


# TOWN OF FAIRFAX

## STAFF REPORT

### April 4, 2018

**TO:** Mayor and Town Council

**FROM:** Linda Neal, Principal Planner   
Mark Lockaby, Building Official

**SUBJECT:** Receive Status Report on Accessory Dwelling Unit at 76 Spruce

---

#### **RECOMMENDATION**

Receive report

#### **BACKGROUND**

On May 15, 2014 the Fairfax Planning Commission approved an accessory dwelling unit (ADU) permit to legalize the ADU located within a detached legally constructed garage/workshop and laundry/utility room at 76 Spruce Road. The permit was approved subject to the owner obtaining a building permit for the kitchen and bathroom.

The use permit expired and the owner reapplied a second time to legalize the unit on February 1, 2017. Due to family illnesses and personal work schedule that required the owner to be out of the country for extended periods of time, the application remained incomplete for almost one year. In March of 2018 staff advised the owner in writing that due to the new State ADU regulations, the legalization of his unit no longer required a public hearing and only a building permit was required to finalize legalization of the unit.

At the March 4, 2018 meeting the Town Council requested staff to prepare a report updating them on the applicant's progress on the legalization of the ADU and to specifically address a neighbor's complaint that a wood burning stove had been installed in the ADU and was being used in violation of Town Code 8.64.100.

#### **DISCUSSION**

Staff inspected the property on March 21, 2018 and determined that the wood burning stove in the main residence had been replaced with a compliant gas burning appliance, but that the ADU did have a wood burning stove that the owner indicated existed in the structure prior to his purchase of the property in 1999. The owner was instructed to stop using the wood burning stove for any purposes and given the following options:

1. The wood stove can be removed and not replaced,
2. A licensed mechanical contractor specializing in wood burning equipment can certify to the Town that the stove meets current EPA clean burn requirements, or
3. The wood stove can be replaced with a new stove that meets the current EPA clean burn requirements or with a gas fired stove.

Staff also inspected the unpermitted kitchen and bathroom improvements and determined that the improvements have been installed in compliance with California Building Code requirements.

The owner paid the required \$1,199.03 building permit fee on March 27, 2018. The permit is currently pending approval of the Ross Valley Fire Department and once that is obtained, the permit will be issued. The owner has advised staff that the ADU is not currently being rented to a tenant although the owner uses the building periodically for living purposes.

**FISCAL IMPACT**

n/a