with only a minimal-sized addition because the design utilizes the square footage of the existing guest studio by incorporating it into the main living area of the house.
 - j. The house with the addition, in terms of its size, and number of bedrooms, it is in keeping with typical modern homes. Without the addition, it is below average, which reduces its market value of the home.





8205 El Camino Estrada

Photos on right: Top: View from southeast Middle: View from southwest

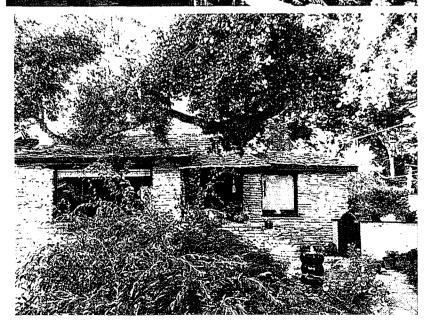
Bottom: Front view





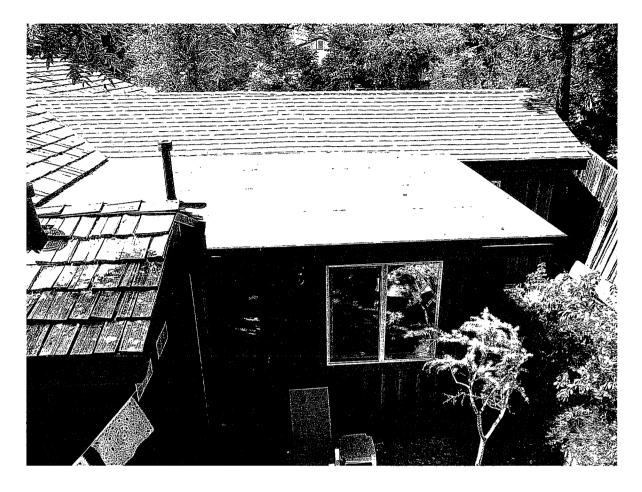
Front entry







8205 El Camino Estrada - Addition

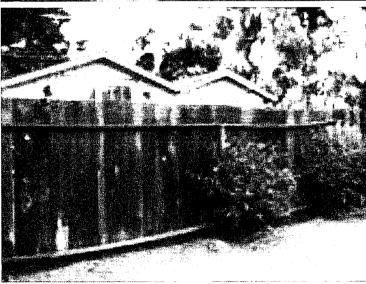


Flat roof ties into existing house (on left), and into gable roof of existing guest studio (behind addition.) Guest house gable was extended to meet roof of existing house. Note - height of addition roof similar to height of rear fence.



Nearby Neighbor (next door)

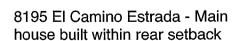




8195 El Camino Estrada - Guest house built in front setback.



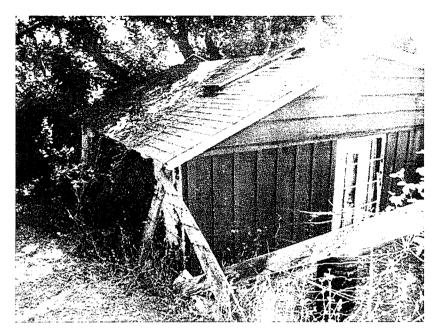
8195 El Camino Estrada - Main house built along the side property line. (Stone side wall of house as seen from 8175 El Camino Estrada.)







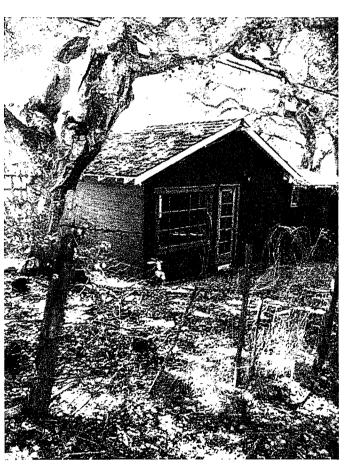
Nearby Neighbors (Property directly behind 8205 El Camino Estrada)



8240 El Camino Estrada: House #1 - Built on rear property line.



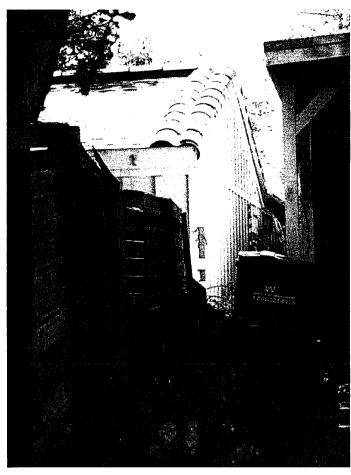
8240 El Camino Estrada: House #2 = built within rear setback.



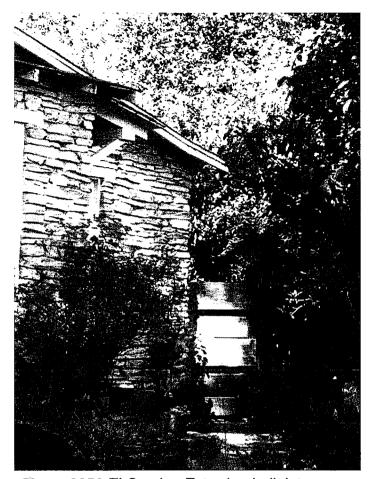
8240 El Camino Estrada: House #3 - Built within rear setback.



Nearby Neighbors



8215 El Camino Estrada - garage built on rear property line. (Next door neighbor.)

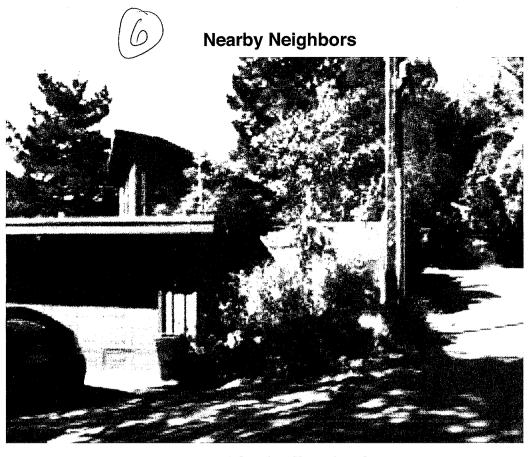


8250 El Camino Estrada - built into the side setback.



8232 El Camino Estrada - house built along the rear property line.





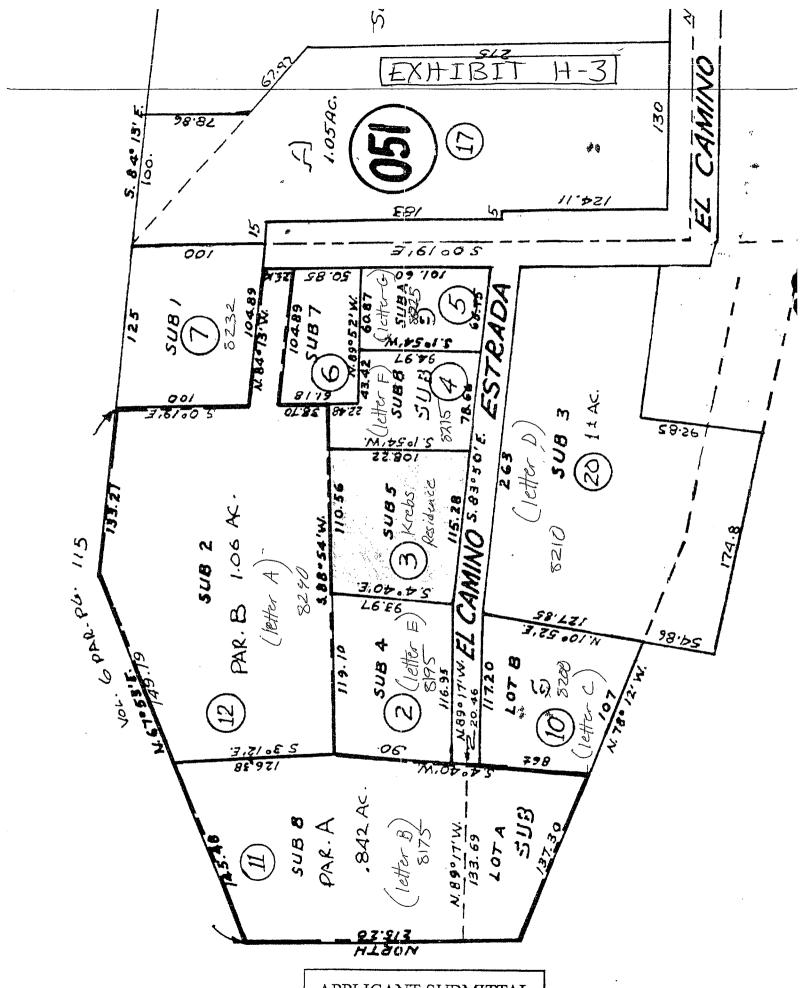
8200 El Camino Estrada - Garage within front setback. (Across street.)



8225 El Camino Estrada - built within front setback. (Two doors down.)



8225 El Camino Estrada - also built within rear setbacks.



APPLICANT SUBMITTAL

Letter A

Robert and Helena Greenwood 8240 El Camino Estrada Carmel, CA 93923

November 15, 2010

Attn: Monterey County Planning Department

We own the large parcel of land directly behind Steven and Frances Krebs. We undoubtedly would be the most affected by development on their parcel.

We will offer the Krebs our support for their addition, as built, within the rear setback of their property. It is barely visible and has minimal impact on us. We would not, however, be in favor of any addition that would be a second story.

Thank you,

Robert Greenwood, H

Melena green wood
Helena Greenwood

Cc: Steven and Frances Krebs

Dennis and Ginger Ward 8175 El Camino Estrada Carmel, CA 93923

September 14, 2010

Re: Support for Krebs addition

To whom It may Concern:

We live on the same private road off of El Camino Estrada as Steven and Frances Krebs. I understand that they have applied for an exception to do a small one story addition within the rear setback of their property. We are writing this letter to voice our support for approval of this request for the following reasons:

- 1. The majority of homes in this neighborhood were built before most Planning and Building Department codes were established, including many that are built within the current setbacks. The Krebs should be entitled to have living areas within the same areas of their property as the adjacent homes.
- 2. They own one of the original Carmel stone houses in the vicinity, that adds charm and character to the neighborhood. I would much prefer for them to do an addition to the rear of the property that is virtually unnoticeable from the street, than an addition in the front, which would ruin the character of the home and the neighborhood.
- 3. We love all of the large, mature oaks in their front yard, which we do not want to see removed or cut back. An addition to the front would require drastic pruning of these trees.

Please grant them approval for their request.

Best regards,

Dennis Ward and Ginger Ward

Barbara and lan Trask

8200 El Camino Estrada Carmel, CA 93923

September 26, 2010

Please grant permission to Steven and Frances Krebs for building an addition within their rear setback.

We live diagonally across the street. We were given permission to build a garage within the front setback of our property because the placement of the garage worked well with the existing layout of our house and yard. The Krebs' addition is also built in the most logical area of their property to add living area to the house. By connecting the existing guest studio, the addition is effective in extending the house, while only adding on a limited number of square feet. It works much better with their floor plan than adding even more square footage. towards the front. It is also pleasing to us, and other neighbors, to leave the historical character of their house unchanged. Their addition maintains the historic feel of the neighborhood by building into the setbacks of the property in the same manner as the other houses that were built about the same time. Not only should the Krebs' be entitled to the same rights as their neighbors, but their neighbors should also be entitled to maintain the existing feel of the neighborhood. We feel that it is reasonable for us to request that if an addition can be built without having on impact on the neighborhood, then the addition should be built in that portion of the property. The Krebs addition fulfills this criteria very nicely.

Please support their request.

Sincerely,

Barbara Trask and Ian Trask

Letter D

Lucretia Butler
8210 El Camino Estrada
Carmel, CA 93923

October 6, 2010

To Whom It May Concern:

My husband and I own the house directly across the street from Steven and Frances Krebs. Their house is a lovely old Carmel stone house with lots of huge oak trees in the front. It sets the historic tone of the neighborhood. I would not be in favor of an addition to the front of their house whether or not it was within the setbacks, because a front addition would change the nature of the neighborhood. Therefore they have my support for the modest, low profile, one story addition that they built to the rear of their property which happens to be within the rear setbacks.

Several of the older homes in the neighborhood were built before the current setbacks were established. I would much prefer for the Krebs to add to the square footage of their home in the back of their property where it would not be noticed rather than destroy the looks of the front of their home or detract from the neighborhood by adding a second story that would loom over the other stone cottages that are currently in the neighborhood.

Sincerely,

Lucretia Butler

Lugartia Butler

Sonja Jegat 27540 Schulte Rd. Carmel, CA 93923

September 28, 2010

To Whom it May Concern

As owner of the house just to the west of Steven and Frances Krebs, at 8195 El Camino Estrada, I am writing to voice my support for their addition. It is the best way for them to add square footage to their house because it has no impact on the neighborhood. I would not like to see an addition to the front of their house, or a two story addition because it would change the nature of the neighborhood. Like most houses in the area, my house is built in the setbacks, so they should be allowed to use the same areas of their property in the same way.

Regards,

Sonja Jegat

Calvin Krebs and Therese DiBenedetto 8215 El Camino Estrada Carmel, CA 93923

September 18, 2010

We live next door to the Krebs. We are in favor of their request for an exception to allow an addition within the rear setback of their property that would attach the existing rear studio to the house.

Our house is closer to their house than any other houses on the adjoining lots. We think that their addition is the best possible way for them to add onto their house because their addition is unnoticeable from our house or from other nearby houses. It is nice that the front of the house is unchanged, It would be a shame to change the front stone facade of their house, or to have to cut back any of the old oaks on their property just in order to make a bigger house.

Besides, so many houses in the immediate vicinity are built within the setbacks, that is would not be fair to deny them that same privilege.

Please grant them approval.

Sincerely,

Calvin Krebs and Therese DiBenedetto

Letter G

Chris Keehn 8225 El Camino Estrada Carmel, CA 93923

October 8, 2010

To Monterey County Planning Department:

I live two doors from Steven and Frances Krebs. I understand that they are applying for permission to keep the addition to the rear of their home, and I understand that this addition lies within the rear yard set back.

I strongly support their receiving approval for the addition as it is currently constructed. Their house, as viewed from the street, is one of the most attractive homes in the entire neighborhood. The addition to the rear of their house is greatly preferable to adding on the front of the house, or adding a second story addition. A front yard or second story addition would negatively impact the neighborhood.

My house and many of the houses in the neighborhood encroach on side and rear yard setbacks. I strongly feel everyone in this neighborhood of small lots should have equal right to use of their property. If guidelines exist for a front setback, then they should also apply to rear setbacks.

The Krebs addition has no negative impact on the neighborhood and should be granted. Thank you for consideration of this matter.

Cordially.

Chris Keehn

EXHIBIT I

EXHIBIT I

	MONTEREY COUNTY BUILDING	IT NO. AREA CODE
1-28-85 85-47	DATE ISSUED	5538 c 434
BLOCK RACTISUED James Meadows	SET BACKS (IN FEET).	VALUATION
ET (ADDRESS) ASSESSOR'S PARCEL NO.	FRONT SIDE SIDE REAR	33,200
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REST CROSS STREET POST OFFICE Carmel	ZONE BLDG. TYPE	RESIDENTIAL 263.75
NER: PHONE Sherry Blair	RECEIPT NO.	COMMERCIAL GRADING
SIRETTY BLATT LING ADDRESS Same	PCM 38789	PLUMBING ELECTRICAL
PHONE:	CATEGORICALLY EXEMPT -34(Zb) ASSESSMENT REQ'D	MECHANICAL
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BUILDING ELECTRICAL NDATION FORMS B (C) (BS R) TEMPORARY SERVICE UNDERGROUND OR VAGE FORMS UNDER CONCRETE NORETE BLOCKS PROUGH ELECTRIC ELECT: SERVICE FINAL ELECTRIC OF SHEATHING: 13 VILLETIAL 4 2-2 GSR OF SHEATHING: 13 VILLETIAL 4 2-2 GSR OF SHEATHING: 13 VILLETIAL 4 2-2 GSR SUBSTRICT METER AUTH AMING: 14 VILLETIAL 4 2-2 GSR SOFING REPLACE FOUNDATION HROAT/DAMPER COMBUSTION AIR CHIMNEY	PLUMBING PLASTERING ROUGH RUMBING ROUGHHEATING UT A STATE STORY ROUGHHEATING UT A STATE STORY GAS PRESSURE: SHEET ROCK NAILUNG: 7/3. FIRST SEWER FINAL PLUMBING FINAL HEATING: FINAL GAS SEPTIC TANK GAS METER AUTH. PG & E CALLED PG & E CALLED PLASTERING LATH-EXTERIOR LATH-EXTERIOR FINE SEPARATION FINAL PLUMBING OTHER REPAIR REPAIR GRADING PG & E CALLED PG & E CALLED PG & E CALLED PLASTERING LATH-EXTERIOR LATH-EXTERIOR FINE SEPARATION ALTER REPAIR GRADING GRADING

8/1/285 For Final: For Final:

>C Provide access 22" X 30" for attic.

Check water pipe bond.

Need weather stripping on all exterior doors:

Complete electrical fixtures. Charles on about the said the Need to paint ABS vent pipe.
Complete kitchen hoodvent: Have door for underfloor access. **的协杂** BENESIS BOOK STORES BOOK STORES Segues:

11056 GRAPE STAKE FENCE -EXISTING SHED 25.0 PROPOSED ADDITION WIRE WESH FENCE 045 50 PT 20.0 PIDE SELDYCK