

COUNTY OF PLACER Community Development/Resource Agency

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

Date: June 20, 2012

Time: 1:30 PM

DATE:

June 4, 2012

TO:

Zoning Administrator

FROM:

Development Review Committee

SUBJECT:

PVAA 20120104 - Variance to Front Setbacks

OWNERS/

APPLICANTS:

Daniel A. and Donna L. Giusti

STAFF PLANNER:

Stacy Wydra, Senior Planner

ZONING:

Plan Area Statement 156 Chambers Landing / Chamberland Residential

West Shore General Plan

LOCATION:

790 Evergreen Way, Tahoma

APN:

098-312-005

PROPOSAL:

The applicants are requesting approval of a Variance to the 20 foot front required setback from the property line of Pine Ridge Road to allow for a setback of ten (10) feet for the construction of a detached, single-story 616 square foot two-vehicle garage and to allow for the eaves of the proposed garage to be located seven (7) feet from the front property line of Pine Ridge Road at the project site located at 790 Evergreen Way of the Tahoma Meadows Subdivision in Tahoma.

CEQA COMPLIANCE:

The Variance is categorically exempt from the provisions of CEQA per Section 18.36.050,E; Class 3, New Construction and per Section 18.36.070,A.1; Class 5, Minor alterations in land use limitations of the Placer County Environmental Review Ordinance, October 4, 2001 and per CEQA Guidelines Section 15303 and 15305, respectively.

BACKGROUND/EXISTING CONDITIONS:

The project parcel is located in the Plan Area Statement 156 Chambers Landing / Chamberlands Residential of the West Shore General Plan in Tahoma. This developed 11,687 square foot residential property is bounded by Evergreen Way to the west, a single-family residence and Tahoe Conservancy parcels to the north, Pine Ridge Road to the east and across the intersection of Evergreen Way and Pine Ridge Road are residential parcels to the south. The property contains a cross-down slope from

Pine Ridge Road towards the rear of the property and is moderately forested with native pine and fir trees. The parcel is bounded by two street frontages and contains a frontage of approximately 72 feet along Evergreen Way and an approximate frontage of 137 feet along Pine Ridge Road. The project site is currently improved with a 900 square foot residence, 43 square foot shed and 492 square feet of deck area. The existing parking area is located within a compacted dirt parking area off of Evergreen Way. However, this area is approximately 300 square feet and does not provide for two parking spaces completely located on-site. There is an existing ten (10) foot wide public utility easement located on the subject parcel along the two street frontages of the parcel.

ANALYSIS/DISCUSSION:

Project Description - Variance

The project proposes to construct a 616 square foot detached, single-story garage. Approximately 212 square feet of the proposed garage is proposed within the 20 foot required front setback of Pine Ridge Road. A setback of 10 feet from the front property line is proposed to be maintained with the eaves of the garage to be located seven (7) feet from the front property line. A front setback is defined per the Placer County Zoning Ordinance as an area formed by a line parallel to a front property line (a lot boundary that abuts any adjacent road or street). Therefore, per the definition of a front setback, the subject parcel contains two front setbacks, along Evergreen Way and Pine Ridge Road.

Front Setback

The applicant explored other design alternatives for the construction of the proposed garage. The location of the existing residence precludes a garage to be constructed off of Evergreen Way. Specifically, there is approximately 17 feet from the existing residence to the required side setback which would not allow for a 20 foot wide garage which typically accommodates two vehicles side-by-side in the garage. The garage is designed to be located outside of the ten (10) foot public utility easement and will not encroach into the easement. Furthermore, the garage as designed contains an adequate distance from the intersection of Evergreen Way and Pine Ridge Road. The garage will contain two on-site parking spaces completely within the confines of the property lines of the subject parcel. The location of the garage maintains a distance of approximately 35 feet from the face of the garage to the edge of the traveled way of Pine Ridge Road. This distance will ensure that vehicles parked in front of the garage will not create a detriment to snow removal operations in that the vehicles will not be protruding into the traveled way of Pine Ridge Road. Placing the garage ten (10) feet farther back would create greater ground disturbance for the construction of the garage. The topography of the parcel contains a steep slope that would require additional grading and retaining methods should the garage be located 20 feet from the property line of Pine Ridge Road.

Summary

Based upon these circumstances which would otherwise provide for support for the reduced setback on the subject property it can be determined that there will be no significant impacts created should the Variances to the front setback along Pine Ridge Road for the construction of a 616 square foot detached, single-story garage be approved.

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 Variance (PVAA 20120104), to allow for a 10 foot reduction to the required 20 foot front setback along Pine Ridge Road for the construction of a 616 square foot detached, single-story garage within the front required setback off of Pine Ridge Road on the parcel located at 790 Evergreen Way on Assessor's Parcel Number 098-312-005 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 18.36.050 E. (Class 3) [New Construction] and Section 18.36.070, A.1 (Class 5) [Minor alterations in land use limitations] of the Placer County Environmental Review Ordinance, October 4, 2001. Class 3 consists of construction and location of limited number of new, small facilities or structures, including accessory (appurtenant) structures including garages. 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 setback variance not resulting in the creation of any new parcel. 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 the proposed detached, single-story garage are limited to the existing physical conditions of the project site. Based on the two required front setbacks due to two street frontages of Evergreen Way and Pine Ridge Road, the public utility easement, the topography of the parcel, specific to the slope, and the characteristics of the neighborhood dictates the location of a garage to be constructed within the required front setback from Pine Ridge Road of the subject parcel. These listed conditions create special circumstances applicable to the project which would otherwise warrant the Variances requested.
- 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 the construction of a garage is in keeping with the existing single-family residences with garages within the general vicinity. Therefore, based on the existing on-site conditions, the location of the existing single-family residence, the topography of the site and the two street frontages 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 detached garage is an allowed accessory use to a single-family residence which is an allowed use within the Plan Area Statement 156 Chambers Landing / Chamberland Residential zoning district of the West Shore General Plan and the use will be compatible uses within this location.
- 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 detached, single-story garage off of Pine Ridge Road will be constructed within the confines of the subject parcel and will not encroach over the property lines or within the existing public utility easement, and there is adequate distance 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 Pine Ridge Road. Allowing for a reduced setback from the Pine Ridge Road front setback for the proposed detached garage will minimize ground disturbance as the garage is proposed within a flatter portion of the subject parcel allowing for reduced grading and retention measures. These factors will ensure that the granting of the Variances will not create

- a detriment to the public or the general welfare of the residents or neighboring residences or residents.
- 5. The Variance is consistent with the intent of the West Shore General Plan and the Plan Area Statement 156 Chambers Landing / Chamberland Residential Zoning District in that garages are allowed accessory uses to existing single-family residences and the Variance is to the required setbacks for the encroachment into the required 20 foot front setback from Pine Ridge Road 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 setbacks from Pine Ridge Road for the Plan Area Statement 156 Chambers Landing / Chamberland Residential zone district of the West Shore General Plan and is necessary to grant relief to the applicant in that the proposed location of the garage is dictated by the two required front 20 foot setbacks from Evergreen Way and Pine Ridge Road, the existing 10 foot public utility easement along the street frontages, the location of the garage from the edge of the traveled way and the characteristics of the topography of the site.

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 20120104 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

Building Services Division

North Tahoe Fire Protection District

Attachment 2 - Project Plans

ATTACHMENT 1 PLANNING DEPARTMENT RECOMMENDED CONDITIONS OF APPROVAL APPLICATION NO. PVAA 20120025 790 EVERGREEN WAY GIUSTI VARIANCE

- 1. The Variance (PVAA 20120104) is approved for a 10 foot reduction to the required 20 foot front setback from Pine Ridge Road for the construction of a 616 square foot, detached, single-story garage accessory to the existing single-family residence to be located 10 feet from the front property line of Pine Ridge Road square feet of the garage. The eaves of the proposed garage are allowed to be located seven (7) feet from the front property line of Pine Ridge Road. The front setback Variance is approved to apply to the project site located at 790 Evergreen Way in Homewood, APN 098-312-005 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 June 20, 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. 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, North Tahoe Fire Protection District.
 - 4. 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 <u>Giusti Variance Project PVAA 20120104</u>. 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:

MAY 3, 2012

NICOLE HAGMAIER, PLANNING DIV

FROM:

PHIL FRANTZ, ENGINEERING AND SURVEYING DEPT

SUBJECT:

PVAA 20120104: FRONT S/B; PINE RIDGE RD, TAHOMA; GIUSTI;

(APN: 098-312-005)

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 Evergreen Way and Pine Ridge 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. Any windows of the proposed structure(s) within the snow storage easement and facing southeast shall be tempered and/or wired safety glass or equivalent.
- 4. The face of the garage shall be a minimum of 20' from the edge of pavement of the street.
- 5. Any proposed driveways, which will connect to a County maintained highway (Pine Ridge 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 24'.



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:

May 11, 2012

Subject:

PVAA 20120104, Giusti, APN 098-312-005

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



COUNTY OF PLACER

Community Development/Resource Agency

Michael J. Johnson, AICP Agency Director

BUILDING

Tim Wegner Chief Building Official

May 21, 2012

PLACER COUNTY PLANNING DEPT. 3091 COUNTY CENTER DR. STE 140 **AUBURN, CA. 95603**

Planner:

Stacy Wydra

REFERENCE:

VARIANCE:

PVAA 20120104

PARCEL #:

098-312-005-000

LOCATION:

790 EVERGREEN WY

TAHOMA, CA.

PROJECT DESCRIPTION:

GIUSTI VARIANCE FOR FRONT SET-BACK

PROJECT COMMENTS

The Building Department has no concerns about the approval of the variance to allow a reduced front set-back, on the referenced parcel. We do have the following permit requirements for construction of the proposed detached garage:

- A building permit will be required for the detached garage. An engineered design will be required for the proposed garage submittal. The ground design snow load for the project site is 234#/ft².
- All proposed work or changes of use / occupancy shall comply with the current 2010 California State Building codes and amendments, as well as Placer County ordinances.

If you have any questions regarding this letter, please contact me. If I am not available, leave a message and I will get back to you as soon as possible.

Sincerely,

Jack Venable Placer County Building Department (530) 745-3047

jvenable@placer.ca.gov

P.O. Box 5879 300 North Lake Boulevard Tahoe City, CA 96145 530.583.6913 Fax 530.583.6909



May 15, 2012

Stacy Wydra, Senior Planner
Placer County Building Department – Tahoe Division
565 West Lake Blvd.
PO Box 5036
Tahoe City, CA. 96145

Re: PVAA 20120104; 790 Evergreen, Homewood CA

Dear Stacy:

North Tahoe Fire has reviewed the 790 Evergreen, Homewood CA project. The requested variance for setback does not create concern for the fire district. However, going forward please note:

- Defensible Space review remains a standard requirement with submitted plot plan and final sign off.
- Appropriate mitigations fees will be assessed at \$0.89 for the residential building per the 2012 fee schedule.
- Given the garage is not classified as living space an automatic sprinkler system will not be required at this time.
- If living space is incorporated into the garage a sprinkler system will be required with appropriate cost recovery fees for design review and sprinkler plan check, rough in and final inspection are applicable.

The North Tahoe Fire will review the project for applicable building code, fire code, mitigation fees as applicable.

Please feel free to contact me at any time regarding this project.

Thank You,

Fire Marshal

North Tahoe Fire Protection District

Vamela

DECEIVED

PLANNING DEPT. TAHOE

