

COUNTY OF PLACER Community Development/Resource Agency

Michael J. Johnson, Agency Director

PLANNING SERVICES DIVISION

Paul Thompson
Deputy Planning Director

MEMORANDUM

Hearing Date: January 17, 2013

Hearing Time: 9:00 a.m.

Date:

January 9, 2013

To:

Zoning Administrator

From:

Planning Department

Subject:

PVAA T20120324

Applicant:

Charles and Deborah Brannam

Staff Planner:

Melanie Jackson

Zoning:

RA-B-100 (Residential Agriculture, combining minimum Building

Site of 100,000 square feet)

Location:

1302 Plum Tree Lane

APN:

032-041-025

Proposal:

The applicants are requesting a Variance to allow for the construction of an approximately 840 square foot secondary residence approximately 35 feet from the front property line (where 50 feet is normally required), 41 feet from the centerline of Plum Tree Lane (where 75 feet is normally required) and 45 feet from the high-water mark of the adjacent pond (where 50 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 January 4, 2013. The subject property consists of 1.25 acres and is located approximately 0.1 miles from the intersection of Butler Road and Plum Tree Lane. Plum Tree Lane borders both the east and north boundaries of the subject property. The property is relatively level and contains minimal tree coverage, a pool, septic system and leach field, and a pond on the southwest corner of the property.

The applicant would like to construct an approximately 840 square foot secondary residence on the southeast side of the subject property. The applicants are requesting a Variance to allow for the construction of the secondary residence approximately 35 feet from the east front property line (where 50 feet is normally required), 41 feet from the centerline of Plum Tree Lane (where 75 feet is normally required) and 45 feet from the high-water mark of the adjacent pond (where 50 feet is normally required). The applicants would like to construct the secondary residence in this area due to the existing development on the property, which greatly restricts the buildable area on the site. In addition, the property is restricted by having two front setback requirements on the north and east sides of the property.

Staff has concluded there are special circumstances on the subject property which warrant the need for a Variance, including the two front setbacks, the existing development and the location of the pond on site. For these reasons, staff is in support of the Variance request, which allows for the construction of an approximately 840 square-foot secondary residence to be constructed 35 feet from the east front property line, 41 feet from the centerline of Plum Tree Lane and 45 feet from the high water mark of the pond.

Recommendation:

Staff recommends approval of the Variance (PVAA T20120324) 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 two front setbacks, the existing development and the location of the pond on site. 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 Horseshoe Bar/Penryn Community Plan and the Placer County General Plan.

Recommended Conditions of Approval:

- 1. Approval of this Variance (PVAA T20120324) allows for the construction of an approximately 840 square-foot secondary residence to be constructed 35 feet from the east front property line, 41 feet from the centerline of Plum Tree Lane and 45 feet from the high water mark of the pond.
- 2. A building permit shall be obtained from the Placer County Building Department prior to any new construction on site.
- 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 Brannam Variance PVAA 20120324. 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. This Variance (PVAA T20120324) shall expire on January 28, 2015 unless previously exercised.

Attachments:

Attachment A - Memo from Engineering and Surveying Division

Attachment B - Memo from Department of Environmental Health Services

Attachment C - Memo from Building Services Division

cc: Engineering and Surveying

Environmental Health Department

PVAA T20120324 File

Applicant

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COUNTY OF PLACERCommunity Development Resource Agency

ENGINEERING & SURVEYING

MEMORANDUM

TO:

MELANIE JACKSON, PLANNING DIV

NICOLE HAGMAIER, PLANNING DIV

DATE:

DECEMBER 6, 2012

FROM:

SHARON BOSWELL, ESD

SUBJECT:

PVAA 20120324: FRONT S/B; BRANNAN; PLUM TREE LN; PENRYN;

(APN: 032-041-025)

This project requests approval of a front setback to 30' from centerline of Plum Tree Lane (a private road) to construct a detached secondary dwelling. The Engineering & Surveying Division (ESD) **supports** the Development Review Committee's recommendation for this Variance application with no recommended conditions of approval.



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:

Laura Rath, REHS

Land Use and Water Resources Section

Date:

December 7, 2012

Subject:

PVAA 20120324, Brannam, APN 032-041-025

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

December 10, 2012

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

Planner: Melanie Jackson

REFERENCE:

APPLICANT:

Charles & Deborah Brannam

1302 Plum Tree Ln Penryn, CA. 95663

916-871-3605

VARIANCE:

PVAA 20120324

PARCEL #: LOCATION: 032-041-025-000

ECOAHON.

1302 Plum Tree Ln Penryn, CA.
VARIANCE TO REDUCE GUEST HOUSE FRONT SET-BACK TO

CENTER-LINE OF ROAD TO 30 FEET AND POND SET-BACK TO 30

FEET

PROJECT COMMENTS

PROJECT DESCRIPTION:

The Building Department has no concerns regarding the approval of the set-back variances to construct the Granny Flat & Garage, on the referenced parcel. The following are permit requirements for the proposed construction:

- 1. A building permit will be required for the proposed work. Standard CRC design live loads will apply. The 3^{sec} basic design wind speed for the site is 85 mph w/ exposure TBD by structure designer.
- 2. The proposed project is located in a moderate hazard State Responsibility Area; all construction will need to meet minimum Wild-Land Urban Interface construction requirements, per CRC R327.
- All proposed work shall comply with the current 2010 California State adopted 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
ivenable@placer.ca.gov