



Legislation Details (With Board Report)

File #: RES 15-075 **Name:** William and Susan Jordan
Type: BoS Resolution **Status:** Scheduled AM
File created: 7/7/2015 **In control:** Board of Supervisors
On agenda: 7/14/2015 **Final action:**

Title: Public hearing (continued from July 7, 2015) to consider:
a. Denying an appeal by William and Susan Jordan from a decision of the Monterey County Zoning Administrator denying an application (Jordan/PLN14034) for a Variance to increase lot coverage from 15% to 21%; and a Coastal Administrative Permit and Design Approval for the construction of a 715 square foot master bedroom/bath addition to an existing 3,291 square foot single story single family dwelling;
b. Finding the project exempt from CEQA per Public Resources Code Section 21080 (b) (5) and Section 15270 of the CEQA Guidelines; and
c. Denying the Variance to increase lot coverage from 15% to 21% and denying a Coastal Administrative Permit and Design Approval for the construction of a 715 square foot master bedroom/bath addition to an existing 3,291 square foot single story single family dwelling.
(Appeal of the Variance Denial - PLN140354/Jordan, 87 Yankee Point Drive, Carmel, Carmel Area Land Use Plan) (ADDED VIA ADDENDUM)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Discussion, 3. Attachment B - Draft Board Resolution, 4. Attachment C - Notice of Appeal, 5. Attachment D - ZA Resolution No. 15-028, 6. Attachment E - Vicinity Map, 7. Attachment F - Exhibit showing map with parcel statistics, 8. Completed Board Order

Date	Ver.	Action By	Action	Result
7/14/2015	1	Board of Supervisors		

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(Appeal of the Variance Denial - PLN140354/Jordan, 87 Yankee Point Drive, Carmel, Carmel Area Land Use Plan) (ADDED VIA ADDENDUM)

PROJECT INFORMATION:

Planning File Number: PLN140354
Owners: William and Susan Jordan
Project Location: 87 Yankee Point Drive, Carmel
APNs: 243-153-007-000
Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

CEQA Action: Statutorily Exempt per Public Res. Code Section 21080 (b) (5) and CEQA Guidelines Section 15270

RECOMMENDATION:

Staff recommends that the Board of Supervisors adopt a resolution (Attachment B) to:

- a. Deny an appeal by William and Susan Jordan from a decision of the Monterey County Zoning Administrator denying an application (Jordan/PLN14034) for a Variance to increase lot coverage from 15% to 21%; and a Coastal Administrative Permit and Design Approval for the construction of a 715 square foot master bedroom/bath addition to an existing 3,291 square foot single story single family dwelling; and
- b. Find the project exempt from CEQA per Public Resources Code Section 21080 (b) (5) and Section 15270 of the CEQA Guidelines; and
- c. Deny the Variance to increase lot coverage from 15% to 21% and deny a Coastal Administrative Permit and Design Approval for the construction of a 715 square foot master bedroom/bath addition to an existing 3,291 square foot single story single family dwelling.

SUMMARY:

This hearing is on an appeal by William and Susan Jordan from the April 30, 2015 decision of the Zoning Administrator to deny the Jordan's' application for a Variance to allow an increase in coverage from 15% to 21% and for a corresponding Coastal Administrative Permit and Design Approval for an addition of a third bedroom to a single family dwelling. The applicant's expressed rationale for the variance is to not add a second story to the house as an accommodation to the views enjoyed by the neighbors. Staff's initial report considered this and recommended approval of the variance. There was not any neighborhood opposition to the variance request.

The Zoning Administrator's denial of the Variance application was based upon the findings that there are alternatives to the variance which would allow installation of a third bedroom. The Zoning Administrator considered the following factors:

1. The existing house has an 18% coverage already exceeding the 15% limitation;
2. Other variances have been granted in the area for coverage up to 17.4%;
3. It is possible to install a second story at this location;
4. There are other two story houses in the area which maintain the 20' height limit;
5. Some homes have two bedrooms;
6. The subject house was remodeled from three bedrooms to two bedrooms; and
7. The other homes in the area are of a similar size to this home.

Based upon these factors, the Zoning Administrator determined that the findings could not be made to support approval of a variance.

The appellant requests that the Board of Supervisors overturn the Zoning Administrator's action based upon the size of the lot, the 20' height limitation, and because the request would only add an additional 3% coverage to the property. The lots adjacent to the subject property are approximately the same size and this was considered by the Zoning Administrator and was part of the rationale for denial. The height limitation was also considered, and it was pointed out that there are other homes which have been able to develop second stories within the 20' height limit. The applicants' argument that the 3% increase is similar to other variances ignores the fact that the coverage already exceeds the coverage limitation by 3%, resulting in a 6% increase in coverage. No other variances have been granted for such a large percentage increase in this vicinity.

Since the filing of the appeal, a new exhibit has been prepared by the applicant showing that there are other homes of a similar size and coverage to what is requested by the applicant (See Attachment F.) Unfortunately this exhibit includes garages and second stories in the house size, which inflates the coverage percentages. The information presented to the Zoning Administrator is still accurate, but this exhibit does highlight that the lot sizes in this area are less than one acre. The area is zoned Low Density Residential which has a coverage limitation of 15%; the Medium Density Residential District allows smaller lot sizes with coverage up to 35%.

Staff recommends that the Board of Supervisors uphold the action by the Zoning Administrator. A draft resolution for this action is attached. Other options which the Board could consider are to deny the appeal and direct staff to explore rezoning the property, or approve the variance on the basis that the small lot sizes are a special circumstance. If the Board chooses to approve the variance and remainder of the application, then it would be appropriate to adopt a motion of intent and continue the hearing to a date certain to enable staff to return to the Board with a resolution with the appropriate findings and conditions.

DISCUSSION:

Detailed discussion is provided in Attachment A.

FINANCING:

Funding for staff time associated with this project is included in the FY 15-16 Adopted Budget for RMA-Planning.

Prepared by: Elizabeth Gonzales, Associate Planner, ext. 5102
Approved by: Mike Novo, Director, RMA-Planning, ext. 5192
Carl Holm, Acting Director, Resource Management Agency

This report was reviewed by John Ford, RMA Planning Services Manager.

cc: Front Counter Copy; John Ford, RMA - Planning Services Manager; California Coastal Commission; Applicant/Owners; William and Susan Jordan; John S. Bridges, Attorney; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Project File PLN140143

The following attachments are on file with the Clerk of the Board:

Attachment A	Discussion
Attachment B	Draft Board Resolution including recommended Conditions of Approval, Project Plans
Attachment C	Notice of Appeal
Attachment D	Zoning Administrator Resolution No. 15-028 (April 30, 2015)
Attachment E	Vicinity Map
Attachment F	Exhibit showing map with parcel statistics