

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 020601

A.P. # 416-022-016-000

In the matter of the application of  
**Robert A. Williams TR et el. (PLN020601)**

**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 a carport to encroach into the front yard setback, and portions of a 590 sq. ft. addition to encroach a maximum of 11 feet into the 20 ft. front yard setback and Design Approval for construction of the minor addition of 590 sq. ft. total sq. ft. to existing 670 sq. ft. single family residence; the project also includes construction of a 192 sq. ft. accessory structure (carport and trellis), located at 27651 Schulte Road, Carmel Valley area, came on regularly for hearing before the Zoning Administrator on October 30, 2003.

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

1. **FINDING:** The proposed project (PLN020601) as described in Condition No. 1 and as conditioned conforms with the plans, policies, requirements and standards of the General Plan, Carmel Valley Master Plan and Monterey County Zoning Ordinance (Title 21). The property is the Williams residence located at 27651 Schulte Road, Carmel Valley (Assessor's Parcel Number 416-022-016-000). The parcel is zoned Low Density Residential/Design Approval/ Building Site ("LDR/2.5-D-S). The land use entitlements conferred by this permit shall not commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. The subject site 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:** (a) The application and plans submitted for the Variance and Design Approval in project file PLN020601 at the Monterey County Planning and Building Inspection Department.  
(b) Design Approval Request form with plans and a recommendation for approval (4-0) from the Carmel Valley Land Use Advisory Committee.  
(c) Site visit by staff and project designer on September 9, 2003.  
(d) There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The Monterey County Planning and Building Inspection Department, Water Resources Agency, the Carmel Valley Fire Department, Public Works Department and Environmental Health Division have reviewed the project. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
2. **FINDING:** 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.

- EVIDENCE:** (a) Project Plans in PLN020601 and a site visit by staff on September 9, 2003 indicate that approximately 1.6 acres out of the 1.9 acre parcel are slopes over 30 percent. A non-exclusive 20' wide road and utility right of way which provides access to the adjacent parcel to the east runs parallel to the front yard property line. The existence of this right of way further constrains available building sites on the parcel because it consumes relatively flat, potential building areas that cannot be utilized.
- (b) Staff inspection of the site on September 9, 2003.
- (c) Section 21.06.1030 of the zoning code establishes that front yard setbacks are measured from "...private or public road right-of-way(s) ..."
- (d) Project Plans in PLN020601 and the Assessor's Parcel Map demonstrates that the parcel is an irregularly shaped "flag" lot. The siting of the existing dwelling on this lot – in relation to the driveway and front yard setback is a special circumstance which severely limits available building areas, or areas to expand.

3. **FINDING:** The habitable living space in the existing dwelling is disproportionately constrained for a 1.9 acre parcel and constitutes a "special circumstance."

- EVIDENCE:** (a) The existing building site coverage for the 670 sq. ft. dwelling is less than one percent for the 1.9 acre parcel. Section 21.14.060(E) allows 25% building site coverage. This demonstrates the effect of the irregular parcel size, the abundance of slopes over 30 percent and the placement of the existing dwelling on the parcel near the right of way.
- (b) Site visit by staff and the applicant on September 9, 2003.

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:** (a) Project Plans in PLN020601 and a site visit by staff on September 9, 2003 indicate that approximately 1.6 acres out of the 1.9 acre parcel are slopes over 30 percent. A non-exclusive 20' wide road and utility right of way which provides access to the adjacent parcel to the east runs parallel to the front yard property line. This right of way further constrains available building sites on the parcel because it consumes relatively flat, potential building areas that cannot be utilized.
- (b) The existing building site coverage for the 670 sq. ft. dwelling is less than one percent for the 1.9 acre parcel. Section 21.14.060(E) allows 25% building site coverage. This demonstrates the effect of the irregular parcel size, the abundance of slopes over 30 percent and the placement of the existing dwelling on the parcel near the right of way.
- (c) Materials in Project File PLN020601 and site visit by staff on September 9, 2003.
- (d) On March 3, 2003, the Carmel Valley Land Use Advisory Committee vote 4-0 to recommend approval.

5. **FINDING:** The approved project will not have a significant adverse impact on the environment.

- EVIDENCE:** (a) Section 15303(a) of the California Environmental Quality Act Guidelines (New Construction or Conversion of Small Structures) categorically exempts this project from environmental review.

(b) Application materials in project file PLN020601

(c) There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the Carmel Valley Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

**6. FINDING:** The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

**EVIDENCE:** (a) The project as described in the application and accompanying materials was reviewed by the Planning and Building Inspection Department, Environmental Health Department, the Public Works Department, Carmel Valley Fire District, and the 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.

(b) Application materials in project file PLN020601.

### **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 proposed project (PLN020601) consists of a variance to allow a carport to encroach into the front yard setback, and a maximum of an 11 ft. encroachment into the front yard setback for a 189 sq. ft. addition to the east elevation, a maximum 3 ft. encroachment into the front yard setback for a 401 sq. ft. addition to the west elevation, and a 7' encroachment to the front yard setback for a new deck. The project also includes construction of a 12' x 16' accessory structure (carport and trellis); and Design Approval for the addition(s) and accessory structure. The property (Assessor's Parcel Number 416-022-016-000) is located at 27651 Schulte Road, Carmel Valley, Carmel Valley Master Plan Area. The land use entitlements conferred by this permit shall not 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 and all construction must be established as consistent with the Monterey County General Plan and the Low Density Residential/2.5- Design Approval – Building Site (LDR/2.5-D-S) Zoning District in Title 21 of the County Code, the Carmel Valley Master Plan and must be in conformance with the terms and conditions of this permit. 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 #020601) was approved by the Zoning Administrator for Assessor's Parcel Number 416-022-016-000 on October 30, 2003. The permit was granted subject to 20 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. Prior to issuance of a building permit, obtain a new water system permit from the Division of Environmental Health. **(Environmental Health Department)**
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)**
5. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**
6. Trees in close proximity to the construction sites shall be protected by the placement of construction barrier fencing. Fill soil shall not be placed against the base of the trunks and soil depth shall not be increased at the feeding zone or drip line of impacted trees. Said protection shall be demonstrated photographically by the applicant and/or by the project planner's on-site inspection prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**

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

7. The grade for all roads, streets, private lanes, and driveways shall not exceed 15 percent. **(Fire District)**
8. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Fire District)**
9. 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. **(Fire District)**
10. Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction. **(Fire District)**
11. A minimum fire protection water supply of 3,000 gallons shall be provided regardless of parcel size. Minimum storage requirements for single family dwelling may be reduced to 2,000 gallons if an approved automatic fire sprinkler is required. **(Fire District)**
12. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet or further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. **(Fire District)**
13. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. **(Fire District)**
14. Each hydrant/fire valve or access to water shall be identified as follows:
  1. If located along a driveway, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be located on the driveway address sign and mounted on a fire retardant post, or

2. If located along a street or road, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be mounted on a fire retardant post. The sign post shall be within 3 feet of said hydrant/fire valve, with a sign no less than 3 feet or greater than 5 feet above ground, in a horizontal position and visible from the driveway. **(Fire District)**
15. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Fire District)**
16. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:  
  
*"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval, and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection."* **(Fire District)**
17. All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface, shall require Class A roof construction. **(Fire District)**
18. 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 & Planning and Building Inspection)**
19. Exterior lighting shall be down lit, 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 Department)**
20. The site shall be landscaped. At least three weeks prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Trees shall be provided to assist in screening the western addition from the neighboring property. The trees shall be a relatively fast growing, drought tolerant species. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be

submitted to the Monterey County Planning and Building Inspection Department. 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 Department)**

**PASSED AND ADOPTED** this 30th day of October 2003.

Original Signed By:
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MIKE NOVO  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

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

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 Salinas.

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