

**FINDINGS FOR DENIAL OF COUNTY FILE CDVR24-01060; GEORGE NAVARRO
(APPLICANT & OWNER)**

FINDINGS

A. Variance Findings

County Code Section 26-2.2006 states that all of the following findings must be made to approve the Variance permit application.

1. *That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.*

Project Finding: Approval of the requested variance will allow for an accessory building that is 750 square feet in size and 15 feet, 5 inches in height. The subject property is located along the north side of Willow Road where lots in the F-1 Water Recreational District are less than 20,000 square feet and accessory buildings are subject to the size limitation of County Ordinance Code Section 82-4.212(1) of 500 square feet, and the height limitation of County Code Section 82-4.212(2) of 15 feet. In this neighborhood, accessory structures have been constructed in compliance with the restrictions of the County Code. There appears to be no precedence in the vicinity for permitting an accessory building to be larger than 500 square feet in size and taller than 15 feet in height. Consequently, approval of the requested variance is considered a grant of special privilege.

2. *That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: The subject property is a 9,250 square-foot lot located in the F-1 Water Recreational District and the -FH Flood Hazard Combining District. The property as well as the surrounding lots on the north side of Willow Road are predominantly flat, with an elevation of 0 feet that rises to 10 feet near Piper Slough. The subject property has been developed with a single-family residence. In addition, a detached garage has been constructed without obtaining prior planning or building approval. Thus, there does not appear to be any special circumstance applicable to the subject property due to its size, shape, topography,

location or surroundings that support relief from the zoning regulations for accessory buildings. The lack of physical constraints on the property does not show that the applicable zoning regulations will deprive the subject property of the rights enjoyed by other properties in the vicinity and in the F-1 District.

3. *That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the property is located.*

Project Finding: The subject property is located within the F-1 Water Recreational District and the -FH Flood Hazard Combining District. The uses allowed in the F-1 District are set forth in Section 84-34.402 of the County Ordinance Code, which includes a detached single-family dwelling and the accessory structures and uses normally auxiliary to it. The detached garage could be consistent with the residential uses allowed in the F-1 District provided it meets the accessory building regulations in County Code Section 82-4.212 that restricts the size of the accessory building on a parcel less than 20,000 square feet, to a maximum size of 500 square feet and a maximum height of 15 feet. The intent of the size and height limitations is to maintain a certain scale for accessory buildings to be considered as subordinate to the single-family residence, and allows a single-story structure with a pitched roof. Therefore, approval of a variance to allow the previously constructed oversized accessory building does not meet the intent and purpose of the F-1 District.

B. Small Lot Design Review Findings

County Code Section 82-10.002(c) states that all of the following findings must be made to approve the Small Lot Design Review permit application.

1. *Location:* The front of the accessory building meets the minimum required front yard setback of 25 feet, being located over 70 feet from the front property line. The sides of the building meet the required 5-foot minimum and 15-foot aggregate side yards, being located 5 feet, 5 inches from the east property line and 15 feet, 1 inch from the west property line. The back of the building meets the minimum required rear yard of 15 feet, being located over 80 feet from the rear property line. Therefore, the project's location is compatible with the surrounding neighborhood.
2. *Size:* County Code Section 82-4.212 restricts the size of the accessory building to a maximum size of 500 square feet on a parcel less than 20,000 square feet, and a maximum size of 600 square feet on a parcel over 20,000 square feet. The intent

of the size limitations is to maintain a certain scale for accessory buildings to be considered as subordinate to the single-family residence. Therefore, the project's size of 750 square feet on a 9,250 square-foot parcel is not compatible with the surrounding neighborhood.

3. Height: County Code Section 82-4.212 restricts the height of the accessory building to a maximum height of 15 feet. The intent of the height limitations is to maintain a certain scale for accessory buildings to be considered as subordinate to the single-family residence, and allows a single-story structure with a pitched roof. Therefore, the project's height being 15 feet, 5 inches is not compatible with the surrounding neighborhood.
4. Design: It appears that in this neighborhood, accessory buildings have been constructed in compliance with the restrictions of the County Code. There appears to be no precedence in the vicinity for permitting an accessory building to be larger than 500 square feet in size and taller than 15 feet in height. The design of the subject accessory building is dissimilar from other accessory buildings in the neighborhood in its size and height. Therefore, the project's design is not compatible with the surrounding neighborhood.

C. **California Environmental Quality Act (CEQA) Findings**

The project is exempt under CEQA Guidelines, Section 15061(4), Review for Exemption, exemption for projects that will be rejected or disapproved by a public agency.