

In the matter of the application of
Kenneth and Marianne Dekker (PLN060475)

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 an eight foot side yard setback reduction thereby decreasing the existing setback requirement from 20 feet to 12 feet, and Design Approval for a partially constructed 272 square foot master bedroom addition to an existing 3,771 square foot residence. This permit is to clear CE050382. No grading or tree removal is proposed. The property is located at 18 Mentone Drive, Carmel Highlands, Carmel Land Use Plan, and came on regularly for hearing before the Zoning Administrator on January 11, 2007.

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: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, the Carmel Area Land Use Plan, the Carmel Area Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.
EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. 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 property is located at 18 Mentone Drive, Carmel (Assessor's Parcel Number 243-193-002-000), Carmel Area Land Use Plan. The parcel is zoned Low Density Residential, one acre per unit, Design District Overlay, in the Coastal Zone ("LDR/1-D (CZ)"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.
(c) The project planner conducted a site inspection on December 4, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
(d) The project is not visible from a public viewing area, nor is development proposed on slopes greater than 30%.
(e) The project as proposed does not include the removal of trees or other major vegetation.
(f) Due to the request for a Variance, the project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC). On October 16, 2006, the LUAC recommend approval of the project 5-0.
(g) 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 PLN060475.
2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.
EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Highlands Fire Protection District, Public

Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) Technical reports by outside archaeological consultants indicated that there are not physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following report has been prepared:

"Preliminary Archaeological Reconnaissance of Assessor's Parcel 243-193-002-000, in Carmel Highlands" (LIB060617) prepared by Mary Doane and Gary Breschini, Salinas, California, September 12, 2006.

- (c) Staff conducted a site inspection on December 4, 2006 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN060475.

3. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review.

EVIDENCE: (a) California Environmental Quality Act (CEQA) Guidelines Section 15301(e), categorically exempts additions to existing structures.

- (b) No unusual circumstances were found to exist that would cause a potential significant environmental impact to occur.
- (c) The proposed building site avoids all slopes greater than 30%, the project does not require the removal of any trees, and the archaeological report submitted for the project determined there are no sensitive archaeological resources located on the site.
- (d) See preceding and following findings and supporting evidence.

4. **FINDING: NO VIOLATIONS** – With the issuance of this permit the subject property will be in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff verification of the Monterey County RMA-Planning Department and Building Services records indicated that no violations exist on the subject property except for those which would be corrected through this permit.

5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

6. **FINDING: VARIANCE (Special Circumstances)** – Because of special circumstances applicable to the subject property the strict application of Title 20 is found to deprive subject property of privileges enjoyed by other properties in the vicinity under identical zone classification.

EVIDENCE: (a) Surrounding vacant portions of the site include slopes ranging from 30 to 60%.
(b) Construction of the addition in any other location of the parcel would require removal of protected trees.
(c) Existing development precludes the relocation of the addition.
(d) The applicant's letter of justification for the Variance in file PLN060475.
(e) A site visit by the project planner on December 4, 2006.

7. **FINDING: VARIANCE (Special Privileges)** – 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) A Variance for the reduction of a side yard setback from 20 feet to 12 feet (PLN020241/Hansen) was granted by the Zoning Administrator on October 10, 2002 for a property at 229 Lower Walden Road (APN 241-241-007-000).

(b) A Variance for the reduction of a side yard setback from 20 feet to nine (9 feet (PLN303263/Garren) was granted by the Zoning Administrator on April 29, 2004 for a property at 225 Lower Walden Road (APN 241-241-001-000).

(c) See Finding #6

8. **FINDING: VARIANCE (Granting a Special Use or Activity)** – 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: (a) The use proposed is allowed per Section 20.14.040 of the Zoning Regulations (Title 20) for the “LDR” district.

(b) The use proposed is consistent with the Carmel Area Land Use Plan and the Carmel Area coastal Implementation Plan.

(c) See Finding #6

9. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Section 20.86.030 Monterey County Zoning Ordinance (Title 20).

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 attached conditions.

PASSED AND ADOPTED this 11th day of January, 2007.



JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JAN 19 2007

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 JAN 29 2007

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.

Ordinance (Title 20).

Resource Management Agency - Planning Department
 Condition Compliance & Mitigation Monitoring and
 Reporting Plan

Project Name: Dekker, Kenneth and Marianne
 File No: PLN060475 APN: 243-193-002-000
 Approval by: Zoning Administrator Date: January 11, 2007

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

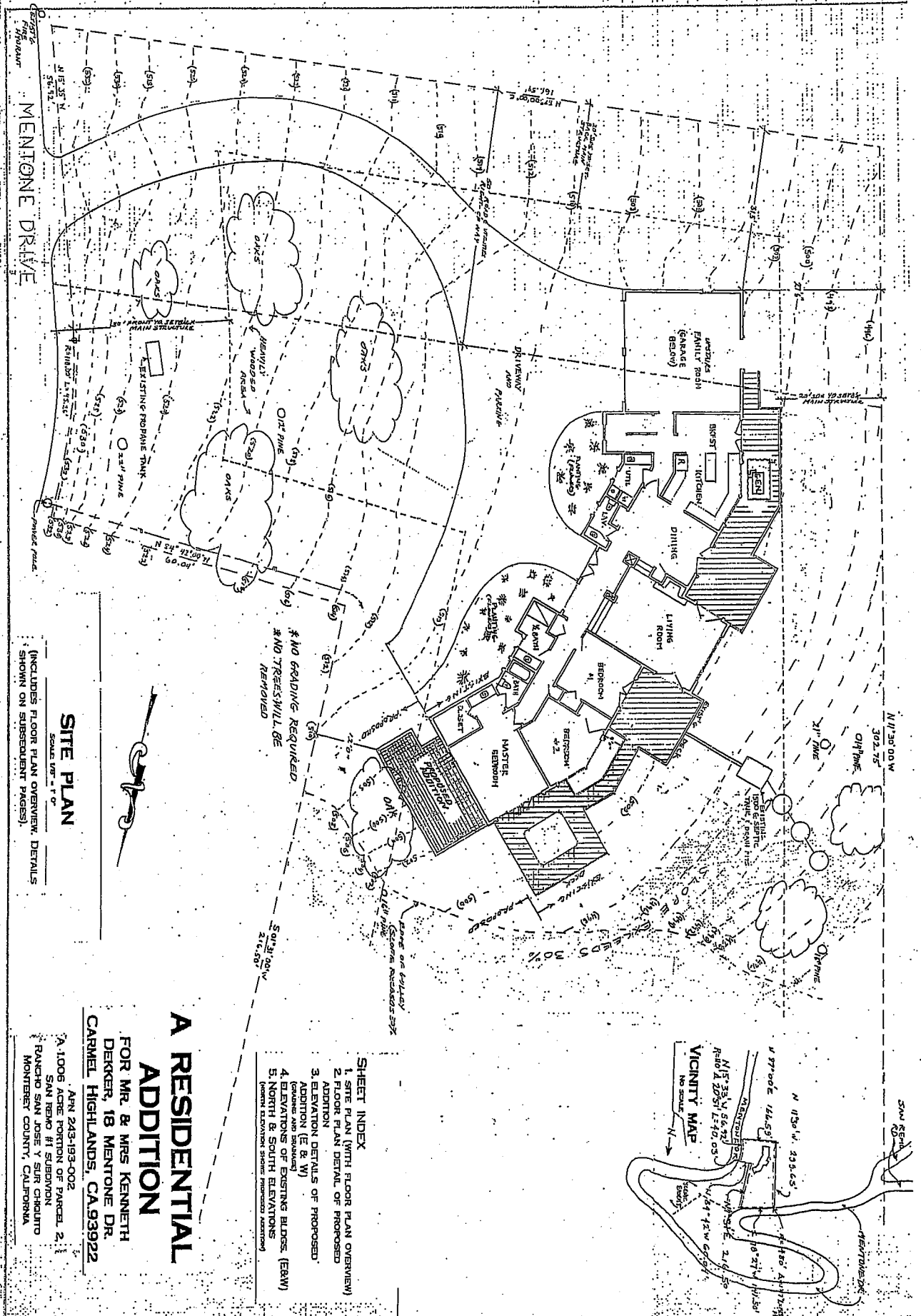
Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed: Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verifi- on of Compli- ance (name/dat e)
1.		<p>PD001 - SPECIFIC USES ONLY This permit (PLN060475) includes a Variance to allow an eight foot side yard setback reduction thereby decreasing the existing setback requirement from 20 feet to 12 feet, and Design Approval for a partially constructed 272 square foot master bedroom addition to an existing 3,771 square foot residence. The property is located at 18 Mentone Drive (Assessor's Parcel Number 243-193-002-000), Carmel Area Land Use Plan. This permit was approved 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 the RMA - Planning Department. 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. To the</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

		<p>extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.</p> <p>(RMA - Planning Department)</p>			
2.		<p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 060475) was approved by the Zoning Administrator for Assessor's Parcel Number 243-193-002-000 on January 11, 2007. The permit was granted subject to <u>6</u> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.</p> <p>(RMA - Planning Department)</p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits or commencement of use.</p>
3.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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 a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning 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</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. 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.</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>

		proper mitigation measures required for the discovery. (RMA - Planning Department)				
4.		PD021 - DEED RESTRICTION - FIRE HAZARD Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "The parcel is located in a high fire hazard area and development may be subject to certain restrictions required as per Section 20.146.080.D.3. of the Carmel Area Coastal Implementation Plan and per the standards for development of residential property." (RMA – Planning Department)	Submittal of approved and Recorded Deed Restriction to RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
5.		PBDSP01-TREE PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment. Upon completion of construction, remaining trees shall continue to exist in a vital and healthy manner.	Submittal of photographic and written evidence from a certified Arborist that the construction of the addition has not harmed the existing adjacent oak tree.	Certified Arborist/ Owner/ Applicant	Prior to final building inspection.	
5.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Owner/ Applicant	Prior to issuance of building permit.	
			Applicant shall schedule fire department clearance inspection.	Owner/ Applicant	Prior to final building inspection	

		<p>along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance.</p> <p>(Carmel Highlands Fire Protection District)</p>				
6.		<p>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection.</p> <p>(Carmel Highlands Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Owner/ Applicant</p>	<p>Prior to issuance of grading and/or building permit.</p>	
			<p>Applicant shall schedule fire dept. clearance inspection.</p>	<p>Owner/ Applicant</p>	<p>Prior to final building inspection</p>	

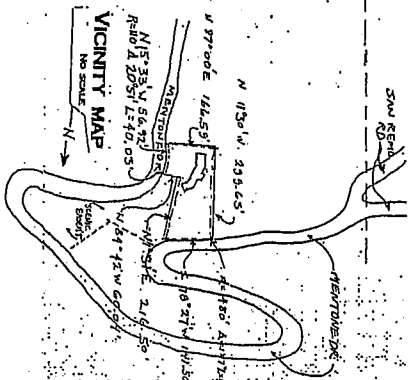
END OF CONDITIONS



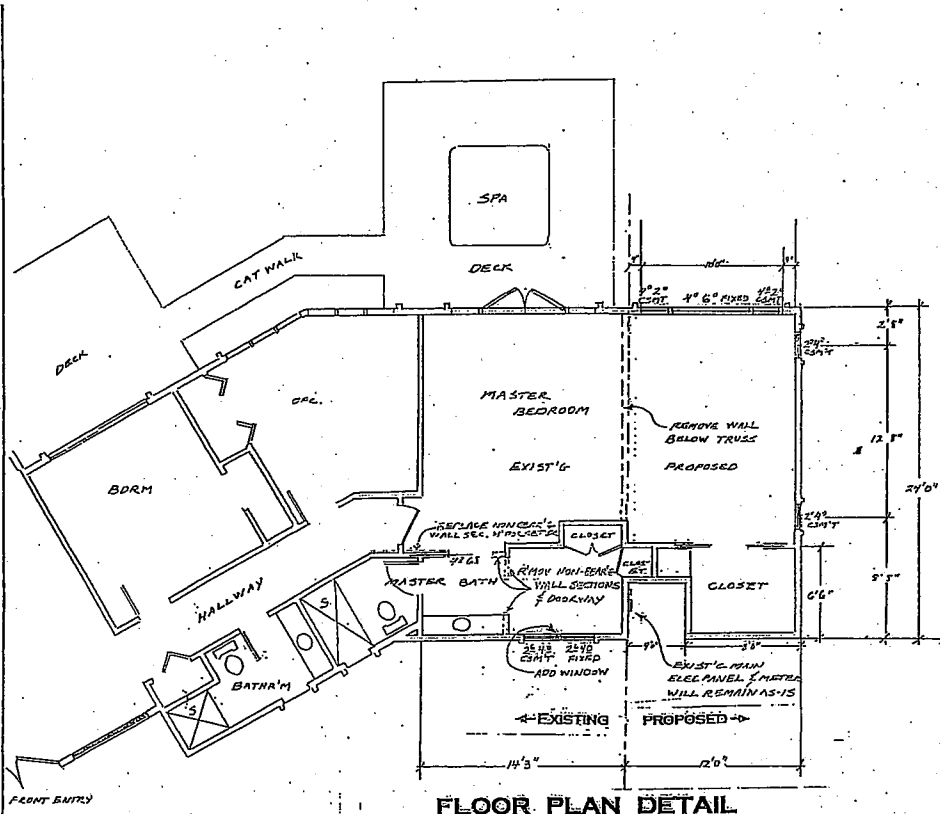
SITE PLAN
 SCALE: 1/8" = 1' 0"
 (INCLUDES FLOOR PLAN OVERVIEW. DETAILS SHOWN ON SUBSEQUENT PAGES)

A RESIDENTIAL ADDITION
 FOR MR. & MRS. KENNETH DEKKER, 18 MENTONE DR.
 CARMEL HIGHLANDS, CA 93922
 APR 24/3-193-002
 A 1.008 ACRE PORTION OF PARCEL 2,
 SAN BENITO #1 SUBDIVISION
 RANCHO SAN JOSE Y SUR CHICUATO
 MONTEREY COUNTY, CALIFORNIA

- SHEET INDEX**
1. SITE PLAN (WITH FLOOR PLAN OVERVIEW)
 2. FLOOR PLAN DETAIL OF PROPOSED ADDITION
 3. ELEVATION DETAILS OF PROPOSED ADDITION (E & W) (EASTERS AND WESTERS)
 4. ELEVATIONS OF EXISTING BLDGS. (E&W) (NORTH & SOUTH ELEVATIONS) (NORTH ELEVATION SHOWS PROPOSED ADDITION)



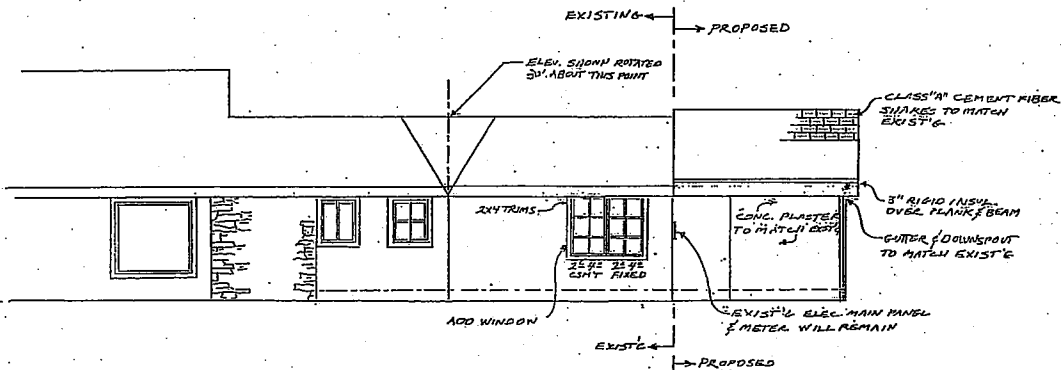
<p>1 of 5</p>	<p>SITE PLAN PROJECT: MR. AND MRS. KENNETH DEKKER</p>	<p>Professional House Doctors Construction and Design 23 PASEO PRINCERO SALINAS, CA 93908 IN COMPLIANCE WITH SUBDIVISION MAP ACT AND SUBDIVISION MAP ACT CALIF. LICENSE NO. 778980 TYPE B</p>	<p>7-21-08</p>
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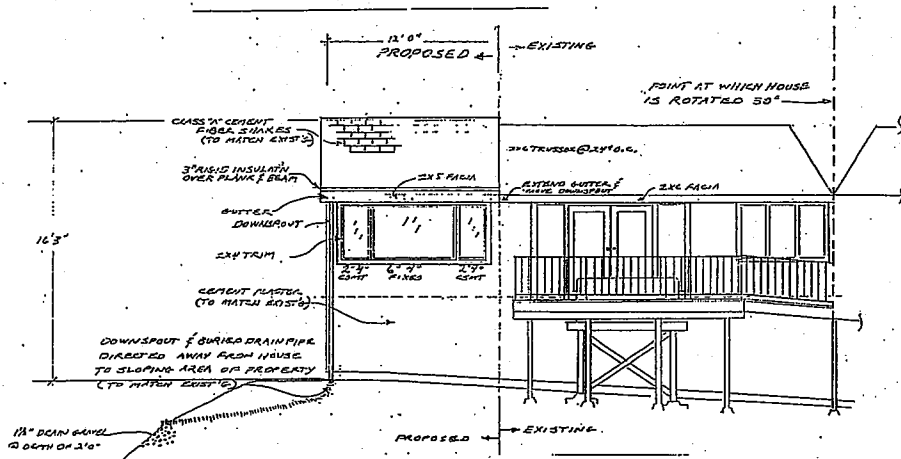
**FLOOR PLAN DETAIL
OF PROPOSED
ENLARGEMENT**

SCALE: 1/4" = 10"

DATE PLOT	9-18-05
PROJECT	
PROFESSIONAL HOUSE DOCTORS Contract and Design	
31 PASADENAVILLE PASADENA, CA 92305 TEL: 661-799-4444 FAX: 661-799-4444 CALIF. LICENSE NO. 71890 TYPE B	
DATE TIME	
FLOOR PLAN DETAIL SHOWING PROPOSED ADDITION	
PROJECT	
MR. AND MRS. KENNETH DECKER	
2 OF 5	

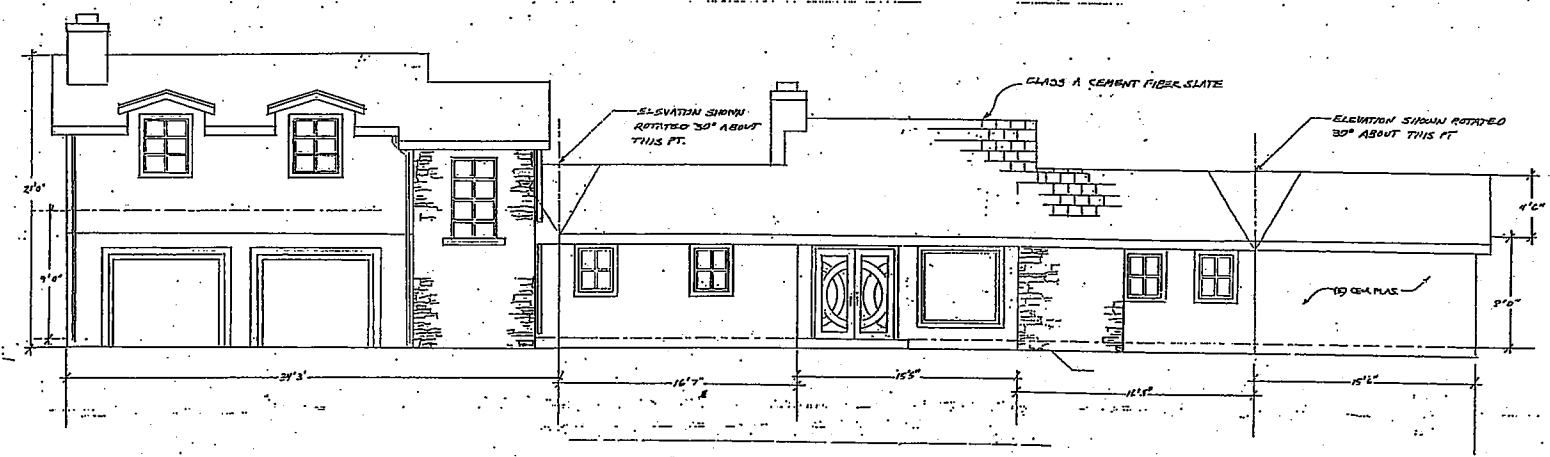


**PARTIAL EAST ELEVATION
DETAILING PROPOSED ADDITION**
SCALE 1/2" = 1' 0"

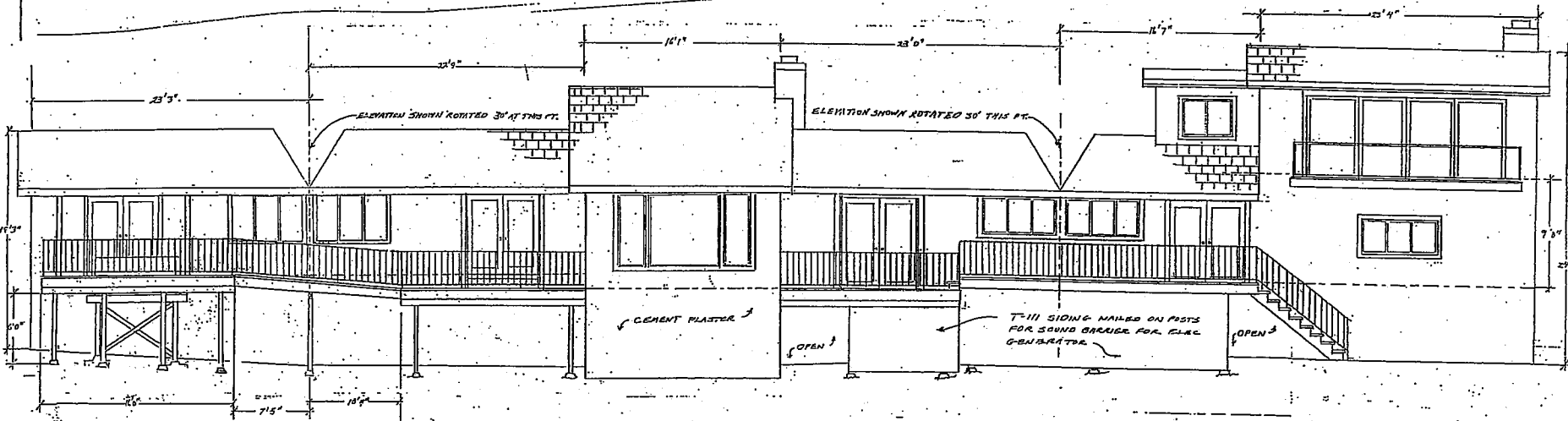


**PARTIAL WEST ELEVATION
DETAILING PROPOSED ADDITION**
SCALE 1/2" = 1' 0"

PROJECT TITLE	ELEVATION DETAILS OF ADDITION
PROJECT	MR. AND MRS. KENNETH DEBOER
DATE	3/05
DESIGNER	Professional House Doctors Consultation and Design
ADDRESS	20 BAKER STREET PALMDALE, CA 93508 PH: 818.388.1111 FAX: 818.388.1112 WWW: PROFESSIONALHOUSEDOCTORS.COM CALIF. LICENSE NO. 71880 TYPE B
PROJECT NO.	PH-808



**EAST ELEVATION
(EXISTING STRUCTURE)**



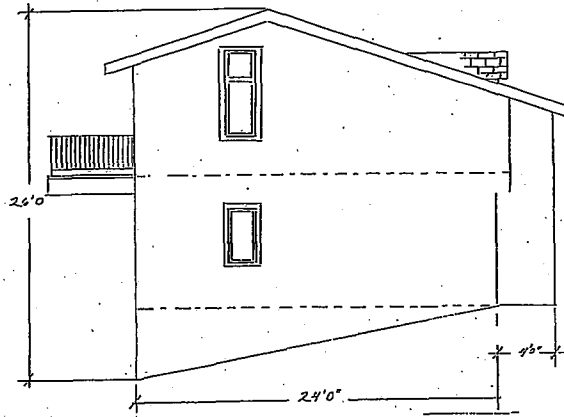
**WEST ELEVATION
(EXISTING STRUCTURE)**

PROJECT TITLE
DATE

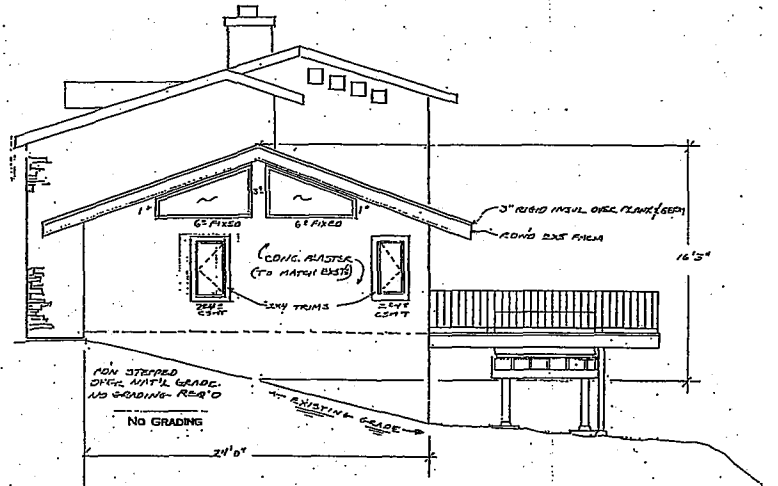
Professional House Doctors
Construction and Design
1817 W. 15th Street
Salinas, CA 95330
P. (831) 835-1111 FAX (831) 835-1112
CALIF. LICENSE NO. 770800 TYPE B

PROJECT
EAST & WEST ELEVATIONS - (EXISTING STRUCTURE)
MR. AND MRS. KENNETH DROGER

40F5



SOUTH ELEVATION
 (PROPOSED ADDITION IS ON OPPOSITE END OF HOUSE)
 SCALE: 1/4" = 1' 0"



NORTH ELEVATION
 (PROPOSED ADDITION IS ON THE END OF HOUSE)
 SCALE: 1/4" = 1' 0"

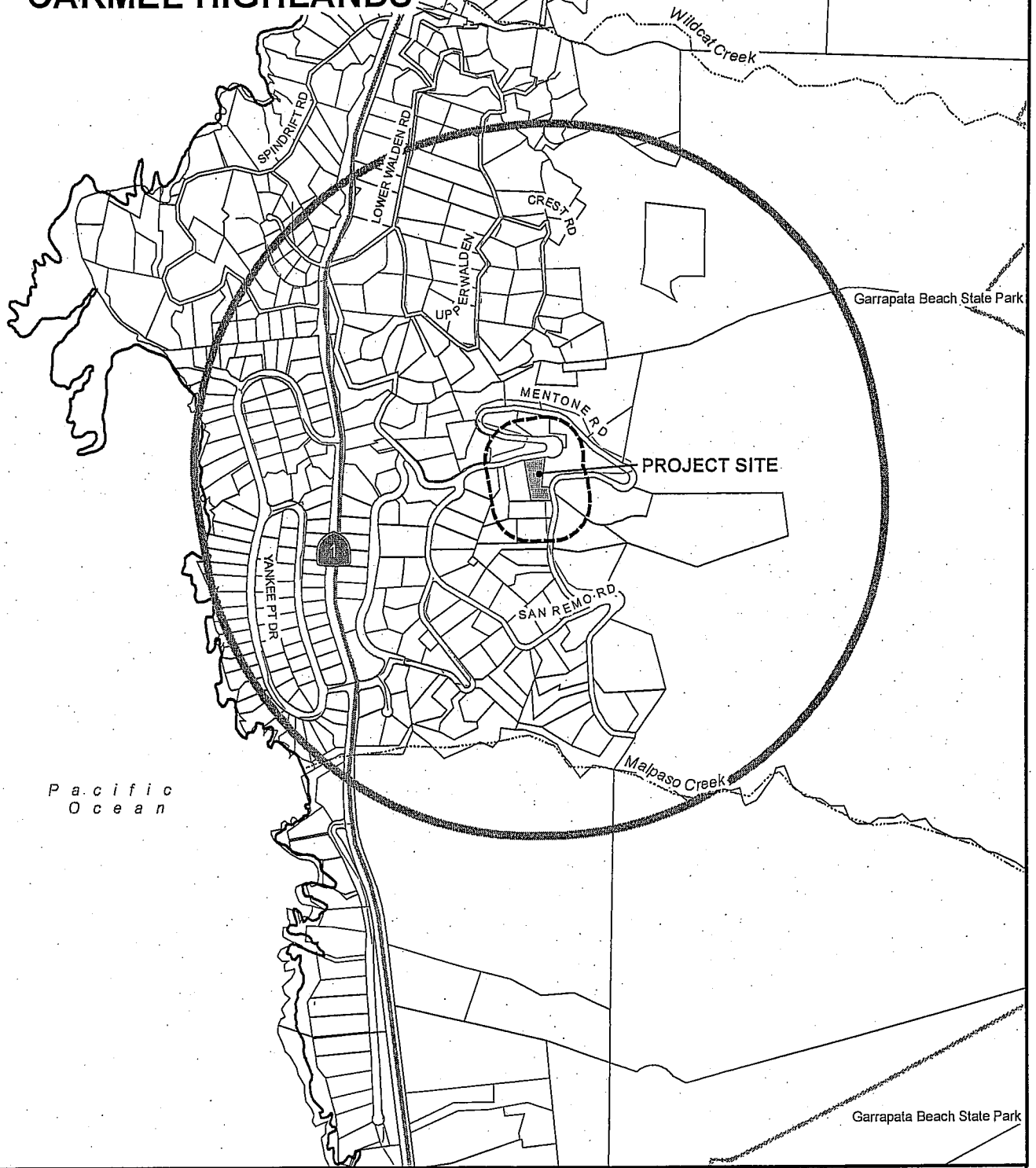
PROJ. DATE: 9-18-08
 DRAWN BY: [unclear]

Professional House Doctors
 Consulting/Design
 25 PARK DRIVE
 SAN JUAN, CA 93308
 CALIF. LICENSE NO. 778890 TYPE B

SHEET TITLE: ELEVATIONS
 PROJECT: MR. AND MRS. KENNETH DOCKER

50F5


CARMEL HIGHLANDS





APPLICANT: DEKKER

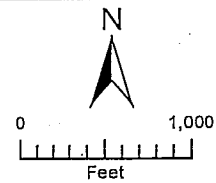
APN: 243-193-002-000

FILE # PLN060475

 300' Limit

 2500' Limit

 City Limits



PLANNER: FRANK