

COUNTY OF PLACER Community Development Resource Agency

Michael J. Johnson, AICP Agency Director **PLANNING**

HEARING DATE: January 2, 2013

TIME: 1:45 pm

TO:

Zoning Administrator

FROM:

Development Review Committee

DATE:

January 2, 2013

SUBJECT: Variance (PVAA 20120284) – Raynes Front Setbacks

PLAN AREA: North Tahoe Area General Plan

ZONING: Plan Area Statement 021 Tahoe Estates Residential

STAFF PLANNER: Edmund Sullivan, Senior Planner

LOCATION: Assessor's Parcel Number 117-030-024 is located at 6301 North Lake

Boulevard Tahoe Vista

APPLICANT: Richard A. Raynes, property owner

PROPOSAL: Variance for two front setbacks requirements to allow for the construction of a single-family residence and entry deck. Request is for a reduction of the 20-foot front setback to 12 feet for the house (fronting Highway 28) and to zero for the entry deck (fronting Stag Drive).

CEQA COMPLIANCE:

This project is categorically exempt from environmental review pursuant to provisions of Sections 15303 and 15305 of the California Environmental Quality Act Guidelines and Section 18.36.050 of the Placer County Environmental Review Ordinance (Class 3(A) – New construction of one single-family residence). The Zoning Administrator will be required to make a finding to this effect.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Appropriate agencies, public interest groups, and citizens were sent copies of the public hearing notice. Community Development Resource Agency, Environmental Health Services and the Departments of Engineering and Surveying and Public Works staff were transmitted copies of the project plans and application for review and comment.

Comments received from agency staff have been incorporated into this report. No public comments were received as of the time of preparation of this report.

PROJECT DESCRIPTION:

The applicant requests approval of a Variance to allow for the construction of a single-family residential unit approximately 12 (twelve) feet from the south property line where a 20-foot front structural setback is required, and for construction of an entry deck zero feet from the north property line where a 20-foot front structural setback is required.

BACKGROUND:

The parcel in question is an interior 9,592 square-foot parcel, fronting both Stag Drive (north) and Highway 28 (south). The site is characterized by rocky terrain and sparsely arrayed pine and cedar trees. An average 27% slope is across the entirety of the property. Currently there are no structures on this unimproved parcel.

The proposed new single family residence will be accessed from Stage Drive via an access easement over 6285 North Lake Boulevard (APN 117-030-025), which was recorded on June 6, 2012.

ANALYSIS:

The subject parcel has frontage on both Stag Drive and Highway 28, but the steep terrain essentially restricts use of the parcel. As stated above, the parcel has an average slope of 27%.

Though the parcel is located within the scenic corridor of Highway 28 (North Lake Boulevard), less than 300 feet from MWH 6,229.1, several larger trees will partially screen the proposed structure from Highway 28 traffic and Lake Tahoe. Moreover, the new construction will not block lake views of the surrounding properties.

As shown on the site plan, the house and entry deck as proposed will encroach upon both the Highway 28 and Stag Drive frontage easements. The requested setback reductions will allow the proposed single family residence to be accessed via Stag Drive, which eliminates conflict with vehicles and pedestrians along Highway 28 and with Caltrans over road maintenance, snow removal and storage, and line-of-site. In addition, the proposed location allows for single family residence to be constructed on the flattest part of the site, reducing the total amount of excavation and overall construction costs. Finally, the proposed setback reductions will allow for onsite parking for 4-8 vehicles and eliminate parking on Highway 28 and/or Stag Drive.

Construction of the entry deck off Stag Drive, which is not within the County right-of-way, is exempt from the front setback requirements per Placer County Zoning Ordinance Article 17.54.140(A)(2)(b) which states "an existing sloping lot contains forty thousand (40,000) square feet or less in net area and setback requirements are not specified on the recorded subdivision map, the required front setback may be determined as set forth in this subsection instead of as otherwise required by Sections 17.06.060 et seq., ...". Furthermore, where "the average slope between the edge of the pavement or traveled way and the front setback line prescribed for the zone district is more than twenty (20)

percent, a private garage, carport, uncovered paved parking pad or deck with at least two parking spaces may be built to the property line at the street right-of-way; provided that it is located at least eight feet from the nearest side lot line of the front half of an adjacent lot ...".

Staff analysis concludes that special circumstances are applicable to the project because the steep topography of the site and potential traffic safety concerns, as well as the location of the level bench of land, which restricted the use of the site for construction of a new single family residence.

RECOMMENDATION:

The Development Review Committee recommends that the Zoning Administrator **approve** this Variance (PVAA 20120284) based upon the following findings. Recommended conditions of approval are attached.

FINDINGS:

CEQA

The Zoning Administrator finds that this project is categorically exempt from environmental review pursuant to provisions of Sections 15303 and 15305 of the California Environmental Quality Act Guidelines and Section 18.36.050 of the Placer County Environmental Review Ordinance (Class 3(A) – New construction of one single-family residence). There is no exception to this finding.

VARIANCE:

Having considered the staff report, supporting documents and public testimony (if any), the Zoning Administrator hereby finds that:

- Because of special circumstances applicable to this property, the strict application
 of the provisions of Chapter 17 would deprive the property of privileges enjoyed by
 other properties in the vicinity and under identical zoning classification. The
 special circumstances are the significant slope of the parcel and potential traffic
 safety concerns that would be impacted if the construction of the single family
 residence were completed in accordance with Chapter 17.
- 2. The granting of this Variance does not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and in the zone district because the circumstances that exist on the subject parcel, particularly the 27% average site slope.
- 3. The granting of this Variance does not authorize a use that is not otherwise authorized in the zone district in which the property is located.
- 4. The granting of this Variance does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, or injurious to nearby property or improvements.

- 5. The Variance is consistent with the objectives, policies, general land uses and programs as specified in the North Tahoe Area General Plan.
- 6. The Variance, as granted, is the minimum necessary departure from the applicable requirements of Chapter 17 to grant relief to the applicant, consistent with sections 1 and 2 above.

ATTACHMENTS:

Attachment A - Proposed Conditions of Approval
Attachment B — Memo from Engineering and Surveying Department
Attachment C — Memo from Environmental Health Services

cc: Sharon Boswell - Engineering and Surveying Department Justin Hansen - Environmental Health Services Gary Taylor - Applicant

Recommended Conditions of Approval

- 1. The Variance (PVAA20120030) is approved to allow for a 1,718 square-foot single family residence to be constructed at 12 (ten) feet from Highway 28 (North Lake Boulevard) 20-foot front and a 259 square-foot entry deck/drive at zero feet from Stag Drive 20-foot front property line of APN 117-030-024.
- 2. Prior to Building Permit issuance, provide the Engineering and Surveying Department with a letter from the appropriate fire protection district describing conditions under which service will be provided to this project.
- 3. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorney's fees awarded by a certain development project know as the *Raynes Variance*. The applicant shall, upon written request of the County, pay for, or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the county relating to the approval of the Project. Upon request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provision of this condition. (PLN)
- 4. Approval of this Variance shall expire on December 16, 2014 unless exercised by issuance of a Building Permit and construction of a foundation for the single family residence and entry deck.



COUNTY OF PLACER Community Development Resource Agency

ENGINEERING & SURVEYING

MEMORANDUM

TO:

EDMUND SULLIVAN, PLANNING DIV

NICOLE HAGMAIER, PLANNING DIV

DATE:

OCTOBER 23, 2012

FROM:

SHARON BOSWELL, ESD

SUBJECT:

PVAA 20120284: FRONT & SIDE S/B's; STAG DR, TAHOE VISTA; RAYNES;

(APN: 117-030-024)

This project requests approval to construct a new single family residence with a deck to garage driveway connection into the front and sides setbacks. The Engineering and Surveying Department (ESD) supports the Development Review Committee's recommendation of the Variance application subject to the following recommended conditions of approval:

- 1. Prior to Building Permit issuance, dedicate to Placer County a 20' wide snow storage easement along the property frontage on Stag Drive. The County Surveyor will prepare the legal description of the Snow Storage Easement and the document can be obtained by contacting the ESD. The easement needs to be signed and notarized by the applicant prior to Building Permit issuance.
- 2. Prior to Building Permit issuance, the applicant shall obtain from the Department of Public Works an encroachment permit for locating the proposed structure within the required easement. Said permit shall be in recordable form and hold Placer County harmless from any damage resulting to the structure.
- 3. Prior to Building Permit issuance, obtain an encroachment permit from the Department of Public Works (DPW) for the proposed driveway, which will connect to a public road (Stag Drive). The driveway connection shall be constructed to a Plate R-18, LDM standard for a residential unit. The maximum width of the residential driveway shall be 24'.
- 4. Prior to Building Permit issuance, the applicant shall obtain a Grading Permit for any grading in excess of 3 cubic yards in volume, retaining walls 4 feet or taller, and/or for cuts or fills of 4 feet or greater measured vertically. All retaining walls measuring 4 feet tall or greater, as measured from the bottom of footing to the top of wall, need to be designed by a California Registered Civil Engineer.
- 5. Prior to Building Permit issuance, provide the ESD with letters/permits from TRPA stating their approval.
- 6. Prior to Building Permit issuance, obtain an appropriate address for this project from Placer County Addressing (ESD). Contact Kathryn Imsdahl at (530)745-7577.

Note: Unrelated to the variance application, the applicant is advised that this project will be subject to the payment of traffic impact fees that are in effect for the Tahoe Fee District. The current fee for a residential unit is \$4,587.00. The actual fees paid will be those in effect at the time the payment occurs.



Placer County Health and Human Services Department

Richard J. Burton, M.D., M.P.H.Health Officer and Department Director

Ken Stuart, M.S.E.H., R.E.H.S. Environmental Health, Interim Division Director

MEMORANDUM

DEPARTMENT OF HEALTH & HUMAN SERVICES ENVIRONMENTAL HEALTH SERVICES

To:

Zoning Administrator

From:

Justin Hansen

Land Use and Water Resources Section

Date:

October 11, 2012

Subject:

PVAA 20120284, Raynes, APN 117-030-024

Environmental Health Services has reviewed the above application for variance and has no objections or recommended conditions of approval.

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