

MONTEREY COUNTY PLANNING COMMISSION

Meeting: March 14, 2012 Time: P.M	Agenda Item No.:
Project Description: Deny Appeal by Frances and Steven Krebs of the Zoning Administrator's denial of a Variance to allow a reduction in rear yard setback requirement from 20 feet to two feet six inches for 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, Carmel	APN: 169-051-003-000
Planning File Number: PLN100448	Owner: Steven C. and Frances D. Krebs 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 Planning Commission 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 the appeal and uphold the Zoning Administrator's denial of the subject variance application, based on the findings and evidence (Exhibit C).

SUMMARY:

The project was originally heard by the Zoning Administrator on December 8, 2011. The Zoning Administrator directed staff to provide additional details about the other five Variances approved in the immediate neighborhood and continued the hearing. See Exhibit B for a detailed discussion of the project and staff responses to the appellant's contentions. On January 12, 2012, the Zoning Administrator denied the Variance. The appellant, Frances and Steven Krebs, filed a timely appeal of the January 12, 2012, decision of the Zoning Administrator (Exhibit H). This hearing on the appeal is *de novo*.

CEQA REVIEW:

The project is Categorically Exempt pursuant Section 15270(a) of the CEQA Guidelines which 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 ("✓"). The Water Resources Agency have provided one condition of approval.

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 Land Use Advisory Committee (LUAC) for review on September 6, 2011. The LUAC voted unanimously (6-0-1) to recommend approval of the project as proposed (see Exhibit F).

Note: The CEQA determination is appealable to the Board of Supervisors per section 21151(c) of the Public Resources Code.



Paula Bradley, MCP, AICP, Associate Planner
(831) 755-5158, bradleyp@co.monterey.ca.us
March 6, 2012

cc: Front Counter Copy; Planning Commission; 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, Wendy Strimling, County Counsel; Mike Novo, RMA- Planning Director; 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 Discussion/Response to Appeal
Exhibit C Draft Planning Commission Resolution
Exhibit 1 Site Plan, Floor Plan and Elevations
Exhibit D Vicinity Map
Exhibit E Areas Potentially Available for Proposed Addition
Exhibit F Advisory Committee Minutes (LUAC)
Exhibit G Variances granted, lot sizes and nonconforming setbacks
Exhibit H Appeal from Frances and Steven Krebs, January 30, 2012
Exhibit I Zoning Administrator Resolution 12-003
Exhibit J Memo to Zoning Administrator for the January 12, 2012 public hearing
Exhibit K Materials submitted by the applicant to the Zoning Administrator:
Exhibit 1 Variance Justification Letter;
Exhibit 2 Site plan/sketch and photos showing adjacent and nearby properties;
Exhibit 3 Assessor's Parcel Map and letters supporting the Krebs' Variance request
Exhibit L Building Permit No. 35538 for a 698 square foot addition in 1985

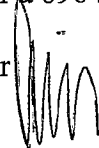
This report was reviewed by Luis Osorio, Senior Planner 

Exhibit A
Project Data Sheet

Exhibit A
Project Information Data Sheet
(File PLN100448)

Project Title:	Steven C. and Frances D. Krebs, Trust	Primary APN:	169-051-003-000
Location:	8205 El Camino Estrada, Carmel	Coastal Zone:	No
Applicable Plan:	Carmel Valley Master Plan	Zoning:	LDR/2.5-D-S-RAZ
Permit Type:	Variance and Design Approval	Plan Designation:	RLD
Environmental Status:	Exempt per Section 15270(a)	Final Action Deadline:	11/09/2011
Advisory Committee:	CV LUAC		

Project Site Data:

Lot Size:	0.26 ac 11,382 sf	Coverage Allowed:	25%
Existing Structures (sf):	1,315	Coverage Proposed:	17%
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 #:	NA	Soils/Geo. Report #	NA
Forest Mgt. Report #:	NA	Geologic Hazard Zone:	IV
		Geologic Report #:	LIB070619
Archaeological Sensitivity Zone:	HIGH	Traffic Report #:	NA
Archaeological Report #:	LIB070620		
Fire Hazard Zone:	VERY HIGH		

Other Information:

Water Source:	Cal Am	Sewage Disposal (method):	Septic system
Water District/Company:	Cal Am	Sewer District Name:	NA
Fire District:	CARMEL VALLEY FIRE DISTRICT	Grading (cubic yds):	None
Tree Removal (Count/Type):	0		

Exhibit B
Discussion/Response to Appeal

EXHIBIT B

DISCUSSION I. INTRODUCTION

PROJECT DESCRIPTION:

The property address is 8205 El Camino Estrada, however the subject residence, along with six other residences, are located on Meadow 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 for reduced yard setbacks. The subject addition was built without building and planning permits and the Variance has been applied for after the fact. A code violation (10CE00208) has been registered on the property. The addition included the conversion of an existing 196 square foot detached shed into livable space and its connection to the main house through the construction of an additional 262 square feet addition. A 129 square foot laundry room was also attached to the shed. The connection of the shed to the main dwelling made it subject to a 20-foot rear yard setback when it only maintained an approximate setback of 2.5 feet. The variance would allow the continuing use of the portion of the addition built partially in the required 20-foot rear setback. 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.

The Record of the County Assessor's Office shows that in 1985 there was a 1,315 square foot dwelling with a detached 196 square foot shed on the property (Building Permit No. 35538). The owners stated that the shed was a habitable/bedroom/guestroom when they purchased the property. Later, the applicant attached the former shed to the main dwelling with an addition, which resulted in the former shed and addition not conforming with the 20-foot rear setback required by the Zoning Code.

The subject parcel is approximately 11,382 square feet (0.26 acres) in size, and is of a shape and size similar to those of 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 three residences are located on the rear property line with minimum or no rear yard setback. 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 in size. 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. The applicant provided photos and a site plan/sketch showing these non conforming properties (see Exhibit K-2). Letters were also submitted from seven of these ten neighbors, supporting the subject application for a variance (see Exhibit K-3).

VARIANCE DISCUSSION:

Section 21.72.040.A of the Zoning Code requires that a Variance can 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 subject property is 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 structures); 3) the protected oaks and reserve area for a back-up drain field in the front yard. However, a small addition could be constructed on the subject property that meets zoning requirements and is similar in size to the one proposed in the area to the east of the home or as a second story addition (see Exhibit J, Memo to Zoning Administrator, page 3 site plan). An additional alternative option is to not increase the size of the dwelling and leave it as it was previous to the illegal addition. 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. 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 owners have stated that they did not want to change the character of the home, disturb the protected oaks, or change the street view with an addition on the front of the house or more massive second story addition (see Exhibit K-1, Variance Justification Letter). In addition, the owners stated that the detached shed which is now connected to the main unit with the unpermitted addition, was already converted when they purchased the home, is low profile, is not visible from the front or to neighbors, and, furthermore, the neighbors support the rear yard addition (see Exhibit K-3). 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.

Special Privilege To determine if granting the variance would constitute a special privilege, staff compared the conditions of the site with the conditions of other properties for which other variances were approved in the immediate neighborhood along Meadow Road off El Camino Estrada. In all cases where variances were granted, the lots are substandard in size (one acre or less) 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 reduced 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. Almost all of the nearby properties have nonconforming setbacks or approved variances for structures with less than the required front, rear or side setbacks. Five variances were granted on nearby and adjacent properties for reduced front, side and rear yard setbacks (see Exhibit G) as follows:

1. File No. PLN070120 allowed a bedroom and a bathroom addition with reduced side yard setbacks on a 10,807 square foot lot.
2. File No ZA03753 allowed a garage with reduced front yard setbacks on a 6,057 square foot lot.

3. File No. ZA95007 allowed a bathroom with reduced front yard setback on a 6,057 square foot lot.
4. File No. ZA94042 allowed a garage with a reduced side and rear yard setback on a 6,057 square foot lot.
5. File No. ZA06649 allowed a bedroom with a reduced side and rear yard setback on a 12,748 square foot lot.

In 2009, the most recent variance (Kessler - File No. PLN070120) on Assessor's Parcel Number 169-051-002-000 was granted for a nine foot rear yard setback where 20 feet are required. This property is to the west and is adjacent to the subject parcel. Similar to the subject property there was a code violation and the granting of the variance corrected the violation for the construction of two illegal additions. The building area 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 no buildable 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. However, there was no mention of a second story addition. The dwelling was nonconforming in terms of rear setbacks and the variance increased the nonconformity.

In 1979 a variance (ZA03753 - Keehn) on Assessor's Parcel Number 169-051-005-000 was granted for reduced front yard set backs on a corner lot where there are two front yard 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 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 or 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 L).

II. APPEAL

APPELLANTS' CONTENTIONS & STAFF RESPONSES

The appellant states that there was lack of a fair and impartial hearing the findings and decision were not supported by the evidence, and a decision was made contrary to the law because the following were not adequately weighed in the decision.

1. *The neighborhood was built prior to the current zoning regulations and setbacks, evidenced by the fact that several of the adjacent properties in the LDR/1 zoning designation contain more than one residence, and most of the homes in the immediate area have living areas within the current setbacks. Only two of the ten parcels in the neighborhood do not have living areas in the setbacks. Each of these parcels are on larger lots (0.842 acres and 1 acre.)*

Response:

It is true as the owner states, that most of the neighborhood was built prior to the Zoning Code (1941) and most development does not conform to the lot size and setback requirements. Although the converted shed may have existed prior to the zoning regulations, there are no permits on record for its conversion to habitable space, therefore it is considered an illegal conversion. The Appellant attached the former shed to the main structure with an addition which resulted in the former shed/addition not conforming with the required 20-foot rear setback. A variance for a reduced rear yard setback, a Design Approval and building permit would have been required.

2. *The variance is necessary to clear a code violation for an addition attaching an existing detached bedroom to the main residence. If the variance is denied, both the addition and the former detached bedroom would have to be removed. It is unlawful to require that former living area of the residence be destroyed, and it is unfair to require that existing addition be removed, when neighbors have been granted a variance for similar conditions clearing a code violation for two illegal additions within the rear setbacks.*

Response:

It is not unlawful or unfair to require removal of additions built without permits. Title 21 (Zoning Code) Section 21.84, "Enforcement, Administrative and Legal Procedures, Penalties", authorizes the County to take such measures as deemed necessary or expedient to enforce and secure compliance with the Zoning Code. Furthermore, Section 21.84.040 states: "It is prohibited to make any use of or to allow any use of land or structure which is not permitted under this title in the designated zoning district in which the property is located." Fairness is not included in the findings required for granting a variance. 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.

In order to grant a variance, the Zoning Ordinance requires a finding that the granting of the variance would not constitute a grant of special privilege as discussed above. Staff was unable to make the findings to justify approving the variance.

3. *The Planning Department staff deemed the existing detached bedroom to be a "shed" rather than a bedroom, thereby declaring it illegal living area, because they could not find a building permit for the bedroom. On the contrary, the detached bedroom existed when we bought the house and we have used it as such for the entire time that we have lived in the home. We contend that the bedroom is legal living area, and like other neighborhood properties with living areas within the setback, it should be grandfathered in as "legal non-conforming" because it was built at the same time as the original home - prior to the time when any permits were required for construction. Furthermore, according to the Monterey County Assessor's Office, we have been assessed for, and have been paying taxes on, a detached bedroom ever since we purchased the property.*

Response: The plans for the a building addition approved in 1985 include the subject shed. There are no permits on record for conversion of the shed to habitable space, therefore it is considered an illegal conversion. Code Enforcement staff has confirmed that the shed was converted without building permits. The location of the shed met the required setbacks for a non-habitable detached structure. The attachment resulted in the dwelling having less than the required 20-foot setback. The shed is not considered non-conforming as stated by the appellant. The Assessor's office record indicates that the assessed value is based on a 1,694 square foot residential unit including a garage and guestroom, and the attached sketch shows the current area of the residence without a shed. Building permit no. 35538 for the 698 square foot addition (Exhibit L) shows a shed on the site.

4. *The existing residence is 1315 SF with two bedrooms and two baths. One of the bedrooms is extremely tiny so the house functions essentially as a one bedroom home. The house - with the addition (including what was formerly the detached bedroom) is in keeping with typical modern homes. Without the addition it is below average, which reduces its market value.*

Response:

Market value is not included in the required findings for a variance; however, in considering if the variance grants a special privilege, this takes in consideration if one property under similar limitations is allowed a similar privilege (could include the size of a home). See variance special privilege findings discussion in item b above. 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.

5. *Due to lot restrictions (setbacks, protected trees, septic system and back-up drain field) we cannot build the equivalent size single story addition elsewhere on the property. There is only a narrow strip of property between the rear of the house and the rear setback line where construction would be allowable, and it is not of sufficient width for a room of any kind. There is only a small area to the east of the house where construction would be allowable, but additional square footage in this area would not work with the current floor plan. Such an addition would render our kitchen windowless, and you would have to enter the office or bedroom space through*

the kitchen. The only other access to that area would be through the small front bedroom, with would essentially turn the area into a hallway. We do not want to destroy the existing small bedroom.

Response:

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 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 structures); 3) the protected oaks and reserve area for a back-up drain field in the front yard. However, a small (approximately 500 square foot) addition could be constructed on the subject property similar in size to the one proposed (see Exhibit E): 1) to the east of the home; or 2) a second story addition. 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. See item 2 response above discussion of variances granted in the neighborhood.

6. *Because of the age of our home, building up would be impractical and cost prohibitive. The existing foundation or walls could not support a second story, so the entire house would have to be rebuilt and we could not live in the house during construction. It is unfair for the County to require that we essentially rebuild our home at enormous expense in order to bring our home up to modern size standards by adding a second story addition.*

Response:

While fairness in terms of economic consideration is a valid issue for the applicant, it does not pertain to the findings for approval of a variance. In addition, staff is not requiring the construction of a second story addition. Staff is presenting this as a feasible alternative in terms of compliance with zoning requirements.

7. *A second story addition is also unfavorable due to the following:*
 - a. *Our house is one of the original homes built in the area. The Carmel stone construction of the house establishes the character of the neighborhood. Building a second story would radically change the feel of the neighborhood, and would not, therefore, be supported by the neighbors.*
 - b. *The majority of the neighbors support the variance for the existing single story addition in the rear of the property. We have seven letters of support from our neighbors, including every neighbor with property contiguous to ours. All letters state that they would object to a second story addition.*
 - c. *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.*

Response:

Items 1, 2 and 3 are true. Item one refers to the character of the neighborhood. The overall scale and character of the neighborhood is small scale, one story Carmel cottage type residences, with Carmel stone facades. While most of the dwellings in the neighborhood are one-story, one of the dwellings was remodeled to a two story. Staff believes that a second story could be added to the subject dwelling if designed properly.

Therefore staff does not agree with this contention. Letters from the neighbors do support the rear addition and not a two story addition. The subject property, including the illegal additions, is under the maximum required lot coverage of 35%, as the owner stated above.

8. *The addition, as it stands, is designed to have the least possible impact on the neighborhood. The advantages are as follows:*

1. *The addition is very low profile.*
2. *It cannot be seen from the street.*
3. *No grading was required for the addition.*
4. *No trees had to be trimmed or removed in order to build the addition.*
5. *It does not alter the character of the neighborhood.*
6. *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.*
7. *It is either not visible, or just barely visible, from all neighboring properties.*
8. *Because a flat roof is used, the addition to the east of the existing detached bedroom only extends one foot above the top of the rear fence.*
9. *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 detached bedroom by incorporating it into the main living area of the house.*

Response:

These design characteristics and visual points support a Design Approval and are good site planning, but design and character are not included in the required findings for a variance.

9. The Carmel Valley Land Use Advisory Committee (LUAC) voted unanimously (6-0-1) to support the project as proposed.

Response:

The LUAC unanimous approval was considered and was certainly a positive recommendation.

10. *Five variances were granted on nearby or adjacent properties for reduced front, side and rear yard setbacks. Therefore, granting us a variance for reduced rear setbacks would not constitute a grant of special privileges. None of these property owners were told to build a second story rather than adding on within the setbacks.*

Response:

Staff took in consideration the five variances in the analysis. The subject variance request has similarities with them. Each project is analyzed on its own merits and although staff strives to be consistent in applying the regulations, over time staff may have interpreted the variance findings somewhat differently. In addition, in some cases details of the reasons for granting of the variances were not available in the record for reference. Unlike the Kessler Variance, in which the record was very detailed and clearly demonstrated the site constraints with a sketch, staff does not have the same information in the record for all five variances to compare. With the Kessler variance, the site was more physically constricted than the Krebs site. However, no mention was made in any of the other variances concerning a second story option. In the case of the other

variances the Zoning Administrator concluded that the approval of the variances did not constitute a Special Privilege.

11. *Denial of our variance deprives us of privileges enjoyed by other properties in the vicinity and under identical zone classification. Notably, the most recent variance (Kessler - File No PLN070120) was granted to our next door neighbors in 2009. Many similarities exist between the circumstances involving our variance and theirs, which support why we should also be granted a variance for our addition. The comparisons are as follows:*

- a. *The neighboring property had a code violation was for the construction of two illegal additions within the rear setback, and granting the variance corrected the violation. Granting our variance would also clear our code violation for the addition within the rear setback.*
- b. *Building envelopes on our and the neighboring property are both limited by physical characteristics. Our limitations include the septic system to the west, the back up drain field and protected trees to the front, and the proximity of the house to the rear setback. Their limitations included the location of the existing and back up septic systems, 30% slopes, and the proximity of the house to the rear setback.*
- c. *The neighboring illegal additions were constructed within the same distance to the rear property line as the original house (9 ft from the rear property line). A small wing of our addition (129 SF) was built with the same distance to the rear property line as our original detached bedroom (2'-6"). The rest of our addition was built 8' 8" from the rear property line.*
- d. *Our variance application, and that of the neighbors, were for approximately the same square footage. In granting the variance to the neighbors, the planning department cited that "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." Note that although the resulting two bedroom, two bath house that the neighbors variance granted is slightly smaller than the larger home that we are requesting (with three bedrooms and two and a half bathrooms) the neighbors also have a second house on the property. The second house has one bedroom, and one bath. Incidentally, our lot and their lot are roughly the same size.*
- e. *The neighbors could have also built a second story, rather than making a single story addition in the rear setback, but this was not mentioned or suggested by the Planning Department during the variance proceedings.*
- f. *The neighbors variance findings stated "The location of the additions in relation to the house better achieve internal circulation required by Monterey County code." Whereas if we were to create a small single story addition on the east side of our house, as suggested by the Planning Department, the floor plan would not achieve better (or even reasonable) internal circulation. This again points to the fact that denial of our variance "would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification."*

Response:

See staff response to item 10 above in reference to variances approved in the neighborhood. In response to item c above: the Kessler variance allowed the two additions with the same nine foot rear yard setback of the existing main residence. In the

subject case the detached shed met the rear yard setback requirement before it was attached to the dwelling. One of the five variances approved (Ball ZA94042) was the only one of the five that allowed an encroachment into the front yard setback where it was previously conforming to the setbacks. In the other four cases the front, side or rear yard setbacks were nonconforming before the variances were approved. The current Zoning Code interpretation would require that a 196 square foot shed meet the rear yard setback. By attaching the shed to the main residence it changed the setback requirement to 20 feet, and the addition then was considered encroaching into the rear yard setback. The statement in item f above, concerning internal circulation was included in the Kessler Variance findings, but it is not included in the required findings in the Zoning Code.

Exhibit C
Draft Planning Commission Resolution

EXHIBIT C

DRAFT RESOLUTION

Before the Planning Commission 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 the appeal and upholding the Zoning Administrator's denial of the subject variance application, based on the findings and evidence.

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

The Appeal (PLN100448/Krebs) came on for public hearing before the Monterey County Planning Commission on March 14, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS FOR THE APPEAL

1. **FINDING:** On January 12, 2012, the Zoning Administrator conducted a fair and impartial public hearing and denied the Variance and Design Approval (PLN100448/Krebs).

EVIDENCE:

- (a) Zoning Administrator Resolution Number 12-003 dated January 12, 2012.
- (b) Minutes and audio recording of the Zoning Administrator from December 8, 2011 and January 12, 2012.

2. **FINDING:** The appeal was timely filed on January 30, 2012 pursuant to Chapter 21.80 of the Monterey County Code.

EVIDENCE:

- (a) Said appeal has been filed with the Clerk of the Planning Commission within the 10-day time prescribed by Monterey County pursuant to Chapter 21.80.
- (b) Said appeal has been determined to be complete. This item was set for hearing on March 14, 2012 within 60-days after receiving the appeal.

- (c) Said appeal was timely considered by the Planning Commission on March 14, 2012.

3. FINDING: The Planning Commission conducted a fair and impartial public hearing on the application and related approvals.

EVIDENCE:

- (a) The public hearing was duly noticed at least 10 days before the first public hearing date on March 14, 2012. Notices of the hearing before the Planning Commission were published in the Monterey County Herald and were also posted on and near the property and mailed to property owners within 300 feet of the subject property.
- (b) The Planning Commission conducted a duly noticed, full, fair, and impartial de novo public hearing on the application on March 14, 2012.
- (c) Minutes and audio recording of the Planning Commission from March 14, 2012.

4. FINDING: The Planning Commission has reviewed, evaluated, and considered the appeal and responds as follows:

The appellant states that there was lack of a fair and impartial hearing the findings and decision were not supported by the evidence, and a decision was made contrary to the law because the following were not adequately weighed in the decision based on the following:

1. *The neighborhood was built prior to the current zoning regulations and setbacks, evidenced by the fact that several of the adjacent properties in the LDR/1 zoning designation contain more than one residence, and most of the homes in the immediate area have living areas within the current setbacks. Only two of the ten parcels in the neighborhood do not have living areas in the setbacks. Each of these parcels are on larger lots (0.842 acres and 1 acre.)*

Response:

It is true as the owner states, that most of the neighborhood was built prior to the Zoning Code (1941) and most development does not conform to the lot size and setback requirements. Although the converted shed may have existed prior to the zoning regulations, there are no permits on record for its conversion to habitable space, therefore it is considered an illegal conversion. The Appellant attached the former shed to the main structure with an addition which resulted in the former shed/addition not conforming with the required 20-foot rear setback. A variance for a reduced rear yard setback, a Design Approval and building permit would have been required.

2. *The variance is necessary to clear a code violation for an addition attaching an existing detached bedroom to the main residence. If the variance is denied, both the addition and the former detached bedroom would have to be removed. It is unlawful to require that former living area of the residence be destroyed, and it is unfair to require that existing*

addition be removed, when neighbors have been granted a variance for similar conditions clearing a code violation for two illegal additions within the rear setbacks.

Response:

It is not unlawful or unfair to require removal of additions built without permits. Title 21 (Zoning Code) Section 21.84, "Enforcement, Administrative and Legal Procedures, Penalties", authorizes the County to take such measures as deemed necessary or expedient to enforce and secure compliance with the Zoning Code. Furthermore, Section 21.84.040 states: "It is prohibited to make any use of or to allow any use of land or structure which is not permitted under this title in the designated zoning district in which the property is located." Fairness is not included in the findings required for granting a variance. 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.

In order to grant a variance, the Zoning Ordinance requires a finding that the granting of the variance would not constitute a grant of special privilege as discussed above. Staff was unable to make the findings to justify approving the variance.

3. *The Planning Department staff deemed the existing detached bedroom to be a "shed" rather than a bedroom, thereby declaring it illegal living area, because they could not find a building permit for the bedroom. On the contrary, the detached bedroom existed when we bought the house and we have used it as such for the entire time that we have lived in the home. The former owners of the property used the detached bedroom to store garden tools, so on plans submitted for an addition built in 1985, the bedroom was indicated on the site plan as a "shed." We contend that the bedroom is legal living area, and like other neighborhood properties with living areas within the setback, it should be grandfathered in as "legal non-conforming" because it was built at the same time as the original home - prior to the time when any permits were required for construction. Furthermore, according to the Monterey County Assessor's Office, we have been assessed for, and have been paying taxes on, a detached bedroom ever since we purchase the property.*

Response:

The plans for the a building addition approved in 1985 include the subject shed. There are no permits on record for conversion of the shed to habitable space, therefore it is considered an illegal conversion. Code Enforcement staff has confirmed that the shed was converted without building permits. The location of the shed met the required setbacks and for a non-habitable detached structure. The attachment resulted in the dwelling having less than the required 20-foot setback. The shed is not considered non-conforming as stated by the appellant. The Assessor's office record indicates that the assessed value is based on a 1,694 square foot residential unit including a garage and guestroom, and the attached sketch shows the current area of the

residence without a shed. Building permit no. 35538 for the 698 square foot addition (Exhibit L) shows a shed on the site.

4. *The existing residence is 1315 SF with two bedrooms and two baths. One of the bedrooms is extremely tiny so the house functions essentially as a one bedroom home. The house - with the addition (including what was formerly the detached bedroom) is in keeping with typical modern homes. Without the addition it is below average, which reduces its market value.*

Response: Market value is not included in the required findings for a variance; however, in considering if the variance grants a special privilege, this takes in consideration if one property under similar limitations is allowed a similar privilege (could include the size of a home). See variance special privilege findings discussion in item b above. 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.

5. *Due to lot restrictions (setbacks, protected trees, septic system and back-up drain field) we cannot build the equivalent size single story addition elsewhere on the property. There is only a narrow strip of property between the rear of the house and the rear setback line where construction would be allowable, and it is not of sufficient width for a room of any kind. There is only a small area to the east of the house where construction would be allowable, but additional square footage in this area would not work with the current floor plan. Such an addition would render our kitchen windowless, and you would have to enter the office or bedroom space through the kitchen. The only other access to that area would be through the small front bedroom, which would essentially turn the area into a hallway. We do not want to destroy the existing small bedroom.*

Response:

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 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 structures); 3) the protected oaks and reserve area for a back-up drain field in the front yard. However, a small (approximately 500 square foot) addition could be constructed on the subject property similar in size to the one proposed (see Exhibit E): 1) to the east of the home; or 2) a second story addition. 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. See item 2 response above discussion of variances granted in the neighborhood.

6. *Because of the age of our home, building up would be impractical and cost prohibitive. The existing foundation or walls could not support a*

second story, so the entire house would have to be rebuilt and we could not live in the house during construction. It is unfair for the County to require that we essentially rebuild our home at enormous expense in order to bring our home up to modern size standards by adding a second story addition.

Response:

While fairness in terms of economic consideration is a valid issue for the applicant, it does not pertain to the findings for approval of a variance. In addition, staff is not requiring the construction of a second story addition. Staff is presenting this as a feasible alternative in terms of compliance with zoning requirements.

7. *A second story addition is also unfavorable due to the following:*
- a. *Our house is one of the original homes built in the area. The Carmel stone construction of the house establishes the character of the neighborhood. Building a second story would radically change the feel of the neighborhood, and would not, therefore, be supported by the neighbors.*
 - b. *The majority of the neighbors support the variance for the existing single story addition in the rear of the property. We have seven letters of support from our neighbors, including every neighbor with property contiguous to ours. All letters state that they would object to a second story addition.*
 - c. *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.*

Response:

Items 1, 2 and 3 are true. Item one refers to the character of the neighborhood. The overall scale and character of the neighborhood is small scale, one story Carmel cottage type residences, with Carmel stone facades. While most of the dwellings in the neighborhood are one-story, one of the dwellings was remodeled to a two story. Staff believes that a second story could be added to the subject dwelling if designed properly. Therefore staff does not agree with this contention. Letters from the neighbors do support the rear addition and not a two story addition. The subject property, including the illegal additions, is under the maximum required lot coverage of 35%, as the owner stated above

8. *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 detached bedroom 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 detached bedroom by incorporating it into the main living area of the house.*

Response:

These design characteristics and visual points support a Design Approval and are good site planning, but design and character are not included in the required findings for a variance.

- 9. The Carmel Valley Land Use Advisory Committee (LUAC) voted unanimously (6-0-1) to support the project as proposed.

Response:

The LUAC unanimous approval was considered and was certainly a positive recommendation.

- 10. *Five variances were granted on nearby or adjacent properties for reduced front, side and rear yard setbacks. Therefore, granting us a variance for reduced rear setbacks would not constitute a grant of special privileges. None of these property owners were told to build a second story rather than adding on within the setbacks.*

Response:

Staff took in consideration the five variances in the analysis. The subject variance request has similarities with them. Each project is analyzed on its own merits and although staff strives to be consistent in applying the regulations, over time staff may have interpreted the variance findings somewhat differently. In addition, in some cases details of the reasons for granting of the variances were not available in the record for reference. Unlike the Kessler Variance, in which the record was very detailed and clearly demonstrated the site constraints with a sketch, staff does not have the same information in the record for all five variances to compare. With the Kessler variance, the site was more physically constricted than the Krebs site. However, no mention was made in any of the other variances concerning a second story option. In the case of the other variances the Zoning Administrator concluded that the approval of the variances did not constitute a Special Privilege.

- 11. *Denial of our variance deprives us of privileges enjoyed by other properties in the vicinity and under identical zone classification. Notably, the most recent variance (Kessler - File No PLN070120) was granted to our next door neighbors in 2009. Many similarities exist between the circumstances involving our variance and theirs, which support why we*

should also be granted a variance for our addition. The comparisons are as follows:

- a. *The neighboring property had a code violation for the construction of two illegal additions within the rear setback, and granting the variance corrected the violation. Granting our variance would also clear our code violation for the addition within the rear setback.*
- b. *Building envelopes on our and the neighboring property are both limited by physical characteristics. Our limitations include the septic system to the west, the back up drain field and protected trees to the front, and the proximity of the house to the rear setback. Their limitations included the location of the existing and back up septic systems, 30% slopes, and the proximity of the house to the rear setback.*
- c. *The neighboring illegal additions were constructed within the same distance to the rear property line as the original house (9 ft from the rear property line). A small wing of our addition (129 SF) was built with the same distance to the rear property line as our original detached bedroom (2'-6"). The rest of our addition was built 8' 8" from the rear property line.*
- d. *Our variance application, and that of the neighbors, were for approximately the same square footage. In granting the variance to the neighbors, the planning department cited that "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." Note that although the resulting two bedroom, two bath house that the neighbors variance granted is slightly smaller than the larger home that we are requesting (with three bedrooms and two and a half bathrooms) the neighbors also have a second house on the property. The second house has one bedroom, and one bath. Incidentally, our lot and their lot are roughly the same size.*
- e. *The neighbors could have also built a second story, rather than making a single story addition in the rear setback, but this was not mentioned or suggested by the Planning Department during the variance proceedings.*
- f. *The neighbors variance findings stated "The location of the additions in relation to the house better achieve internal circulation required by Monterey County code." Whereas if we were to create a small single story addition on the east side of our house, as suggested by the Planning Department, the floor plan would not achieve better (or even reasonable) internal circulation. This again points to the fact that denial of our variance "would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification."*

Response:

See staff response to item 10 above in reference to variances approved in the neighborhood. In response to item c above: the Kessler variance allowed the two additions with the same nine foot rear yard setback of the existing main residence. In the subject case the detached shed met the rear

yard setback requirement before it was attached to the dwelling. One of the five variances approved (Ball ZA94042) was the only one of the five that allowed an encroachment into the front yard setback where it was previously conforming to the setbacks. In the other four cases the front, side or rear yard setbacks were nonconforming before the variances were approved. The current Zoning Code interpretation would require that a 196 square foot shed meet the rear yard setback. By attaching the shed to the main residence it changed the setback requirement to 20 feet, and the addition then was considered encroaching into the rear yard setback. The statement in item f above, concerning internal circulation was included in the Kessler Variance findings, but it is not included in the required findings in the Zoning Code.

FINDINGS FOR DENIAL OF VARIANCE

1. **FINDING:** **INCONSISTENCY** – The Project is inconsistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a) 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.

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 identical zoning classification.

- EVIDENCE:**
- a) 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.
 - b) 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) 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 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.

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 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 CEQA determination is appealable to the Board of Supervisors.

EVIDENCE: a) Public Resources Code section 21151(c)

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- 1) Find the project Categorically Exempt from environmental review pursuant to CEQA Guidelines per Section 15270(a), and
- 2) Deny the appeal and uphold the Zoning Administrator's denial of the subject variance application, based on the findings and evidence.

EXEMPTED AND DENIED this 14th day of March, 2012 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Planning Commission

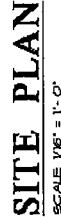
COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVIORS.

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

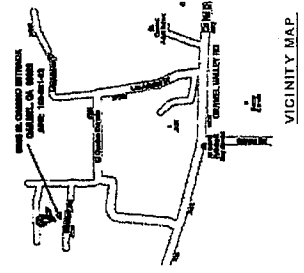
This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes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

KREBS / ADDITION

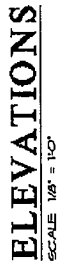
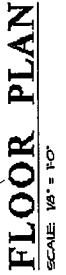
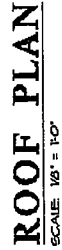


SCOPE OF WORK:

ADD 384 SF OF LIVING AREA TO THE
REAR OF EXISTING SFD.
NEW STRUCTURES HAVE SLAB ON GRADE
FOUNDATION.
THERE WAS NO EXCAVATION, SOIL DISTURBANCE,
ORT TREE REMOVAL.



KREBS DESIGN GROUP
PO BOX 2222
CARBELL, CALIFORNIA 91602
214 624 0822

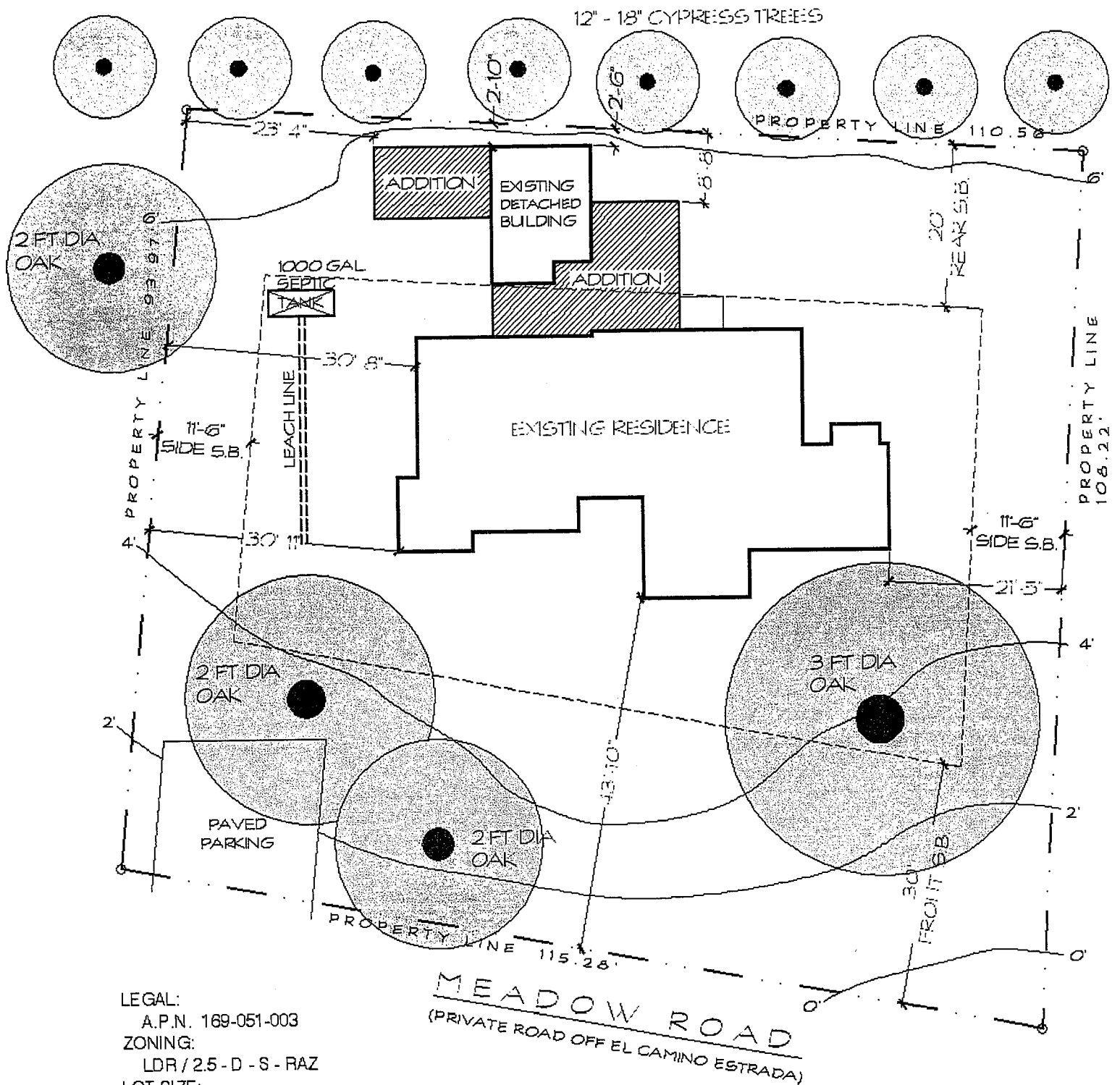


EXTERIOR MATERIALS TO MATCH EXISTING:

[illegible]

SCALE 1/8" = 1'-0"

Exhibit 1



LEGAL:
A.P.N. 169-051-003
ZONING:
LDR / 2.5 - D - S - RAZ
LOT SIZE:
11,382 SF

SITE PLAN

SCALE: 1/16" = 1' - 0"

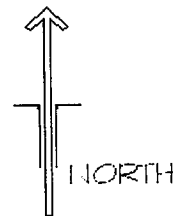
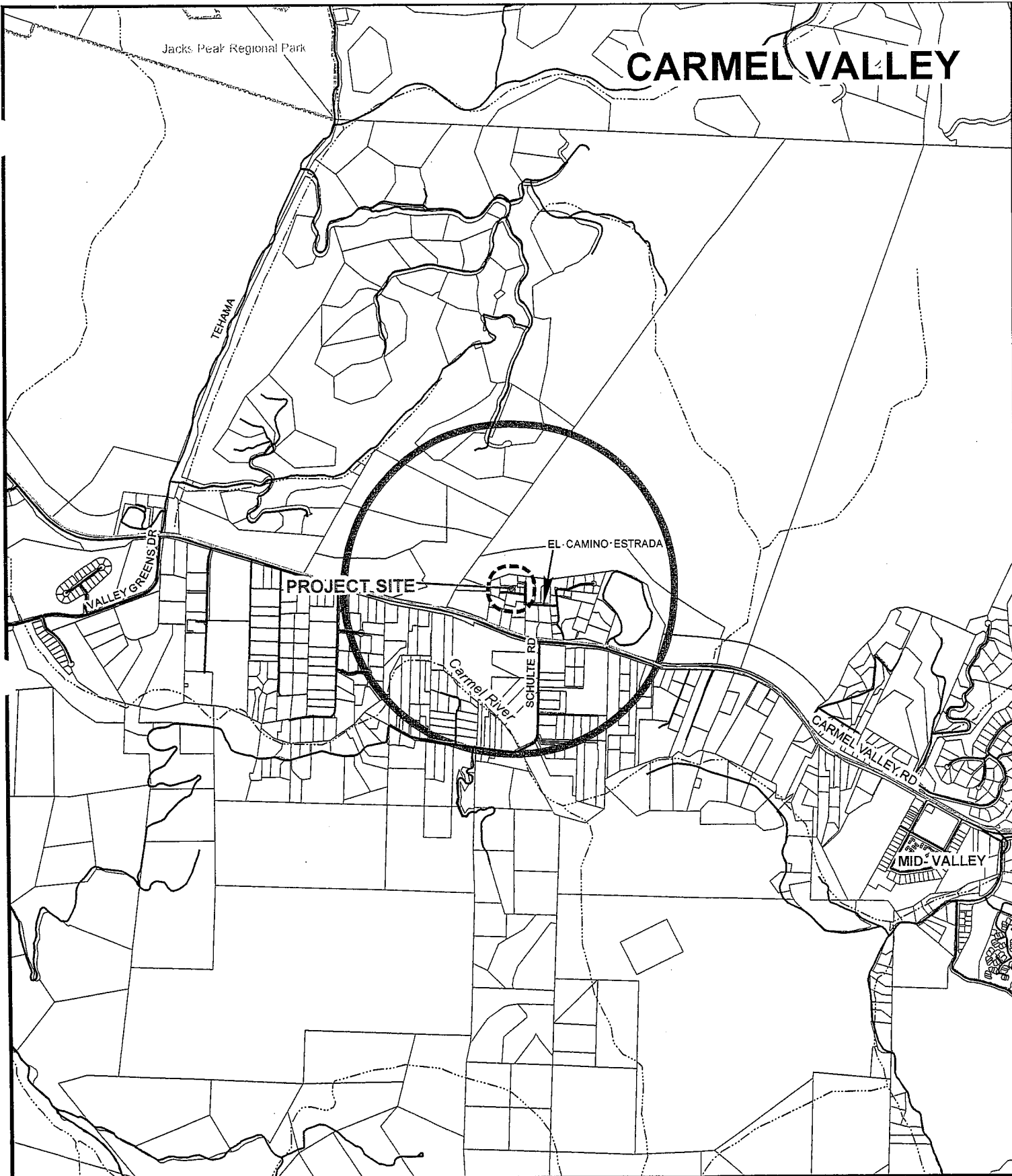


Exhibit D
Vicinity Map

Jacks Peak Regional Park

CARMEL VALLEY



APPLICANT: KREBS

APN: 169-051-003-000

FILE # PLN100448

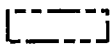
Water



2500' Limit



300' Limit



City Limits



0 1,000
Feet

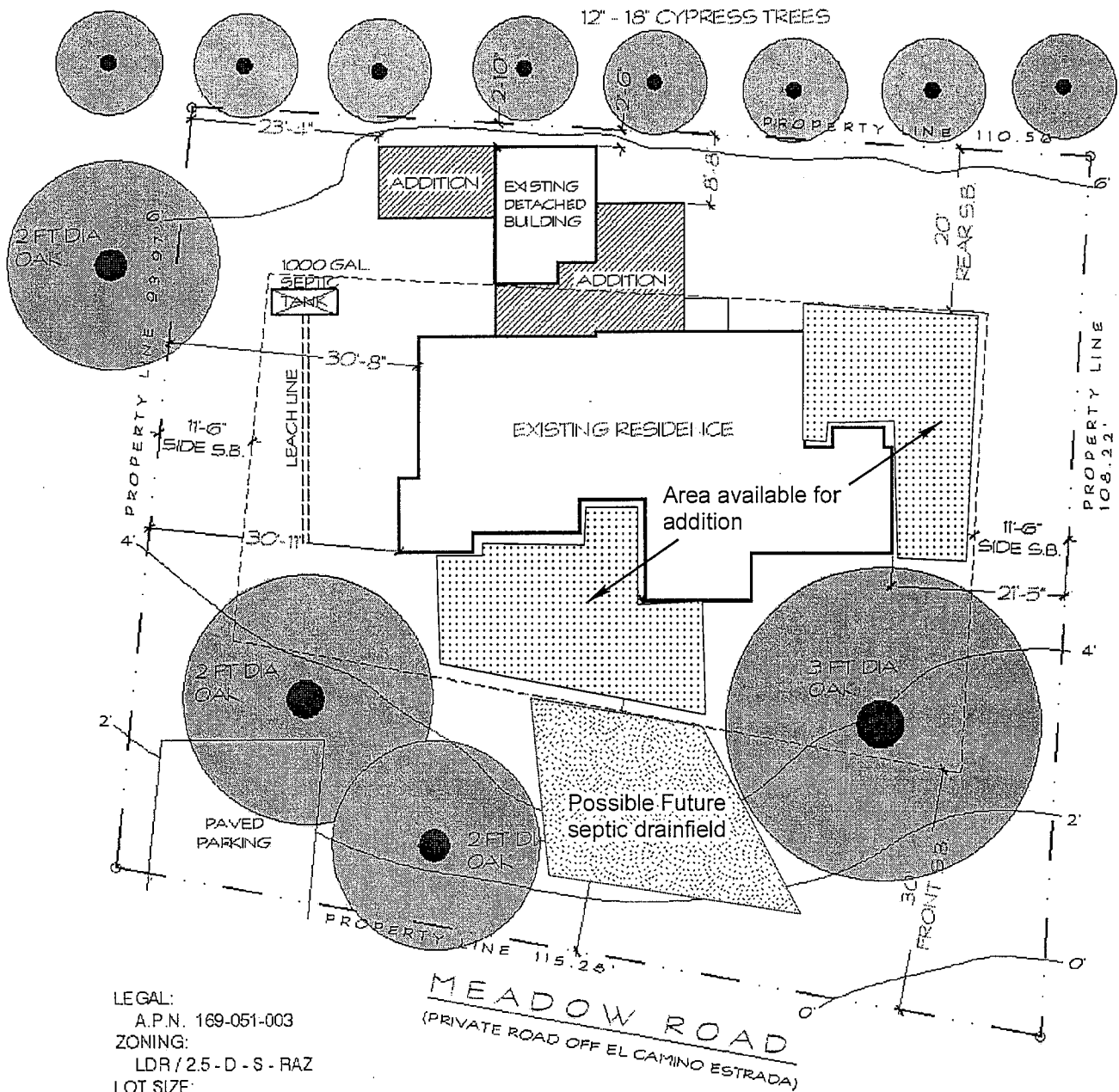


Exhibit D

PLANNER: BRADLEY

Exhibit E
Areas Potentially Available for Proposed Addition

Exhibit E



LEGAL:
A.P.N. 169-051-003
ZONING:
LDR / 2.5-D-S-RAZ
LOT SIZE:
11,382 SF

SITE PLAN

SCALE: 1/8" = 1'-0"

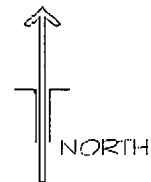


Exhibit F
Advisory Committee Minutes (LUAC)

MINUTES

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

1. Meeting called to order by JANET BRENNAN at 6:30 pm

2. Roll Call

Members Present: JOHN ANZINI, JUDY MACCLELLAND, DOUG PEASE, JANET BRENNAN,
DAVID BURBIDGE, NEIL AGRON,

Members Absent: CHARLES FRANKLIN

RECEIVED

SEP 19 2011

3. Approval of Minutes:

A. July 18, 2011 minutes

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT

Motion: JOHN ANZINI (LUAC Member's Name)

Second: DOUG PEASE (LUAC Member's Name)

Ayes: 6

Noes: Ø

Absent: 1

Abstain: Ø

5. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

JANET BRENNAN: BUSINESS CENTER WAS CLOSED WHEN JANET WENT to pick up the packet, SO WE HAVE NO packet.

JOHN ANZINI: THE CARMEL VALLEY MID VALLEY FIRE STATION DID NOT POST THE NOTICE FOR THIS MEETING FOR THE MANDATORY THREE DAYS prior to the MEETING.

6. Scheduled Item(s)

7. Other Items:

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

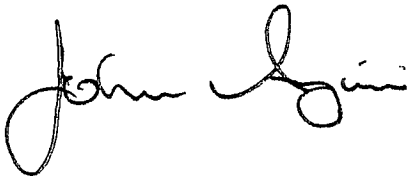
SEE ATTACHED project packet.

B) Announcements

NONE

8. Meeting Adjourned: 8:00 pm

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

RECEIVED

SEP 19 2011

Advisory Committee: Carmel Valley

Please submit your recommendations for this application by: September 6, 2011

MONTEREY COUNTY
PLANNING & BUILDING
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 IOCE00208. 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 X No _____

FRANCES KREBS

Was a County Staff/Representative present at meeting? NO _____ (Name)

PUBLIC COMMENT:

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

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

RECOMMENDATION :

Motion by: JOHN ANZINI (LUAC Member's Name)

Second by: DAVID BURBIDGE (LUAC Member's Name)

☒ Support Project as proposed

☐ Recommend Changes (as noted above)

☐ Continue the Item

Reason for Continuance: _____

Continued to what date: SEP 19 2011

AYES: 6

NOES: 0

ABSENT: 1

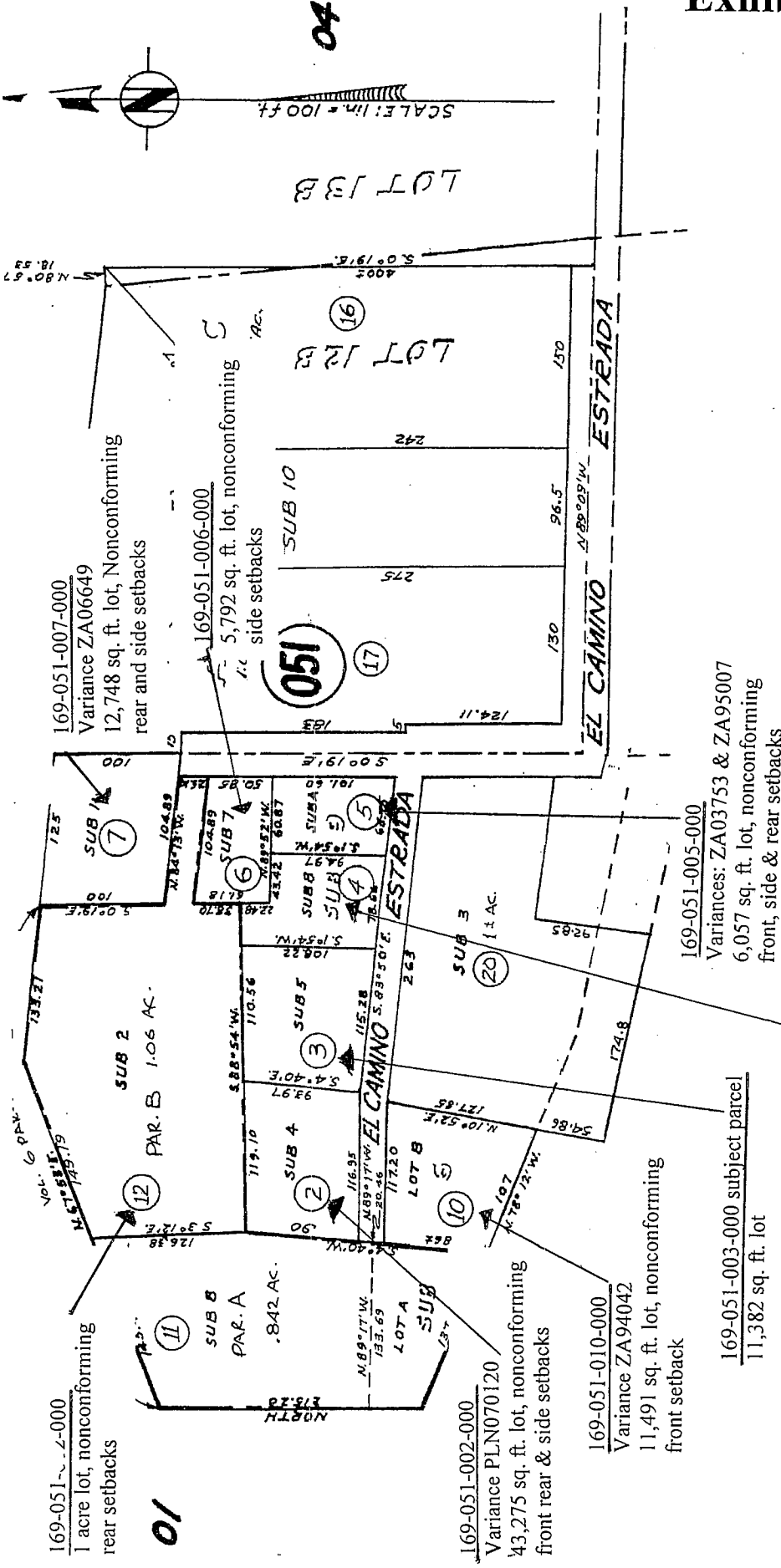
ABSTAIN: 0

RECEIVED

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

Exhibit G
Variances granted, lot sizes and nonconforming setbacks

Exhibit G



JAMES MEADOWS TRACT SUB OF LOT 12B & POR OF LOT 13B

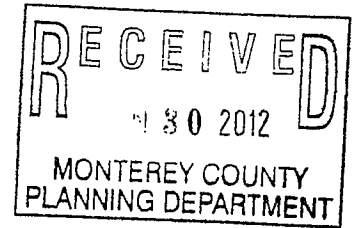
Exhibit H
Appeal from Frances and Steven Krebs
January 30, 2012

Exhibit H



NOTICE OF APPEAL

*Monterey County Code
Title 19 (Subdivisions)
Title 21 (Zoning)*



*No appeal will be accepted until a written decision is given. If you wish to file an appeal, you must do so on or before 1/30/12 (10 days after written notice of the decision has been mailed to the applicant).
Date of decision 1/12/12.*

1. Please give the following information:

- a) Your name Frances Krebs + Steven Krebs
- b) Address 8205 El Camino Estrada, Carmel, CA 93923
- c) Phone Number 831-625-2405

2. Indicate your interest in the decision by checking the appropriate box:

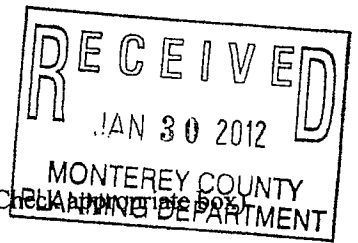
- ☒ Applicant
- ☐ Neighbor
- ☐ Other (please state) _____

3. If you are not the applicant, please give the applicant's name: _____

4. What is the file number of the application that is the subject to this appeal? PLN 100448

Indicate the file number of the application that is the subject of the appeal and the decision making body (i.e., Zoning Administrator, Chief of Planning Services, Subdivision Committee).

- a) File Number PLN 100448
- b) Decision Making Body Zoning Administrator



5. What is the nature of your appeal?

- a) Are you appealing the approval ☐ or the denial ☒ of an application? (Check appropriate box)
- b) If you are appealing one or more conditions of approval, list the condition number and state the condition(s) you are appealing. (Attach extra sheets if necessary).

6. Check the appropriate box(es) to indicate which of the following reasons form the basis for your appeal:

- ☒ There was a lack of fair or impartial hearing; or
- ☒ The findings or decision or conditions are not supported by the evidence; or
- ☒ The decision was contrary to law.

You must next give a brief and specific statement in support of each of the bases for appeal that you have checked above. The Planning Commission will not accept an application for appeal that is stated in generalities, legal or otherwise. If you are appealing specific conditions, you must list the number of each condition and the basis for your appeal. (Attach extra sheets if necessary).

see attached

7. As part of the application approval or denial process, findings were made by the decision making body (Director of Planning and Building Inspection, Zoning Administrator, or Minor Subdivision Committee). In order to file a valid appeal, you must give specific reasons why you disagree with the findings made. (Attach extra sheets if necessary).

see attached

8. You are required to submit stamped addressed envelopes for use in notifying interested persons that a public hearing has been set for the appeal. The Planning and Building Inspection Department will provide you with a mailing list.

9. Your appeal is accepted when the Secretary of the Planning Commission accepts the appeal as complete on its face, receives the filing fee \$5040.95 and stamped addressed envelopes, and places the appeal for public hearing on the Planning Commission agenda.

APPELLANT SIGNATURE

[Signature]

DATE

1/26/12

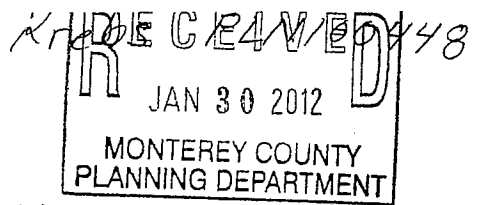
ACCEPTED

[Signature]

SECRETARY OF THE PLANNING COMMISSION

DATE

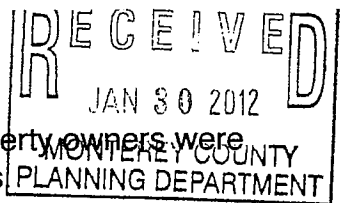
2/10/12



Points concerning Question #6 and Question #7:

There was a lack of fair or impartial hearing, the findings or decision were not supported by the evidence, and a decision was made contrary to the law because the following were not adequately weighed in the decision:

1. The entire neighborhood was built prior to the existence of the current zoning regulations and setbacks. This is evidenced by the fact that several of the adjacent properties in our area zoned R-1 contain more than one residence, and most of the homes in the immediate area have living areas within the current setbacks. Only two of the ten parcels in the neighborhood do not have living areas in the setbacks. Each of these parcels are on large lots (.842 acres and 1 acre.)
2. The variance is necessary to clear a code violation for an addition attaching an existing detached bedroom to the main residence. If the variance is denied, both the addition and the former detached bedroom would have to be removed. It is unlawful to require that former living area of the residence be destroyed, and it is unfair to require that existing addition be removed, when neighbors have been granted a variance for similar conditions clearing a code violation for two illegal additions within the rear setbacks.
3. The Planning Department staff deemed the existing detached bedroom to be a "shed" rather than a bedroom, thereby declaring it illegal living area, because they could not find a building permit for the bedroom. On the contrary, the detached bedroom existed when we bought the house and we have used it as such for the entire time that we have lived in the home. The former owners of the property used the detached bedroom to store garden tools, so on plans submitted for an addition built in 1985, the bedroom was indicated on the site plan as a "shed." We contend that the bedroom is legal living area, and like other neighborhood properties with living areas within the setback, it should be grandfathered in as "legal non-conforming" because it was built at the same time as the original home - prior to the time when any permits were required for construction. Furthermore, according to the Monterey County Assessor's Office, we have been assessed for, and have been paying taxes on, a detached bedroom ever since we purchase the property.
4. The existing residence is 1315 SF with two bedrooms and two baths. One of the bedrooms is extremely tiny so the house functions essentially as a one bedroom home. The house - with the addition (including what was formerly the detached bedroom) is in keeping with typical modern homes. Without the addition it is below average, which reduces its market value.
5. Due to lot restrictions (setbacks, protected trees, septic system and back-up drain field) we cannot build the equivalent size single story addition elsewhere on the property. There is only a narrow strip of property between the rear of the house and the rear setback line where construction would be allowable, and it is not of sufficient width for a room of any kind. There is only a small area to the east of the house where construction would be allowable, but additional square footage in this area would not



would not constitute a grant of special privileges. None of these property owners were told to build a second story rather than adding on within the setbacks.

10. Denial of our variance deprives us of privileges enjoyed by other properties in the vicinity and under identical zone classification. Notably, the most recent variance (Kessler - File No PLN070120) was granted to our next door neighbors in 2009. Many similarities exist between the circumstances involving our variance and theirs, which support why we should also be granted a variance for our addition. The comparisons are as follows:

- a. The neighboring property had a code violation was for the construction of two illegal additions within the rear setback, and granting the variance corrected the violation. Granting our variance would also clear our code violation for the addition within the rear setback.
- b. Building envelopes on our and the neighboring property are both limited by physical characteristics. Our limitations include the septic system to the west, the back up drain field and protected trees to the front, and the proximity of the house to the rear setback. Their limitations included the location of the existing and back up septic systems, 30% slopes, and the proximity of the house to the rear setback.
- c. The neighboring illegal additions were constructed within the same distance to the rear property line as the original house (9 ft from the rear property line). A small wing of our addition (129 SF) was built with the same distance to the rear property line as our original detached bedroom (2'-6"). The rest of our addition was built 8' 8" from the rear property line.
- d. Our variance application, and that of the neighbors, were for approximately the same square footage. In granting the variance to the neighbors, the planning department cited that "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." Note that although the resulting two bedroom, two bath house that the neighbors variance granted is slightly smaller than the larger home that we are requesting (with three bedrooms and two and a half bathrooms) the neighbors also have a second house on the property. The second house has one bedroom, and one bath. Incidentally, our lot and their lot are roughly the same size.
- e. The neighbors could have also built a second story, rather than making a single story addition in the rear setback, but this was not mentioned or suggested by the Planning Department during the variance proceedings.
- f. The neighbors variance findings stated "The location of the additions in relation to the house better achieve internal circulation required by Monterey County code." Whereas if we were to create a small single story addition on the east side of our house, as suggested by the Planning Department, the floor plan would not achieve better (or even reasonable) internal circulation. This again points to the fact that denial of our variance "would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification."

Exhibit I
Zoning Administrator Resolution 12-003

Exhibit I
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. 12-003

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 and January 12, 2012. 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 is inconsistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE:
 - a) 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: a) 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.

- b) 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 feet) addition could be constructed on the subject property similar in size to the one proposed: 1) to the east of the home; 2) 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.

4. **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 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.

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.

5. **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 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.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.

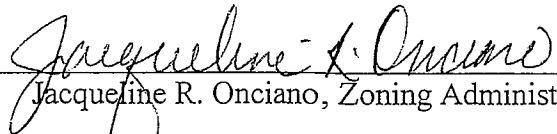
- EVIDENCE:**
- e) Section 21.80.040.B Monterey County Zoning Ordinance (Title 21).

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.

EXEMPTED AND DENIED this 12th day of January, 2012.


Jacqueline R. Onciano, Zoning Administrator

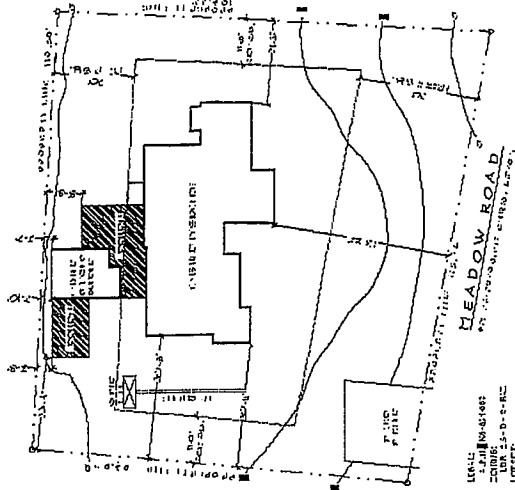
COPY OF THIS DECISION MAILED TO APPLICANT ON **JAN 18 2012**

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

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.

KREBS / ADDITION



SITE PLAN

SCALE 1/8" = 1'-0"

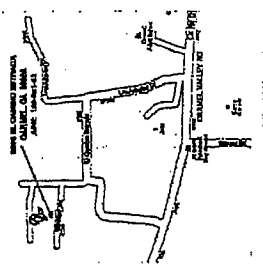
ADDITION
STEVEN & FRANCES
KREBS RESIDENCE
CARMEL VALLEY

PROJECT DATA

LEGAL: A.P.N. 19-051-003
ZONING: LDR 2.5 - D - S - RZ
SITE ADDRESS: 8505 EL CAMINO ESTERADA, CARMEL, CA 93923
OWNER: STEVEN & FRANCES KREBS
LOT SIZE: 11,352 SF
LOT COVERAGE: 14%
BUILDING: 14%
PROPOSED: 19%
DATE: 14 MARCH 2011
PRINT DATE: 14 MARCH 2011
ESTIMATED VALUE OF THE REMODEL: \$30,000

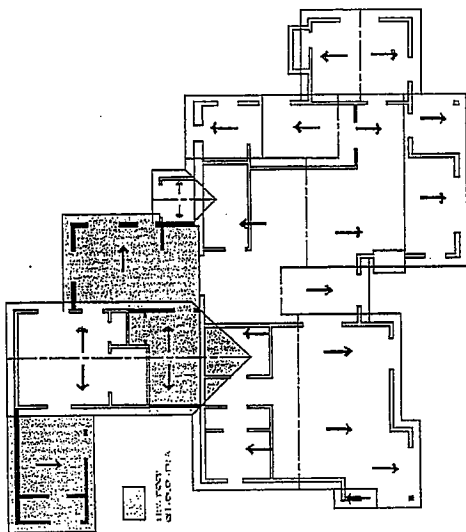
SCOPE OF WORK

ADD 354 SF OF LIVING AREA TO THE REAR OF EXISTING SF.
NEW STRUCTURES HAVE SLAB ON GRADE FOUNDATION.
THERE WAS NO EXCAVATION, SOIL DISTURBANCE OR TREE REMOVAL.



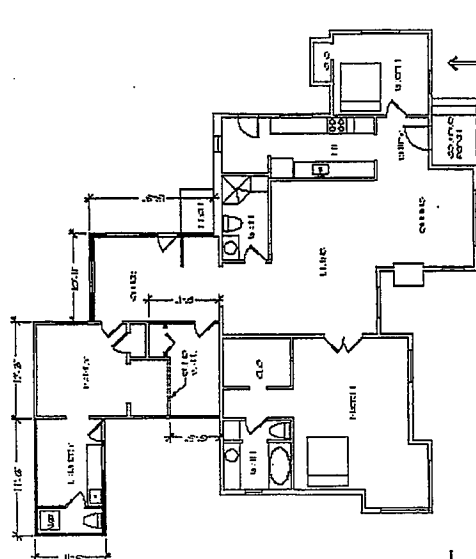
VICINITY MAP

KREBS DESIGN GROUP
PO BOX 100
CARMEL, CA 93908
TEL 408.925.1212



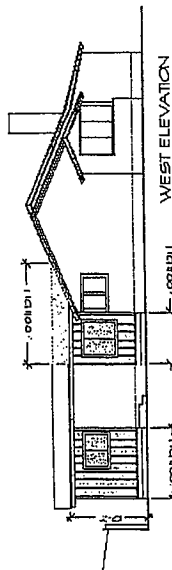
ROOF PLAN

SCALE 1/8" = 1'-0"

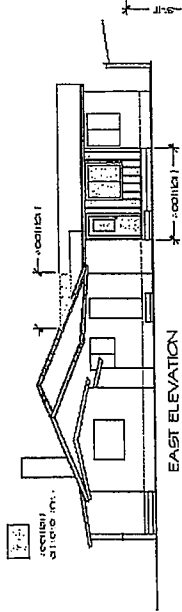


FLOOR PLAN

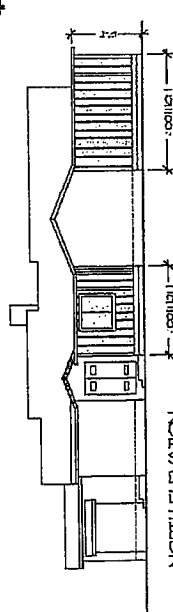
SCALE 1/8" = 1'-0"



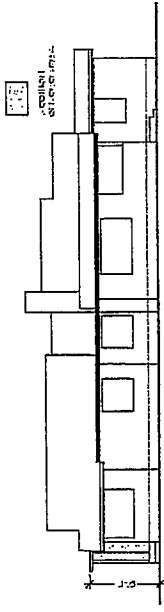
WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION

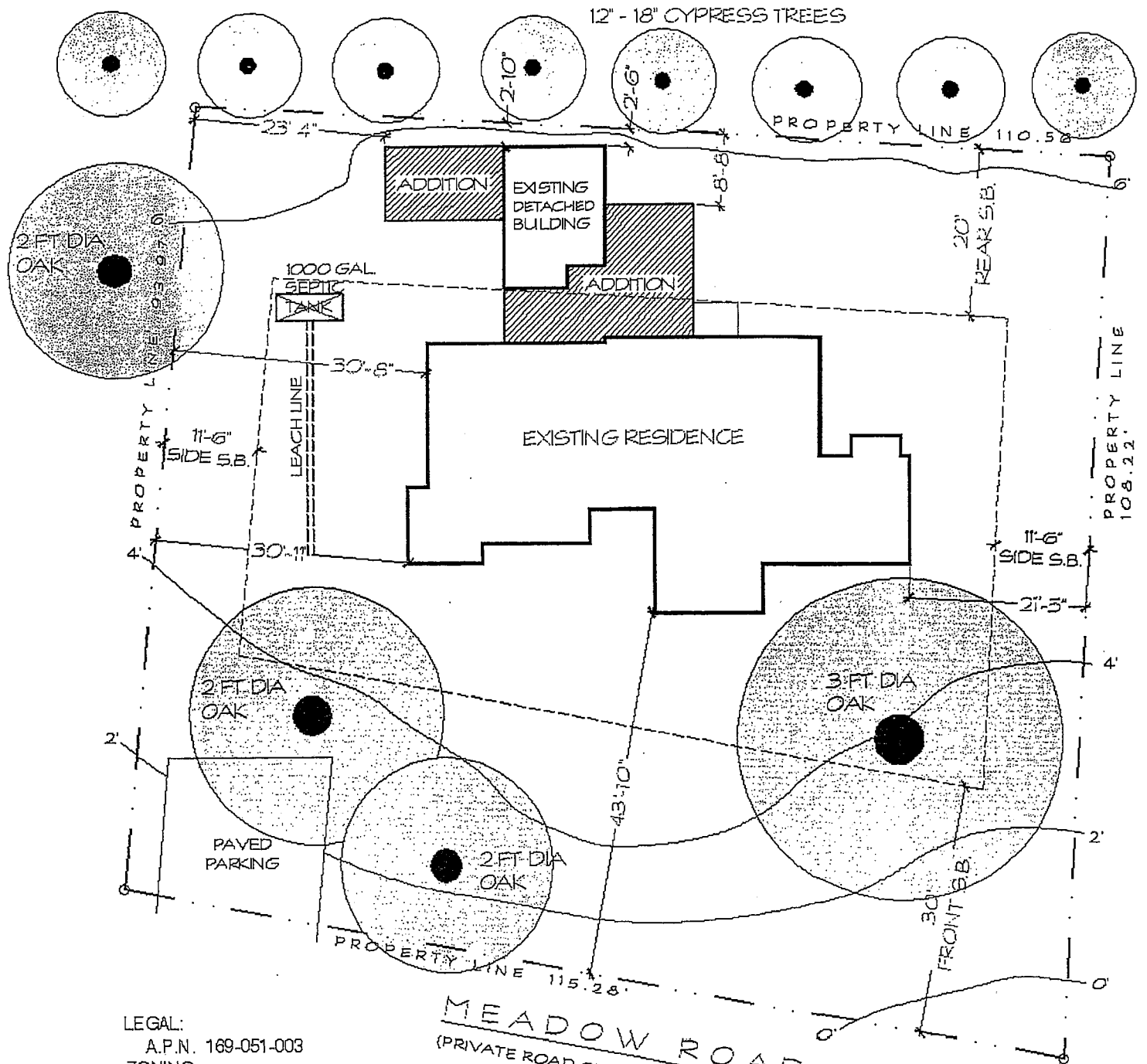


SOUTH ELEVATION

ELEVATIONS

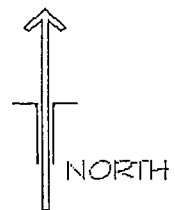
SCALE 1/8" = 1'-0"

EXTERIOR MATERIALS TO MATCH EXISTING:
PORTLAND CEMENT PLASTER (4" THICK)
PORTLAND CEMENT PLASTER (2" THICK)
PORTLAND CEMENT PLASTER (1" THICK)
PORTLAND CEMENT PLASTER (3/4" THICK)
PORTLAND CEMENT PLASTER (1/2" THICK)



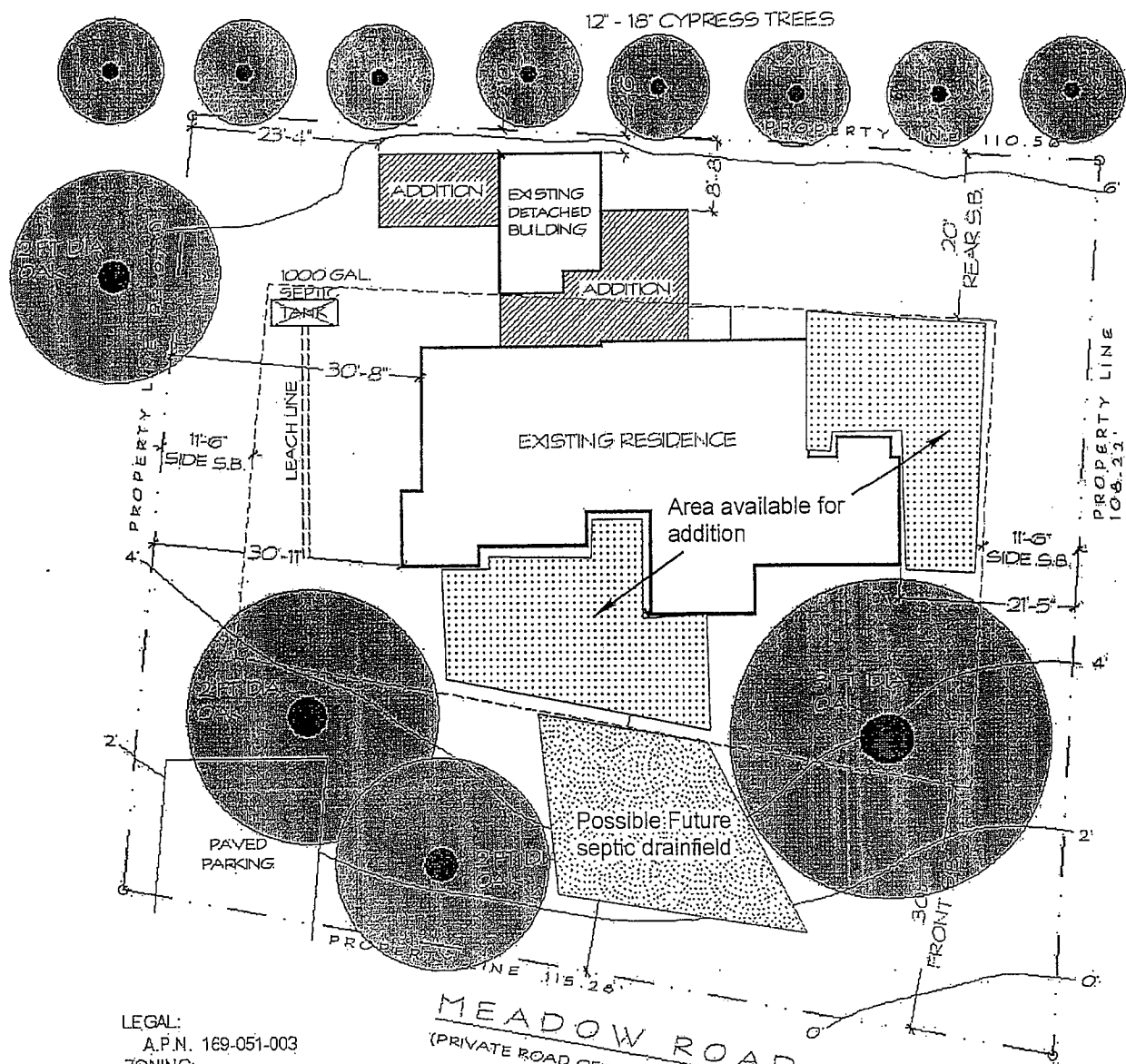
LEGAL:
A.P.N. 169-051-003
ZONING:
LDR / 2.5-D-S-RAZ
LOT SIZE:
11,382 SF

MEADOW ROAD
(PRIVATE ROAD OFF EL CAMINO ESTRADA)



SITE PLAN

SCALE: 1/16" = 1'-0"



LEGAL:
A.P.N. 169-051-003
ZONING:
LDR / 2.5 - D - S - RAZ
LOT SIZE:
11,382 SF

MEADOW ROAD
(PRIVATE ROAD OFF EL CAMINO ESTRADA)

SITE PLAN

SCALE: 1/16" = 1'-0"

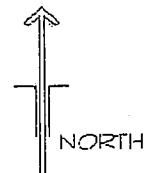
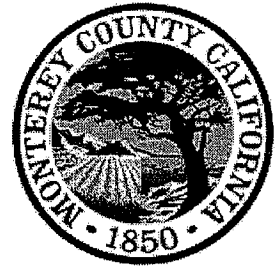


Exhibit J
Memo to Zoning Administrator for the
January 12, 2012 public hearing

Exhibit J

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT



MEMORANDUM

Date: January 12, 2012

To: Jacqueline Onciano, Zoning Administrator

From: Paula Bradley, MCP, AICP, Associate Planner

Subject: PLN100448 KREBS

The proposed project was heard at the December 8, 2011 public hearing. The Zoning Administrator continued the hearing to January 12, 2011 and directed staff to provide additional information about the use of the building additions approved with the other five Variances approved in the immediate neighborhood.

These variances were approved as follows:

1. File No. PLN070120 allowed a bedroom and a bathroom addition with reduced side yard setbacks.
2. File No. ZA03753 allowed a garage with reduced front yard setbacks.
3. File No. ZA95007 allowed a bathroom with reduced side and front yard setback.
4. File No. ZA94042 allowed a garage with a reduced side and rear yard setback.
5. File No. ZA06649 allowed a bedroom with a reduced side and rear yard setback.

Additional discussion is provided below.

The most recent Variance (PLN070120 - Kessler) 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 for a bedroom and a bathroom addition. This property is adjacent to the subject parcel to the west. 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 buildable 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. With the Kessler Variance there were no options for the addition other than the location of the existing two illegal additions, and there was no mention of building a second story option.

In 1979 a Variance (ZA03753 - Keehn) on Assessor's Parcel Number 169-051-005-000 was granted for reduced side and rear yard set backs to allow a 440 square foot garage.

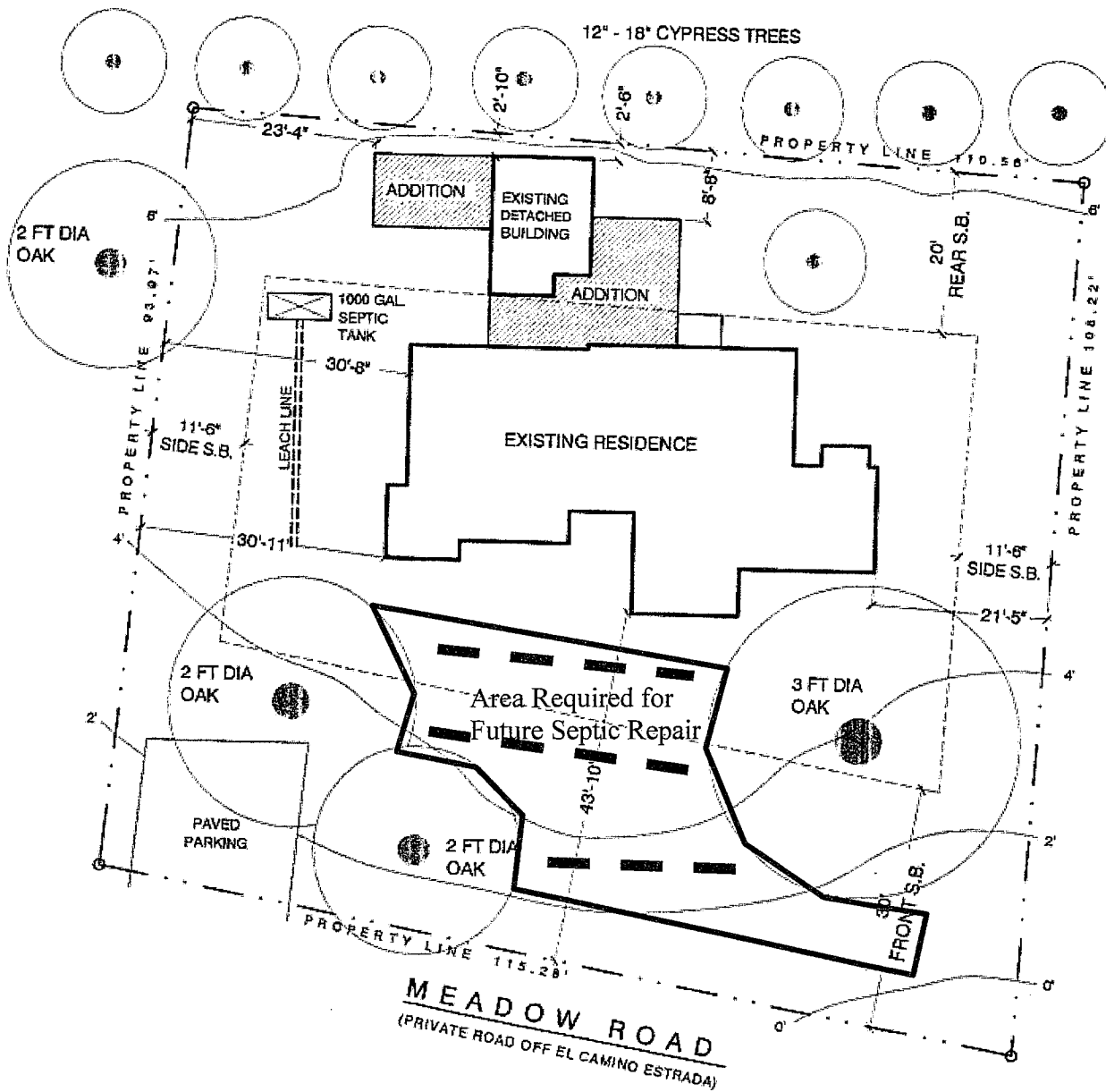
A second Variance (ZA95007 - Keehn) to allow a 64 square foot second bathroom was granted in 1995 on the same parcel for a reduced front yard setback allowing an eight foot front yard setback (30 feet is required) on a corner lot with two front setbacks.

In 1994 across the street from the subject parcel on Assessor's Parcel Number 169-051-010-000, a Variance (ZA94042 - Ball) allowed a reduced six foot front yard setback for the construction of a garage. The owner's justification letter stated that there was no existing covered parking or other location for a garage due to location of a septic system and a ten foot utility easement.

In 1987 a Variance (ZA06649 - Gregg) on Assessor's Parcel Number 169-051-007-000 allowed a reduced side and rear yard setback. The Variance allowed a master bedroom addition to an existing dwelling which extended a nonconforming three foot side yard setback. Physical constraints included extensive landscaping and hardscape, fountain, greenhouse/garage, pool and septic system, in addition to the existing structures including a detached guesthouse/cottage.

No additional details concerning the specific special circumstances were included in the record for the Variances. Only the Kessler Variance record included a site plan clearly demonstrating that there were no other options for an addition other than the project proposed.

Since the public hearing staff received a letter from the Krebs' dated 12/12/2011 (attachment 1). Attachment 2 is a site plan showing the area required for the Krebs' septic system.



SITE PLAN

LEGAL:
A.P.N. 169-051-003
ZONING:



Potential septic repair area shown—Environmental Health Bureau requirement

Exhibit K
Materials submitted by the applicant to the
Zoning Administrator

Exhibit K-1**Arguments in Favor of Granting Variance**

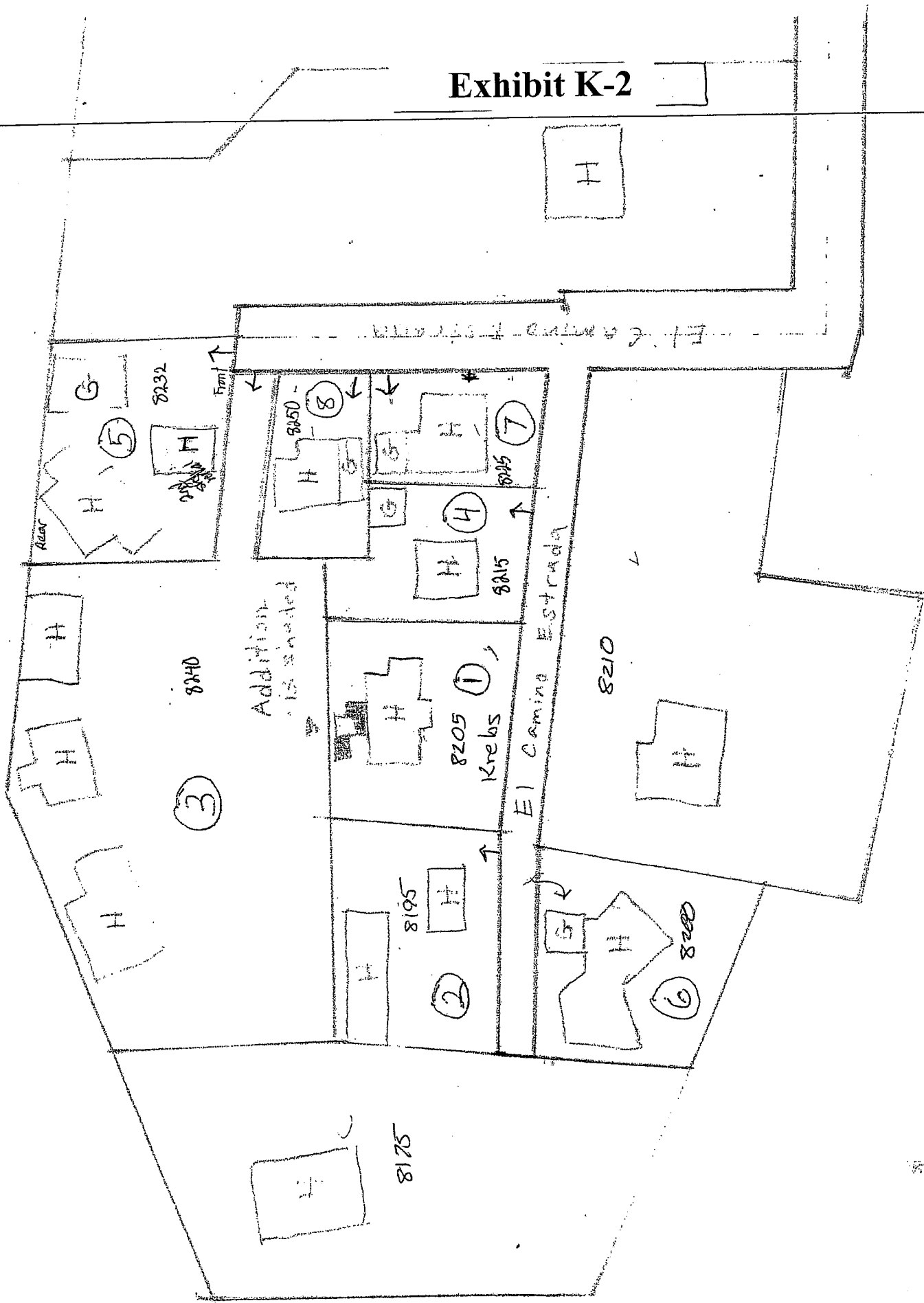
Arguments in favor of granting a variance for approval of the addition into the rear setback of 8205 El Camino Estrada, Carmel, CA 93923 are as follows:

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 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.

APPLICANT SUBMITTAL



①

8205 El Camino Estrada

Photos on right:

Top: View from southeast

Middle: View from southwest

Bottom: Front view

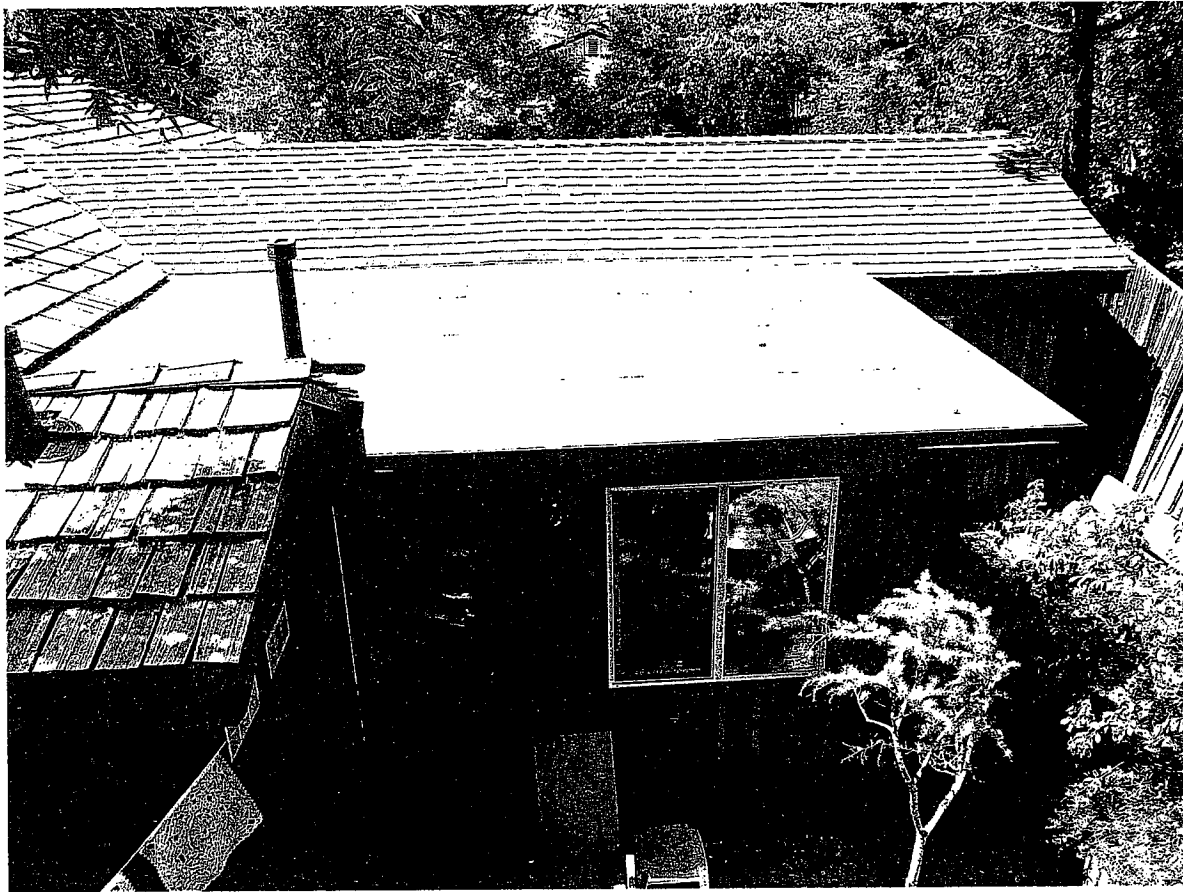


Front entry



①

8205 El Camino Estrada - Addition



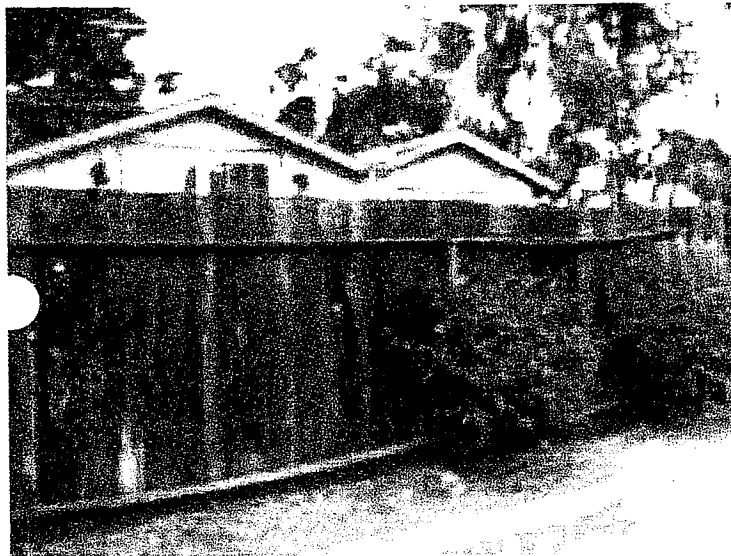
Flat roof ties into existing house (on left), and into gable roof of existing guest studio (behind addition.) Guest house gable was extended to meet roof of existing house. Note - height of addition roof similar to height of rear fence.

2

Nearby Neighbor (next door)



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



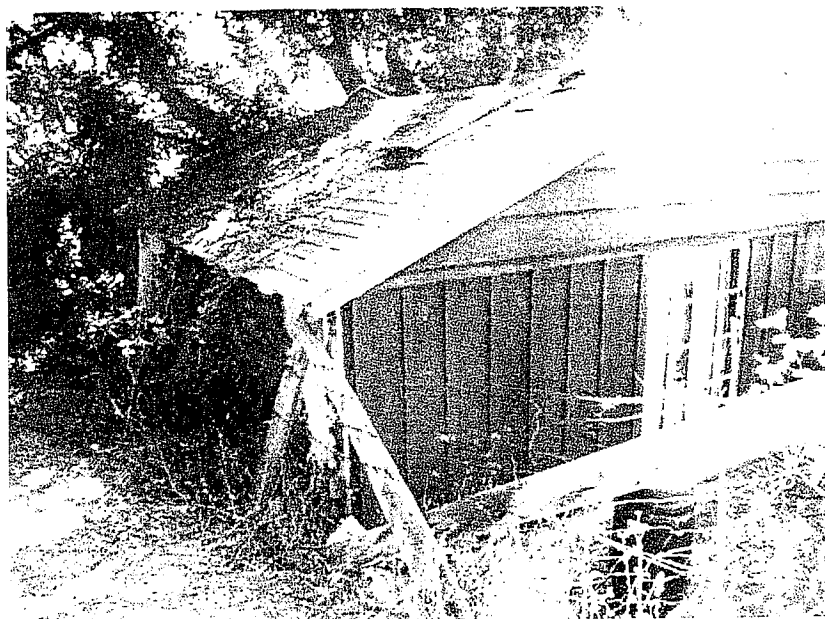
8195 El Camino Estrada - Guest house built in front setback.

8195 El Camino Estrada - Main house built within rear setback



3

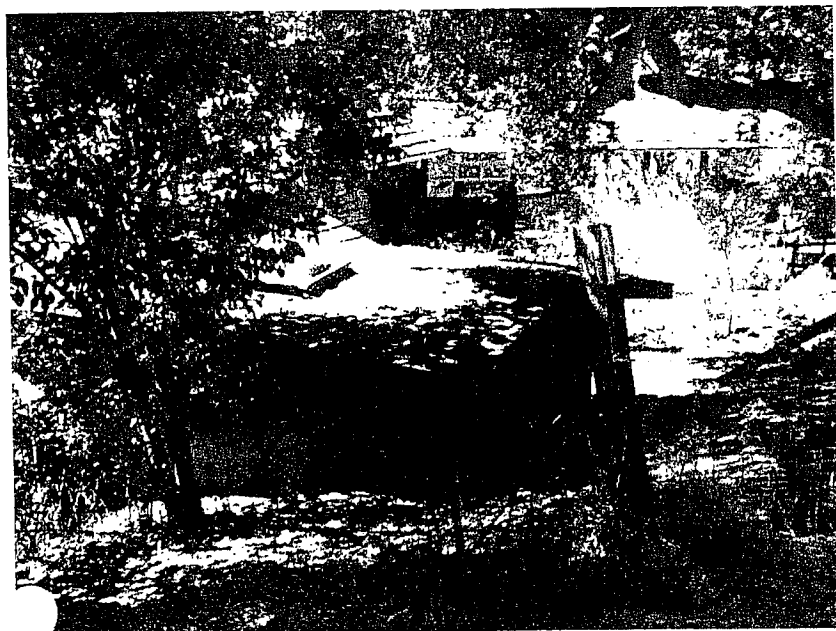
Nearby Neighbors
(Property directly behind 8205 El Camino Estrada)



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



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



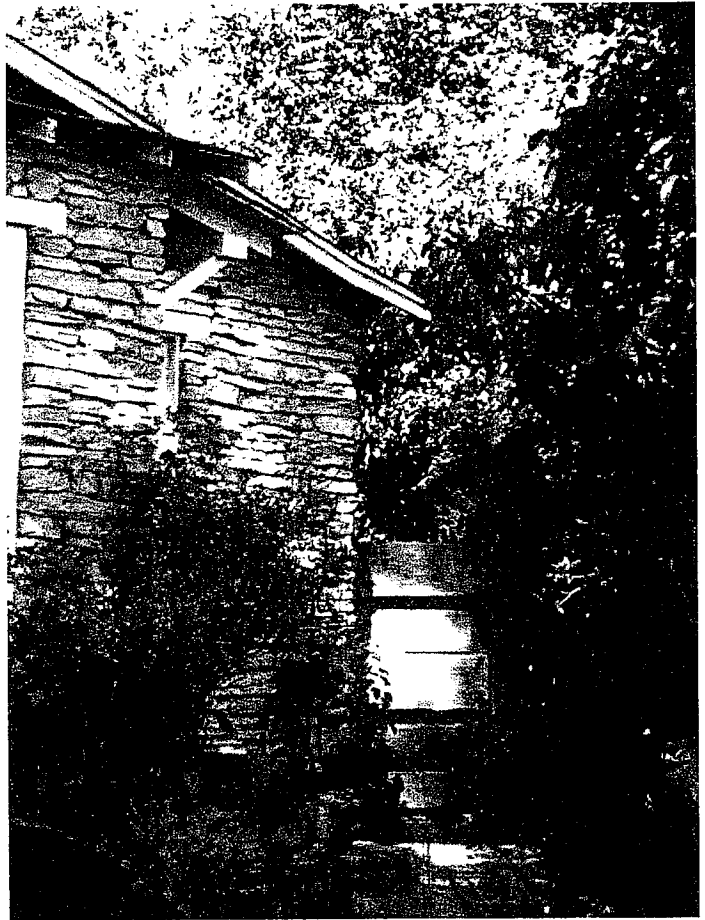
8240 El Camino Estrada: House #2 =
built within rear setback.

4

Nearby Neighbors



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

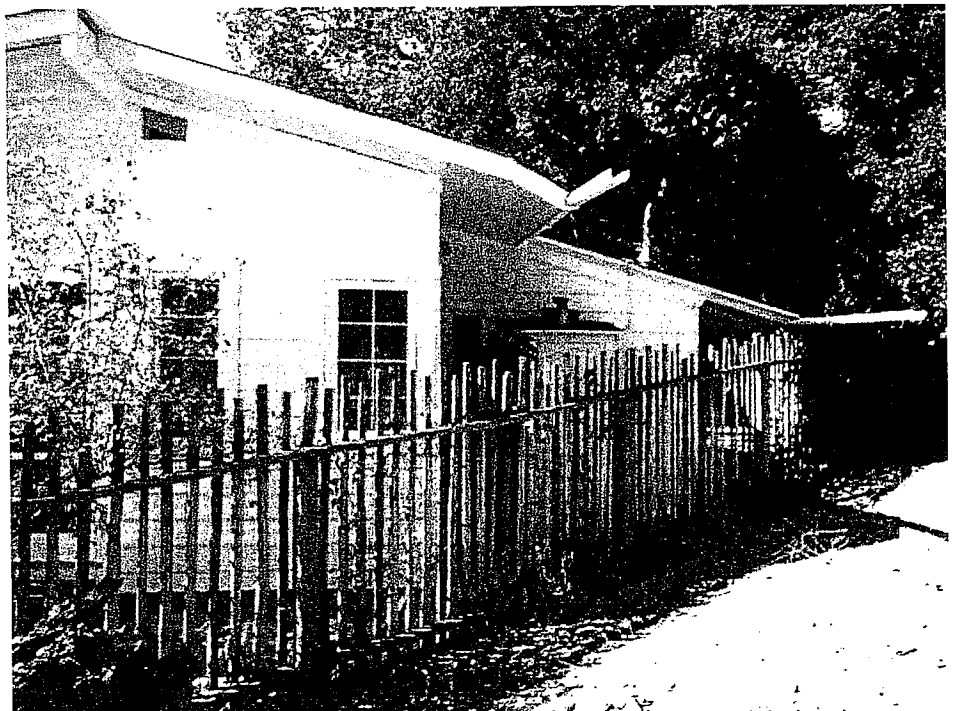


8250 El Camino Estrada - built into the side setback.

8

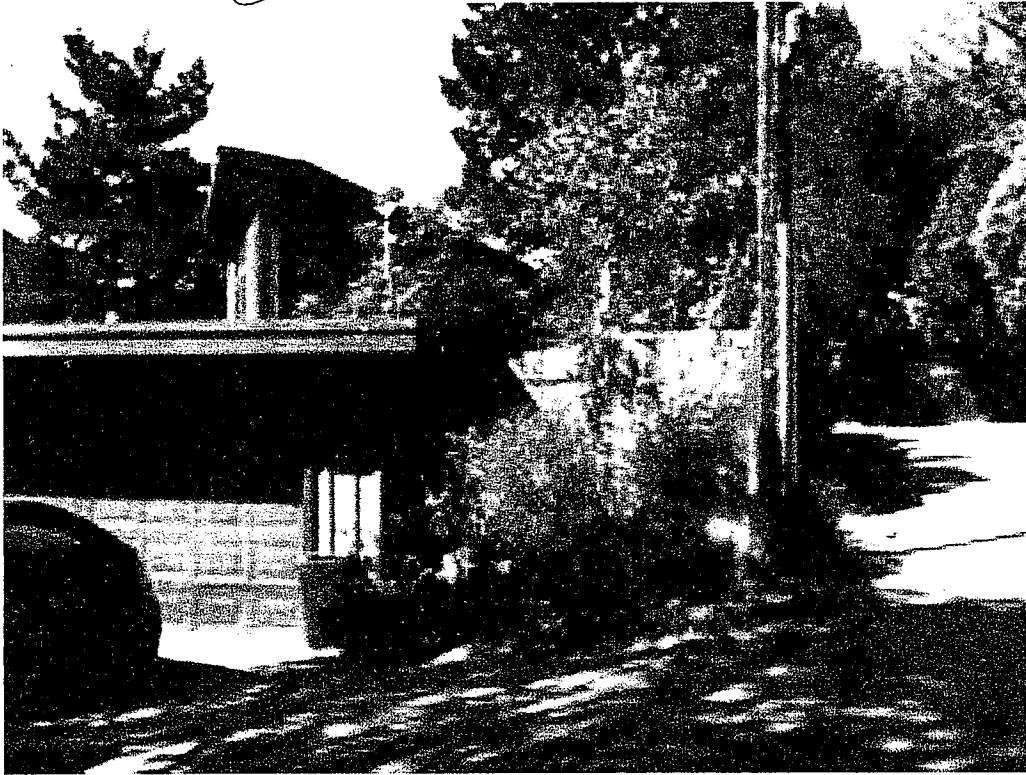
5

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



6

Nearby Neighbors

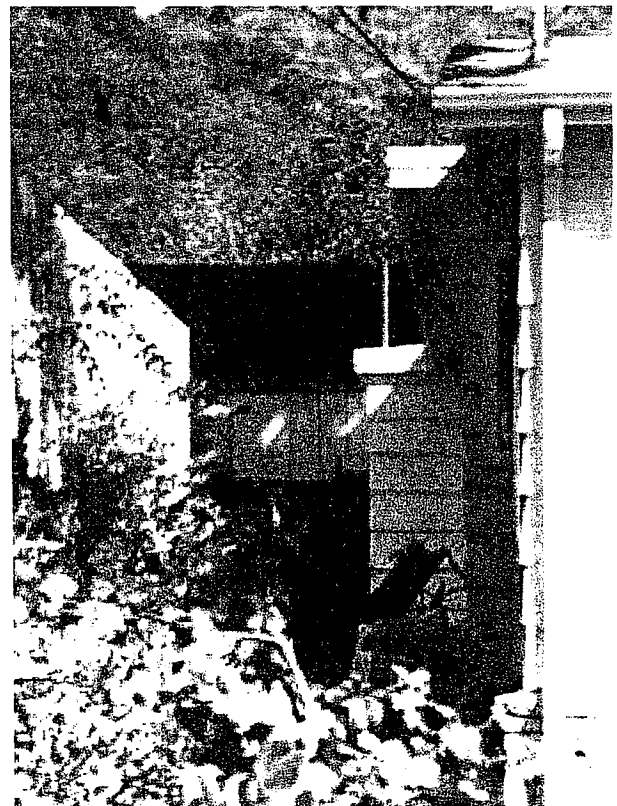


8200 El Camino Estrada - Garage
within front setback. (Across street.)

7

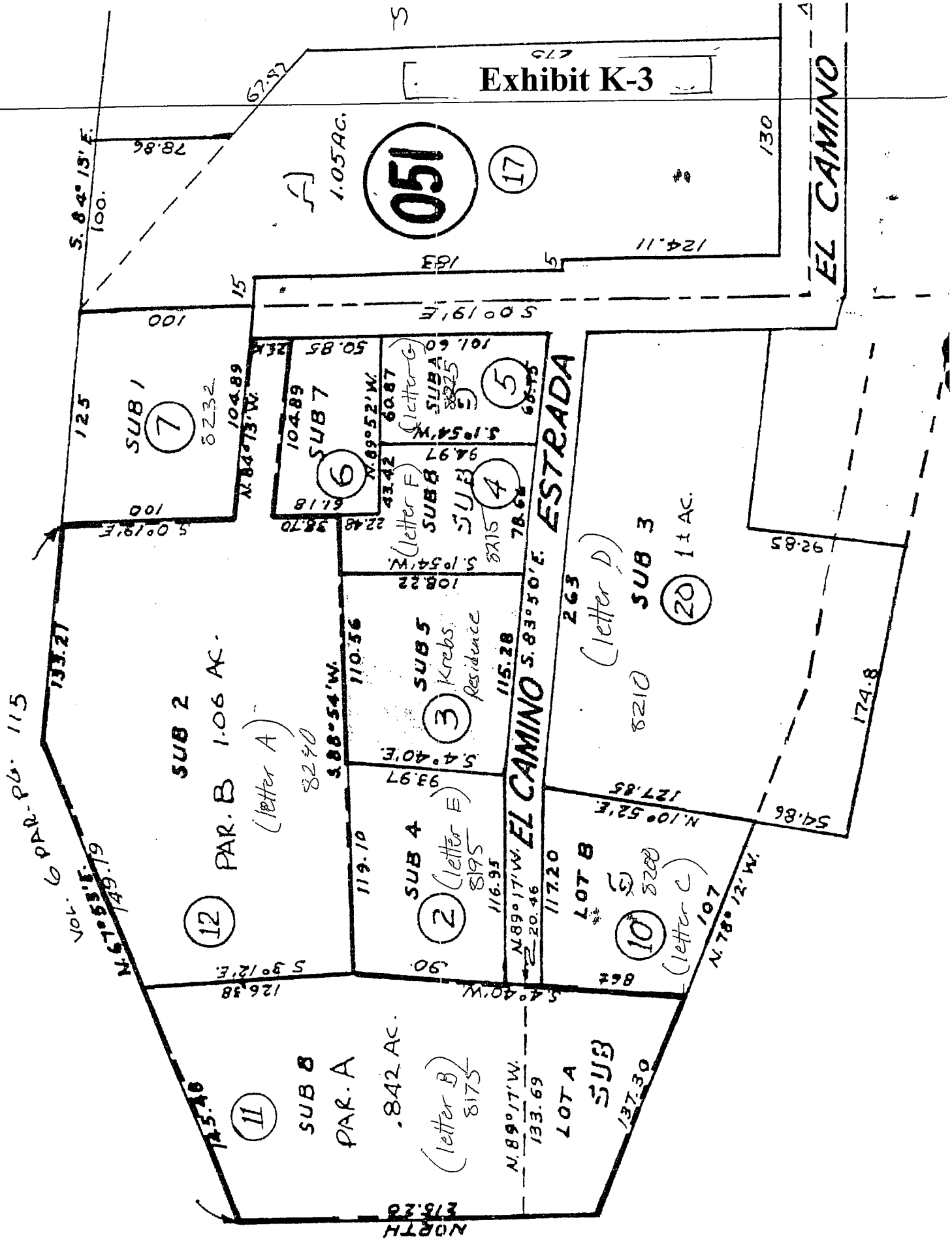


8225 El Camino Estrada - built within
front setback. (Two doors down.)



8225 El Camino Estrada - also built
within rear setbacks.

APPLICANT SUBMITTAL



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

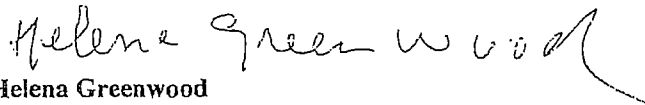
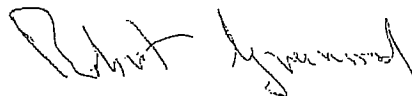
November 15, 2010

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, 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

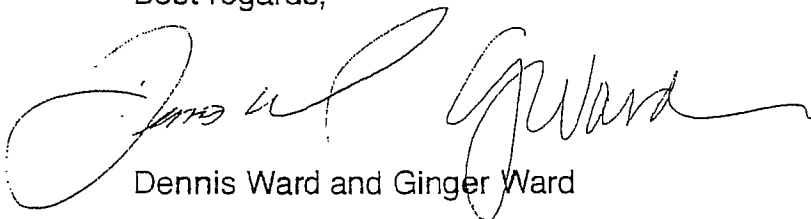
To whom It may Concern:

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 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,

A handwritten signature in cursive script, appearing to read "Dennis and Ginger Ward", written in dark ink.

Dennis Ward and Ginger Ward

Barbara and Ian Trask
8200 El Camino Estrada
Carmel, CA 93923

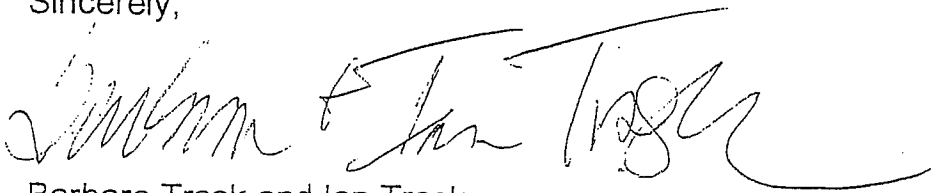
September 26, 2010

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 an 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,

A handwritten signature in cursive script, appearing to read "Barbara & Ian Trask", written in dark ink.

Barbara Trask and Ian Trask

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

Lucretia Butler

Sonja Jegat
27540 Schulte Rd.
Carmel, CA 93923

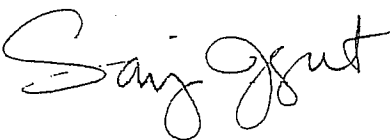
September 28, 2010

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

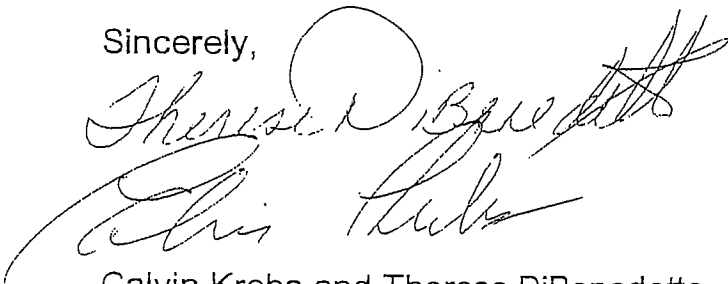
We live next door to the Krebs. We are in favor of their request for an exception to allow an addition within the rear setback of their property that would attach the existing rear studio to the house.

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,

The block contains two handwritten signatures. The first signature is 'Therese DiBenedetto' in a cursive script. The second signature is 'Calvin Krebs' in a cursive script. Below the signatures is the printed name 'Calvin Krebs and Therese DiBenedetto'.

Calvin Krebs and Therese DiBenedetto

Chris Keehn
8225 El Camino Estrada
Carmel, CA 93923

October 8, 2010

To Monterey County Planning Department:

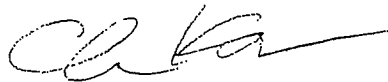
I live two doors from Steven and Frances Krebs. I understand that they are applying for permission to keep the addition to the rear of their home, and I understand that this addition lies within the rear yard set back.

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

Exhibit L

MONTEREY COUNTY BUILDING INSPECTION DEPARTMENT			
1-28-85		85-47	
PROPERTY LOCATION:		DATE ISSUED: 2/25/85	
LOT	BLOCK	PERMIT NO.	AREA CODE
STREET (ADDRESS): 8205 El Camino Estrada		35538	C 434
TRACT/SUBD. James Meadows		VALUATION: 33,200	
ASSESSOR'S PARCEL NO. 169-051-03		FEES:	
NEAREST CROSS STREET: Los Arboles	POST OFFICE: Carmel	PLAN CHECK: \$ 17.44	
OWNER: Sherry Blair	PHONE:	RESIDENTIAL: 263.75	
MAILING ADDRESS: Same	CITY:	COMMERCIAL:	
ARCHITECT OR ENGINEER: Jeanne Byrne	PHONE: 372-6585 or 373-3425	GRADING:	
CONTRACTOR: Byrne & Byrne	PHONE:	PLUMBING:	
USE OF STRUCTURE: SFD Addn./Bedroom & Bath		ELECTRICAL:	
TYPE OF IMPROVEMENT:		MECHANICAL: 2.38	
<input type="checkbox"/> PLUMBING <input type="checkbox"/> ELEC. <input type="checkbox"/> MECH. <input type="checkbox"/> GRADING <input type="checkbox"/> CU. YDS. <input type="checkbox"/> BUILD <input type="checkbox"/> REMODEL <input checked="" type="checkbox"/> ADD TO <input type="checkbox"/> REPAIR <input type="checkbox"/> MOVE <input type="checkbox"/> CONVERT <input type="checkbox"/> DEMOLISH		STRONG MOTION FEE: 2.38	
SIZE: 698 SQ. FT.	NO. OF STORIES: 1	PLAN MAINT. FEE:	
LICENSED CONTRACTORS DECLARATION		TOTAL \$ 437.57	
I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.			
License Class: General		Lic. Number: 376773	
Contractor: [Signature]			
OWNER-BUILDER DECLARATION			
I hereby affirm that I am exempt from the Contractor's license law for the following reason (Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractors' License Law (Chapter 9, commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.):			
<input type="checkbox"/> I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself; or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale).			
<input type="checkbox"/> I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law).			
<input type="checkbox"/> I am exempt under Sec. _____ B. & P. C. for this reason: _____			
Applicant: _____ Date: _____			
WORKERS' COMPENSATION DECLARATION			
I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof (Sec. 3800, Lab C.).			
Policy No.: _____ Company: _____			
<input type="checkbox"/> Certified copy is hereby furnished <input type="checkbox"/> Certified copy is filed with the county building inspection department or county _____ department			
Applicant: [Signature] Date: 25 Feb 85			
CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE			
(This section need not be completed if the permit is for one hundred dollars (\$100) or less). I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California.			
Owner: _____ Date: _____			
NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked			
APPLICATION APPROVED BY: [Signature]		FOR BUILDING INSPECTOR	
THE ABOVE APPROVAL GRANTS PERMISSION TO DO THE WORK COVERED BY THIS APPLICATION IN ACCORDANCE WITH PLANS AS APPROVED AND ALL APPLICABLE COUNTY AND STATE ORDINANCES, REGULATIONS AND LAWS GOVERNING LOCATION, CONSTRUCTION AND OCCUPANCY OF BUILDING.			
EXPIRATION OF PERMIT: THIS PERMIT EXPIRES IF THE BUILDING OR WORK AUTHORIZED HEREIN IS NOT COMMENCED WITHIN 180 DAYS FROM DATE OF APPROVAL, OR IF WORK IS SUSPENDED FOR A PERIOD OF 180 DAYS OR ABANDONED; AFTER EXPIRATION, THIS PERMIT MUST BE RENEWED BEFORE THE WORK MAY BE COMMENCED AGAIN.			
REQUIRED FOR CLEARANCE:			
ZONING		OK TO ISSUE: 3/20/85	
GEN. PLAN - OK ALV.		[Signature]	
MPA II		1/29/85	
MINOR SUBDIVISION		[Signature]	
HEALTH		2/25/85	
ENCROACHMENTS		RP	
BUILDING INSPECTOR		N/A	
OWNER-BUILDER VERIFICATION		2/25/85	
FINANCING AGENCY		[Signature]	
BRANCH			
ADDRESS			

1-28-85

85-47

MONTEREY COUNTY BUILDING INSPECTION DEPARTMENT

PROPERTY LOCATION:

LOT BLOCK TRACT/SUBD. **James Meadows**
STREET (ADDRESS) ASSESSOR'S PARCEL NO.

8205 El Camino Estrada 169-051-03

NEAREST CROSS STREET **Los Arboles**
POST OFFICE **Carmel**

OWNER **Sherry Blair**
MAILING ADDRESS **Same**
CITY

ARCHITECT OR ENGINEER **Jeanne Byrne**
PHONE **372-6585 or 373-3425**

CONTRACTOR **Byrne & Byrne**
PHONE

USE OF STRUCTURE

SFD Addn./Bedroom & Bath

TYPE OF IMPROVEMENT:

☐ PLUMBING ☐ REC. ☐ MECH. ☐ GRADING ☐ CU. YDS.
☐ BUILD ☐ REMODEL ☒ ADD'D ☐ REPAIR ☐ MOVE ☐ CONVERT ☐ DEMOLISH

SIZE: SQ. FT. **698**

NO. OF STORIES **1** NO. OF FAMILIES **1**

DATE ISSUED 2/25/85	PERMIT NO. 35538	AREA C	CODE 434
SET BACKS (IN FEET)		VALUATION 33,200	
FRONT 30	SIDE 11 1/2	SIDE 11 1/2	REAR 20
ZONE R-1-A-B-10		BLDG. TYPE	
RECEIPT NO. PCM 38789			
<input checked="" type="checkbox"/> CATEGORICALLY EXEMPT <input type="checkbox"/> ASSESSMENT REQ'D. <input type="checkbox"/> NEG. DEC. ADOPTED <input type="checkbox"/> CERTIFIED EIR REV.			
APPLICATION APPROVED BY <i>[Signature]</i> FOR BUILDING INSPECTOR			
5.13.85 RV - NOT READY FOR FRAMING 8/12/85 RV Corrections for final on back.			
FEES: PLAN CHECK \$ 171.44 RESIDENTIAL 263.75 COMMERCIAL GRADING PLUMBING ELECTRICAL MECHANICAL STROKES MOTION FEE 2.38 PLAN MAINT. FEE TOTAL \$ 437.57			

OTHER PERMITS	PERMIT NUMBER	FEE
POWER POLE		
GRADING		
PLUMBING		
ELECTRICAL		
MECHANICAL		
SOLAR		

OFFICE RECORD OF INSPECTIONS

BUILDING	ELECTRICAL	PLUMBING	PLASTERING
FOUNDATION FORMS 3/10/85 R	TEMPORARY SERVICE	ROUGH PLUMBING 4/1/85 R	LATH-EXTERIOR
GARAGE FORMS	UNDERGROUND OR	TOP SEWER 4/1/85 R	LATH-INTERIOR
CONCRETE SLAB FLOOR	UNDER CONCRETE	ROUGH HEATING 4/1/85 R	LATH-SHOWER & TUB 4/1/85 R
CONCRETE BLOCKS 3/21/85 R	ROUGH ELECTRIC 5/22/85 R	GAS PRESSURE 4/1/85 R	SHEET ROCK NAILING 5/13/85 R
	ELECT. SERVICE	SEWER 10# 5/22/85 R	FIRE SEPARATION
bedroom - 2/19/85 R	FINAL ELECTRIC 3/3/85 R	FINAL PLUMBING 4/3/85 R	PATCH
ROOF SHEATHING UVIC 4/22/85 R	ELECTRIC METER AUTH.	FINAL HEATING 4/1/85 R	OTHER
UNDERFLOOR FRAMING 4/1/85 R	PG & E CALLED	FINAL GAS 3/3/85 R	ALTER
FRAMING 4/1/85 R	CEILING 5/14/85 R	SEPTIC TANK	REPAIR
INSULATION 4/1/85 R		GAS METER AUTH. 2/12/85 R	MOVE
ROOFING		PG & E CALLED 8/12/85 R	GRADING
FIREPLACE FOUNDATION			
THROAT/DAMPER			
COMBUSTION AIR			
CHIMNEY			

ENCROACHMENT

OK TO OCCUPY

DATE

FINAL INSPECTION

PROPERTY FILE NO.

DATE

PERMIT NO.

OWNER
Blair, SherryGENERAL CONTRACTOR
Byrne & Byrne

SFD Addn.

2-25-85

35538 (2)

8/1/285

For Final:

- ☒ Provide access 22" X 30" for attic.
- ☒ Check water pipe bond.
- ☒ Need weather stripping on all exterior doors.
- ☒ Complete electrical fixtures.
- ☒ Need to paint ABS vent pipe.
- ☒ Complete Kitchen hoodvent.
- ☒ Have door for underfloor access.

GRAPE STAKE FENCE

110.50'

20.0'
REAR SETBACK

EXISTING
SHED

20.0'

PROPOSED
ADDITION
643 SQ FT

WIRE MESH FENCE

25.0'

20.0'

11.0'

SIDE SETBACK

CEASE #1