

MEETING DATE: September 28, 2016

PREPARED BY: S. Perkins

PRESENTED BY: S. Perkins

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Variance 1-16 (VAR 1-16)

OWNER/APPLICANT: Archie Glen Jones

REQUEST: Variance request to reduce front setback requirements to construct covered entry on an existing single-family residence at 250 E. Chestnut Street.

LOCATION: 250 E Chestnut Street, Fort Bragg, CA 95437

ASSESSOR'S PARCEL NO.: 018-060-42

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA pursuant to Section 15303 – construction of accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

SURROUNDING LAND USES:

NORTH:	Residential (multi-family)
EAST:	Commercial (office)
SOUTH:	Residential (multi-family)
WEST:	Commercial (auto sales)

APPEALABLE PROJECT: ☒ Can be appealed to City Council

PROJECT BACKGROUND

The property at 250 East Chestnut Street has been the subject of multiple Code Enforcement efforts dating back to 2012. Complaints illustrate that the home has been uninhabited for several years and has fallen into disrepair. Specifically, overgrown vegetation has created a nuisance and fire hazard, shingles have blown onto neighboring properties, and homeless individuals have periodically taken shelter in the abandoned residence. Frequently changing property ownership has impeded Code Enforcement over the past several years.

In spring of 2016, the applicant (Archie Glen Jones) purchased the property. The new owner has been in regular contact with the Community Development Department to discuss rehabilitating the residence. In August, the applicant cleared the overgrown vegetation and secured building permits to reroof the structure. As part of the rehabilitation, the applicant seeks to construct a front entrance to the home, which requires a variance to setback standards. The

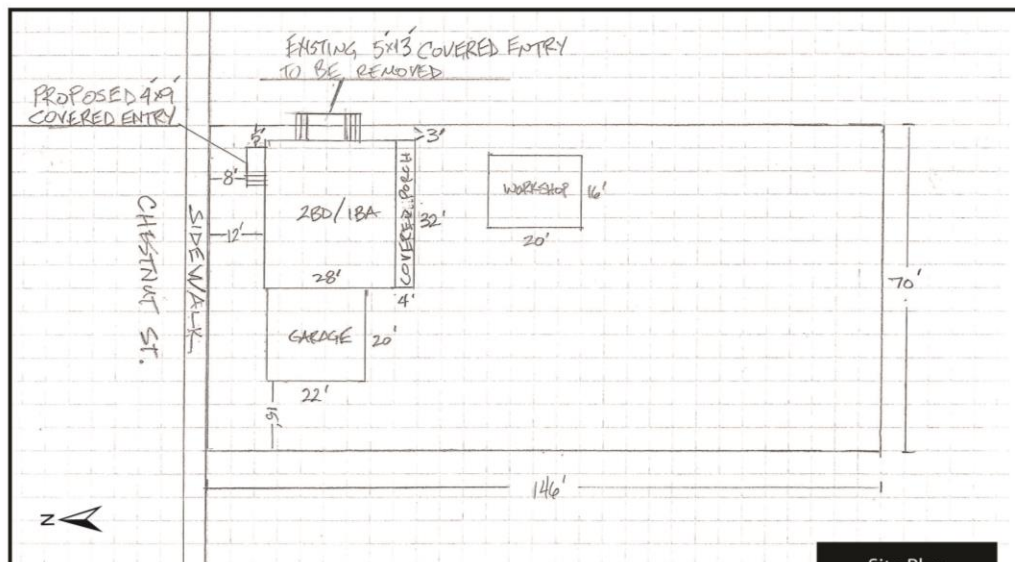
current porch provides access to the home from the side yard and encroaches onto the neighbor's property.

PROJECT ANALYSIS

The applicant is requesting a Variance to reduce the front setback from 20 feet (as Inland Land Use and Development Code Section 18.21.050 requires) to eight feet for the construction of a front entryway. The existing single-family residence is non-conforming, and sits 12 feet from the property line. Previous occupants of the residence entered the dwelling from the east elevation via the adjacent property. This existing entryway encroaches over the property line and would be removed in conjunction with the new entryway on the north. The applicant has no legally deeded access through the adjacent property, making continued access infeasible.



Aerial



Site Plan

The applicant provided the following information in support of the request for the Variance:

1. *The current entry is more than two feet over the property line;*
2. *The current entry would be severely impacted by a proposed privacy fence;*
3. *The owner of the adjoining property will not agree to an easement;*
4. *The adjoining property is a business with high traffic flow, which creates safety and liability issues for both properties;*
5. *The location of the current entry makes it difficult to find; and*
6. *Once the Chestnut Street widening is complete, on-street parking will no longer be available, so that all parking will be either in the garage or west of the garage, making the current entry the furthest point from on-site parking.*

VARIANCE

In order to approve this Variance, the Planning Commission must make the following findings, pursuant to ILUDC Section 18.71.070(F)(1):

- a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Development Code deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;

The configuration of the existing development on the parcel creates a special circumstance, such that the strict application of the front setback requirement deprives the property of a standard front entryway. Since the existing residence is 12 feet from the front property line (where 20 feet is required), and the elevation of the first floor is above grade, any new front entryway would conflict with setback requirements. Strict application of the front setback requirement would require the applicant to continue accessing the residence via the adjacent property, where no legally deeded access is provided.

- b. The approval of the Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and

Staff recommends one Condition of Approval to ensure that the adjustment does not constitute granting of a special privilege. The recommended condition would require demolition of the existing non-conforming entrance in conjunction with the development of the proposed non-conforming entrance.

Special Condition 1. Prior to occupancy the applicant shall remove the entrance to the home located on the eastern side of the house.

The project as proposed will not grant special privileges. The proposed residential use would be consistent with the proximate parcels along Chestnut Street, where front entryways are common. Granting the Variance would permit the applicant to utilize the property in a manner consistent with the properties in the vicinity and within the Very High Density Residential zoning district.

- c. The Variance is consistent with the General Plan and any applicable specific plan.

This finding can be made as the General Plan specifically encourages the development of residential units within the residential zoning districts. The Inland General Plan and the Zoning Map designates the parcel as Very High Density Residential, where single-family dwellings are a permitted use. Granting the proposed Variance would allow the existing structure to continue its permitted residential use.

Staff recommends that all findings can be made to grant a Variance reducing front setback requirement from 20 feet to eight feet.

PLANNING COMMISSION ACTION

1. Approve a Variance to the ILUDC front setback requirements reducing front setback requirement from 20 feet to eight feet.

ALTERNATIVE ACTIONS

1. Approve the Variance with a revised requirement; and/or
2. Deny the Variance.

RECOMMENDATION

Staff recommends approval of Variance 1-16 based on the following findings and conditions:

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Inland Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code in general.
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicles (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.
4. For the purposes of the environmental determination, this project is exempt from CEQA under Section 15303—conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure—in accordance with the California Environmental Quality Act (CEQA).

VARIANCE FINDINGS FOR APPROVAL

1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of the Inland Land Use

and Development Code (ILUDC) deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district.

2. The approval of the Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district.
3. The Variance is consistent with the General Plan and any applicable specific plan.

SPECIAL CONDITIONS

1. Prior to occupancy the applicant shall remove the entrance to the home located on the eastern side of the house.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to Inland Land Use & Development Code (ILUDC) Chapter 17.92 - Appeals.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the ILUDC.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - (a) That such permit was obtained or extended by fraud.
 - (b) That one or more of the conditions upon which such permit was granted have been violated.
 - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
 - (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.

8. Unless a condition of approval or other provision of the Inland Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with ILUDC Subsection 18.76.070 (B).

ATTACHMENTS

1. Location Map
2. Site Plan
3. Elevation Drawings
4. Site Photos