



**COUNTY OF PLACER**  
**Community Development Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**PLANNING**

Paul Thompson  
Deputy Planning Director

**HEARING DATE:** June 5, 2013  
**TIME:** 1:00p.m.

**TO:** Zoning Administrator  
**FROM:** Development Review Committee  
**DATE:** May 22, 2013  
**SUBJECT:** Variance (PVAA 20130109) – Sanders Setback Variance Proposal

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**PLAN AREA:** North Tahoe Community Plan

**GENERAL PLAN DESIGNATION:** Residential

**ZONING:** PAS 16B - Carnelian Bay Residential

**STAFF PLANNER:** Alex Fisch, Senior Planner

**LOCATION:** The project site is located at 4901 North Lake Boulevard, Carnelian Bay

**APPLICANT:** Ed Lupyak, Ogilvy Consulting

**PROPOSAL:**

The applicant requests approval of Variance to the 20-foot front setback requirement on the south and west property boundaries in order to construct a 2,284 square foot single-family residence and a detached garage 440 square foot garage.

**PUBLIC NOTICES AND REFERRAL FOR COMMENTS:**

Public notices were mailed to property owners of record within 300 feet of the project site. Other appropriate agencies, including Caltrans, public interest groups, and citizens were sent copies of the public hearing notice. Community Development Resource Agency staff and the Departments of Engineering and Surveying, Public Works, Environmental Health, and the Fire Department were transmitted copies of the project plans and application for review and comment. Comments received from agency staff have been incorporated into this report. No public comments were received as of the time of preparation of this report.

**PROJECT DESCRIPTION:**

The applicant requests approval of a Variance to the 20-foot front setback along the south property boundary adjacent to State Route 28 and along the west property boundary adjacent to the Tallac Street right-of-way, an unimproved paper street. The building setback on the south property boundary is proposed to be reduced to 10 feet to the foundation, 8 feet to the edge of roof eave, and the building setback on the north property boundary is proposed to be reduced to three feet to the foundation, zero feet to the edge of roof eave.

**BACKGROUND:**

The 0.18-acre project site is an undeveloped residential parcel located within Plan Area Statement 16B of the Carnelian Bay Community Plan. The property is triangular in shape and is located immediately adjacent to the existing State Route 28 right-of-way to the south and the Tallac Street right-of-way to the west, an unimproved paper street. A man-made seasonal drainage crosses through the southwest portion of the property and flows to a large culvert pipe that crosses beneath State Route 28. Vegetation on the site is typical of the area consisting of second generation pine forest of white fire, ponderosa pine, Manzanita and ceanothus.

The project applicant has completed an Individual Parcel Evaluation System (IPES) assessment with the Tahoe Regional Planning Agency to determine constraints and allowances for the project site (as represented on the project plans) including issues such as visibility from the Lake, site access, and the location and setback for the stream environment zone. The applicant also filed and received approval of a Tree Permit from the TRPA to remove trees shown on the Site Plan in order to enable construction of the proposed home and detached garage.

**ANALYSIS:**

The 7,692 square-foot project site was created in 1908 and is nonconforming to current parcel creation standards in that it is smaller than the 10,000 square-foot minimum parcel size required by current parcel creation standards and is also somewhat irregular in shape. The southwest portion of the project site is traversed by a man-made stream channel and Stream Environment Zone in what would otherwise be a substantial portion of the building envelope area. Consequently the parcel contains a significantly constrained building envelope due to the adjacency of the two roadway rights-of-way, resulting in the application of two front setbacks, and is further constrained through a broad portion of the building envelope area by the presence of the Stream Environment Zone.

Development Review Committee analysis of the project site determined that several special circumstances are applicable to the site which warrant relief to the setbacks established in the Carnelian Bay Residential Plan Area Statement. The constraints to the parcel include the small size and irregular shape of the parcel that deem it nonconforming to current parcel creation standards, the application of two front setbacks, and the presence of the Stream Environment Zone that crosses through what would be a substantial portion of the building envelope. The combined effect of these features results in a significantly constrained building envelope that is not suitable to construct a residence that meets modern design conventions.

Notably the Variance proposal includes encroachment to the edge of the Tallac Street right-of-way. Engineering staff consulted with staff in the Department of Public Works who determined that the Tallac Street right-of-way is highly unlikely to ever be needed for roadway development, and therefore did not object to the proposed placement of the structure immediately adjacent to this area. The 40-foot wide right-of-way would therefore function as a buffer between the proposed residence and the existing residence to the west and would not unreasonable reduce privacy or result in other considerable impacts.

**RECOMMENDATION:**

The Development Review Committee recommends that the Zoning Administrator **Approve** this Variance (PVAA 20130109) based upon the following findings. Recommended Conditions of Approval are attached.

**FINDINGS:**

CEQA

The Zoning Administrator finds that this project is categorically exempt from review under CEQA pursuant to Section 15305, Minor alterations in land use limitations (Class 5) of the CEQA Guidelines (ERO Section 18.36.070) because the reduced setback to the proposed residence will not, under these particular circumstances, result in environmental impacts. There is no exception to this finding.

VARIANCE:

Having considered the staff report, supporting documents and public testimony, the Zoning Administrator hereby finds that:

1. Because of special circumstances applicable to this property, which include the small size of the parcel, the irregular shape of the parcel, nonconformance to current parcel creation standards, proximity to two roadway right-of-ways and the Stream Environment Zone that traverses the parcel, the strict application of the provisions of Chapter 17 of the County Code and the Carnelian Bay Community Plan would deprive the property of privileges enjoyed by other properties in the vicinity and under the identical zoning classification.
2. The granting of this Variance does not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and in the zone district.
3. The granting of this Variance does not authorize a use that is not otherwise authorized in the zone district in which the property is located.
4. The granting of this 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, or injurious to nearby property or improvements.
5. The Variance is consistent with the objectives, policies, general land uses and programs as specified in the Placer County General Plan and the Carnelian Bay Community Plan.
6. The Variance, as granted, is the minimum departure from the applicable requirements of Chapter 17 and the Carnelian Bay Community Plan to grant relief to the applicant, consistent with sections 1 and 2 above.

**RECOMMENDED CONDITIONS OF APPROVAL:**

The Development Review Committee recommends that the Variance be subject to the following conditions of approval:

1. This Variance authorizes a reduction to the front setback on the south property boundary to 10 feet as measured to foundation (8 feet to edge of roof eave), and on the west property boundary to 3 feet as measured to foundation (0 feet to edge of roof eave). This approval is applicable to Assessor's Parcel Number 115-050-025. (PLN)

2. 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 know as the *Sanders Variance Project*. The applicant shall, upon written request of the County, pay for, 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. (PLN)
3. An Encroachment Permit shall be obtained from Caltrans for any work done in the State Highway right-of-way. A copy of said Permit shall be provided to the ESD prior to the building permit issuance.
4. Prior to Building Permit issuance, provide the ESD with letters/permits from TRPA stating their approval.

*Note: Unrelated to the variance application, the applicant is advised that this project will be subject to the payment of traffic impact fees that are in effect for the Tahoe Fee District. The current fee for a residential unit is \$4,587.00. The actual fees paid will be those in effect at the time the payment occurs.*

5. This Variance is approved for 24 months and shall expire on June 5, 2015, unless exercised by issuance of a Building Permit and completion of a foundation inspection. (PLN)



**MEMORANDUM**

**TO: ALEX FISCH, PLANNING DIV  
NICOLE HAGMAIER, PLANNING DIV**

**DATE: MAY 2, 2013**

**FROM: SHARON BOSWELL, ESD**

**SUBJECT: PVAA 20130109: FRONT S/B's; N LAKE BL, CARNELIAN BAY; SANDERS;  
(APN: 115-050-025)**

This project requests approval to construct a new single family residence into the front setbacks of State Route 28 and Tallac Street, an unimproved (non-maintained) public right-of-way. The Engineering and Surveying Division (ESD) supports the Development Review Committee's recommendation of the Variance application subject to the following recommended conditions of approval:

1. An Encroachment Permit shall be obtained from Caltrans for any work done in the State Highway right-of-way. A copy of said Permit shall be provided to the ESD prior to the building permit issuance.
2. Prior to Building Permit issuance, provide the ESD with letters/permits from TRPA stating their approval.

*Note: Unrelated to the variance application, the applicant is advised that this project will be subject to the payment of traffic impact fees that are in effect for the Tahoe Fee District. The current fee for a residential unit is \$4,587.00. The actual fees paid will be those in effect at the time the payment occurs.*



## Placer County Health and Human Services Department

Richard J. Burton, M.D., M.P.H.  
Health Officer and Department Director

Wesley G. Nicks, R.E.H.S.  
Director of Environmental Health,  
Public Health and Animal Services

### MEMORANDUM DEPARTMENT OF HEALTH & HUMAN SERVICES ENVIRONMENTAL HEALTH SERVICES

**To:** Zoning Administrator  
**From:** Justin Hansen  
Land Use and Water Resources Section  
**Date:** April 30, 2013  
**Subject:** PVAA 20130109, Sanders, APN 115-050-025

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

*Perspective, Hope, and Opportunity*

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