



Staff Report to the Zoning Administrator

Application Number: **121323**

Applicant: Anthony Zavitsanos
Owner: Nikolaou Giorgos
APN: 037-032-22

Agenda Date: 9/4/2015
Agenda Item #: 2
Time: After 9:00 a.m.

Project Description: Proposal to approve a Variance to the front setback in the R-1-6 zone district to reduce the required 20-foot front yard setback to approximately 7 to 15 feet to recognize an as-built garage with second-story deck. Requires a Variance approval.

Location: The property is located in the Soquel area at 3641 Faye Drive.

Supervisory District: 1st District (District Supervisor: John Leopold)

Permits Required: Variance
Technical Reviews: none

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 121323, based on the attached findings and conditions.

Exhibits

- | | |
|---|---|
| A. Categorical Exemption (CEQA determination) | E. Assessor's, Location, Zoning and General Plan Maps |
| B. Findings | |
| C. Conditions | |
| D. Project plans | |

Parcel Information

Parcel Size:	6000 square feet
Existing Land Use - Parcel:	residential
Existing Land Use - Surrounding:	residential
Project Access:	Driveway from Faye Drive
Planning Area:	Soquel
Land Use Designation:	R-UL (Urban Low Residential)
Zone District:	R-1-6 (Single-family residential, 6,000 square foot minimum parcel size)

Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal ☐ Yes ☒ No
Comm.

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: The site slopes downward from Faye Drive to garage front
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz Sanitation
Fire District: Central Fire
Drainage District: Zone 5

History

In 1987 Permit 87-1133 authorized a variance for a zero front yard setback along Faye Drive to recognize the construction of a retaining wall over three feet in height and a deck within 3 feet 6 inches of the front property line along Faye Drive.

The current application is to recognize construction of an as-built garage with a rooftop deck within 15 feet of the front property line along Faye Drive. This requires a variance to reduce the required 20 foot front yard to approximately 7 to 15 feet.

Approval of this application would resolve a violation that occurred in the later part of 2012.

Project Setting

The subject property is an oddly shaped lot and referred to as a reverse corner lot as it is sandwiched between two intersecting streets, Faye Drive and Putter Drive. The property is extremely steep and access is limited to the apex of Faye Drive where a driveway is currently located.

Faye Drive and Putter Drive are 50 foot right-of-ways that are developed to approximately 16 foot wide, with much of the right-of-way undeveloped due to topographic limitations. The area along Faye Drive is steep, as evidenced by the previously approved variance to allow a retaining wall along the edge of the front yard. Driveway access is via two parallel driveways extending

cross slope and west from the edge of Faye Drive to the existing garage.

Property Yards

Pursuant to the Lot Setback Policy Interpretation RES-CLS-01, a property lying between two streets such as Faye Drive and Putter Drive, where the angle of the intersection or bend in the street is between 45 degrees and 135 degrees, is known as a reverse corner lot. As such, one of the streets is identified as the front yard and the other is identified as a street side yard, and the remaining yard is identified as an interior side yard.

For purposes of calling out the yards, the front yard is located on Faye Drive (including the portion containing the driveway entry) as established by the previous variance issued on the subject property. The street side yard is located along Putter Drive, and the western property line is a side yard.

The street side yard along Putter complies with the required 10 foot street side yard setback. Improvements on the west side are within a few feet of the dwelling and do not appear to meet the required 5 foot setback and are considered non-conforming.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 6000 square feet per the GIS estimated acreage, located in the R-1-6 (Single-family residential, 6,000 square foot minimum parcel size) zone district, a designation that allows residential uses. The property contains an approximately 1286 square foot single single-family residence and an existing and approximately 560 square foot unpermitted garage, as well as existing stairway improvements on the western portion of the property. A residence and garage is a principal permitted use within the zone district and the zoning is consistent with the site's (R-UL) Urban Low Residential General Plan designation.

Site Standards Table			
Setbacks			
	Front (Faye Drive)	Side (Putter and west property line)	Rear
Required	20' front	5 & 10	No rear yard
Existing	0' to retaining wall, 5'4" to 12 feet to dwelling	1'3" to stairs on west side 10' to Putter	No rear yard
Proposed	7' to 15' to garage front	10'4" to Putter Drive	No Rear
Lot Coverage			
40 percent permitted, 31 percent shown (1846 square feet/6000 =31%)			

Far
50 Percent allowed, 31 percent shown

The site is extremely constrained due to the triangular shape and significant slope throughout the site, as evidenced by the previous variance issued on the subject property. Staff supports the proposed project as the garage door is setback a sufficient distance from the actual road given the existing 7 to 15 foot setback to the property line and an additional 30 feet of undeveloped driveway beyond the property line that extends to the traveled roadway, providing sufficient distance for sight distance.

Environmental Review

Environmental review of the proposed project per the requirements of the California Environmental Quality Act (CEQA) has resulted in the determination that the proposed project is eligible for a Categorical Exemption under CEQA Section 15301(e), Existing Facilities. This Categorical Exemption applies because the project is for the recognition of an existing addition to single-family dwelling that does not result in a net increase of more than 50% of the existing floor area.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **121323**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 121323

Assessor Parcel Number: 037-032-22

Project Location: 3641 Faye Drive

Project Description: Proposal to approve a Variance to the front setback in the R-1-6 zone district to reduce the required 20-foot front yard setback to approximately 7 to 15 feet to recognize an as-built garage with second-story deck. Requires a Variance approval.

Person or Agency Proposing Project: Anthony Zavitsanos

Contact Phone Number: 831-402-4493

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: CEQA Section 15305: Minor Alterations in Land Use Limitations

F. Reasons why the project is exempt:

Permitting of a setback variance for an existing structure which does not result in any changes in land use or density.

In addition, none of the conditions described in Section 15300.2 apply to this project.

Sheila McDaniel

Date: _____

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape topography, location and surrounding existing structures, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, due to the special circumstances associated with the subject property include triangular shape along two right-of-ways and steep topography. These limitations prevent the subject property from meeting the required setbacks in order to build a garage on the subject property, a privilege enjoyed by other properties in the immediate vicinity.

2. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.

This finding can be made in that the granting of the variance will provide an adequate and substantial setback from the proposed garage to the actual traveled roadway, significantly beyond the required 20 feet for vehicles to park. The right-of-way adjoining the subject property is approximately 50 feet in width and is developed to approximately 16 feet, and cannot feasibility be widening without significant grading and required retaining walls, reducing the likelihood that the roadway will be ever be widened. In addition, the proposed garage does not pose any health and safety impacts to the roadway given that adequate sight distance is provided by the existing driveway.

3. That the granting of such a variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

Other properties in the immediate vicinity without these significant limitations contain garages and therefore, approval of a variance to recognize a garage on a site subject to these limitations is not considered a grant of special privilege. Furthermore, other properties under similar conditions would be given the same consideration for construction of a garage improvement normally associated with a single family dwelling.

Conditions of Approval

Exhibit D: Project Plans

- I. This permit authorizes the recognition of construction of an attached garage to an existing single family residence. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. Details showing compliance with fire department requirements. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
 - B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
 - C. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.

- E. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
 - F. Complete and record a Declaration of Restriction to recognize construction of an attached garage (non-habitable accessory structure). **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.
- IV. Operational Conditions
 - A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60)

days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

LIST OF DRAWINGS

- 10 SITE PLAN LOCATION MAP, LIST OF DRAWINGS, PROJECT DESCRIPTION, AND ROOF PLAN.
- 20 1ST & 2ND FLOOR, AND FLOOR FINISH PLANS
- 30 NORTH, EAST, SOUTH, AND WEST ELEVATIONS, POST, GROUND & SKYLIGHT DETAILS.
- 1A LAND SURVEYOR'S SITE PLAN

PROJECT DESCRIPTION

PROVIDE CONSTRUCTION DETAILS FOR RE-ROOF, SKYLIGHT, AND MASONRY GUARD-RAIL MONITOR TO OBTAIN A BUILDING PERMIT AS REQUIRED AND DESCRIBED IN C722160, DATED 02/12/12

SITE DEVELOPMENT REQUIREMENTS

LEGAL DESCRIPTION: LOT 9, BLOCK 187, FIFTH ADDITION

APN: 045-000

ZONING: RM-1

BUILDING TYPE: V

SPRINKLER: NO

STORYS: 2

BUILDING HEIGHT: 28' 22"

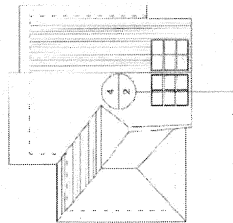
FRONT SETBACK: 20' 16"

SIDE YARDS: 10' 10.7' 6.4'

REAR SETBACK: 15' 13'

GENERAL NOTES

- 1 ALL MAILING SHALL BE IN CONFORMANCE WITH 2010 CALIFORNIA INTERNATIONAL BUILDING CODE.
- 2 ALL WORK SHALL BE IN COMPLIANCE WITH THE 2010 CALIFORNIA RIFORMS GROUP PROFESSIONAL SERVICES CODE (C.R.C.), CALIFORNIA ELECTRICAL CODE (C.E.C.), C.E.C. AND TITLE 24 ENERGY REGULATIONS.
- 3 CONCRETE FOOT FOUNDATION SHALL BE CONSTRUCTED OF 4000 PSI MIN. CONCRETE, USE REINFORCING BARS AND 1/2" DIA. STEEL GRADE 40 ASTM A 615, 14 AND SMALLER GRADE 60 ASTM A 615 #8 AND LARGER.
- 4 ALL WOOD IN CONTACT WITH CONCRETE OR MASONRY SHALL BE PRESURE TREATED DOUGLAS FIR OR FOUNDATION GRADE REDWOOD.
- 5 LUMBER GRADES TO BE AS FOLLOWS: VERTICAL STUDS, BLOCKING AND PLATES: D.F. NO. 2 POSTS, JOISTS, RAFTERS, BEAMS, AND HEADERS: D.F. NO. 1.
- 6 HOLES FOR BOLTS IN WOOD SHALL BE 1/16" LARGER THAN BOLT DIAMETER.
- 7 METAL FINISHING DEVICES SHALL BE "SHIMPOUT" OR EQUAL ALL CONNECTORS AND NAILS EXPOSED TO WEATHER SHALL NOT BE DIPPED GALVANIZED.
- 8 PLYWOOD SHALL BE APPLIED, EXTERIOR EXPOSED CONFORMING TO U.S. PRODUCT STANDARD FOR EXTERIOR GRADE PLYWOOD, TYPE IV, 5/8" THICK, 48" X 96" SHEATHING CLIPS AT ALL UNSUPPORTED PLYWOOD EDGES, ONE PER SPAN, ROOF-EDGE NAIL WITH 8" O.C. FIELD NAIL WITH 12" O.C. FLOOR.
- 9 ALL WOOD EXPOSED TO THE WEATHER SHALL BE REDWOOD OR PRESURE TREATED WOOD. TREAT ALL CUT EDGES OF PRESURE TREATED MATERIAL.



ROOF PLAN

3/02' x 11'

A to Z DESIGNS
Anthony Zaldarain, Designer
248 ROBERTS AVE.
SUNNYVALE, CA 94086
(925) 373-3731
a2zdesigns@gmail.com

Mr. Giorgos Nikolou, Owner
3841 E. 1st Ave.
Sunnyvale, California 94087
(925) 373-3731
APN: 045-000-000

LIST OF DRAWINGS, PROJECT DESCRIPTION, SITE DEVELOPMENT REQUIREMENTS, VICINITY MAP, SITE PLAN, AND EXISTING / PROPOSED CORRIDOR PHOTO ELEVATION.

VICINITY MAP

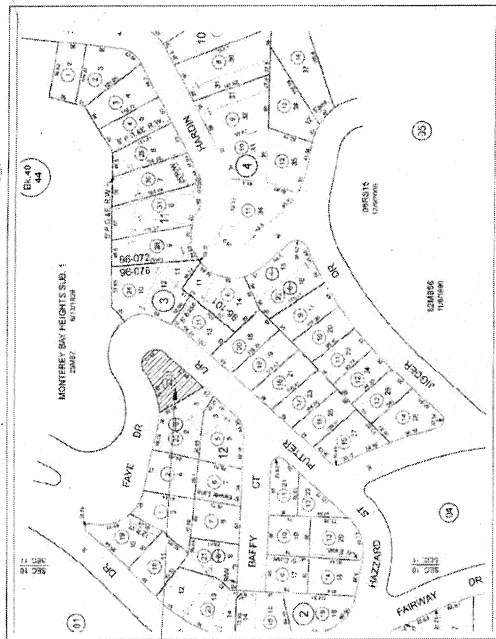
NTS



NO.	DATE	REVISION	BY	SHEET
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2				2
3				3

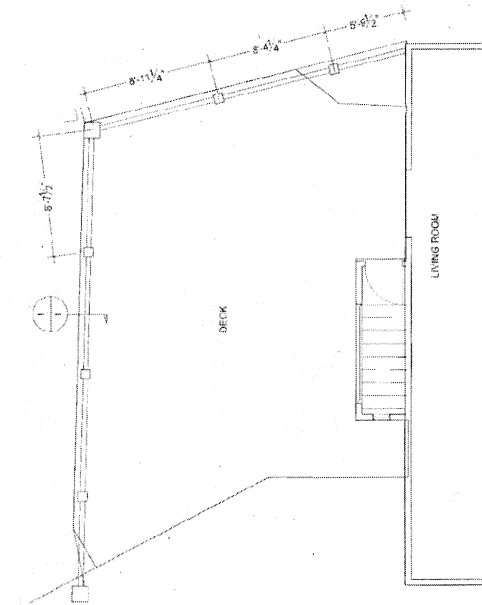
EXISTING SITE MAP

1" = 20'-0"

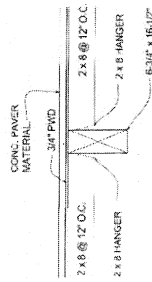


PROJECT LOCATION






EXISTING SECOND FLOOR PLAN

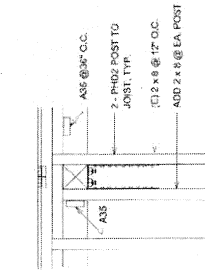


BEAM DETAIL

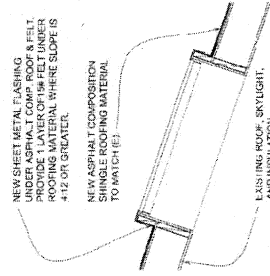


POST DETAIL

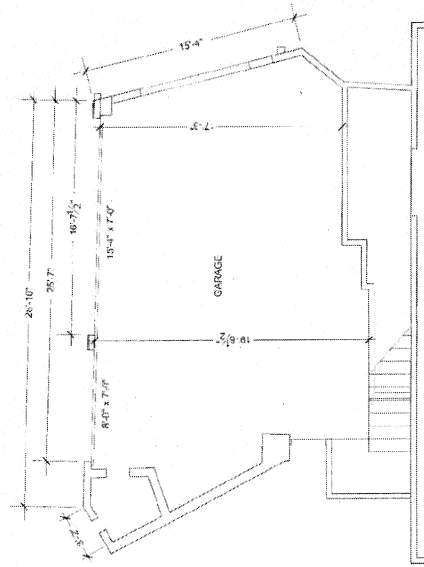
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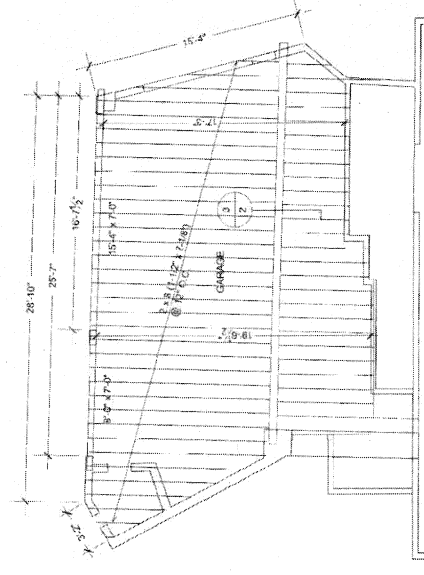
POST DETAIL



SKYLIGHT DETAIL



EXISTING FIRST FLOOR GARAGE PLAN



EXISTING DECK FRAMING PLAN

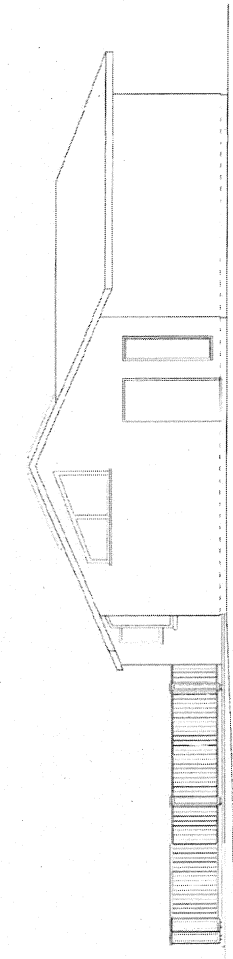
A to Z DESIGNS
346 ROBERTS AVE.
SEASIDE, CALIFORNIA 93955
(831) 373-7973
e-mail: azdesigns@comcast.net

Mr. Giorgos Nikolaou, Owner
3641 Fave Ave.
Soquel, California 95073
(831) 476-3191 APN 037-030-22

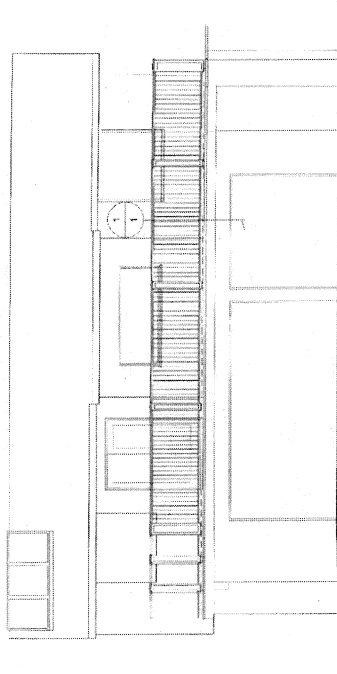
EXISTING & PROPOSED FLOOR PLANS.



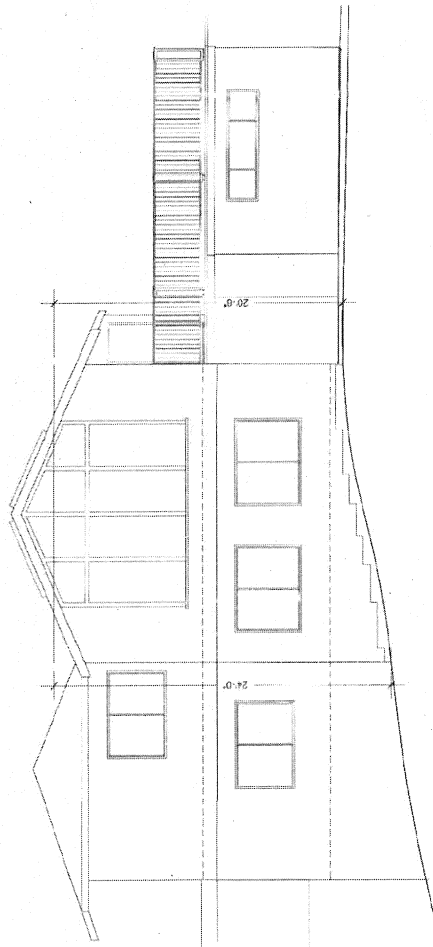
JOB 112042	REVISIONS	BY	DATE 12/06/12
CALL NOTED			
SUBMIT BY 12			OF 3 SHEETS



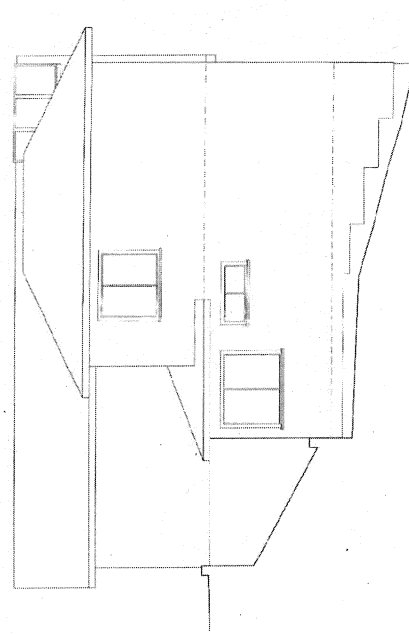
EXISTING NORTH ELEVATION
1/4" = 1'



EXISTING EAST ELEVATION
1/4" = 1'



EXISTING SOUTH ELEVATION
1/4" = 1'



EXISTING WEST ELEVATION
1/4" = 1'

A to Z DESIGNS
146 ROBERTS AVE
SUITE 200
BOSTON, MA 02114
TEL: 617.372.7673
EMAIL: a2zdesigns@comcast.net

Mr. Giorgos Nikolacou, Owner
3641 Fay Ave
Boston, MA 02114
TEL: 617.372.7673
APR 03/2022



EXISTING & PROPOSED FLOOR PLANS

DATE	12/20/21	BY	SHAWNA	DATE	12/20/21
SCALE	NOTED	BY	SHAWNA	DATE	12/20/21
DESIGNER	AZ	BY	SHAWNA	DATE	12/20/21
3 OF 3 SHEETS					

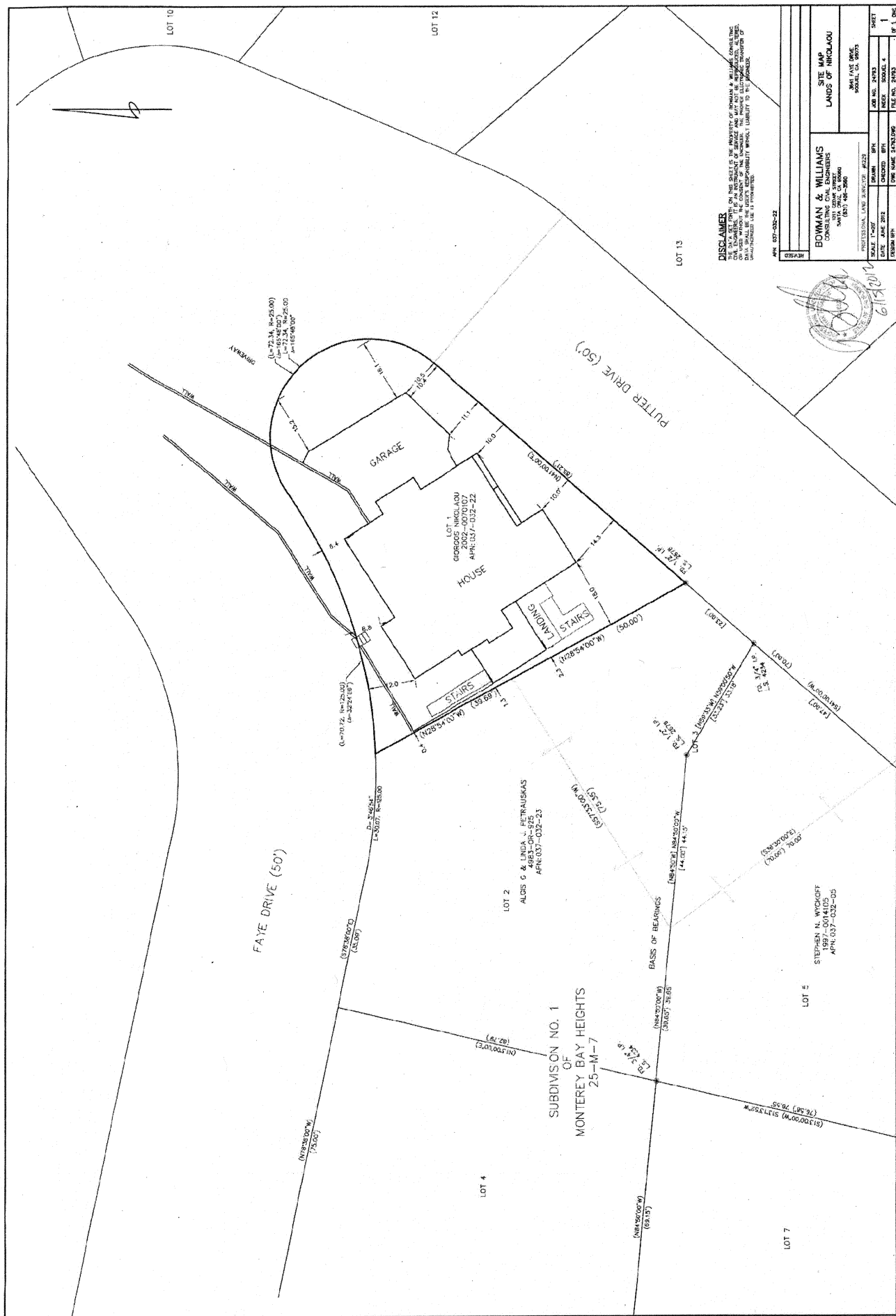


EXHIBIT D

FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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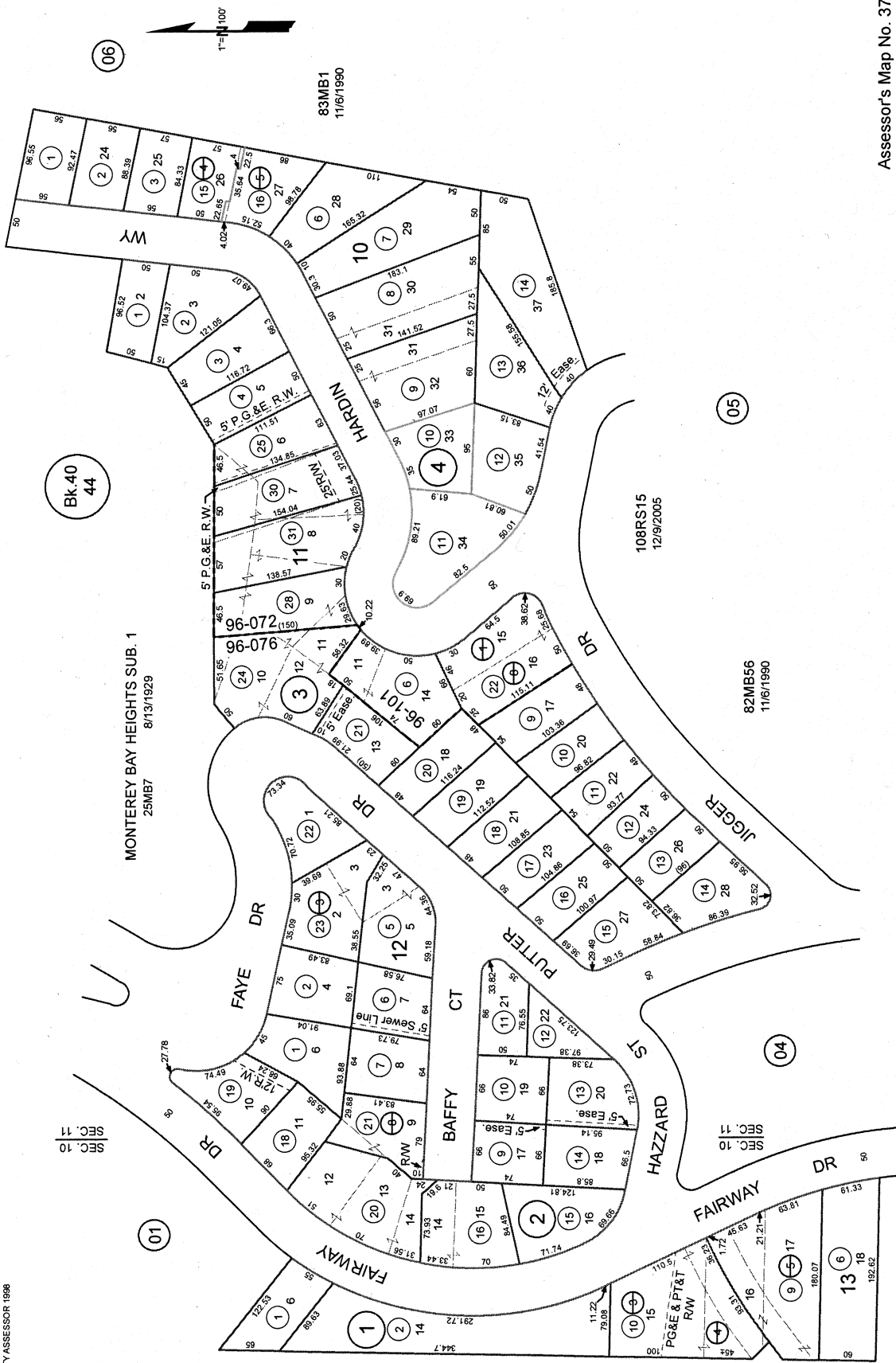
POR. SOQUEL RANCHO

SEC. 10 & 11, T. 11S., R. 1W., M.D.B. & M.

Tax Area Code

96-076 96-101

37-03



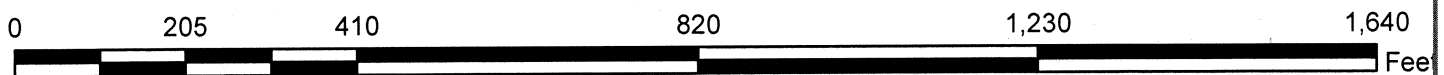
Electronically Redrawn 4/2/98 with
Rev 1/14/99 CG (Cor. Assmt. as per 1991/99, 2-13)
Rev 5/15/02 CG (Cor. lot No. 2-11)
Rev 8/25/07 id (108RS15)
Rev 4/22/10 mc (added Faye Dr)

Note - Assessor's Parcel & Block
Numbers Shown in Circles.




Assessor's Map No. 37-03
County of Santa Cruz, Calif.
Apr., 1998

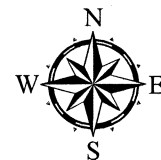


Location Map



LEGEND

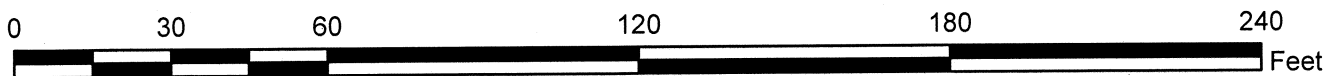
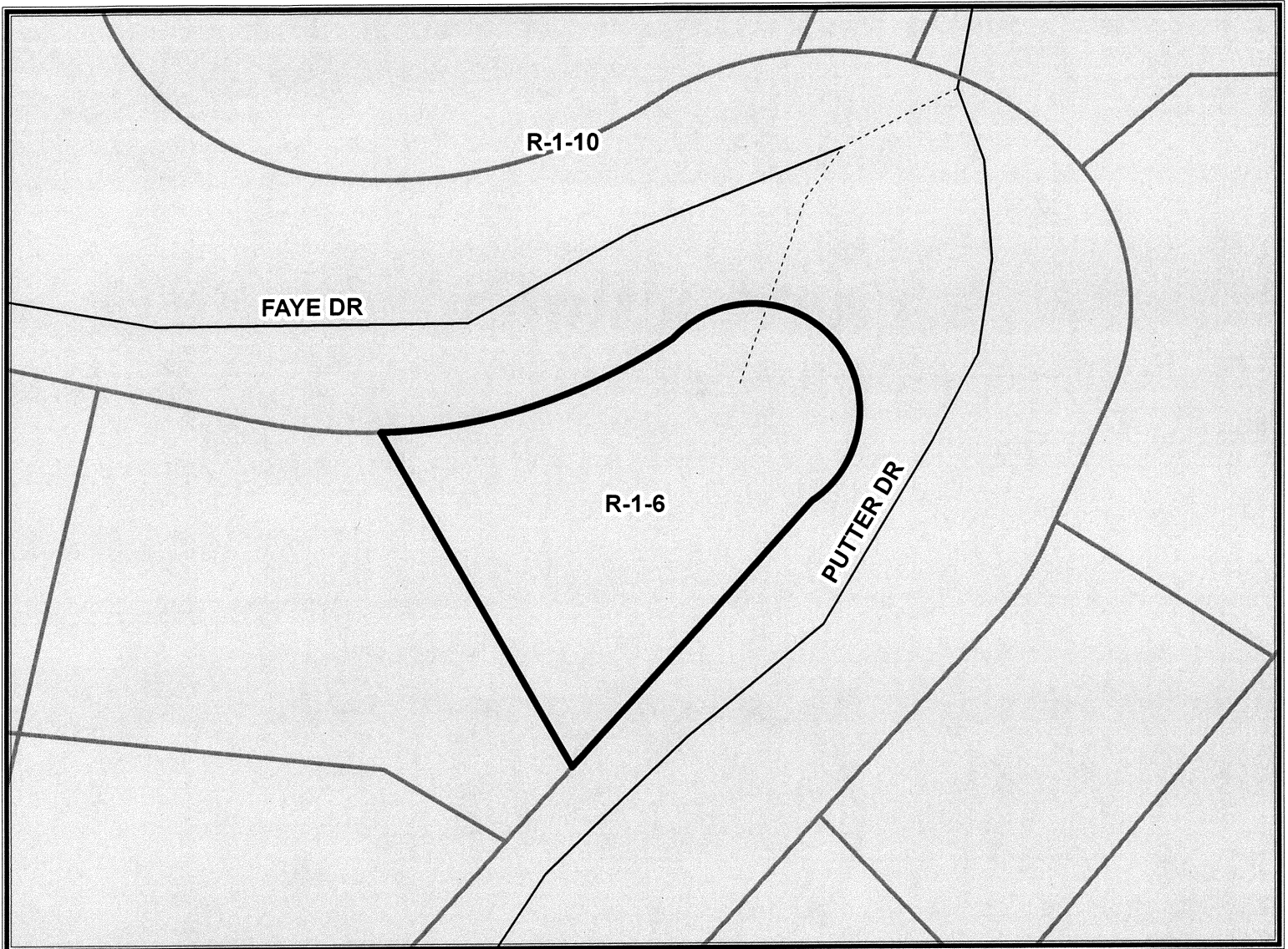
-  APN: 037-032-22
-  Assessors Parcels
-  Street



Map Created by
County of Santa Cruz
Planning Department
August 2015

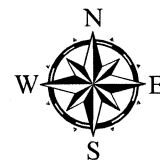


Zoning Map



LEGEND

-  APN: 037-032-22
-  Assessors Parcels
-  Street
-  RESIDENTIAL-SINGLE FAMILY

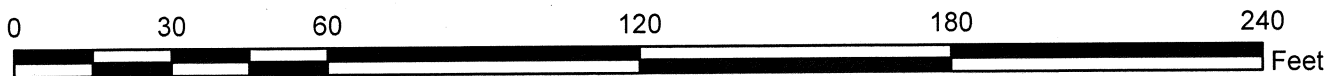
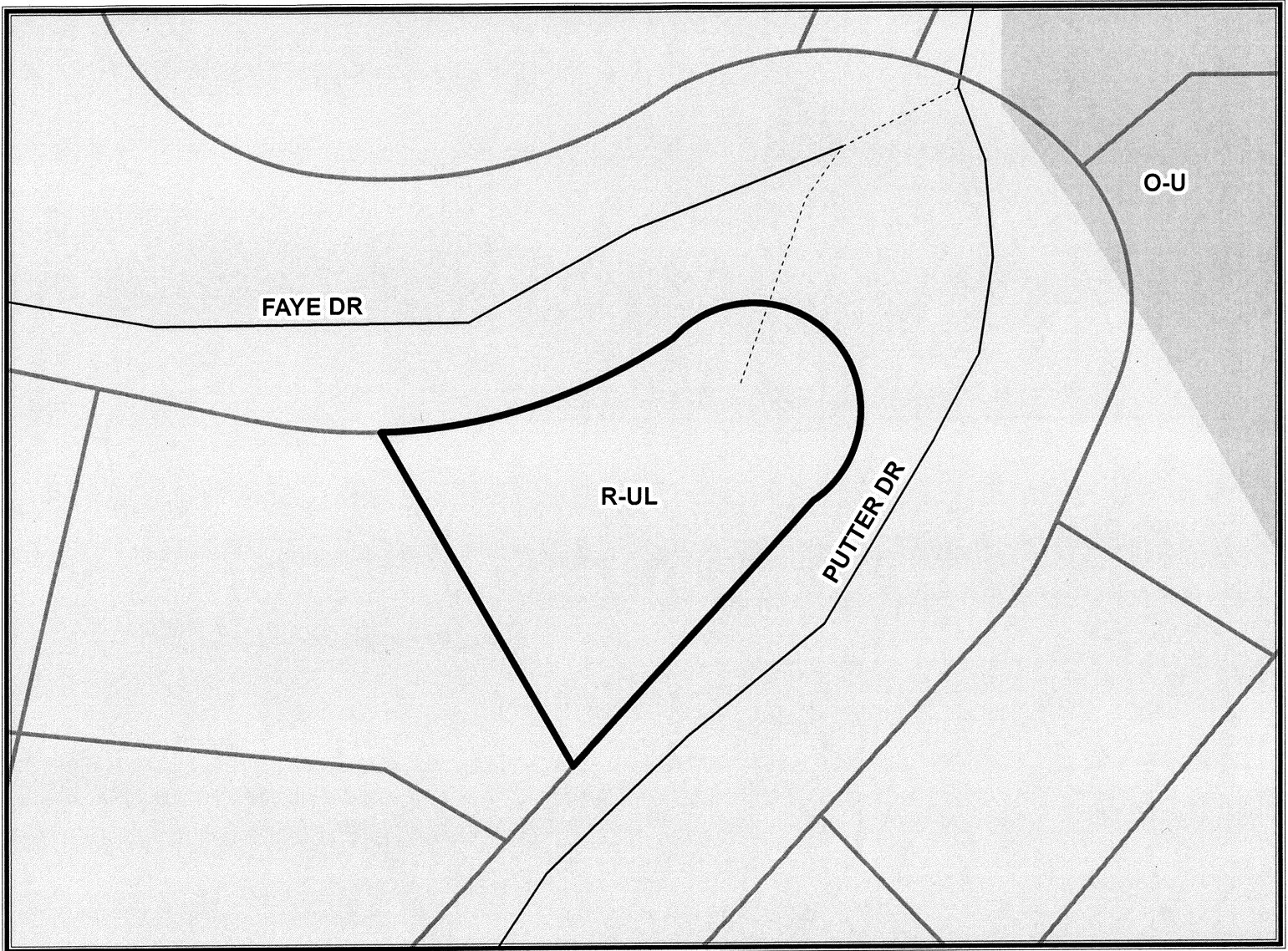


Map Created by
County of Santa Cruz
Planning Department
August 2015

EXHIBIT E

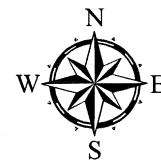


General Plan Designation Map



LEGEND

-  APN: 037-032-22
-  Assessors Parcels
-  Street
-  Residential - Urban Low Density
-  Urban Open Space



Map Created by
County of Santa Cruz
Planning Department
August 2015

EXHIBIT E