

## **INTERPRETATION REQUEST**

### **REPLACEMENT OF A LEGAL NONCONFORMING MOBILE HOME**

#### **Code Sections:**

- 20.68.050
- 20.70.120
- 20.68.030

**Date:** February 7, 2006

**Requested by:** Jennifer L. Savage

**Subject:** Replacement of a Legal Nonconforming Land Use Mobile Home Destroyed by Fire.  
(PLN050716 Hudspeth)

#### **What is the Question?**

Can a legal nonconforming mobile home that has burned be replaced with a *larger* manufactured home?

#### **Short Answer:**

A destroyed legal nonconforming mobile home may be replaced without a Coastal Development Permit. The replacement structure may be increased by no more than 10%.

#### **Discussion:**

The definition for legal nonconforming structure is as follows: 20.06.1260 “Legal nonconforming structure means a structure or portion thereof, which does not conform to the height, setback floor area ratio, floor area ratio or lot coverage regulations of the district in which it is situated.” The destroyed mobile home was one story standing less than the maximum 30 feet. The side setback was 34 feet which is greater than the required 20 feet. The front setback was 75 feet which is greater than the required 30 feet. Floor area ratio is not applicable to this parcel. Before the fire, the lot coverage was less than 9% which is less than the maximum allowed 25%. Therefore, the destroyed mobile home in question conformed to height, setbacks, floor area ratio, and lot coverage according to the submitted conceptual plot plan. The destroyed mobile home does not fall under the definition of “Legal Nonconforming Structure.” Therefore, 20.68.050 is not applicable to this project.

The second mobile home is a Legal Nonconforming Use of a structure and, therefore, 20.68.030 is applicable to it. Under 20.68.030.A, the mobile home may be changed to a manufactured home if a Coastal Development Permit is obtained. However, 20.70.120.H exempts the replacement of any structure destroyed by natural disaster from a Coastal Development Permit. Section 20.70.120.H limits the floor area, height, or bulk of the replacement structure to 10% more than the original structure.

**Facts of the situation:**

The applicant proposes to replace an 800 ft<sup>2</sup> mobile home destroyed by fire with a 1440 ft<sup>2</sup> manufactured home. The property is located at 30 Johnson Road, Watsonville. There is currently a 925 ft<sup>2</sup> residence, a 1711 ft<sup>2</sup> storage building, one well, and two septic tanks on the property. The approximately 1.1 acre parcel is currently zoned RDR/5 (CZ). Therefore current zoning does not allow a second SFD on the property.

Environmental Health standards would not allow a well and two septic tanks on a 1.1 acre parcel. (Three-and-one-half acres would be required for a well and two septic tanks.) However, Environmental Health has record of permits for both septic tanks. The 1500 gallon septic tank permit is dated 1970 and the 1000 gallon septic tank permit is dated 1987.

There is a residential building record for a 978 ft<sup>2</sup> residence dated October 1956. The APN 181-023-003-000 was part of a larger parcel in 1956. In 1956, the larger parcel was not zoned and, therefore, would be considered “Unclassified.” Uses in “Unclassified” areas allowed single family dwellings on a minimum 2.5 acre building site. Consequently, the 978 ft<sup>2</sup> residence appears legal.

There is a Miscellaneous Building Record for a “Trailer Site” dated February 1972. At that date, we required an Electrical Permit for a mobile home. There is an Electrical Permit on record for a mobile home dated November 1970. Therefore, it appears the second dwelling was legally placed on the property.

**Applicable Code Sections:**

[20.68.030 Legal Nonconforming Structure Use](#)

[20.68.050 Damaged or Destroyed Legal Nonconforming Structures](#)

[20.70.120.H Exemptions from Coastal Development](#)

**Interpretation Prepared By:**

Jennifer Savage 1/23/06

**Interpretation/Opinion Confirmed by Managers 2/6/06**