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Setback Solution

By Sophie Braccini

No one knows exactly how many homes were built in Moraga before November of 1980, but it is a large number. These houses, built before the town adopted its own zoning ordinance, were subject to county regulations. For current homeowners wanting to remodel their older homes the question was, which rules should apply - the town's or the county's? Moraga's municipal code was ambiguous. After months of debate and testimony from frustrated residents, the Moraga Planning Commission decided on Oct. 7 that the rule used at the time of construction should apply to additions. The Town Council will have the final say in the matter.

Many Moraga residents have been anxiously awaiting this decision; they own homes with a certain setback, but when they planned to extend their living space, some found out that they could not do it without applying for a variance to the town's zoning regulations; a long, uncertain and costly process.

"This issue affects a lot of people in our town, many of us purchased our homes with the understanding that the county setback would apply to us," said Moraga resident Shannon Walkman. "Some people have projects on hold ... all we want is to improve our homes and our neighborhoods." Walkman added that she even emailed the planning department to make sure that the county rules would apply to her home before she purchased it.

Making matters more complex, some homes were developed as part of a large, planned development, with setbacks that were different than the county's standard of the time. "The people who developed the Rheem Valley Manor had years of experience developing areas that are hilly," explained resident Stan Raleigh. "My entire street has a single minimum side yard setback of 5 feet, but with an aggregate of 25." He concluded that imposing county setbacks to homeowners who want to modernize their homes now would not make sense. "Don't get hung-up on the property line, you have to consider the total layout of the land," he said.

The commission modified the proposed text to read that the front and side yard setbacks applicable to a lot which was developed before November 1980 will be the front and side yard setbacks that were in effect at the time of development, per the subdivision recorded development setbacks or the county zoning. In order to avoid ruling on Moraga Country Club homes that require a different study altogether, the commission specified that this new rule applies only to detached, single-family residences.

The Council will review the Commission's proposal at its earliest opportunity. If approved, and nobody appeals the decision, the new rules would become effective a month later.

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