

## Letter of Project Proposal/Scope of Work

### Project location / Address

This planning application is to document the square footage of our property at 31329 Halfway Road, Silverado CA 92676.

### Description of entire project proposal and existing site conditions

Our property located at 31329 Halfway Road, Silverado CA 92676 has been cited by Code Enforcement for an unpermitted deck, unpermitted partially enclosed patio structure, unpermitted garage, loft/attic and additions to house, and over-height fence along the front of the property. The Residential Unit Appraisal Record (RUAR) being used to ascertain the square footage of our property is dated 10-8-1966 and lists our property as 573sq.ft. The actual square footage of our property is 930sq.ft.

We are requesting a variance for any structures that may currently be deemed as not within set-backs. We are requesting for the structures on our property (deck, partially enclosed patio, garage, loft/attic and additions to house) to be deemed as legal non-conforming, if necessary/as appropriate, and to be permitted as is. We are requesting our fence height to be allowed to be eight feet along the road and eight feet along the side of our backyard.

### Justifications of request for deviations from development standards

Our property was constructed in 1932 and no blueprints exist. All of the structures of our property have been existing in their current state for at least 50 to 90 years. The RUAR is insufficient to indicate what structures were on our property from 50 to 90 years ago.

The RUAR is ambiguous and was not created to be a tool for this purpose. The RUAR shows a washroom of 48sq.ft., why is it not included in the overall square footage? The RUAR lists a structure of 126sq.ft. as being "GONE 72," what part of the house was it and was it part of the original house? The RUAR lists a shed of 180sq.ft., was this actually the garage or partially enclosed patio? The RUAR lists a "CCP" of 40sq.ft., what part of the house was this? The RUAR lists an "ADD" of 259sq.ft. that has a line through it, what part of the house was this and was it part of the original house? The RUAR does not include the retaining wall that was permitted on 11/13/1967 even though there are updates to the document after the date the retaining wall was built.

Unfortunately, no evidence exists showing how long our deck, partially enclosed patio structure, garage, loft/attic, and any other possible additions to our house have been existing. Redfin photographs dating to 2008 show the structures were present at that time. Aerial photographs are too blurry and obstructed by trees. The RUAR is ambiguous. The record of permits for over fifty years ago is incomplete. A newspaper photograph from 1980 does show that the roof eave of our loft/attic was present at that time.

The County of Orange issued a building permit in 2003 for a metal roof over the entire footprint of our existing house and garage with occupancy group R3. Prior to purchasing our house, Silverado planning expert Jim Swanek assured us that the footprint of our house was permitted and we would have no issues with potentially unpermitted property.

Our property and structures were safety inspected as recently as May 2016 when we purchased our house. We further safety inspected our property as well.

Orange County Fire Authority Personnel walk up and down our road (Halfway Road) several times a year and have never had any kind of issue at all with our property.

It seems logical that the railing above the retaining wall and the deck were installed at the same time as the retaining wall. A portion of the railing along the creek is bolted into the retaining wall at a distance of 42" to 49" below the ground level (which is above it). It is extremely unlikely that someone would dig down 42" to 49" into the ground to install rail anchors in such a manner.

Entire properties and houses in our direct neighborhood, and up and down the creek, lie in the hundred-year flood zone as indicated in the map provided by Brian Kurnow, although only a very small corner of our property does.

As for set-backs for our partially enclosed patio structure, garage, loft/attic and any other possible additions to our house, all of the property boundaries and lot-lines in Mine-track and along Halfway Road are off center and there is no way of ascertaining where the property boundaries really are due to a high number of missing survey markers, combined with the fact that the ground shifts over time. This situation has existed for well over one-hundred years.

Our requested fence height is definitely within the character of our neighborhood, as fences and hedges commonly exist well above eight feet in our surrounding area. Other factors include the property at 31326 Halfway Road being at a higher elevation than our property, thus providing a view of our house and yard that leaves us no privacy without us having an eight-foot fence. The newly constructed room and deck additions to the house at 31332 Halfway Road as well as their garage extension toward our property, combined with the lights strung up, and spot lamps from the second story accessory building windows at 31322 Halfway Road, as well as the sloped road along our fence along the road, further justify an eight-foot fence to obtain privacy.

Information supplied to us from the previous owner of our house indicate that the house at 31326 Halfway Road made additions which cause their structures to come very close to the back of our garage and the side of our house.

Please see the pictures attached in the Supporting Documents section which reveal that all of the structures on our property (deck, partially enclosed patio, garage, loft/attic, and any other possible additions to our house, as well as our existing and proposed fence heights, front, back,

and side set-backs) are the same as the character of our neighborhood. Every house on Halfway Road, Schmidt Road, Mill Road, and nearby Silverado Canyon Road (as well as every road in Silverado) have similar structures and character as does our house. There are decks (and houses) bordering and overhanging the creek near our property, and all up and down the creek. There are fences and hedges of all heights in the neighborhood around our house, and everywhere in Silverado. It is the status quo of minimal or no front, rear, and side set-backs in the neighborhood around our house and everywhere in Silverado.

It would appear that all of the structures on our property (deck, partially enclosed patio, garage, loft/attic, and any other possible additions to our house, as well as our fence height) should be granted a variance, and be considered legal nonconforming, if necessary/as appropriate and be permitted as is, just as other properties in our neighborhood are enjoying, as well as all of Silverado.