



Monterey County Zoning Administrator

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Agenda Item No. 1

Legistar File Number: ZA 18-021

April 12, 2018

Introduced: 4/3/2018

Current Status: Agenda Ready

Version: 1

Matter Type: ZA

PLN170598 - JENSEN

Public hearing to consider a variance to allow a reduction in the front setback from 50 feet to 20 feet for a detached barn.

Project Location: 3861 Balantree Lane, Aromas, North County Planning Area

CEQA Action: Categorically Exempt per section 15303(e) of the CEQA Guidelines

RECOMMENDATION:

It is recommended that the Zoning Administrator:

- a. Find the project is an accessory structure which qualifies for a Class 1 Categorical Exemption pursuant to section 15303(e) of the California Environmental Quality Act and does not meet any of the exceptions under section 15300.2.
- b. Adopt a resolution to approve a variance to allow a reduction of the front setback from 50 feet to 20 feet for the construction of a detached barn.

PROJECT INFORMATION:

Owner: Don Jensen

APN: 141-131-003-000

Zoning: RDR/B-6

Agent: Mark Norris

Parcel Size: 6.08

Flagged and Staked: No

SUMMARY:

Approval of the requested variance would allow a barn to be located 20 feet from the road right-of-way instead of the required 50 foot setback for barns. A barn is a Use Allowed in the Rural Density Residential zoning designation. Following approval of the variance, only grading and construction permits will be required to construct the proposed 1,200 square-foot barn with a 300 square-foot covered porch.

This item was continued from the March 8, 2018 Zoning Administrator hearing due to an open Code Enforcement Case regarding unpermitted grading (18CE00058). The graded area has now been restored and the Code Enforcement case is now closed; therefore, this project is now eligible for consideration by the Zoning Administrator.

DISCUSSION:

The subject site is a 6-acre parcel on Balantree Lane, a private road. Over half of the parcel is covered by a scenic easement placed over steep slopes on the site which was adopted with the

Balantree Estates Final Map in 1981. A 2,668 square-foot single family dwelling with an attached garage currently exists on the property, and a construction permit has been issued for a 790 square-foot addition. Most of the remaining developable area of the parcel outside of conservation easements and setbacks contains slopes over 25 percent.

The applicant originally considered siting the barn northeast of the currently proposed site, but this area contains a leach field and slopes over 25 percent, which would make development more difficult, present erosion risks, and require retaining walls and a longer driveway. Additionally, the applicant desires to abide by the Homeowners Association's preference, which is to avoid the location on the hillside because placing a barn at a higher elevation than other structures in the area would disrupt the neighbor's views of the hillside from their homes.

The project meets the required findings for a variance because the conservation easement and slopes constitute special circumstances applicable to the subject property and the variance does not constitute a grant of special privilege inconsistent with other properties in the vicinity and zoning area. Although many parcels in Balantree Estates have conservation easements, they also have adequate developable area on level ground. A barn is an allowed use in the Rural Density Residential zoning designation and three of the subject property's immediate neighbors have barns. None of these properties required a variance as they all had developable areas located outside of setbacks and easements on level ground.

Access to the barn will require a new 4,000 square foot gravel driveway off Balantree Lane. Approximately 550 square feet of this driveway will require development on slopes over 25 percent. General Plan Open Space Policy O.S.-3.5 requires the County to regulate activity on slopes to reduce impacts to water quality and biological resources and calls for the use of a Geologic Constraints and Hazards Database maintained in the County Geographic Information System (GIS). Policy OS-3.5(c) allows for an exception to the Use Permit requirement where proposed development impacting slopes in excess of 25% percent does not exceed 10%, or 500 square feet of the total development footprint (whichever is less). The Geologic Constraints and Hazards Database shows approximately 550 square feet of the proposed secondary driveway will be developed in an area that includes slopes over 25%. This database is based on aerial photography and is not 100% accurate. In this particular case, a Use Permit is not required because 550 square feet is less than 10 percent of the total development footprint, and is consistent with the intent of Policy O.S.-3.5.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- Environmental Health Bureau
- RMA-Public Works
- RMA-Environmental Services
- Water Resources Agency
- North County Fire Protection District
- North County Coastal Land Use Advisory Committee

The proposed project was reviewed by the North County Land Use Advisory Committee (LUAC) on November 15, 2017. The LUAC approval of the project as proposed by a vote of 4 to 0 with 3

members absent. (**Attachment B**).

Prepared by: Cheryl Ku, Associate Planner, 796-6049

Reviewed by: Brandon Swanson, RMA Planning Services Manager

Approved by: John M. Dugan, AICP, RMA Deputy Director of Land Use and Community
Development

The following attachments are on file with the RMA:

Exhibit A: Draft Resolution, including:

- Recommended Conditions of Approval
- Site Plan

Exhibit B: North County LUAC Minutes (November 15, 2017)

Exhibit C: Vicinity Map

cc: Front Counter Copy; Brandon Swanson, RMA Services Manager; Don Jensen Applicant/Owner;
Mark Norris, Architect; The Open Monterey Project (Molly Erickson); LandWatch
(Executive Director); John H. Farrow; Janet Brennan; Project File PLN170598

This page intentionally left blank