



MAR 26 2003

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5601
FAX (831) 644-9558 • http://www.mpwmd.dst.ca.us

APPLICATION FOR VARIANCE REGARDING WATER CONNECTION PERMITS

Rule 24 of the District Rules and Regulations states that upon request an applicant may apply for a variance from standards incorporated in the District's Rules and Regulations. Variances may be approved when: a) special circumstances exist, as defined in the Rules and Regulations; b) when strict interpretation and enforcement of any standard would cause undue hardship; and c) when the granting of such a variance will not tend to defeat the purpose of the Rules and Regulations.

In order to be considered for a variance hearing, all applicants must submit a completed application with payment of a non-refundable processing fee, and any other information necessary to evaluate the case. Applications must be received 5 weeks in advance of the next scheduled Board meeting in order to be considered for placement on the agenda. All applicants are required to provide the information requested on this form. This information will be used as the basis for finding on which the Board will support or deny your variance request. Submission of an incomplete application may constitute grounds for denial of your request.

APPLICANT INFORMATION

- 1. Applicant's Full Name: BRUCE ZANETTA + THERESE BEAUCLAIR
Mailing Address: 69 VIA CIMARRON
City: MONTEREY State: CA Zip: 93940
Phone Number(s): Work (831) 647 1997 Home (831) 647 1997
2. Name of Agent(s) to Represent Applicant:
Mailing Address:
City: State: Zip:
Phone Number(s): Work ( ) Home ( )

PROPERTY INFORMATION

- 1. Full Name of Property Owner: THERESE BEAUCLAIR
Mailing Address: 69 VIA CIMARRON
City: MONTEREY State: CA Zip: 93940
Phone Number(s): Work ( ) Home (831) 647 1997
2. Property Address: 69 VIA CIMARRON
City: MONTEREY State: CA Zip: 93940
3. Assessor's Parcel Number: 001 - 463 - 005
4. Property Area: Acres: .20 Square Feet: 8790 Other:
5. Past Land Use: RESIDENTIAL
6. Present Land Use: RESIDENTIAL
7. Proposed Land Use: RESIDENTIAL
Existing buildings? Yes [checked] No
Types of uses and square footage: CURRENTLY 900 sq RESIDENCE
Renovated expands to 2000 sq RESIDENCE
(PLEASE PROVIDE 5 YEARS OF WATER RECORDS)



**RECEIVED**

MAR 26 2003

STATEMENT OF VARIANCE REQUEST

March 25, 2003

1. We are requesting a variance from Resolution 2001-09.

2. We feel our circumstance is not only special and different from other circumstances but, more importantly, that our particular circumstance was not the intended purpose of this resolution. We feel that our case is an unintended consequence of resolution 2001-09.

In 1999 we purchased 12 fixture units from the city of Monterey for a remodel. We purchased those units legitimately and legally through the process set forth by the Monterey Peninsula Water Management District. Those purchased units were approved and recorded by the Water Management District.

We feel that the retroactive application of resolution 2001-09, in effect, nullified the product we had purchased.

3. There are numerous difficulties and problems associated with not receiving a variance to Resolution 2001-09. As background, in 1999 we installed the 12 water units into short-term fixtures (6 showerheads) until our finances were secured for the remodel. Resolution 2001-09 targeted those particular fixture units (among others) for devaluation. Resolution 2001-09 stated that those water units could no longer be relocated to another fixture.

This has created a real nightmare for us. Aside from all the problems, extra cost and bad design, we now have a wasteful set of fixtures that force us to use more acre-feet of water than we ever intended.

Our original plan was for a 20.4 unit house. The 12 purchased units when added to the existing units, took care of all the water units we needed for our planned remodel. Because of Resolution 2001-09, we are forced to buy a new, additional group of units to accomplish the same modest remodel. Using the current ordinances and conservation measures we can purchase additional water units to add a second bathroom and other fixtures. But the units would then total approximately 30 units instead of the planned 20. Though the resolution removes the useful value of some water units, the acre-feet of water that the unit represents does not change and remains constant as it should.

This leads to a further complication where other agencies such as the city of Monterey (as well as the district work sheet) still recognize those units for their full value. 30 units exceed their allowable acre feet limit for a residential lot.

I would also suggest that those 12 units retained in the six shower heads will use much more water than the normal remodel fixtures we intended to move those units to. Our observations and simple deduction support this assertion. Redundant shower heads unlike redundant sinks or toilets are designed to operate all at the same time by a single user. An equivalent sink would have to have at least six faucets that could all be turned on at the same time.

As a result of this unintended consequence to Resolution 2001-09, neither public fairness nor the environment is served.

SUBMITTED BY APPLICANT

4. We are asking that the board allow us to use the 12 units from the 6 showerheads for the fixtures in the two-bathroom remodel as originally planned. We would like the value of those units restored so that we may put them into the additional bathroom, utility sink, vegetable sink and extra bathroom sink as planned.

It should be noted that the extra sink in the downstairs bathroom replaces the need for a half bath as well as a full bath on the first floor. We have done the same on the second floor by combining two bathrooms into one. This design approach has reduced the number of fixtures on both floors.

5. We (Bruce Zanetta and Therese Beauclair) intend to make statements at the variance hearing.

**RECEIVED**

MAR 26 2003

RECEIVED

SUBMITTED BY APPLICANT

VARIANCE APPLICATION

PROJECT INFORMATION

\*If additional space is needed for response to any questions, please continue on a separate piece of paper and attach it to the back of this application.

1. Type of Project: \_\_\_\_\_ New Construction  Remodel/Addition

2. Proposed New Use: (Please refer to the District's current Fixture Unit/Use Category sheet for assistance with this question.)

Residential No. Dwellings 1 Total No. Fixture Units (Residential Only) \_\_\_\_\_  
20.7 units currently, 20.4 with variance  
Commercial/Industrial/Governmental 29 units without variance

Type of Use: \_\_\_\_\_ Square Footage: \_\_\_\_\_

Other (Specify): \_\_\_\_\_

**RECEIVED**

3. Current Zoning Classification:

R-1

MAR 25 2003

4. Name of water company which services the property:

CALAM

5. Do you feel this project will use less water than that calculated by the District? If so, please explain how much you believe the project will use, and the basis on which you make this assumption.

~~It will use less water if variance is granted. - 20.4 with variance & 29-30 without a variance. Shower heads are also more wasteful than standard fixtures.~~

6. Has this project been approved by the local jurisdiction? If so, please list or attach a copy of all conditions which have been imposed on the project. (Attach a copy of these conditions and approvals received.)

~~City currently processing approval with city. Proceeds on hold depending on outcome of variance request.~~

7. Does the applicant intend to obtain a municipal or county building permit for the project within ninety (90) days following the granting of a water connection permit? If not, when will water be needed at the site?

Yes

\*\*\*\*\*  
I declare under penalty of perjury that the information in the application and on accompanying attachments is correct to the best of my knowledge and belief.

[Signature]  
Signature of Applicant

Mary 23-03 - Monterey  
Date/Location

NOTE TO APPLICANT: You may attach written findings for the Board to review and consider in support of the action you have requested.

Fee Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_ Staff Initials \_\_\_\_\_

PROJECT INFORMATION 5 - 7

5. This project will use less water if the variance is granted. This is in accordance with staff calculations. We will be using the planned 20.4 units if the variance is granted. We will be using an unplanned for 29-30 fixture units if the variance is not granted.

In addition we feel that the 6 shower heads are more wasteful than the standard fixtures that were supposed to replace them. This assumption is based on our personal observations and a simple deduction. Unlike redundant sinks, redundant shower heads can all run at the same time in a single use. A sink equivalence to the shower with six heads would be a single sink having six faucets that could all be turned on at the same time. Likewise a toilet equivalence would be a single toilet with a very high volume of water per flush (same acre feet as six shower heads).

6. We are currently processing our application for remodel with the city of Monterey. However the process is on hold depending on the outcome of this variance request.

7. As a remodel project, we have existing water service. We are seeking a building remodel permit.

**RECEIVED**

MAR 26 2003

SUBMITTED BY APPLICANT