



**CITY OF FORT BRAGG**  
*Incorporated August 5, 1889*  
416 N. Franklin Street, Fort Bragg, California 95437  
tel. 707.961.2823 and [www.fortbragg.com](http://www.fortbragg.com)

**NOTICE OF FINAL ACTION  
ON ADMINISTRATIVE VARIANCE**

On November 14, 2023, final action was taken by the Community Development Director on the following Administrative Variance.

FILE NUMBER: Administrative Variance VAR 3-23 (VAR 23-3)  
DATE FILED: October 6, 2023  
APPLICANT: Terrance Huber  
LOCATION: 389 Winifred Street, Fort Bragg and APN 008-070-34  
APPLICATION: An Administrative Variance request to reduce the minimum front yard distance (adjacent to where the front property line is not contiguous with a public street) and to allow for the construction of a storage building located 6-feet or more from the front property line, as shown on site plans dated October 4, 2023.  
ENVIRONMENTAL DETERMINATION: CEQA Exemption §15303(e)  
ATTACHMENT A: Adopted findings in support of the decision, conditions of approval, reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City.

PROCEDURE FOR APPEAL: In accordance with §18.92, an appeal of the Community Development Director's decision shall be submitted in writing and shall specifically state the pertinent facts and the basis for the appeal. The appeal shall be filed with the Department within 10 days of the date the decision was rendered. The appeal shall be accompanied by the filing fee identified in the City's Fee Schedule. An appeal of a decision on a planning permit shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.

EFFECTIVE DATE OF DECISION: The decision of the Director, Commission, or Council, as applicable, is final and effective on the 11th day following the date the decision is rendered, unless an appeal is filed in compliance with Chapter 18.92.

To obtain additional information, an interested person may call or visit the Community Development Department, Fort Bragg City Hall, 416 North Franklin Street, Fort Bragg. Questions may be directed to Juliana Cherry, Community Development Director, at (707) 961-2823.

  
Juliana von Hacht Cherry, Director  
Community Development Department

PUBLISHING/MAILING DATE: November 21, 2023

STATE OF CALIFORNIA            )  
  ) ss.  
COUNTY OF MENDOCINO        )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg in the Community Development Department; and that I posted this Notice in the City Hall Notice case on or before November 20, 2023.

*Maria Flynn*

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Maria Flynn, Administrative Assistant  
Community Development Department



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## ATTACHMENT A

### ADOPTED FINDINGS AND CONDITIONS

Following an administrative review by the Community Development Director, VAR 3-23 was approved on November 14, 2023; the Director administratively approved a request to reduce the minimum required front yard setback for a proposed storage shed.

Administrative Variance VAR 3-23 is subject to the following findings and conditions:

**GENERAL FINDINGS:** The Director may determine that a proposed use is similar to and compatible with a listed use and may be allowed, only after first making all of the following findings with the determination:

1. In accordance with 18.20.030.A.3.a(i), the characteristics of, and activities associated with, the use are similar to 1 or more of the listed uses, and will not involve a greater intensity than the uses listed in the district; for example, the proposed Residential Accessory Structure, a 475 SF storage shed, is consistent with the purpose and intent of the Low Density Residential zoning district, as well as all other provisions of the General Plan, Inland Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code in general; and
2. In accordance with 18.20.030.A.3.a(ii), the use will be consistent with the purposes of the applicable zoning district; the design, location, size, and operating characteristics of the Residential Accessory Structure is compatible with existing residence and surrounding RL District; and
3. In accordance with 18.20.030.A.3.a(iii), the use will be consistent with the Inland General Plan and any applicable specific plan;
4. In accordance with 18.20.030.A.3.a(iv), the use will be compatible with the other uses allowed in the district; The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the property faces Park Street with an alley adjoining the rear of the parcel; and
5. In accordance with 18.20.030.A.3.a(v), the use is not listed as allowable in another zoning district.
6. The project complies with Specific Use Regulations established for the project, including ILUDC 18.42.160 Residential Accessory Uses and Structures; and

7. The Secretary for Resources certified specific classes of projects to be exempt from the requirements to prepare initial studies, including a Class 3 exemption for new construction of appurtenant accessory structures, see CEQA Guidelines Section 15303(e).

**VARIANCE FINDINGS:** The Director may approve an Administrative Variance only after first establishing a basis for the following findings:

1. In accordance with §18.71.070.F.1.a, there are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Development Code deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district; and
2. In accordance with §18.71.070.F.1.b, the approval of the Administrative Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and
3. In accordance with §18.71.070.F.1.c, the Administrative Variance is consistent with the General Plan and any applicable specific plan.
4. The property located at 389 Winifred fronts 180± lineal feet of the public street; therefore, a second driveway would be inconsistent with ILUDC 18.36.100.A.1 standards. (Establishing findings for off-site parking Variance, §18.71.070.F.2, are not applicable because the applicant does not propose a nonresidential project nor does the applicant request allowance for off-site parking.)

The applicant does not request reasonable accommodation; therefore general finding in accord with §18.71.070.F.3 is not applicable.

**MINOR USE PERMIT FINDINGS:** The Director may approve a Minor Use Permit only after first establishing a basis for the following findings:

1. In accordance with §18.71.060.F.1, the proposed shed is consistent with the General Plan goals relating to residentially designated lands; and
2. In accordance with §18.71.060.F.2, the proposed residential accessory structure (a storage shed) is allowed within the zoning district and complies with applicable provisions of the ILUDC; and
3. In accordance with §18.71.060.F.3, the design, size, 12.25-foot height, and operating characteristics are compatible with the existing and future residential use of the property; and
4. In accordance with §18.71.060.F.4, the property located at 389 Winifred is suitable for the proposed residential accessory structure and would not cause hazards to the public interest, health, safety, convenience, welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity of the project.

**STANDARD CONDITIONS:**

1. This action shall become final on the 11th day following the decision unless an appeal to the Planning Commission is filed pursuant to ILUDC Chapter 18.92 - Appeals.

2. Unless a condition of approval or other provision of the Inland Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with ILUDC Subsection 18.76.070 (B).
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to revocation or modification upon a finding of any one or more of the following: (a) That such permit was obtained or extended by fraud. (b) That one or more of the conditions upon which such permit was granted have been violated. (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance. (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
5. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
6. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
7. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: (a) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and (b) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.
8. In accordance with ILUDC 18.36.100.A, a single-family dwelling shall be allowed one driveway except that a circular driveway may be allowed on a parcel with 200-feet or more street frontage without alley access.

**PUBLIC WORKS CONDITIONS:**

9. Contact Underground Service Alert (USA), Dial 811 or 1-800-227-2600, at least 48hrs prior to construction.
10. Impact Fees: Not required for this building permit.
11. Drainage Fees: Drainage fee of \$249.75 was assessed based on an increase of 675 SF of impervious surface, and has been added to the fee sheet.

12. Water/Sewer Connection Fees: (a) No additional connections or meters have been requested. Please contact Public Works as soon as possible if desired. Fees will be subject to the current fee schedule. (b) A sewer cleanout is required if not already present.
13. Backflow Device: (a) Applicant shall install a backflow device on the existing water meter. The city inspection fee of \$60.00 has been added to the fee sheet. (b) Contact Heath Daniels at (707) 83-8031 for more information on backflow requirements. (c) If fire sprinklers will be installed, an approved backflow device is required. (d) Final inspection of backflow device is required prior to building permit final. Call Heath Daniels to schedule inspection.
14. Encroachment Permit – will be required for any activity occurring in the public right of way during construction. This includes placement of a dumpster, construction vehicles not parked in conformance with parking codes, frontage improvements, etc.
15. Circulation, Access, & Frontage: (a) Applicant shall pave the first 20' of the driveway per Municipal Code section 18.36.100. (b) Applicant shall be mindful of roadway and vehicular constraints (e.g. narrow road, sharp turns) when planning types of vehicles/equipment to use in the site prep activities and during construction.
16. Stormwater - Post-Construction Runoff Reduction: (a) Minimize pollution during construction. If construction is to be conducted between October and April (the rainy season) approval from the Public Works Department and additional construction BMP's will be required. (b) It is not permitted for construction debris and soil to be placed in the City right-of-way. All construction debris/soil shall be properly disposed of. (c) In order to meet the requirements of Municipal Code Section 12.14.020, permittee shall ensure that there will be no increase in the volume of water draining to adjacent property(s). (d) Applicant shall adhere to the 2-page Storm Water Control Plan submitted with the building permit.