



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE October 3, 2014		CONTACT/PHONE Stephanie Fuhs (805)781-5721		APPLICANT Mark Stoneburner		FILE NO. DRC2013-00103	
EFFECTIVE DATE October 17, 2014		sfuhs@co.slo.ca.us					
SUBJECT Hearing to consider a request by Mark Stoneburner for a Minor Use Permit to permit a waiver of the size limitation of 1,000 square feet for a detached garage to allow an existing 4,520 square foot garage/workshop to remain on the applicant's site. The proposed project is within the Residential Rural land use category and is located at 575 Highland Hills Drive, approximately three miles northeast of the community of Nipomo. The site is in the South County (Inland) planning area.							
RECOMMENDED ACTION Approve Minor Use Permit DRC2013-00103 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.							
ENVIRONMENTAL DETERMINATION A Class One Categorical Exemption was issued on August 27, 2014 (ED14-053).							
LAND USE CATEGORY Residential Rural		COMBINING DESIGNATION None		ASSESSOR PARCEL NUMBER 090-451-040		SUPERVISOR DISTRICT(S) 4	
PLANNING AREA STANDARDS: None applicable <i>Does the project meet applicable Planning Area Standards: Not applicable</i>							
LAND USE ORDINANCE STANDARDS: 22.30.410(c) – Residential Accessory Uses, 22.10.060 – Exterior Lighting, 22.10.130 – Residential Density, 22.10.140 - Setbacks <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>							
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on October 17, 2014, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.							
EXISTING USES: Primary and secondary dwelling, garage/workshop							
SURROUNDING LAND USE CATEGORIES AND USES: <i>North: Residential Rural/Scattered residences East: Rural Lands/Undeveloped, scattered orchards</i> <i>South: Agriculture/Citrus Orchards West: Agriculture/Citrus Orchards</i>							
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: South County Advisory Council, Public Works, CalFire, Building Division							
TOPOGRAPHY: Gently sloping				VEGETATION: Grasses, ornamentals			
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CalFire				ACCEPTANCE DATE: July 10, 2014			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242							

DISCUSSION

The applicant is proposing to legalize an existing as-built 4,520 square foot garage/workshop that was originally built as a pole barn and later converted to a garage/office/residential unit without the proper building permits.

The project site is 10.16 acres and contains a primary and secondary dwelling, an agricultural storage building, the subject garage/workshop building and other accessory sheds.

The property is the subject of a code enforcement case for the conversion of the existing pole barn to a garage/residence as well as two occupied recreational vehicles (RVs). According to code enforcement staff, the RVs are no longer occupied.

This Minor Use Permit, if approved, will rectify the remaining code enforcement issue that was part of the original complaint on the project site.

LAND USE ORDINANCE STANDARDS

Section 22.30.410(c) – Residential Accessory Uses – This section of the ordinance sets forth a size limitation on detached garages of 1,000 square feet unless authorized by a Minor Use Permit.

This Minor Use Permit is requesting that the existing 4,520 square foot as-built garage/workshop be allowed to remain. ~~According to the applicant, the garage/workshop area is needed in order to store materials used for his job as a construction contractor.~~

Section 22.10.060 – Exterior Lighting - This section of the ordinance requires that exterior lighting be shielded and downward facing onto the subject property.

Conditions for compliance with these standards have been added to the project.

22.10.130 – Residential Density – This section of the ordinance sets forth the maximum number of dwelling units allowed on a parcel.

Residentially zoned properties are allowed one dwelling unit per legal parcel plus a secondary dwelling if it meets the standards of Section 22.30.470 (Residential-Secondary Dwellings) of the Land Use Ordinance. The site currently contains a primary dwelling constructed under permit #83403 and a secondary dwelling constructed under permit #2002-14235, therefore, no additional residences are allowable on this site. A condition has been added to the project to record a covenant and agreement stating that no part of the garage/workshop area will be used as a residential unit. This agreement will run with the land.

22.10.140 – Setbacks – This section of the ordinance sets forth the minimum setbacks for structures on a site. In this case, since the site is over one acre outside of an urban reserve line, the required setbacks are 25 feet in the front (from Highland Hills Drive), and 30 feet on the sides and rear of the property.

As proposed, the existing garage/workshop is 65 feet from the front, 60 feet from the rear, and well over 30 feet from the side property lines.

STAFF COMMENTS

The proposed garage/workshop is located on a 10.16 acre parcel surrounded by 10 acre residential rural properties to the north and agriculture and rural lands zoned properties to the south, east and west. Development on the parcel is clustered in the northeastern corner of the lot; however, the nearest residence is located over 340 feet from the existing garage/workshop. The doors to the garage portion of the structure are situated so that they are facing toward Highland Hills Drive and the undeveloped rural lands parcel to the south. Impacts to surrounding properties from the garage/workshop building appear to be less than significant based on the location of the structure on the lot.

Staff is recommending approval of the Minor Use Permit with conditions to remove all the conditioned spaces within the garage/workshop, elimination of the refrigerator, stove and oven and recordation of a covenant and agreement that limits the use of the structure to storage of vehicles and other materials, with no residential use allowed. This agreement would run with the land and encumber any future property owner to the same standards.

COMMUNITY ADVISORY GROUP COMMENTS

The South County Advisory Council discussed the project at their August 25, 2014 meeting; however no comments were received as of the date of staff report preparation.

AGENCY REVIEW

Public Works- Require conditions for drainage and sedimentation and erosion control plans

CalFire – See Attached fire safety plan

Building Division – See attached e-mail for specific building code standards

LEGAL LOT STATUS:

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.