

COUNTY OF PLACER Community Development/Resource Agency

Michael J. Johnson, AICP Agency Director

PLANNING

Paul Thompson
Deputy Planning Director

Date: April 19, 2012 Time: 9:00 AM

DATE:

April 9, 2012

TO:

Zoning Administrator

FROM:

Development Review Committee

SUBJECT:

PVAA 20120006 - Variance to Setbacks

OWNER:

Jon Borden and Chris O'Reilly

APPLICANT:

Wittels Engineering

STAFF PLANNER:

Stacy Wydra, Senior Planner

ZONING:

LDR-DF-4: Low Density Residential, Density Factor of Four Bedrooms

per acre, Squaw Valley General Plan

LOCATION:

440 Indian Trail Road, Olympic Valley

APN:

096-271-014

PROPOSAL:

The applicants are requesting approval of a Variance to the required 20 foot front setback from the property line to allow for a setback of one foot to the eaves and four (4) feet to the garage of the proposed 2,449 square foot single-family residence to be constructed at the project site located at 440 Indian Trail, Lot 7, Block C of the Winding Creek Subdivision in Olympic Valley.

CEQA COMPLIANCE:

The Variance is categorically exempt from the provisions of CEQA per Section 18.36.070, Class 5, Minor alterations in land use limitations of the Placer County Environmental Review Ordinance, October 4, 2001 and per CEQA Guidelines Section 15305.

BACKGROUND/EXISTING CONDITIONS:

The project parcel is located in the Low Density Residential (LDR) zoning district of the Squaw Valley General Plan in Olympic Valley with a maximum residential density of four bedrooms per acre. This undeveloped residential property is located near the entrance to Olympic Valley at the corner of Squaw Valley Road and Indian Trail Road, in the Winding Creek Subdivision. The property is bounded by Indian Trail Road on the northeast and Squaw Valley Road to the southwest. Squaw Creek is located

in the rear of the property along the northwest property line and a developed residence is located to the northeast. The property contains a gentle down slope of four percent from Indian Trail Road to Squaw Creek and is moderately wooded with native pine trees. The centerline of Squaw Creek, a perennial stream shown on the United State Geological Survey maps is approximately one hundred (100) feet from the nearest point of the proposed single-family residential structure. A Squaw Valley Public Service District sewer line easement, an eight (8) inch water main pipeline and an existing utility access dirt road are located along the southwest side of the property, running from Indian Trail Road to Squaw Valley Road.

A previous Variance (PVAA 20060704) for the construction of a single-family residence four (4) feet from the front property line, also within the required front 20 foot setback was considered and approved by the Tahoe Zoning Administrator on June 6, 2007. The original owners had since allowed for the approved Variance to expire and have sold the vacant residential parcel. There are minimal differences from the original single-family residence proposal and the proposal for consideration under this Variance (PVAA 20120006), such as a reduction in the size of the proposed residence, slightly different design of the shape of the residence along the southwest side, elimination of a cantilevered feature and reduced outside landing and stairs in the rear of the residence.

ANALYSIS/DISCUSSION:

Project Description – Variance

The project proposes to construct a 1,682 square foot single-family residence and attached garage with 277 square feet of decks, stairs and covered entry on the 19,596 square foot parcel. Approximately 252 square feet of the garage and 120 square feet of the covered entry walk are proposed within the front 20 foot setback. There is no living space proposed above the garage within the required front setback. The size of the proposed residence is comparable to other residences within the area.

There are a number of circumstances that would assist in the support for the reduced setbacks. By applying the two required front setbacks, the locations of the sewer and water easements and existing underground utilities and the required 100 foot setback from Squaw Creek, there is limited area for any development on this undeveloped parcel. Based upon these conditions which would otherwise provide for support for the reduced setbacks on the subject property it can be determined that there will be no significant impacts created should the Variance to the setbacks be approved.

Squaw Creek Floodplain

This project parcel is affected by Flood Zone A and is subject to the Placer County Flood Prevention Ordinance. Based on information supplied by the applicant, the Placer County Flood Control District recommends finish floor elevation a minimum of 2 feet above the base flood elevation. As part of the building permit process, the applicant will be required to demonstrate compliance with the Flood Prevention Ordinance, including providing minimum (lower) finish floor elevation certified by a Registered Civil Engineer or Licensed Land Surveyor to the satisfaction of the Floodplain Administrator.

Squaw Valley Design Review

As required by the Squaw Valley General Plan, single-family residences along Squaw Valley Road are required to be reviewed by the Squaw Valley Design Review Committee. The Design Review Application (PDSF 20120005) was reviewed by the Squaw Valley Design Review Committee on January 26, 2012. The Committee unanimously recommended approval of the proposed residence as designed.

RECOMMENDATION:

Staff recommends the Zoning Administrator (ZA) determine the Variances for the project to be categorically exempt from the California Environmental Quality Act (CEQA). Staff recommends approval of the Variance (PVAA 20120006), to allow for a reduction to the required 20 foot front setback for the construction of a single-family residence on the parcel located at 440 Indian Trail Road

on Assessor's Parcel Number 096-271-014 based on the findings and subject to the recommended conditions of approval.

FINDINGS:

Approval or conditional approval of the Variance requests may be granted only when the Zoning Administrator first determines that the Variance satisfies the criteria set forth in California Government Code Section 65906 and those requirements of Sections 17.60.100, by finding that:

CEQA COMPLIANCE - VARIANCE:

Environmental Review / California Environmental Quality Act (CEQA):

1. This project is categorically exempt from the provisions of CEQA per Section 18.36.030 (Class 5) [Minor alterations in land use limitations] of the Placer County Environmental Review Ordinance, October 4, 2001. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than twenty (20) percent, which do not result in any changes in land use or density, including but not limited to Variances. The project will not create a significant impact to the surrounding properties, structures, or public.

VARIANCE

- 1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, and because of such circumstances, the strict application of this chapter would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification in that the location of a single-family residence on the project site is limited to the existing physical conditions of the project site. Based on the two required front setbacks due to two street frontages, Squaw Creek in the rear of the parcel, the required Creek setback and the floodplain; the existing sewer easement, the existing water main pipeline location and existing dirt road to access the utilities along the southwest property line dictates the location of a residence to be constructed within the northeast corner of the subject parcel. These listed conditions create special circumstances applicable to the project which would otherwise warrant a Variance.
- 2. The Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district in that there are existing residences constructed within the required setbacks within the Squaw Valley residential subdivisions. Furthermore, the construction of a single-family residence is in keeping with the existing single-family residences within the general vicinity. Therefore, based on the existing on-site conditions and the physical limitations it can be determined that the setbacks proposed will be adequate and will not constitute a grant of special privileges.
- 3. The Variance does not authorize a use that is not otherwise allowed in the zoning district in that the construction of a single-family residence is an allowed use within the Low Density Residential zoning district of the Squaw Valley General Plan and the use will be a compatible use within this location. Furthermore, the single-family residence complies with the allowable density of four (4) bedrooms per acre.
- 4. The granting of the 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, nor injurious to nearby property or improvements in that the proposed single-family residence will be constructed within the confines of the subject parcel and will not encroach over the property lines, and there is adequate distance, a minimum of 20 feet from the face of the garage to the edge of the travelled way, that will ensure that vehicles parked in front of the garage will not be protruding into the travelled way of Indian Trail Road ensuring that the granting of the Variance will not create a detriment.
- 5. The Variance is consistent with the intent of the Placer County General Plan, the Squaw Valley General Plan and the Low Density Residential Zoning District in that a single-family residence is

an allowed use and the Variance is to the required setback for the encroachment into the required 20 foot front setback and is also supported by the additional findings described in this staff report.

6. The Variance is the minimum departure from the requirements of the front setback for the Low Density Residential zone district of the Squaw Valley General Plan and is necessary to grant relief to the applicant in that the proposed location of the single-family residence are dictated by the two required front 20 foot setbacks from Indian Trail Road and Squaw Valley Road, the locations of Squaw Creek and required Creek setback, the floodplain, the existing sewer easement, the existing water main pipeline, and the existing dirt road to access the utilities.

STAFF SUMMARY AND RECOMMENDATION:

As supported by the discussion and findings contained in this staff report, staff concludes that the findings to approve the Variance can be made for this project and that none of the findings to deny the Variance may be made.

Staff recommends the Zoning Administrator (ZA) approve the Variance Application No. PVAA 20120006 as proposed based on the findings contained within this staff report and subject to the conditions of approval.

<u>ATTACHMENTS:</u>

Attachment 1 - Recommended Conditions of Approval:

Planning Services Division

Engineering and Surveying Department Environmental Health Department

Attachment 2 - Project Plans

ATTACHMENT 1 PLANNING DEPARTMENT RECOMMENDED CONDITIONS OF APPROVAL APPLICATION NO. PVAA 20120006 440 INDIAN TRAIL ROAD BORDEN-O'REILY VARIANCE

- 1. The Variance (PVAA 20120006) is approved for a reduction to the required 20 foot front setback from Indian Trail Road for the construction of 252 square feet of the garage and 120 square feet of the covered entry four (4) feet from the front property line for a 16 foot reduction to the required 20 foot setback. The eaves of the proposed structure are allowed to be located one (1) foot from the front property line to be considered at the project site located at 440 Indian Trail Road in Olympic Valley, APN 096-271-014 and as shown on the submitted site plan and project description on file in the Community Development Resource Agency, except as modified by the conditions of approval.
 - 2. The effective date of approval shall be March 14, 2012, unless the approval is appealed to the Planning Commission. In accordance with Section 17.58.140(D) and 17.58.160(B)(1) of the Zoning Ordinance, the approval of the Variance shall be valid for thirty-six (36) months after its effective date. At the end of that time, the approval shall expire and become null and void unless the time limits of the Variance are extended per Section 17.58.160(B) of the Zoning Ordinance.
 - 3. The allowable uses within the required front 20 foot setback shall be limited to the garage and covered entry, no living space is permitted with this Variance.
 - 4. Prior to grading permit issuance and/or building permit issuance and/or occupancy approvals, the applicant shall comply with any conditions imposed by CDF or the serving fire district, Squaw Valley Fire District.
 - 5. 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 known as the Borden Variance Project PVAA 20120006. The applicant shall, upon written request of the County, pay 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.



COUNTY OF PLACER Community Development Resource Agency

ENGINEERING & SURVEYING

MEMORANDUM

TO:

STACY WYDRA, PLANNING DIV

DATE:

FEBRUARY 1, 2012

NICOLE HAGMAIER, PLANNING DIV

FROM:

SHARON BOSWELL, ENGINEERING AND SURVEYING DEPT

SUBJECT:

PVAA-20120006: FRONT S/B; INDIAN TRAIL RD, OLYMPIC VALLEY; BORDEN;

(APN: 096-271-014)

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:

- Dedicate to Placer County a 20' wide snow storage easement along the property frontage on Indian Trail Road and Squaw Valley Road. The County Surveyor will prepare the legal description of the Snow Storage Easement and the description 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 and, if applicable, for doing any work within the County's right-of-way. Said permit shall be in recordable form and hold Placer County harmless from any damage resulting to the structure.
- 3. No living space is permitted within the portion of the structure that is proposed within the required front setback. Any windows of the proposed structure within the setback / snow storage easement and facing southeast shall be tempered/wired safety glass or equivalent.
- 4. Any proposed driveways, which will connect to a public road (Indian Trail Road), shall be constructed to a Plate R-18, LDM standard for a residential unit. The design speed of the roadway is 25 mph or as otherwise specified by the DPW. An Encroachment Permit shall be obtained from DPW prior to Building Permit issuance. The maximum width of the residential driveway shall be 22'.
- 5. The proposed dry well, infiltration trench, and bear box shall be located entirely on-site (not within the county right-of-way).
- 6. Prior to any grading, a grading permit application shall be reviewed and approved by ESD for grading in the vicinity of Squaw Creek. The grading permit application shall be accompanied by a site plan that accurately depicts the 100-year flood plain and shall demonstrate adequate erosion control to the satisfaction of ESD and the Lahontan Regional Water Quality Control Board.
- 7. This parcel is affected by Flood Zone A and will require review by the DPW for compliance with the County of Placer Flood Damage Prevention Ordinance prior to Building Permit issuance (contact Mary Keller (530)745-7503).

Placer County Health and Human Services Department

Richard J. Burton, M.D., M.P.H. Health Officer and Director **Jill Pahl, R.E.H.S.**Director, Environmental Health

MEMORANDUM

DEPARTMENT OF HEALTH & HUMAN SERVICES ENVIRONMENTAL HEALTH SERVICES

To:

Stacy Wydra, Planning Department

From:

Justin Hansen

Land Use and Water Resources Section

Date:

February 3, 2012

Subject:

PVAA 20110006, Borden Front Setback Variance, APN 096-271-014

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

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