

Exhibit B

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HCD Planning Department
1441 Schilling Place
Salinas CA, 93901

5/29/24

RE: 96 Oak Way, Carmel Highlands (APN: 241-131-017) – Support for Variance Request

Dear HCD Planner,

This project is the addition of a primary bedroom and bathroom to an existing home on a small, steeply sloped lot in the Carmel Highlands area. The property is currently legal non-conforming with relation to the side setback of the existing garage. The new bedroom and bathroom is proposed to be placed on top of an existing garage and will not expand the lot coverage or encroach into the setbacks beyond the existing conditions.

This particular lot is very small thus there is nowhere else to build this bedroom without exceeding the maximum lot coverage. Thus, the property owner is requesting a variance to build the primary bedroom on top of the existing garage, which will maintain the existing encroachment of the side setback.

This unusually small parcel is deprived of the privilege of a primary bedroom that is enjoyed by neighboring properties because of a number of factors: (1) Small lot size, (2) Irregular shaped lot, (3) Topography. These factors make the application of the setbacks for this property extremely restrictive.

SMALL LOT SIZE- Title 20 zoning list a 1 acre minimum parcel size, (43,560 SF), whereas this parcel is only 8567 SF according to the surveyor. This is less than 20% of what is listed as the minimum. The surrounding neighborhood, according the GIS system has an average lot size of 37,277SF for this zoning. (See attached Spreadsheet) This makes this property less than 23% of the size of what is typical for this zoning in this neighborhood. Further limiting the property is that the setbacks make 73% of the lot unbuildable (6265 SF of the total 8567 SF). This means only 2302SF of the property is developable because of the setbacks.

IRREGULAR SHAPE- This wedge-shaped parcel further constrains the buildable area, as it is only 57ft wide in the front.

TOPOGRAPHY- This entire neighborhood is located on a steep slope and many variances have been granted in this area on that basis alone. The topography on this property already requires retaining walls in the front and rear of the property, so it makes sense to develop above the existing garage rather than disturb more soil which would likely require more grading and more retaining walls. The house is already 2 stories everywhere except the garage, so the increase in height would match the rest of the home.

Additionally, this variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity because (1) other homes in the area are much larger, (2) other properties are also non-conforming, and (3) Many other parcels have been granted similar variances.

AVERAGE HOME SIZE- Other homes in the neighborhood are much larger. The average square footage of all neighboring homes that are located on LDR zoned parcels is 2276sqft. whereas Mr. Schmidt's home is 1,668sqft. in size making it 26.71% smaller than that of similar homes in the surrounding area. (see attached spreadsheet)

OTHER HOMES ARE LEGAL NON-CONFORMING- The original setbacks in this neighborhood were 6ft before the zoning changes (see PC7916). There are many other examples of non-conforming properties in the neighborhood (See ZA-3674, ZA-4739, PC7916)

MANY SIMILAR VARIANCES GRANTED IN THE AREA- Below are a list of properties in the immediate neighborhood that were granted variances along with the basis upon which their variances were granted. (copies of these Permits are attached)

PC-7160 – Topography,

PC-94011 - Topography and irregular lot shape

SV88001 – Small lot size

ZA-2706 – Topography

ZA-3674 –Topography and the fact it proposed another story on an existing setback encroachment (similar to our proposal)

ZA-6133 – Topography and the fact it proposed another story on an existing setback encroachment (similar to our proposal)

PC7916 – Irregular lot shape, other residences in the immediate vicinity have similar circumstances. The applicant for this project wrote a letter explaining this in detail and provided a map of the large number of similarly situated properties (attached). Careful review of this letter and map show that there is a well-established precedent for granting variances for similar circumstances as found in this proposal.

Finally, this proposal will not have an adverse effect on the neighborhood as shown by the letter of support provided by the neighbor whose view may have been affected.

Respectfully,

Michael Linder

Mike Linder
Land Use Consultant

APN #	Zoning	Acreage
2.41131E+11	LDR	0.252611
2.41131E+11		0.273146
2.41131E+11		0.474297
2.41131E+11		0.188847
2.41131E+11		0.266946
2.41151E+11		0.36022
2.41151E+11		0.914835
2.41131E+11		0.427746
2.41131E+11		0.404849
2.41131E+11		0.389267
2.41131E+11		0.581677
2.41131E+11		0.498496
2.41131E+11		0.390198
2.41131E+11		0.621504
2.41131E+11		0.430412
2.41131E+11		0.313956
2.41131E+11		0.475032
2.41131E+11		1.326128
2.41131E+11		0.347207
2.41091E+11		0.253084
2.41021E+11		
2.41091E+11		
2.41021E+11		
	2.41101E+11	
2.41081E+11		7.391849
2.41081E+11		7.007758
2.41112E+11		2.323019
2.41072E+11		1.316639
2.41073E+11		
2.41073E+11		
2.41071E+11		0.636702
2.41071E+11		1.425878
2.41111E+11		2.493231
2.41112E+11		4.078561
2.41112E+11		
2.41112E+11		
2.41351E+11		
2.41112E+11		1.744652
2.41112E+11		1.131544
2.41351E+11		
2.41351E+11	Under Review	
2.41351E+11		
2.41351E+11		

2.41122E+11	0.604962
2.41123E+11	0.937211
2.41123E+11	0.970837
2.41123E+11	0.154401
2.41123E+11	0.422663
2.41123E+11	0.26672
2.41123E+11	0.282622
2.41123E+11	0.321095
2.41123E+11	0.577672
2.41123E+11	0.347357
2.41123E+11	0.302218
2.41123E+11	0.60241
2.41122E+11	0.163292

2.41181E+11 Under Review

2.41181E+11	LDR/Under Review	0.573737
2.41181E+11		0.278877
2.41181E+11	LDR/Under Review	0.181243
2.41181E+11	LDR/Under Review	0.173144
2.41181E+11	LDR/Under Review	1.174532
2.41181E+11		0.202446
2.41181E+11		0.431576
2.41172E+11		1.15584
2.41172E+11		0.998655
2.41156E+11		0.453787
2.41156E+11		0.449653
2.41156E+11		0.677988
2.41156E+11		0.759476
2.41172E+11		1.721444
2.41172E+11		0.971658
2.41172E+11		1.409075
2.41155E+11		0.131703
2.41155E+11		0.415529
2.41341E+11		0.795092
2.41341E+11		0.908205
2.41341E+11		0.933413
2.41341E+11		1.908037
2.41341E+11		1.260164
2.41341E+11		1.325429
2.41172E+11		1.098141
2.41172E+11		0.940133
2.41172E+11		0.938184
2.41201E+11		0.620841
2.41201E+11		0.546918
2.41021E+11		
2.41092E+11		1.61493
2.41092E+11		0.842859
2.41092E+11		1.309681
2.41141E+11		0.247971
2.41141E+11		1.095804

2.41092E+11		1.13972
2.41141E+11		2.243925
2.41141E+11		0.741473
2.41093E+11		
2.41021E+11		
2.41142E+11		1.397727
2.41142E+11		1.18369
2.41142E+11		0.838987
2.41142E+11		1.092456
2.41153E+11		
2.41161E+11	Not LDR	
2.41221E+11		
2.41141E+11		0.418033
2.41141E+11		0.43403
2.41141E+11		0.363468
2.41141E+11		0.417918
2.41141E+11		0.339155
2.41141E+11		0.576399
2.41152E+11		1.074755
2.41152E+11		0.461142
2.41152E+11		0.259538
2.41152E+11		0.536951
2.41152E+11		0.315776
2.41152E+11		0.420068
2.41154E+11		0.354721
2.41154E+11		0.969694
	2.41154E+11	0.965889
2.41161E+11		0.264728
2.41161E+11		0.34969
2.41161E+11		0.284153
2.41161E+11		0.396179
2.41161E+11		0.267248
2.41161E+11		0.500116
2.41161E+11		0.561942
2.41161E+11		0.606064
2.41161E+11		
2.41161E+11		
2.41111E+11		0.368733
2.41182E+11		0.546505
2.41182E+11		0.253967
2.41182E+11		0.284355
2.41182E+11		0.749038
2.41182E+11		0.189265
2.41182E+11		0.657264
2.41182E+11		1.070197
2.41182E+11		1.008943
2.41182E+11		0.921344
2.41182E+11		0.953407
2.41182E+11		0.975341
2.41182E+11		0.912704
2.41182E+11		1.026293
2.41182E+11		1.032004
2.41182E+11		0.470776
2.41182E+11		0.35189

2.41171E+11
2.41171E+11
2.41192E+11
2.41192E+11
2.41192E+11
2.41192E+11
2.41192E+11

0.762693
0.882548
1.265864
0.999099
1.039467
1.219401
1.335863

112.292512

Schmidt
Neighbor

Neighbor
Neighbor
Neighbor

Forest & Upland Habitat/ LDR
Forest & Upland Habitat/ LDR
Forest & Upland Habitat/ LDR
Forest & Upland Habitat/ LDR

Public/Quasi-Public|Recreation & Visitor-Serving|Residential - Low Density
Public/Quasi-Public|Recreation & Visitor-Serving|Residential - Low Density

Recreation & Visitor-Serving|Residential - Low Density
Recreation & Visitor-Serving|Residential - Low Density
Recreation & Visitor-Serving|Residential - Low Density

Recreation & Visitor-Serving|Residential - Low Density
Recreation & Visitor-Serving|Residential - Low Density
Recreation & Visitor-Serving
Recreation & Visitor-Serving|Residential - Low Density

Recreation & Visitor-Serving|Residential - Low Density
Residential- Low Density

Residential - Low Density|Watershed & Scenic Conservation

Residential - Low Density|Watershed & Scenic Conservation
Forest & Upland Habitat|Residential - Low Density

Forest & Upland Habitat|Residential - Low Density
Forest & Upland Habitat|Residential - Low Density|Watershed & Scenic Conservation

Forest & Upland Habitat|Residential - Low Density
Forest & Upland Habitat|Watershed & Scenic Conservation
Forest & Upland Habitat|Residential - Low Density|Watershed & Scenic Conservation

Residential - Low Density|Watershed & Scenic Conservation
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Residential - Low Density|Watershed & Scenic Conservation

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