

Building Permit 22-169/ Ramos

Planning Conditions and Findings under Chapter 34, Non-conforming Uses

APPLICANT: Tara Sypriano

OWNER: James and Theresa Ramos

SUBJECT PROPERTY: 26 North Patterson, Bridgeport, APN 010-340-008

PROPOSAL: To approve a building permit at 380 Main Street, Bridgeport with the following findings and conditions.

Pursuant to the Mono County General Plan, Chapter 34, Nonconforming Uses:

The parcel has a single-family residence that is existing non-conforming to the front yard setback distance, for both the house and the decks. The house encroaches on the front yard setback 10 feet and the deck encroaches another six feet into the setback, leaving only a four-foot front yard setback. The deck is part of a staircase that connects the garage and driveway parking to the primary access and front door. The required front yard setback is 20 feet for Single-Family Residential (SFR) land use. The parcel is a corner lot and access is taken off of North Patterson drive, thus determined the front yard. MCGP Chapter 34, Nonconforming Uses, allows nonconforming use of the land to take place when “the use is not enlarged, increased or extended to occupy a greater area of land than occupied by such time of application of the land use designations and development standards to the subject property unless it complies with 34.020 criteria A-D.” This application does not seek an expansion and thus does not increase the existing non-conforming.

As cited, criteria A-D are as follows:

- A. Alterations of the nonconforming use shall not be detrimental to the intent of the land use designations, objectives, and policies, specified in this General Plan.

The Single-family residential (SFR) land use designation allows for residential development outright. The proposed building permit is for a remodel of the existing SFR and therefore the proposed project is consistent with the SFR designation. The existing structure was constructed in ~~the 1970s~~ and the existing nonconforming is not proposed for expansion but merely replacement and reconfiguration of the existing staircase. The structure meets all other development standards per the SFR designation. The encroachment into the front yard setback is not detrimental to the objective and policies of the General Plan.

- B. The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity or adversely impact the surrounding properties more than the existing nonconforming use.

The proposed use of the land and structure are no more impactful than the current use. The current use of the property is in conformance with the land use

designation, ~~as a~~ SFR. No expansion of the structure is proposed on the front yard (east side) setback, ~~eastern side~~ of the parcel. There is no proposed change to vehicular access for emergency services.

- C. The alteration shall not increase the intensity of the use-category of the land, building or structure.

The intensity of the land is not increased because the use is substantially the same as an occupied SFR not changing. The property will continue to be used a residential unit. The intensity of the use-category of the land, and structures are consistent with allowable uses of the SFR designation. Furthermore, the nonconforming setback distance is remaining the same under the proposed minor alteration and the roof and overhang will remain unchanged on the eastern side so there will be no additional or new snowshed impacts.

- D. If the proposed alteration could generate public controversy, the Director shall refer the application to the Planning Commission for its consideration.

The proposed alteration (remodel and addition on the western portion of the parcel) has not generated public controversy in Bridgeport on Commercial land use designations. No comments were received at the LDTAC meeting where the project was discussed.

This review finds the proposed project to be consistent with the established permitted uses of the land use designation.

DRAFT CONDITIONS OF APPROVAL

1. All utilities shall be installed underground (MCGP 11.010 D)
2. No structures shall encroach into the property setbacks, other than the proposed deck alteration. The alteration shall encroach no more than Maintain the existing setbacks of 16' 4' into the front setback. (front yard setback is existing non-conforming at 4' which does not comply with the required 20' setback). All structures shall mee the 10' west side yard, ~~and~~ 10' rear yard.
The proposed replacement deck and landing in the northeastern corner of the proposed remodel and addition cannot increase the existing nonconforming front yard setback.
3. Outdoor/exterior lighting shall comply with Chapter 23 - Dark Sky Regulations of the Mono County General Plan.
4. Project must obtain a "will serve" letter from Bridgeport Fire Protection District (BFPD) indicating that the FPD will provide service to the project and shall comply with any requirements of the BFPD.
5. Provide "defensible space" clearance around homes and structures from 0-100 feet (Zone 1: 0-30 feet and Zone 2: 30-100 feet). See: <https://www.readyforwildfire.org/prepare-for-wildfire/get-ready/defensible-space/>
6. The Mono County General Plan has identified this property as an Avalanche Influence Area, an area of potential avalanche hazard. Property owner is advised to review the General Plan Safety Element and avalanche documents on file with the Planning Division, and to inform residents, visitors and property buyer/transferees of potential avalanche hazards.

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