Planning Director Staff Report Hearing on July 14, 2022



County of Ventura • Resource Management Agency 800 S. Victoria Avenue, Ventura, CA 93009 • (805) 654-2478 • www.vcrma.org/divisions/planning

SHANE BUTLER ADMINISTRATIVE VARIANCE, CASE NO. PL22-0003

A. PROJECT INFORMATION

- 1. **Request:** The applicant requests approval of an administrative variance to allow a decrease not exceeding 20 percent in required minimum setbacks (Case No. PL22-0003).
- 2. Applicant/Property Owner: Shane Butler, 5455 8th Street, Carpinteria, CA 93013.
- **3. Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8111-1.2.2.4), the Planning Director is the decision-maker for the requested Administrative Variance.
- 4. Project Site Size, Location, and Parcel Number: The 0.64-acre property is located at 125 Valley View, near the intersection of Sunset Street in the community of Ojai Valley, in the unincorporated area of Ventura County. The Tax Assessor's parcel numbers for the parcel that constitutes the project site are 031-0-171-480 and 031-0-171-470 (Exhibit 2).
- 5. Project Site Land Use and Zoning Designations (Exhibit 2):
 - a. <u>Countywide General Plan Land Use Map Designation</u>: Very Low Density Residential
 - b. <u>Ojai Valley Area Plan Land Use Map Designation</u>: Urban Residential 2-4 DU/AC
 - c. <u>Zoning Designation</u>: R1-13,000 sq ft/TRU/DKS/HCWC (Single-Family Residential, 13,000 sq ft minimum lot size/Temporary Rental Unit Regulation/Dark Sky Standards/Habitat Connectivity and Wildlife Corridors)

6. Adjacent Zoning and Land Uses/Development (Exhibit 2):

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	R1-13,000 sq ft/TRU/DKS/HCWC	Undeveloped
East	R1-13,000 sq ft/TRU/DKS/HCWC	Single-Family Residence
South	R1-8,000 sq ft/TRU/DKS/HCWC	Single-Family Residence
West	R1-13,000 sq ft/TRU/DKS/HCWC	Undeveloped

7. History: On January 26, 2022, an application was submitted for a request of a Discretionary Tree Permit to remove an existing heritage oak tree to construct a single-family dwelling.

On May 2, 2022, the applicant submitted a revised application to the Discretionary Tree Permit to allow for an administrative variance for a three (3) foot setback reduction from the front property line. The proposed variance would also allow for future development to avoid the removal of an existing heritage oak tree located on the property. The application was deemed complete for processing on May 2, 2022.

- 8. **Project Description:** The applicant requests an administrative variance to reduce the setback from the front property line by three (3) feet for the construction of a single-family 1,400-square-foot residence. The authorization of the administrative variance would allow the applicant to submit an application for a Zoning Clearance for the following construction activities:
 - 1. 1,400-square-foot single-family residence
 - 2. 583-square-feet of patio and entry porch space
 - 3. 440-square-foot detached garage
 - 4. 2,000 square feet of landscaping and irrigation
 - 5. New driveway with pavers
 - 6. New property fencing

The administrative variance would also authorize the encroachment of a heritage oak tree, for which a Zoning Clearance would also be issued.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Title 14, California Code or Regulations, Division 6, Chapter 3, Section 15000 et seq.), the proposed project is subject to environmental review.

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The proposed administrative variance would include a less than 20% setback reduction from the front property line. The proposed administrative variance qualifies for a Class 3 and a Class 5 Categorical Exemption pursuant to Sections 15303 (New Construction of Small Structures) and 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines. Further, the project would not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. Therefore, no further environmental review is required.

Therefore, this project is categorically exempt pursuant to Section 15305 of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN AND OJAI VALLEY AREA PLAN

The proposed administrative variance has been analyzed and determined to be consistent with all applicable General Plan and Ojai Valley Area Plan policies. In particular, General Plan policy (LU-4.6) mirrors the findings in Section 8111-1.2.2.2 of the NZCO (see Section D of this Staff Report). The proposed administrative variance is consistent with LU-4.6 which states, *the County may grant variances to minimum parcel size requirements and building intensity standards, height and setback standards applicable to a given property subject to the following conditions:*

- 1. There are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography, location, or surroundings, which do not apply generally to comparable properties in the same vicinity and land use designation;
- 2. Granting the requested variance will not confer a special privilege inconsistent with the limitations upon other properties in the same vicinity and land use designation;
- 3. Strict application of the minimum parcel size requirements and building intensity standards as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such requirements and standards; and
- 4. The granting of such variances will not be detrimental to the public health, safety, or general welfare, nor to the use, enjoyment or valuation of neighboring properties.

The Ojai Valley Area Plan Growth Management policy is evaluated below:

The proposed administrative variance is aligned with Ojai Valley Area Plan Growth Management Policy (OV-1) which states, to locate new development primarily within the existing urban communities and rural residential areas in order to avoid encroaching into established agricultural operations and undeveloped open space lands, and to minimize environmental degradation.

The proposed administrative variance would authorize a less than 20 percent setback reduction from the front property line. The granting of the proposed variance would allow for future development of a single-family dwelling in an existing urban community. The proposed variance would also allow for future development to avoid the removal of an existing heritage oak tree located on the property.

Based on the discussion above, the proposed project is consistent with Ojai Valley Area Plan and Ventura County General Plan.

D. ZONING ORDINANCE COMPLIANCE

Pursuant to the requirements of the NCZO (Section 8111-1.2.2.4), an administrative variance may be granted only in the following situations:

- a. To allow a decrease not exceeding twenty (20) percent in required minimum setbacks;
- b. To allow walls, fences or hedges to exceed height limit regulations by a maximum of one foot in setback areas, except in the traffic safety sight area;
- c. To allow an increase not exceeding ten (10) percent for maximum building coverage, or sign area or height; and
- d. To allow one of the required parking spaces for a single-family dwelling to be provided in tandem.

Based on the above discussion, an administrative variance may be granted in the given situation for the Butler project. However, NCZO Section 8111-1.2.2.4 stipulates that the standards of Section 1.2.2.2 must also be met.

NCZO Section 1.2.2.2, Standards for Variances, states that before any variance may be granted, the applicant must establish, and the decision-making authority must determine, that the following standards are met. Below each standard is the applicant's response (verbatim) followed by staff's response.

1. That there are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography, location or surroundings, which do not apply generally to comparable properties in the same vicinity and zone [Section 8111-1.2.2.2.a];

<u>Applicant's Response</u>: Due to the limited buildable space on the property, the requested variance of 3' from the setback for the proposed garage building is necessary to protect a heritage oak tree. The request does not exceed 20 percent reductions of the required minimum setback. Granting of the requested variance will place the garage 17' from the setback and 27' from the street. This lot is on a corner with homes to south within 10' of the street and homes to the east at 20' or ore from the road. The overall lot size is approximately 3/4-acre with only 15 percent level and suitable for home building. The remaining portion is a steep ravine with 15 to 20 oak trees and chaparral, which is most likely used as a wildlife corridor. We intend to keep this portion of the property natural and untouched. Granting of such variance will not be detrimental to the public or neighboring properties and blend in nicely with other homes on Valley View.

<u>Staff's Response</u>: Staff concurs, based on a site visit, that the subject undeveloped property is located in an area with steep slopes and protected oak trees. The proposed administrative variance would authorize a three-foot setback reduction from the front property line. The reduced setback would accommodate the development of a single-family residence while avoiding the need to remove an

existing heritage oak tree. The subject property is accessed via Valley View Drive and is the only remaining undeveloped parcel on the road.

Based on the discussion above, this finding can be made.

2. That granting the requested variance will not confer a special privilege inconsistent with the limitations upon other properties in the same vicinity and zone [Section 8111-1.2.2.2.b]; and

<u>Applicant's Response</u>: Granting of the requested variance will place the garage 17' from the property line and 27' from the street. This lot is on an inside corner with homes to south within 10' of the street and homes to the east at 20' or more from the road.

<u>Staff's Response</u>: Staff concurs, based on a site visit and review of future proposed plans, that the proposed administrative variance would alter the setback requirements to allow for future development of a single-family dwelling on the property with a detached garage. All adjacent properties located along the same road (Valley View Drive) as the subject property are developed with a single-family dwelling. Future development on the subject parcel will be consistent to the surrounding developed parcels.

Based on the discussion above, this finding can be made.

3. That strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations [Section 8111-1.2.2.2.c]; and

<u>Applicant's Response</u>: Following the zoning regulations for setbacks as they apply to the subject property will result in the necessary removal of a heritage oak tree in order to build the regulation minimum dimensions of a garage.

<u>Staff's Response</u>: Staff concurs, based on the zoning regulations, that the strict application of the zoning regulations as they apply to the subject property would require the applicant to remove the existing heritage oak tree located on the property. In addition, the removal of the heritage oak tree would require the applicant to submit additional arborist reports as well as offset for the loss of the heritage tree by replanting trees equivalent to the value of the heritage tree. The additional requirements to remove the existing heritage tree would result in practical difficulties and unnecessary hardships inconsistent with the general purpose of developing a single-family dwelling.

Based on the discussion above, this finding can be made.

4. That the granting of such variance will not be detrimental to the public health, safety or general welfare, nor to the use, enjoyment or valuation of neighboring properties [Section 8111-1.2.2.2.d]; and

<u>Applicant's Response</u>: Granting of such variance will be of no detriment to the public or neighboring properties and blend in nicely with other homes on Valley View.

<u>Staff's Response</u>: Staff concurs, based on a site visit, that the granting of the administrative variance would not be detrimental to the public or neighboring properties. In addition, the approval of the proposed administrative variance would preserve the existing natural features of the area and would maintain the enjoyment and valuation of the neighboring properties.

Based on the discussion above, this finding can be made.

5. That the granting of a variance in conjunction with a hazardous waste facility will be consistent with the portions of the County's Hazardous Waste Management Plan (CHWMP) which identify specific sites or siting criteria for hazardous waste facilities [Section 8111-1.2.2.2.e].

<u>Applicant's Response</u>: Hazardous waste facilities are not in conjunction with the proposed variance.

<u>Staff's Response</u>: Staff concurs, based on review of plans for future development of a single-family dwelling, that the proposed administrative variance is not in conjunction with a hazardous waste facility.

Based on the discussion above, this finding can be made.

E. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On [insert date], the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On [insert date], the Planning Division placed a legal ad in the *Ventura County Star*.

F. RECOMMENDED ACTIONS

Based upon the analysis and information provided above, Planning Division Staff recommends that the Planning Director take the following actions:

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, including the applicant's burden of proof that the administrative variance standards can be met, and has considered all comments received during the public comment process;

- 2. **FIND** that this project is categorically exempt from CEQA pursuant to Sections 15303 and 15305 of the CEQA Guidelines.
- 3. **MAKE** the required findings to grant an administrative variance pursuant to Sections 8111-1.2.2.2 and 8111-1.2.2.4 of the Ventura County NCZO, based on the substantial evidence presented in Section D of this staff report and the entire record;
- 4. **GRANT** administrative variance Case No. PL22-0003.
- 5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the administrative variance has been approved, conditionally approved, or denied (or on the following workday if the 10th day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact Christopher Alberts at (805) 654-3136 or <u>Christopher Alberts@ventura.org</u>.

Prepared by:

Christopher Alberts, Case Planner Commercial/Industrial Permits Section Ventura County Planning Division

EXHIBITS

Exhibit 2 Maps Exhibit 3 Site Plan Reviewed by:

7035

Mindy Fogg, Manager Commercial/Industrial Permits Section Ventura County Planning Division





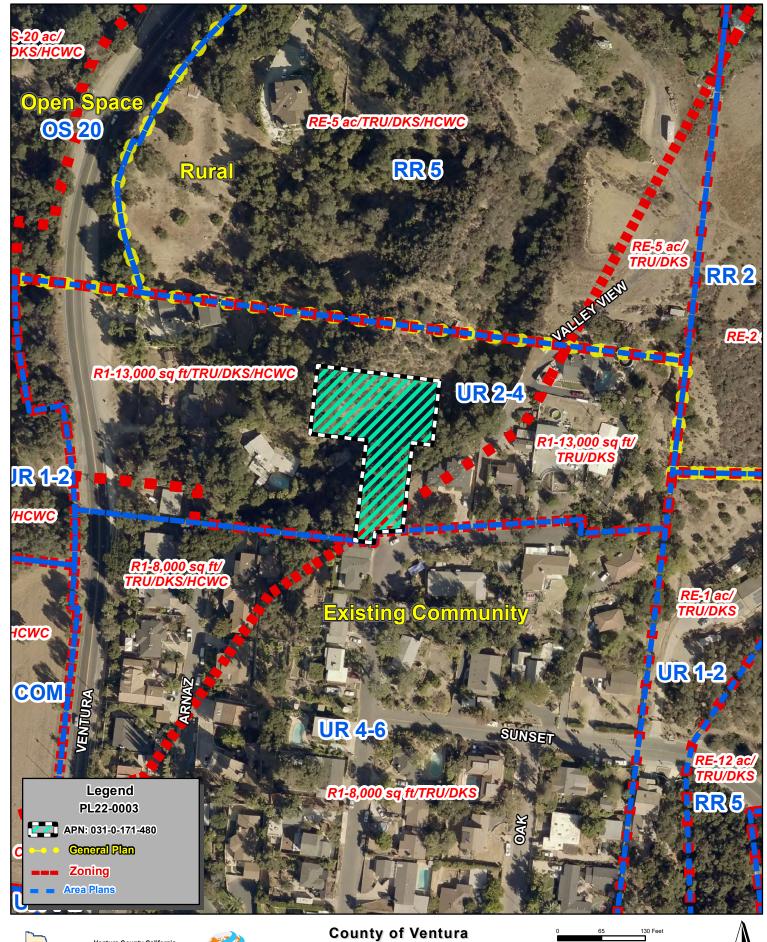
Ventura County, California Resource Management Agency GIS Development & Mapping Services Map created on 06-14-2022



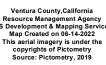
County of Ventura Planning Director Hearing Case No. PL22-0003 Exhibit 2 - Maps

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Disclaimer: This Map was created by the Ventura County Resourc Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does no twarrant the accuracy of this mapand no decision involving a risk of economic loss or physical injury should be made in reliance thereon. **X**









County of Ventura Planning Director Hearing PL22-0003 General Plan & Zoning Map

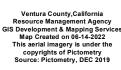
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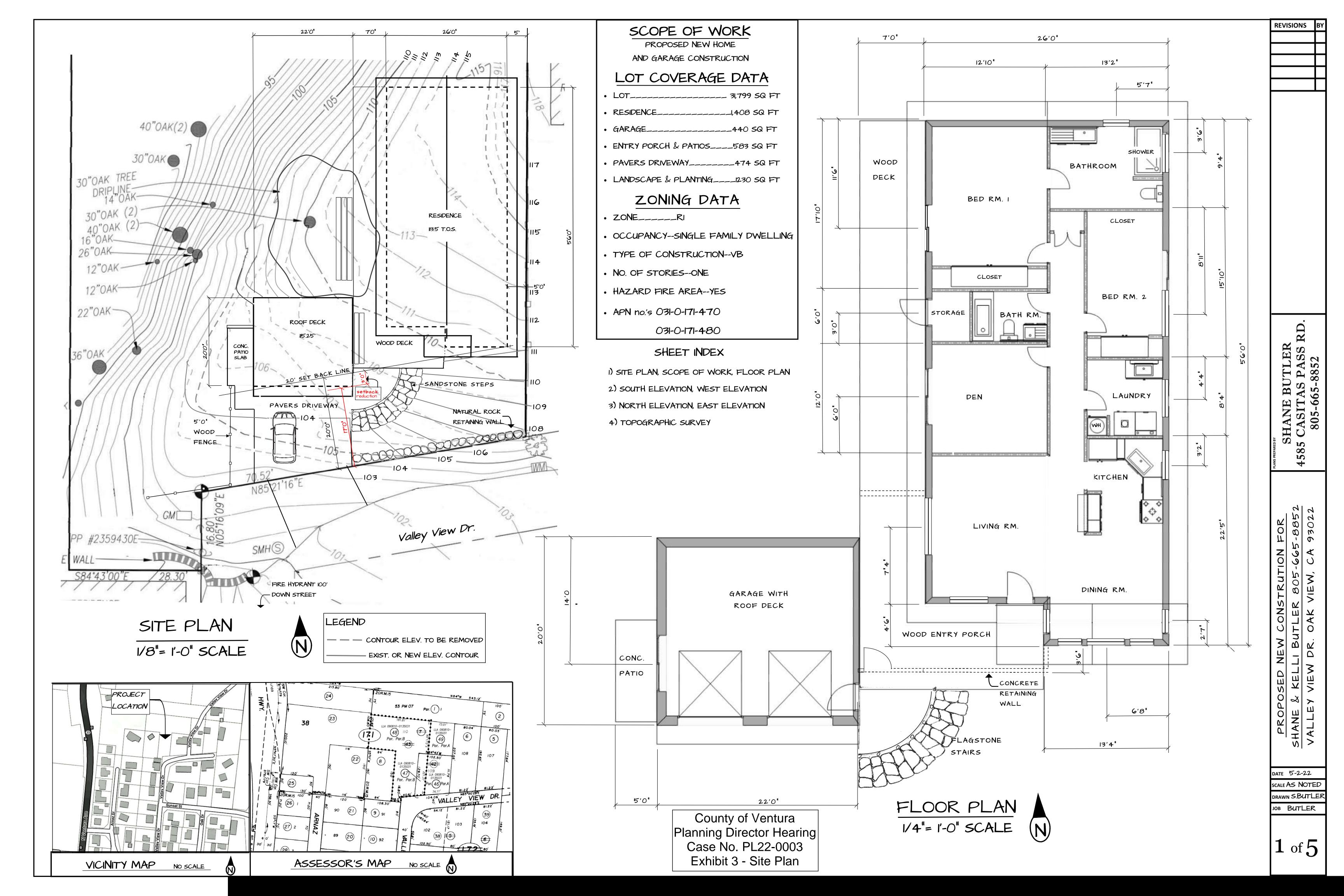


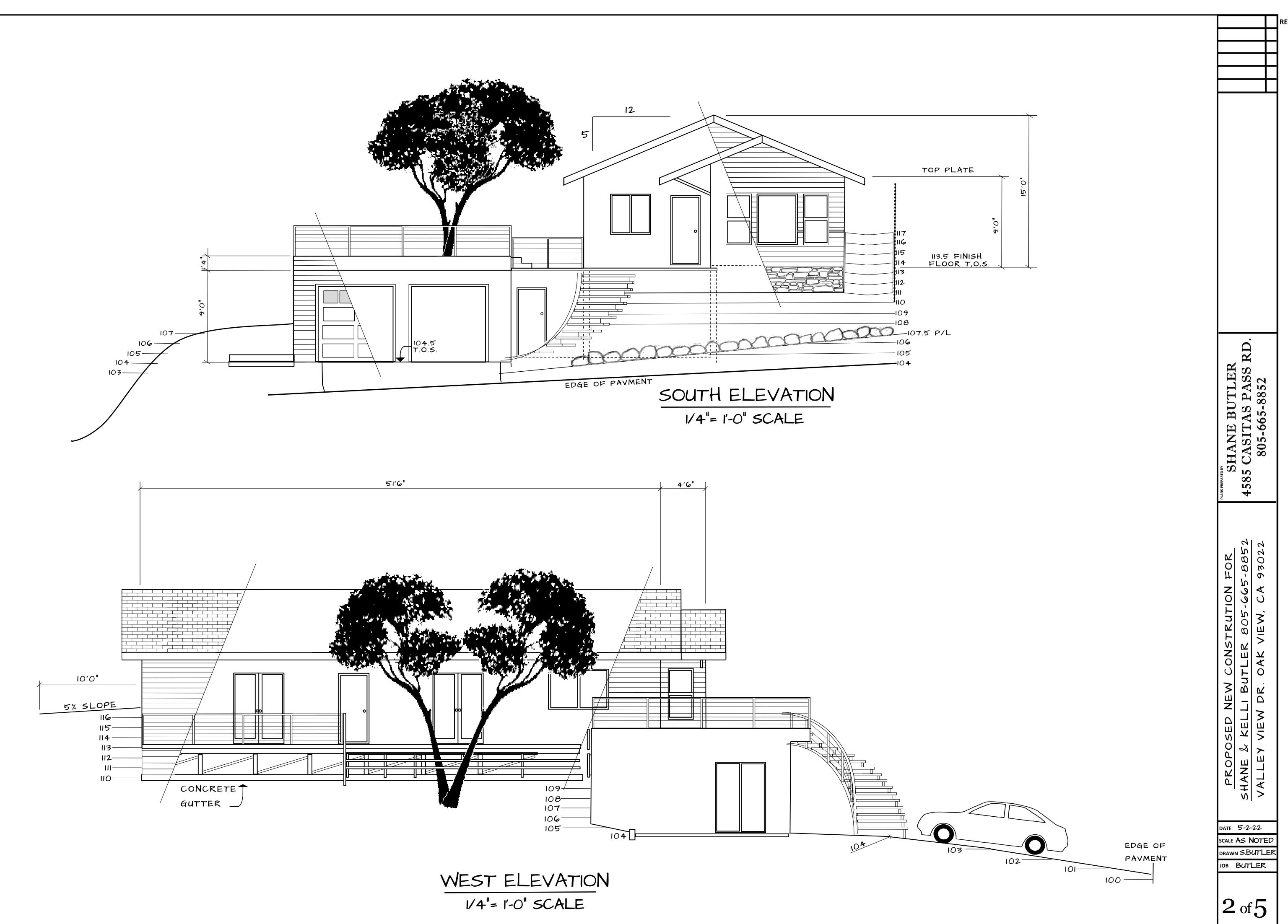


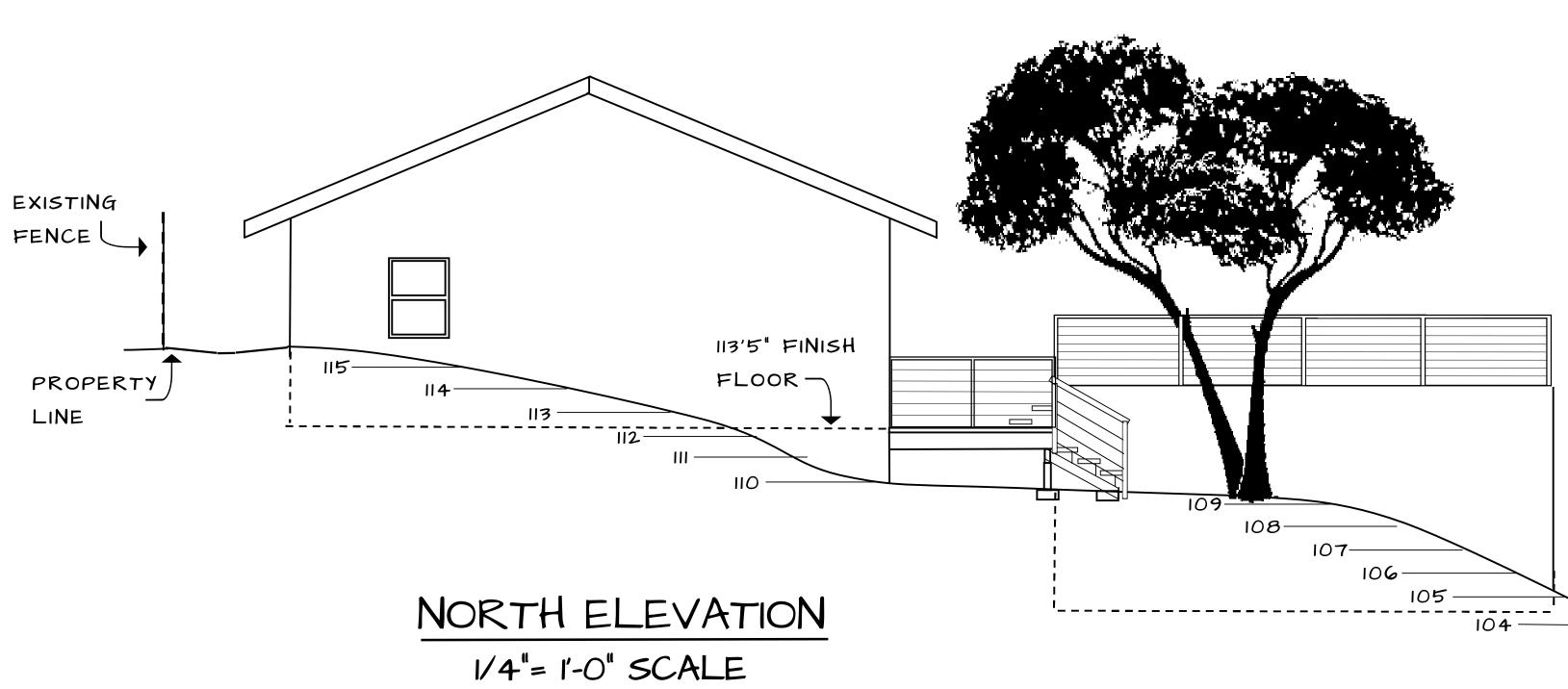
County of Ventura Planning Director Hearing PL22-0003 **Aerial Photography**

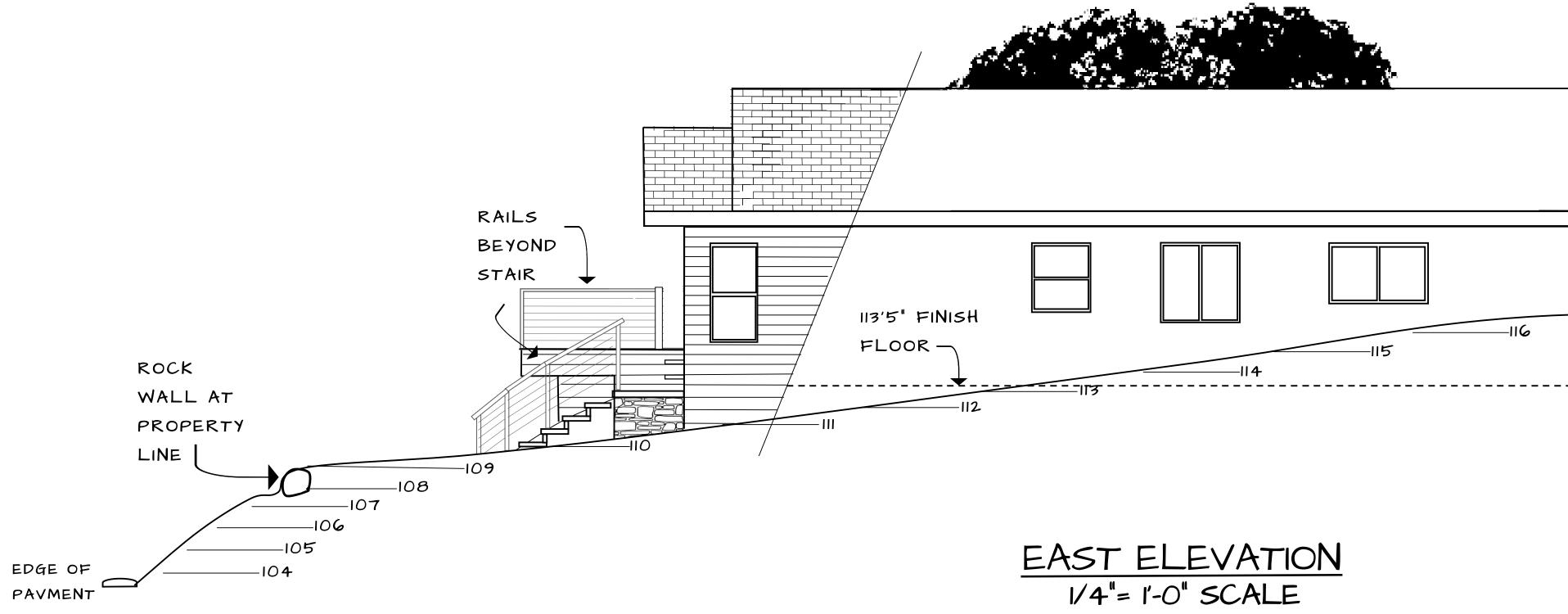
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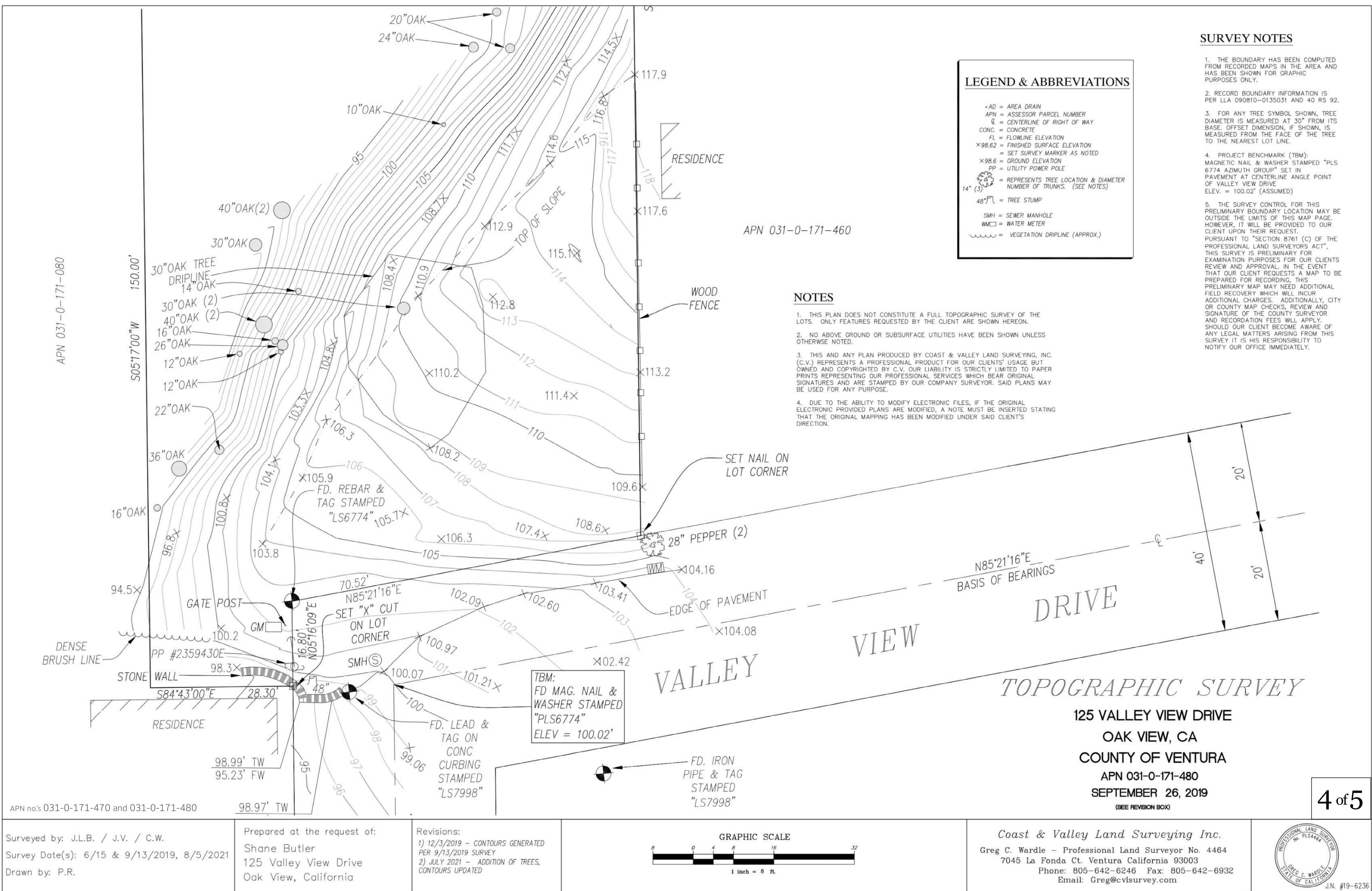


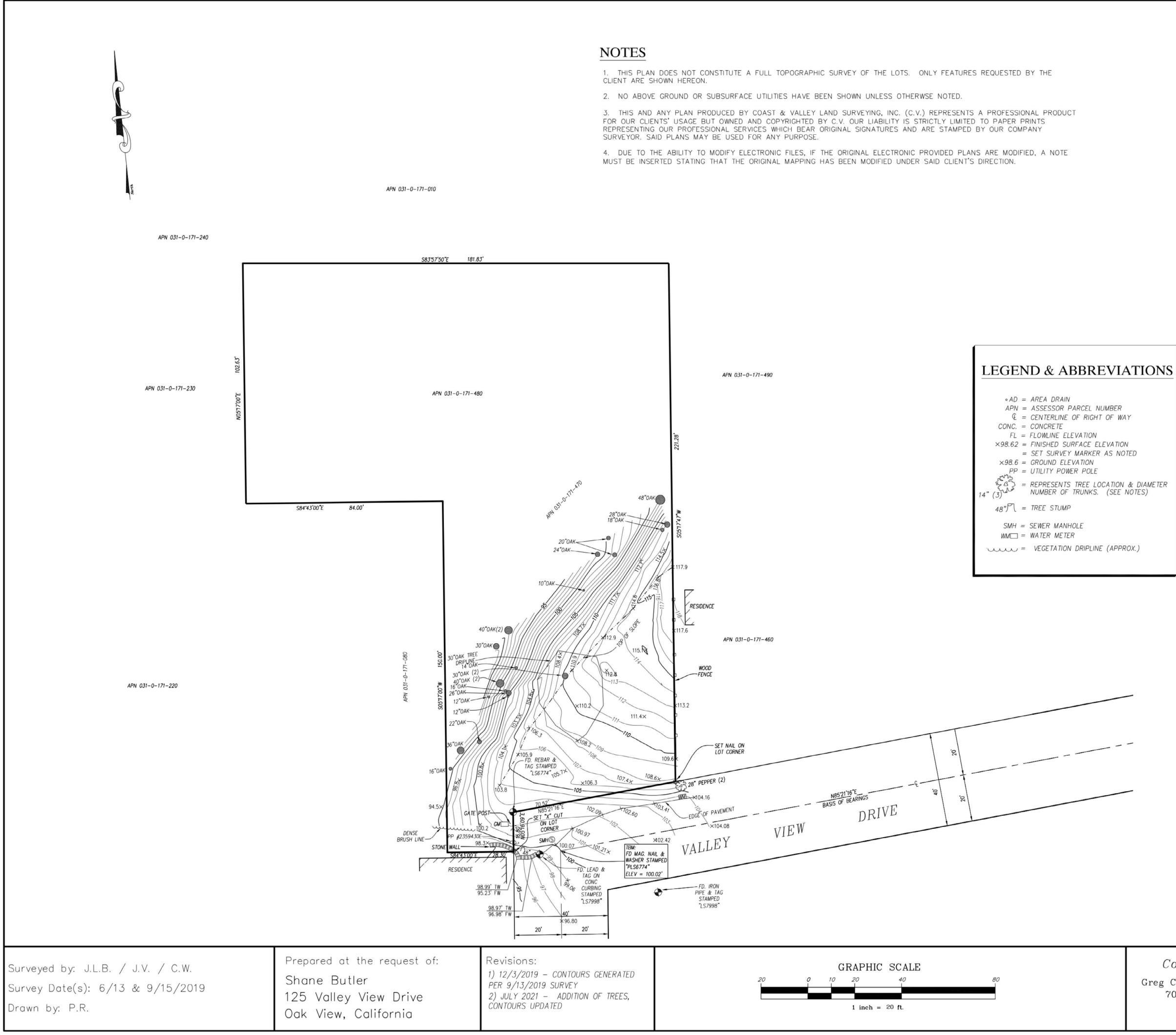






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SURVEY NOTES

 THE BOUNDARY HAS BEEN COMPUTED FROM RECORDED MAPS IN THE AREA AND HAS BEEN SHOWN FOR GRAPHIC PURPOSES ONLY.

2. RECORD BOUNDARY INFORMATION IS PER LLA 090810-0135031 AND 40 RS 92.

3. FOR ANY TREE SYMBOL SHOWN, TREE DIAMETER IS MEASURED AT 30" FROM ITS BASE. OFFSET DIMENSION, IF SHOWN, IS MEASURED FROM THE FACE OF THE TREE TO THE NEAREST LOT LINE.

PROJECT BENCHMARK (TBM): MAGNETIC NAIL & WASHER STAMPED "PLS 6774 AZIMUTH GROUP" SET IN PAVEMENT AT CENTERLINE ANGLE POINT OF VALLEY VIEW DRIVE ELEV. = 100.02' (ASSUMED)

5. THE SURVEY CONTROL FOR THIS PRELIMINARY BOUNDARY LOCATION MAY BE OUTSIDE THE LIMITS OF THIS MAP PAGE. HOWEVER, IT WILL BE PROVIDED TO OUR CLIENT UPON THEIR REQUEST. PURSUANT TO "SECTION 8761 (C) OF THE PROFESSIONAL LAND SURVEYORS ACT", THIS SURVEY IS PRELIMINARY FOR EXAMINATION PURPOSES FOR OUR CLIENTS REVIEW AND APPROVAL. IN THE EVENT THAT OUR CLIENT REQUESTS A MAP TO BE PREPARED FOR RECORDING, THIS PRELIMINARY MAP MAY NEED ADDITIONAL FIELD RECOVERY WHICH WILL INCUR ADDITIONAL CHARGES. ADDITIONALLY, CITY OR COUNTY MAP CHECKS. REVIEW AND SIGNATURE OF THE COUNTY SURVEYOR AND RECORDATION FEES WILL APPLY. SHOULD OUR CLIENT BECOME AWARE OF ANY LEGAL MATTERS ARISING FROM THIS SURVEY IT IS HIS RESPONSIBILITY TO NOTIFY OUR OFFICE IMMEDIATELY.

TOPOGRAPHIC SURVEY

125 VALLEY VIEW DRIVE OAK VIEW, CA COUNTY OF VENTURA APN 031-0-171-480 SEPTEMBER 26, 2019 (SEE REVISION BOX)

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Coast & Valley Land Surveying Inc. Greg C. Wardle - Professional Land Surveyor No. 4464 7045 La Fonda Ct. Ventura California 93003 Phone: 805-642-6246 Fax: 805-642-6932 Email: Greg@cvlsurvey.com