DATE: 12 March 2020

TO: Sonoma County Board of Zoning Adjustments

FROM: Gary Helfrich, Project Planner

SUBJECT: UPE15-0062 Revocation; 8398 Bodega Highway, Sebastopol APN 077-160-001

Background:

The parcel is located at 8398 Bodega Highway, Sebastopol across the street from the city limits of Sebastopol and is a relatively flat to gently sloping parcel crossed by Atascadero Creek. The 16.42 acre parcel's zoning designation is DA (Diverse Agriculture) with an allowable density of 20 acres per dwelling unit with the F2 (Floodplain), RC (Riparian Corridor) 200' /50', SR (Scenic Resources), and VOH (Valley Oak Habitat) combining designations.

The parcel is developed with two dwellings built in the early 1900's, a barn, and other accessory structures. In addition to these structures, there is a house on cribbing that was moved to the southern end of the parcel under a permit issued in 1992 (B-111745) to allow temporary storage of the building.

In 2006, BLD02-4925 was issued (renewed by BLD06-1590) to relocate an existing shed, construct a perimeter foundation, and add a new roof attaching it to the existing single family dwelling. The shed was originally over the parcel boundary and was moved to align with the house on the east property line. The submitted site plan indicated that the home and relocated shed would be 10 feet from the property line. A subsequent survey of the adjacent parcel (APN 077-180-017 - Hamilton) revealed that the property line is actually only 2.7 feet from the house and shed.

A Use Permit (UPE09-0031) to allow a reduced setback to 2.7 feet was approved by the Board of Zoning Adjustments on 10 September 2009. In 2011 the project was granted an automatic two year extension of time under the County’s Economic Stimulus Ordinance. During this four year period, the applicant failed to meet any of the conditions of approval and UPE09-0031 expired on 10 September 2013.

In August 2015, an application was received for the existing Use Permit (UPE15-0062) to revive the project approved by UPE09-0031. At the 18 February 2016 public hearing for this project, the Board of Zoning Adjustments approved the project, but applied strict timelines for obtaining building
permits, removing the and completing the work. The applicant appealed these conditions to the Board of Supervisors, who denied the appeal on 8 January 2019.

Finding for Revocation:

(1) Approval of UPE15-0062 was final upon the Board of Supervisors decision to deny the appeal on 8 January 2019.

(2) Condition 7 states: “The applicant shall obtain permits and complete removal of the illegal dwelling within 6 months of the date of this Use Permit approval.” This condition refers to the house that has been stored near the southern end of the parcel since 1992. No permits for this work have been submitted as of the date of this hearing.

(3) Condition 9 states: “The applicant shall apply for permits and complete construction of an eight-foot high privacy fence on top of a retaining wall to be constructed for the entire length of the Hamilton’s property line (APN 077-180-017) within 6 months of approval of the Use Permit. The fence shall be located entirely on the Rudolph property.” No permits for this work have been submitted as of the date of this hearing.

(4) Condition 10 states: “The applicant shall apply for the Building Permit to legalize the shed/recreation room within 60 days of this Use Permit approval. The Building Permit shall not be issued until the illegal unit is removed. The applicant shall commence construction and complete the shed/recreation room and deck roofing and the exterior fence/retaining wall within 24 months of issuance of the Building Permit.” No permits for this work have been submitted as of the date of this hearing, and there is a December 2019 code enforcement complaint for roofing work without a permit (VCM19-1916).

Recommendation:

The applicant has failed to comply with the conditions of approval and has not contacted Permit Sonoma to request modification of the conditions or extension of the timelines set by the Board of Zoning Adjustments. Staff recommends the Board of Zoning Adjustments revoke UPE15-0062, will allow Code Enforcement to take enforcement actions to bring the property into compliance with the Sonoma County Zoning Code (Chapter 26) and the Sonoma County Building Code (Chapter 7).