



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson, AICP
Director of Planning

TO: Board of Supervisors

FROM: Michael Johnson, Director of Planning

DATE: May 22, 2007

SUBJECT: THIRD-PARTY APPEAL OF A PLANNING COMMISSION APPROVAL OF A VARIANCE (PVAA 2006 0640) - DIETRICH FENCE HEIGHT AND GRAPE ARBORS – ADOPTION OF FINDINGS

ACTION REQUESTED

At its April 17, 2007 meeting, the Board of Supervisors adopted a motion to deny a third-party appeal of a Planning Commission approval of a Variance to allow for an increased fence height and to allow for structures greater than six feet in height within the side and rear setback areas. In taking this action, the Board directed staff to prepare findings to reflect the public testimony and the Board's action. Staff has prepared the final findings in support of the action to deny the third-party appeal and approve the Variance application for the Dietrich residence located on Old Auburn Road in the Roseville area.

RECOMMENDATION

Staff recommends the Board take the following action:

1. Adopt the Final Findings in support of the action to deny the third-party appeal and approve the Variance application (PVAA 2006 0640) for the Dietrich residence located on Old Auburn Road in the Roseville Area.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Director of Planning

Attachments:

Exhibit 1: Final Findings in Support of the Action to Deny the Third-party Appeal of PVAA 2006 0640

FINAL VARIANCE FINDINGS
ANDERSON THIRD-PARTY APPEAL OF
DIETRICH VARIANCE REQUEST (PVAA 2006 0640)

As to the fence:

1. There are special circumstances applicable to this project, specifically the unusually long, narrow lot size and shape, configuration of the existing residence within close proximity to a busy road, and the placement of concrete sound wall barriers nearby. 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 Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in close vicinity and in the same zone district, as there are several fences in the vicinity of the subject parcel which have been constructed at a height of over three feet within the front setback.
3. The Variance does not authorize a use that is not otherwise allowed in the zoning. Fences are allowed in this zone district; and the design and height proposed are not a significant deviation from what is allowed.
4. The granting of the Variance for the placement of the fence 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, as it will not impede sight distance or other use of the road, and the extension of the fence to the end of the approved garage will help create additional visual screening of the garage.

As to the Grape Arbors;

5. There are special circumstances applicable to this project, specifically the unusually long, narrow lot size and shape, that 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.
6. The Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in close vicinity and in the same zone district, as there are several other structures in the vicinity of the subject parcel which have been constructed within side setback areas.
7. The Variance does not authorize a use that is not otherwise allowed in the zoning. Grape arbors are allowed in this zone district, and those proposed are not a significant deviation from what is allowed.
8. The granting of the Variance for the placement of the grape arbors 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. The grape arbors have no walls or roofs and are not considered injurious to neighbors. .

And, as to both variances;

9. The variances to fence height and the grape arbor placement are both consistent with the residential land use policies of the Placer County General Plan.