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Agenda Date: 9/7/2011

Agenda Placement: 9A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** John McDowell for Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** Mary M Doyle, Planner - 299-1350  
**SUBJECT:** Bock Variance P11-00144

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### **RECOMMENDATION**

#### **MICHAEL AND LORIE BOCK, CARPORT VARIANCE P11-00144-VAR**

**CEQA STATUS:** Categorically Exempt pursuant to Section 15301, Class 1(e), of the California Environmental Quality Act. The project consists of minor alterations to an existing structure. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**REQUEST:** Approval of a variance to reduced the required 6 foot side yard setback to 3 feet to allow construction of an approximately 255 square foot attached carport/garage addition, and to recognize an existing bay window in the side yard setback, approximately 19 inches from the property boundary. The project is located on an .22-acre parcel on the southwesterly side of College Avenue approximately 200 feet north of its intersection with Clark Way within the Residential Single (RS) zoning district. (Assessor's Parcel Number: 024-153-004) 415 College Avenue, Angwin.

**Staff Recommendation:** Find the project Categorically Exempt and approve the variance with the proposed conditions of approval.

**Staff Contact:** Mary Doyle, 299-1350 or [Mary.Doyle@CountyofNapa.org](mailto:Mary.Doyle@CountyofNapa.org)

### **EXECUTIVE SUMMARY**

#### **Proposed Action:**

That the Planning Commission:

1. Find this project Categorically Exempt pursuant to Section 15301 of the California Environmental Quality Act (Class 1 - Minor alternation of an existing structure);

2. Approve Variance no. P11-00144 based on findings 2 through 5 of Exhibit A, and subject to the attached conditions of approval of Exhibit B

**Discussion:**

The proposal before the Commission is a request to reduce the required 6 foot sideyard to a 3 foot sideyard setback to allow for construction of an approximately 255 square foot attached carport/garage to the existing residence. The property owner wishes to construct a carport/garage to provide a protected area for personal property including vehicles, from damage caused by falling debris, pine cones and pitch from the mature pine trees located on the adjacent parcel directly above the driveway. And to recognize an existing bay window of the residence in the side yard set back. The parcel is approximately .22 of an acre and is zoned RS (Residential Single). The parcel is has a generally rectangular shape, has a small residence built decades ago, and has several very large matures. And large trees also exist on adjacent properties. The existing residence foot print occupies almost the entire buildable area. The residence is not oriented parallel to the sideyard property line where the current driveway is located. In order for the carport/garage to be extended relief to the northern sideyard setback must be granted. Staff supports the variance to allow a 3 foot sideyard setback.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

This project is Categorically Exempt pursuant to Section 15301, Class 1 (e) of the California Environmental Quality Act. The project consists of minor alterations to an existing structure. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**BACKGROUND AND DISCUSSION**

**Owner/applicant:** Michael and Lorie Bock

**Zoning:** RS (Residential Single)

**GP designation:** AWOS

**Filed:** March 14, 2011, revised June 24, 2011

**Proposed Building Size:** a maximum of 255sf for an attached carport/garage to the existing residence

**Property History:** The parcel has been a residence since the mid-late 1950's.

**Code Compliance History:**

The code compliance issues are summarized in the following discussion. In 2004, a carport under construction was cited by Code Enforcement for (1) no building permit and (2) building in the side yard setback at one foot from the property boundary. The remedy at the time was for the property owners Michael and Lorie Bock to apply for (1) a building permit to construct a carport and (2) a variance for relief from the required 6 foot side yard set back. The Bocks did apply for both a building permit (B04-01075) and a variance (P04-0396 VAR).

During the processing of the building permit and variance, Planning questioned the location of the parcel boundary. Two surveys had been prepared and were in conflict with each other. Because of the conflicting information, the then planning deputy director informed the Bocks that the variance was considered withdrawn until the property boundary was definitive. A partial demolition occurred for portion encroaching into the 6 foot sideyard setback as part of complying with Code Enforcement efforts..

The property boundary was resolved by a third party survey (BTG, Inc.) in October 2009. The parcel boundary in essence was where was and is today.

**Discussion:**

In 2010, with the parcel boundary resolved, the Bocks revived their request a variance for relief from the 6 foot side yard setback to construct a carport/garage. Their initial request was for the carport/garage to be located one foot from the property. During the Planning review process, it was noted that the existing residence's bay window was in the 6 foot side yard set. As part of the variance process and approval, Planning would recognize the existing bay window at approximately 19 inches from the property line.

The small parcel has a generally rectangular shape. It is developed with a small residence, associated septic system, and an accessory structure. The parcel also has several mature trees. The existing house footprint occupies almost the entire buildable envelope. It is not oriented parallel to the parcel boundary where the current driveway and partial carport is located. In order for the carport to be extended toward the street, it must either be built at an angle to the house or relief to the northern side yard set back must be granted.

The Bocks were told on several occasions that a one foot setback from the property line was not reasonable and that they should be prepared for County Fire & Planning to recommend a denial of the 1 foot request. The one foot clearance would create a space between the existing bay window, the proposed carport/garage structure and the existing fence no reasonable human access. This space would collect debris, pine cones, and be prone to weeds becoming hazardous. Emergency service access to the perimeter of the residence couldn't be provided with only a one foot clearance between the proposed carport/garage and the property boundary/fence. The minimum distance for the Fire department to be able to access the perimeter of their residence was three feet.

After some discussion, the Bocks revised their variance request for 3 feet distance from the northwesterly property boundary. Three feet is the minimum distance at which fire/emergency services could be reasonably provided, and would not create a hazard area between structures.

Planning considered the following options:

- 1) No carport.
- 2) Construct a carport/garage at the required side yard and front yard setbacks;

- 3) Construct a carport/garage at one foot from the property line.
- 4) The current proposal. Construct a carport/garage at three feet from the property line.

Planning supports option (4) because of the small size of the parcel, and the constraints of the existing built environment and the limited area to construct a carport/garage. Additionally, there are numerous existing substandard setbacks on the street and surrounding neighborhood. And we think it would be unreasonable to restrict the property owner to a strict reading of the 6 foot sideyard setback when a 3 foot setback would provide for the construction of a carport/garage and would provide for emergency access to the perimeter of the residence.

**Consistency with Standards:**

1. Zoning: As proposed the project is consistent with the RS code designation,
2. Fire: As proposed and conditioned this project complies with the FIRE codes.
3. Environmental Management: As conditioned the project will comply with the applicable standards and guidelines under the Department of Environmental Management discretion.
4. Building: The applicant will apply for a building permit upon approval of the variance. (#B04-01075 has expired)

**SUPPORTING DOCUMENTS**

- A . Proposed Findings
- B . Proposed Conditions of Approval
- C . Review Agency Comments
- D . Application Material
- E . Neighbor Comments
- F . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell