

COUNTY OF PLACER Community Development/Resource Agency

Michael J. Johnson, Agency Director

PLANNING SERVICES DIVISION

Paul Thompson
Deputy Planning Director

MEMORANDUM

Hearing Date: September 20, 2012

Hearing Time: 9:30 A.M.

Date:

September 20, 2012

To:

Zoning Administrator

From:

Planning Department

Subject:

PVAA T20120154

Applicant:

Daryl Rogers

Staff Planner:

Melanie Jackson

Zoning:

RA-B-100-SP [Residential Agricultural, combining Building Site

Designation of 100,000 square foot minimum parcel size.

combining Special Purposel

Location:

8555 Irish Lane, Newcastle

APN:

032-152-041-000

Proposal:

The applicant is requesting a Variance to allow for the construction of an approximately 396 square foot shed four feet from the side property line where 30 feet is normally required.

CEQA Compliance:

The project is Categorically Exempt from environmental review pursuant to the provisions of Section 15305 of the California Environmental Quality Act Guidelines and Section 18.36.070 of the Placer County Environmental Review Ordinance (Class 5, Minor Alterations in Land Use Limitations).

Background/Analysis:

Staff conducted a field review of the site on September 10, 2012. The property consists of approximately 2.4 acres and contains moderate tree coverage. The property slopes heavily downward from the north to south side of the property and is developed in tiered segments where the property has been leveled out. The property is developed with a single-family residence, a secondary residence, an existing shop, horse arena, pool, septic system and leach fields. The property also contains a pond. The surrounding properties range in size from approximately 1.1-25 acres and are also developed with single-family residences.

The applicant is requesting a Variance to allow an existing 396 square-foot storage shed to remain on the subject property four feet from the east property line where 30 feet is normally required. The applicants cite the existing development and watercourse setbacks as reasons to support the Variance. Staff is in agreement with this finding, as the pond, existing structures, well and leach fields significantly constrain the buildable area on the property and create a circumstance such that the shed would likely need a Variance regardless of where it was placed on the property.

This Variance first came to the attention of the Development Review Committee by way of the Code Enforcement Division of the Building Services Division. The subject property was flagged for a Code Enforcement violation in November of 2011 because the structure had been built without a building permit and within the 30 foot setback from the east property line. As a result, the applicant has applied for this Variance in order to bring the structure into compliance with County Code. A condition requiring that a building permit be obtained within six month of the approval of this Variance is included in the Recommended Conditions of Approval, below.

Staff has concluded there are special circumstances on the subject property which warrant the need for a Variance, including the existing development on the property and the location of the pond. For these reasons, staff is in support of the Variance request, which allows for an approximately 396 square foot shed to remain at four feet from the east property line.

Recommendation:

Staff recommends approval of the Variance (PVAA T20120154) based on the findings and subject to the conditions of approval listed below.

Findings:

CEQA Findings

The project is Categorically Exempt from environmental review pursuant to the provisions of Section 15305 of the California Environmental Quality Act Guidelines and Section 18.36.070 of the Placer County Environmental Review Ordinance (Class 5, Minor Alterations in land use limitations).

Variance Findings

1. There are special circumstances applicable to the subject property, including the existing development on the property and the location of the pond. Because of such circumstances, the strict application of the Zoning Ordinance has been found to deprive the subject property of privileges

- enjoyed by other properties in the vicinity and under identical zone classifications.
- 2. The granting of this Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
- 3. The Variance does not authorize a use that is not otherwise allowed in the zone district.
- 4. The granting of this Variance does not, under the circumstances and conditions applied in this particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.
- 5. The Variance is consistent with the *Placer County General Plan*.

Recommended Conditions of Approval:

- 1. Approval of this Variance (PVAA T20120154) allows for the construction of an approximately 396 square-foot shed four feet from the east property line.
- 2. A building permit shall be obtained from the Placer County Building Department within six months of the approval of this Variance.
- 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 attorneys' fees awarded by a certain development project known as Rogers Variance. 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 Counsel)
- 4. Prior to Building Permit issuance, the applicant shall provide evidence that the monuments locating the east property corners are in place and the property line delineated (if necessary) to the satisfaction of the County Surveyor. This may involve processing a Record of Survey or Corner Record. Contact Leslie Amsberry, at 530.745.7505.

5. This Variance (PVAA T20120154) shall expire on September 30, 2014 unless previously exercised.

Attachments:

Memo from Department of Engineering and Surveying Memo from Department of Environmental Health Services

cc: Engineering and Surveying
Environmental Health Department
PVAA T20120154 File
Applicant

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COUNTY OF PLACER Community Development Resource Agency

ENGINEERING & SURVEYING

MEMORANDUM

TO:

MELANIE JACKSON, PLANNING DIVISION

DATE:

JULY 16, 2012

NICOLE HAGMAIER, PLANNING DIVISION

FROM:

SHARON BOSWELL, ENGINEERING & SURVEYING DEPT

SUBJECT:

PVAA 20120154: REAR SETBACK; IRISH LN; PENRYN; ROGERS

(APN: 032-152-041)

This project requests approval of a rear setback to 4' from property line for an existing shed. The Engineering & Surveying Department (ESD) supports the Development Review Committee's recommendation for this Variance application subject to the following recommended conditions of approval:

1. Prior to Building Permit issuance, the applicant shall provide evidence that the monuments locating the east property corners are in place and the property line delineated (if necessary) to the satisfaction of the County Surveyor. This may involve processing a Record of Survey or Corner Record. Contact Leslie Amsberry, at 530.745.7505.

Note: The variance application is to allow a 4' setback from the east property line. The applicant is advised that should the required boundary determination conclude that more of a setback variance is needed, approval of a Variance Modification may be required.



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:

Mohan Ganapathy, R.E.H.S.

Land Use and Water Resources Section

Date:

July 6, 2012

Subject:

PVAA 20120154, Rogers, APN 032-152-041

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

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