



# TOWN OF FAIRFAX

## STAFF REPORT

### April 5, 2017

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, Town Manager *GT*

**SUBJECT:** Receive report on the status of the code enforcement action at 177 Canyon Road

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#### RECOMMENDATION

Receive report on the status of the code enforcement actions at 177 Canyon Rd.

#### DISCUSSION

At the Council's March 1<sup>st</sup> meeting, staff reported on our unsuccessful efforts to work with the property owner to abate his storage shed at 177 Canyon Rd that was constructed within the setback area as well as to remove the accumulation of debris in the front yard. This code enforcement issue was initiated based on complaints received in July 2015. Staff has sent three notices of zoning and building code violations as well as issued an administrative citation of \$100 to the owner.

The owner has been informed of the following violations:

- **Town Code § 17.080.050:** any physical improvement on a substandard building site, as defined, requires a use permit.
- **Town Code § 17.080.070(B)(2):** each building site in the RS-6 zone having a slope of more than ten percent shall two side yards having a combined width of not less than 20 feet, but neither yard having a width of less than five feet.
- **California Building Code § 105.1:** building permits are required for the construction of any detached accessory structure, including storage sheds, greater than 120 square feet in size.
- **Town Code § 1.12.045(F):** substandard or dangerous property condition; an accumulation litter, refuse, rubbish, lumber, debris, salvage materials which are visible from public or private property or otherwise in violation of the code.

On August 1, 2016, the owner indicated to the Department of Planning and Building Services by phone message that he was moving the shed outside the side yard setback and reducing the size of the storage shed to below 120 square feet, as well as cleaning up the front of the property. However, the owner's parcel does not meet the minimum lot standards and, thus, such a shed on the property requires a use permit.

The Town informed the owner the shed must comply with the use permit and side yard setback requirements due to the area, width and slope of the property as required in Town Code (sections stated above). In particular, staff explained that in order to relocate the shed on the property, the shed must either (1) be located within the rear of the residential structure, comply with rear yard setbacks and obtain a use permit, or (2) be located at least 5 feet from the eastern property line, obtain a use permit and obtain a variance from the combined twenty (20) foot side setback regulation.

At the March 1<sup>st</sup> meeting, staff indicated that we will keep the Council apprised of our progress to work with the owner to remedy the code violation. Since the March meeting, staff has been unsuccessful in our efforts to contact the owner and the owner has not responded to any correspondence mailed to him. While staff will continue our efforts, if we are unable to gain cooperation from the property owner within the next 60 days, the report to the Council in June will also include information regarding the cost and process for conducting a nuisance abatement hearing to remedy the code violation.

**FISCAL IMPACT**

None at this time.