



CITY OF BIGGS Planning Staff Report

TO: **City of Biggs City Council**
FROM: Scott Friend, AICP, City Planner
THROUGH: Mark Sorensen, City Administrator
MEETING DATE: June 10, 2014; 6:30 p.m.
Biggs City Hall, 465 C Street, Biggs, CA 95917

SUBJECT: **Code Interpretation / Code Discussion – Carports.**
A request to discuss the City’s current zoning code standards for the use and installation of carports and accessory buildings and their location in a front-yard area.

Environmental Review: N/A.

Summary:

Councilman Arnold, on behalf of a resident on Aleut Street, has requested that staff engage the Council in a discussion regarding the City’s zoning code requirements and staff’s interpretation of those requirements relative to the use and location of metal or pre-fabricated carports in a front yard area. The purposes of this matter is to confirm that the City’s existing zoning code provisions are being interpreted and applied as intended by staff or to provide the Council with an opportunity to provide direction to staff as to how the Council intends for staff to interpret the Code to address this subject.

Background / Discussion:

The City of Biggs Municipal Code requires that all new residential dwellings have a fully-enclosed 2-car garage at the time of their construction (BMC14.60.110(4)). However, once the dwelling is approved by the City, constructed, and sold the City zoning code does not prohibit the conversion of the garage to living space and the City has not historically required that a new two-car garage be constructed to provide parking as long as an unobstructed and improved-surface driveway remains. In the immediate case, the subject property owner has a home in which the space previously used as a garage was converted to a non-garage use (living space) thereby leaving the home without a garage or covered parking area. In the absence of a garage space or covered parking area, the homeowner was intending to construct an engineered and pre-fabricated carport in the front-yard area. Upon initiating construction, the home owner was stopped by the City and directed to apply for a Site Plan approval as the proposed carport was a new structure. The homeowner applied for the Site Plan approval and was informed by the City Planner that pre-fabricated metal carports (or any non site built structure not having full walls and foundations) are not permitted and that accessory structures over six (6) feet in height are not permitted in a front-yard area unless they met the definition of a garage. In this instance the proposed structure did not meet those criteria.

This interpretation is based upon the definitions of the word “garage” and “buildings” as they are defined in the City’s Municipal Code. The City’s Zoning Code currently defines the terms as follows:

14.10.140 Building.

“Building” means any structure having a permanent foundation and roof or other covering supported by columns or walls and designed or used for the shelter or enclosure of any person, animal or property of any kind, or for use by commercial, industrial or other enterprises. [Ord. 320 § 1, 1999]

14.10.410 Garage.

“Garage” means a building or portion of a main building, enclosed on all sides, designed for the shelter or storage of automobiles. [Ord. 376, 2007; Ord. 320 § 1, 1999]

From the above noted definitions and based upon the additional text of Municipal Code providing guidance (section 14.060.040), it is staff interpretation that any proposed “garage” or “carport” needs to meet the following minimum requirements:

1. Permanent foundation (BMC 14.10.140)
2. Permanent walls (BMC 14.10.180)
3. Enclosed on all sides (BMC 14.10.410)
4. Located on the ground (BMC 14.10.960)

Further, it is staff interpretation that metal carports meet the definition of a “structure” and thus are to be regulated as an “*Accessory building or structure*” (BMC 14.10.030). The City’s municipal code directs that accessory buildings or structures taller than six (6) feet in height are not allowed in a front yard area unless the accessory building or structure meets the City’s definition of a garage (BMC 14.60.110). In this instance, staff identified that the proposed carport structure did not meet the definition of a garage and did not meet the City’s requirements for an accessory structure and is thus not permitted. Additionally, the City’s design review guidelines encourage that new buildings and structures generally strive for “design consistency” and assume the look and feel of the principal structure. Staff has determined in this instance that the proposed metal structure does not meet with the intent of the City’s design guidelines.

Environmental Determination/Evaluation:

Not applicable.

Fiscal Impact:

Staff time for the preparation and presentation of this report.

Recommendation:

Staff is recommending that the Council provide input to staff either validating staff’s interpretation of the City’s Municipal Code provisions in this regard or provide alternative direction to staff on how the Council believes that Code is intended to be interpreted as it related to carport and accessory structures.

If further action is requested by the Council on this matter (e.g. Code Amendment), staff requests that the Council provide direction to staff on how proceed in this regard.

Attachment(s):

- Definition Excerpts: Biggs Municipal Code *Title 14, Zoning*

Biggs Municipal Code – Title 14, Zoning: Definitions

14.10.030 Accessory building or structure.

“Accessory building or structure” means a building or structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. An accessory building or structure may be erected only after the principal building or structure is established. [Ord. 320 § 1, 1999]

14.10.140 Building.

“Building” means any structure having a permanent foundation and roof or other covering supported by columns or walls and designed or used for the shelter or enclosure of any person, animal or property of any kind, or for use by commercial, industrial or other enterprises. [Ord. 320 § 1, 1999]

14.10.180 Carport.

“Carport” means a structure designed and constructed to cover a parking space, having no more than two permanent walls and being attached to or standing apart from a main building. [Ord. 320 § 1, 1999]

14.10.410 Garage.

“Garage” means a building or portion of a main building, enclosed on all sides, designed for the shelter or storage of automobiles. [Ord. 376, 2007; Ord. 320 § 1, 1999]

14.10.960 Structure.

“Structure” means anything constructed or erected upon the ground or attached to a structure having location on the ground, including signs and billboards, but not including fences or walls less than six feet in height. [Ord. 320 § 1, 1999]

June 4, 2014

Dear City Council Members,

We are writing this letter in hopes that you reconsider your ban on steel carports and garages. We recently purchased an engineered carport to protect our vehicles and improve our property at 345 Aleut St. We were told by the Manufacturers that we did not need permits because it was a moveable structure and considered to be personal property, by multiple people and companies. In hindsight, we found out we do indeed need a permit. We started the process and paid the City their fees and we were just waiting for the approval letter from the City of Biggs to go to Butte County.

We then found out the City of Biggs banned all steel structures. We apologize immensely for our lack of knowledge on this matter. Quite frankly, we are embarrassed because we were getting compliments from our neighbors for the improvement and now we find out that it has to come down. Because of the fact that it is engineered and being professionally installed as a steel building, not aluminum, we would hope you would reconsider. It is not light weight; it's heavy duty and anchored to the concrete driveway.

We feel it is unfair and would be a hardship for us to have to take it down. It cannot be relocated on the property and without it, we cannot protect our vehicles. We cannot get a refund from the manufacturer either. It is a very nice structure and we bought it to serve a purpose, to protect our vehicles and improve our home.

We are currently out of town or we would be here pleading our case. You are more than welcome to stop by our house and see it for yourself. The installers had to stop the work on the structure, while we went through the permit process. So please keep this in mind, that it is not finished. We have already turned in all the engineered specs and blueprints for this unit.

We understand that the current code is vague when it comes to such structures and this heavy duty, engineered and manufactured structure was probably not considered in the original decision. Please take the time and find it in your hearts to see our point of view and the fact that we are simply trying to make an improvement to our home and neighborhood. We have looked for many years and finally found the right unit for us. We did not make this decision lightly and it has cost us a lot of money for this investment- for the unit itself and the fees for the permits. We are not putting it up ourselves; we are having it done professionally, so that there would be no issues. We would totally understand if it was something that we were building ourselves, but it's not. It is engineered and done professionally. The City code should not be so vague and should allow for such structures.

We would even be willing to enclose it as a garage if needed. We just bought a brand new vehicle and really need the protection.

If our Steel Structure is not allowed, we are afraid that after living here all our lives, we would have to move. Our hands are tied and we must protect our investment in our new vehicles.

Thank you very much for your time and consideration in this matter.

Sincerely,

Mike and Cindy Dragoo