



TOWN OF FAIRFAX

STAFF REPORT

July 24, 2013

TO: Mayor and Town Council

FROM: Jim Moore, Director of Planning and Building Services 
Mark Lockaby, Building Official
Linda Neal, Senior Planner

SUBJECT: Background and status of rehabilitation/reconstruction of property at 19 Manor Road

RECOMMENDATION

Direct staff to continue to work to obtain planning and building entitlement applications from the property owner to bring the property into compliance with the Zoning Ordinance and the California Building Code.

DISCUSSION

In April of 2010 the Town performed a Residential Resale Inspection of the property (Exhibit A). The house appeared to be in poor condition and the resale report advised buyers that prior to restoration a detailed structural pest report would have to be provided to the Town. The report had to include an estimate for the required work and a signed and wet stamped report from a structural engineer certifying that 50% of the structural members of the dwelling were sound.

The applicant submitted a building permit application in November of 2010 to rehab the house in its current location within the required creek setback. After reviewing the plans staff made the preliminary determination that the project constituted a 50% remodel. The owner disagreed with the staff's determination and was advised he could present his arguments before the Commission by applying for a Variance (Exhibit B – letter dated 12/2/10).

The applicant then scaled the project back and submitted a building permit application that proposed relocation of the structure out of the required creek setback and included only the mandatory work required in the April 2010 Resale along with a voluntary foundation seismic upgrade and energy upgrade with new windows and insulation. The project was valued at \$65,000 and the permit was issued on February 14, 2011.

From issuance of the permit after payment of the \$3864.42 permit fee until early April of 2013, the Building Official performed several building permit inspections and responded to numerous complaints from neighbors about the site being used as a corporation yard for the contractor and/or as storage for materials meant for other project sites. Each

time the Building Official responded to a complaint, the owner could demonstrate that the equipment and/or materials in question were for the restoration of the house.

In early April, 2013, staff inspected the height of the house after receiving a complaint and determined that the entire house had been gutted and the foundation height exceeded that shown on the plans. Staff told the contractor to stop work and advised the owner in an April 25, 2013 letter that the project now constituted a 50% remodel and would require the review and approval of a Use Permit and Design Review by the Planning Commission.

Staff was contacted by the owner's contractor on July 16, 2013, and advised that a local architect has been contacted by the owner to assist them in drawing up plans and going through the planning process. As the owner appears to be voluntarily pursuing required approvals for his house, staff recommends allowing the owner to work through the entitlement process. Staff will inform the Planning Commission (PC) of the issues surrounding the property and will recommend options for the PC to consider in addressing these issues in their decision-making process. The neighbors will also be informed of the Planning Commission meeting to consider the applications for 19 Manor. At that time, the neighbors can voice their concerns and the PC can also take those into consideration during their decision-making process.

FISCAL IMPACT

Staff estimates that an additional \$2,782 in total staff costs has been incurred beyond those costs covered by permit fees. These costs include the time to respond to complaints /inspections, telephone conversations, written communications, and reports.