



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

E.J. Ivaldi
Deputy Planning Director

MEMORANDUM

Date: April 1, 2015
Time: 1:45 PM

DATE: March 25, 2015
TO: Zoning Administrator
FROM: Development Review Committee
SUBJECT: PLN15-00143 - Variance to Fence Height in the Front Setback
OWNER: Michael Schaufeld
APPLICANT: Gilanfarr and Associates Architects
STAFF PLANNER: Steve Buelna, Supervising Planner
ZONING: Plan Area Statement 022 Special Area 3 (Marina)
LOCATION: 7150 North Lake Boulevard in the Tahoe Vista area
APN: 117-110-007-000

PROPOSAL:

The applicant is requesting the approval of a Variance to allow a 6-foot tall solid wood fence and rolling gate to be located along the front property line where a maximum fence height of 3 feet would otherwise be permissible.

CEQA COMPLIANCE:

The Variance is categorically exempt per Section 18.36.070; Class 3, New Construction of the Placer County Environmental Review Ordinance (CEQA Guidelines Section 15303).

BACKGROUND/EXISTING CONDITIONS:

The subject property is a 5,639 square foot parcel that is situated between State Route 28 and Lake Tahoe in the Tahoe Vista area. The relatively level property is located in an area with a variety of commercial and residential uses. The Schaufeld property is improved by a small single-family dwelling situated in the center of the property with parking provided onsite to the north of the residence. Several large pines are located throughout the property. A State Beach Recreation Area is located immediately west of the subject property.

ANALYSIS:

General Plan and Zoning Consistency

The proposed fence is an accessory structure that is allowed in conjunction with a single family residence and is consistent with the Placer County and Tahoe Vista Community Plans.

Project Description

The applicant proposes the construction of a new six foot tall solid wood fence and gate along the front property line on this parcel in Tahoe Vista. Section 17.54.030.B.1 of the Placer County Zoning Ordinance limits the height of fences within the front setback to a maximum of three feet in height. The applicant is proposing a fence and gate height of six feet along the front property line, resulting in the request for a variance. The applicant explains the justification for this fence is due to the proximity to State Route 28 and that it would not be a grant of special privilege due to the fact that there are other similar examples of fences six feet in height within the vicinity.

Summary

Staff has concluded that there are special circumstances present that would warrant the approval of a variance to allow for this construction, in particular the small parcel size of 5,639 square feet, the location and impacts of State Route 28 and the State Recreation area which impact the outdoor use of this residential property. Staff further finds that this will not be a grant of special privilege as there are other examples of similar height fences along this transit corridor. Further, staff does not find that relocating the fence such that it is placed at the 20-foot front setback line would provide any additional benefit to the overall purpose and intent for setbacks, which is the preservation of light, air, and open space. Additionally, the parking area for this property, given the location of the existing residence and parking would be significantly impacted should the fence be placed back at the setback line.

RECOMMENDATION:

Staff recommends the Zoning Administrator find the project to be categorically exempt from the California Environmental Quality Act (CEQA) and approve the Variance (PLN15-00143), to allow a 6-foot tall solid wood fence and rolling gate to be located along the front property line where a maximum fence height of 3 feet would otherwise be permissible, based on the following findings and attached recommended conditions of approval (Attachment A).

FINDINGS:

Environmental Review / California Environmental Quality Act (CEQA):

1. This project is categorically exempt from the provisions of CEQA per Section 18.36.050. (Class 3 – New Construction) of the Placer County Environmental Review Ordinance (CEQA Guidelines, Section 15303). Specifically, the construction of a new single-family dwelling.

Variance:

1. There are special circumstances applicable to the subject property, particularly the small parcel size of 5,639 square feet, the location and impacts of State Route 28 and the State Recreation area which impact the outdoor use of this residential property, and because of such circumstances, the strict application of this chapter would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification in that the location of the proposed residence is limited to the existing physical conditions of the project site.
2. The Variance authorized does not constitute the granting of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district in that there are other properties in the vicinity that have fences six feet in height located along the front property lines.
3. The Variance does not authorize a use that is not otherwise allowed in the zoning district in that the construction of the multi family dwelling is an allowed use within the PAS 022, Special Area 3 (Marina) zoning district.

4. The Variance is consistent with the Placer County General Plan and the Tahoe Vista Community Plan single family residential uses are permitted within the plan area.
5. The Variance is the minimum departure necessary to grant relief to the applicant in that the proposed fence is at a minimum distance in order to afford the property the privacy and needed parking area for this residential use.

ATTACHMENTS:

- Attachment A - Planning Service Division
- Attachment B - Engineering and Surveying Department
- Attachment C - Environmental Health Services
- Attachment D - Project Plans

**PLANNING SERVICES DIVISION
RECOMMENDED CONDITIONS OF APPROVAL
APPLICATION NO. PLN15-00143
SCHAUFELD VARIANCE**

- 1 The Variance (PLN15-00143) is approved to allow a 6 foot tall solid wood fence and rolling gate to be located along the front property line where a maximum fence height of 3 foot would otherwise be permissible (APN: 117-110-007-000) and as shown on the approved site plan and project description on file with the Community Development Resource Agency.
- 2 The effective date of approval shall be April 1, 2015, unless the approval is appealed to the Planning Commission. In accordance with Sections 17.58.140(D) and 17.58.160(B)(1) of the Zoning Ordinance, the approval of the variance shall be valid for twenty-four (24) months after its effective date. At the end of that time, the approval shall expire and become null and void unless the time limits of the variance are extended per Section 17.58.160(B)(1).
- 3 Prior to grading permit issuance and/or building permit issuance, the applicant shall obtain any approvals required by CDF or the serving fire district, North Tahoe Fire Protection District.
- 4 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 known as the Schaufeld Variance Project (PLN15-00143). 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).



MEMORANDUM

DATE: MARCH 20, 2015

TO: NICOLE HINKLE, PLANNING DIVISION
STEVE BUELNA, PLANNING DIVISION

FROM: ED STANIFORTH, ENGINEERING AND SURVEYING DIVISION

**SUBJECT: PLN14-00143: FENCE SETBACK; 7150 NORTH LAKE BOULEVARD;
MICHAEL SCHAUFELD; (APN: 117-110-007)**

The Engineering & Surveying Division (ESD) **supports** the Development Review Committee's recommendation for this Variance Application subject to the following conditions:

1. Prior to building permit issuance, provide the Engineering and Surveying Division with permits/comments/approvals from Caltrans, North Tahoe Public Utility District, and North Tahoe Fire Protection District.
2. The Sight Distance triangle within the State right-of-way shall be maintained free of obstructions per County Standard Plate R-18 (including bear box, vegetation, etc.).
3. The face of the fence and keypad shall be located onsite and the gate shall be setback a minimum of 2' from the fence. The gate shall open in a manner that allows a vehicle to stop without obstructing traffic. The gate entrance shall be at least two feet wider than the width of the traffic lane(s) serving the gate.
4. Prior to building permit final, provide the Engineering and Surveying Division with an exhibit map prepared by a licensed surveyor showing the keypad, fence, and gate were constructed onsite and not within the State right-of-way.



Placer County Health and Human Services Department

Jeffrey S. Brown, M.P.H., M.S.W.
Department Director

Wesley G. Nicks, R.E.H.S.
Environmental Health, Director

MEMORANDUM

DEPARTMENT OF HEALTH & HUMAN SERVICES
ENVIRONMENTAL HEALTH SERVICES

To: Zoning Administrator
From: Justin Hansen
Land Use and Water Resources Section
Date: October 14, 2014
Subject: **PLN 201400143, Schaufeld, APN 117-110-007**

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

Perspective, Hope, and Opportunity

