

## COUNTY OF PLACER Community Development Resource Agency

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

**HEARING DATE:** April 3, 2013 **HEARING TIME:** 2:00pm

TO:

**Zoning Administrator** 

FROM:

**Development Review Committee** 

DATE:

April 3, 2013

**SUBJECT:** Variance (PVAA 20130022) – McDougal Front Setback

PLAN AREA: Tahoe City Area General Plan

**ZONING:** 010 Residential

STAFF PLANNER: Edmund Sullivan, Senior Planner

LOCATION: Assessor's Parcel Number 093-380-011 is located at 20 Edgecliff Court in

Tahoe City.

**APPLICANT:** Todd Mather on behalf of Steve and Jan McDougal, property owners.

**PROPOSAL:** Variance to the 20-foot front setback requirement to allow a 14-foot encroachment into said setback for a proposed expansion/addition of living space into the area below the garage.

#### **CEQA COMPLIANCE:**

This project is categorically exempt from environmental review pursuant to provisions of Sections 15303 and 15305 of the California Environmental Quality Act Guidelines and Section 18.36.070 of the Placer County Environmental Review Ordinance (Class 5(A) – Minor Alterations in Land Use Limitations). The Zoning Administrator will be required to make a finding to this effect.

#### **PUBLIC NOTICES AND REFERRAL FOR COMMENTS:**

Public notices were mailed to property owners of record within 300-feet of the project site. Appropriate agencies, public interest groups, and citizens were sent copies of the public hearing notice. Community Development Resource Agency, Environmental Health Services and the Departments of Engineering and Surveying and Public Works staff 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 requirement to accommodate a 14-foot encroachment into the said front setback to allow for the expansion/addition of 307 square-feet of living space under the garage. The current habitable space located within the setback is 95 square-feet. The area proposed for the expansion is currently used as storage.

#### **BACKGROUND:**

The project property owner's propose to expand the living space of an existing single family residence into the front setback of Edgecliff Court, a county-maintained road. The 307 square-foot expansion is proposed for an area below the front-half of the garage that is currently used as unfinished but heated storage space. The current habitable space, which includes part of a bathroom and bedroom, is located within the setback is 95 square-feet. Moreover, the finished floor elevation for this proposed addition will be 6.5 to 8 foot below the existing road grade. Typically Placer County does not support the addition/expansion of living space into a front setback in areas of significant snow fall that require snow storage related to snow removal activities.

#### **ANALYSIS:**

Staff analysis concludes that special circumstances are applicable to the project site. Encroaching into the side backs is restricted by TRPA land coverage regulations. The parcel is deemed to have reached maximum coverage allowed within this Plan Area by TRPA rules. Land coverage is an essential element of the Tahoe Regional Planning Agency's environmental plan to protect Lake Tahoe. Encroaching on the front setback is the only feasible area the property owner can expand living space.

As a matter of public safety related to snow removal activity, it is the policy of the Placer County to not support living space within the front setback. In this instance, however the distance between the living space (as well as the existing face of garage) and the edge of pavement would be 20 feet. Further, the finish floor elevation for the proposed living area is approximately 6.5 to 8 feet below the existing road grade, located entirely below the existing garage.

#### **RECOMMENDATION:**

The Development Review Committee recommends that the Zoning Administrator **approve** this Variance (PVAA 20130022) based upon the analysis and findings. Staff strongly recommends that no additional living space within the front setback be permitted as part of this approval. Furthermore, any windows of the proposed structure(s) within the snow storage easement shall be tempered and/or wired safety glass or equivalent. Recommended conditions of approval are attached.

#### FINDINGS:

#### **CEQA**

The Zoning Administrator finds that this project is categorically exempt from environmental review pursuant to provisions of Sections 15303 and 15305 of the California Environmental Quality Act Guidelines and Section 18.36.070 of the Placer County Environmental Review Ordinance (Class 5(A) – Minor Alterations in Land Use Limitations). There is no exception to this finding.

#### **VARIANCE:**

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

- 1. Because of special circumstances applicable to this property, the strict application of the provisions of Chapter 17 would deprive the property owner of full use of the heated storage area under the garage. The primary special circumstance for granting the Variance is the restrictions TRPA has placed on the parcel limiting where the expansion can occur. Moreover, since the proposed living space is below a garage that is a minimum of 20-feet from the existing edge of pavement and approximately 6.5 to 8 feet below the existing road grade building 307 square-feet of additional living space within snow removal setback is allowed.
- 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 because of the circumstances that exist on the subject parcel.
- 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.
- 6. The Variance, as granted, is the minimum necessary departure from the applicable requirements of Chapter 17 to grant relief to the applicant, consistent with sections 1 and 2 above.

#### ATTACHMENTS:

Attachment A - Proposed Conditions of Approval

Attachment B – Memo from Engineering and Surveying Department Attachment C – Memo from Environmental Health Services

cc:

Sharon Boswell - Engineering and Surveying Department Justin Hansen - Environmental Health Services Steve and Jan McDougal - Property Owner

Todd Mather - Applicant

#### **Recommended Conditions of Approval**

- 1. The Variance (PVAA20130022) is approved to allow for the construction of a 307 square-foot addition/expansion into the 20-foot front setback.
- 2. Prior to Building Permit issuance, dedicate to Placer County a 20' wide snow storage easement along the property frontage on Edgecliff Court. 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.
- 3. Prior to Building Permit issuance, the applicant shall obtain from the Department of Public Works an encroachment permit for locating the existing structure (and proposed living space) 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.
- 4. As shown on the project site plan, this permit approves the following construction within the front setback:

<u>Lower Floor:</u> Approximately 402 square feet of living space, located below the garage.

No other living space within the front setback is permitted as a part of this approval. Any windows of the proposed structure(s) within the snow storage easement shall be tempered and/or wired safety glass or equivalent.

- 5. A portion of the proposed construction is within an existing structure that is affected by an existing 10' Multipurpose Easement (MPE) (ref: Dollar Point, Unit No. 9, recorded in Book L of Maps, Page 63). Prior to any Building Permit issuance, the applicant shall process an abandonment of the public's interest in the portion of the easement affected by this project (contact John Weber at DPW (530)745-7564).
- 6. 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 *McDougal Variance*. 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)

7. Approval of this Variance shall expire on April, 2015 unless exercised by issuance of a Building Permit and construction of a foundation for the addition to the existing single-family residence.



## COUNTY OF PLACER Community Development Resource Agency

### ENGINEERING & SURVEYING

#### **MEMORANDUM**

TO:

EDMUND SULLIVAN, PLANNING DIV NICOLE HAGMAIER, PLANNING DIV

DATE:

MARCH 5, 2013

FROM:

SHARON BOSWELL, ESD

SUBJECT:

PVAA 20130022: FRONT S/B; EDGECLIFF CT, TAHOE CITY; McDOUGAL;

(APN: 093-380-011)

This project proposes to expand the living space within an existing single family residence within the front setback of Edgecliff Court, a county-maintained road. As a matter of public safety related to snow removal activity, it is the policy of the Engineering and Surveying Department (ESD) to not support living space within the front setback. In this instance, the distance between the living space (as well as the existing face of garage) and the edge of pavement would be 20 feet. Further, the finish floor elevation for the proposed living area is approximately 6.5' to 8' below the existing road grade, located entirely below the existing garage. Therefore, 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. Prior to Building Permit issuance, dedicate to Placer County a 20' wide snow storage easement along the property frontage on Edgecliff Court. 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 existing structure (and proposed living space) 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. As shown on the project site plan, this permit approves the following construction within the front setback:

<u>Lower Floor:</u> Approximately 402 square feet of living space, located below the garage.

No other living space within the front setback is permitted as a part of this approval. Any windows of the proposed structure(s) within the snow storage easement shall be tempered and/or wired safety glass or equivalent.

4. A portion of the proposed construction is within an existing structure that is affected by an existing 10' Multipurpose Easement (MPE) (ref: Dollar Point, Unit No. 9, recorded in Book I of Maps, Page 63). Prior to any Building Permit issuance, the applicant shall process an abandonment of the public's interest in the portion of the easement affected by this project (contact John Weber at DPW (530)745-7564).



# 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:

February 22, 2013

Subject:

PVAA 20130022, McDougal, APN 093-380-011

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