



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

E.J. Ivaldi, Deputy Director

Hearing Date: August 5, 2015
Time: 1:55 PM

DATE: July 28, 2015

TO: Zoning Administrator

FROM: Development Review Committee

SUBJECT: PLN15-00250 – Hoeber Variance

OWNER/APPLICANT: Tom & Maru Hoeber

STAFF PLANNER: Heather Beckman, Assistant Planner

ZONING: RS-AG-B-40 PD1 (Residential Single Family, combining Agriculture, combining a minimum Building Site of 40,000 square feet and a Planned Development of 1 dwelling unit per acre)

LOCATION: 290 Rainbow Road in the Soda Springs area

APN: 066-120-027-000

PROPOSAL:

The property is located at 290 Rainbow Road in the Soda Springs area and has a 50-foot required front setback, 20-foot required side setbacks and 20-foot required rear setback; all are measured from the property line. The rear portion of the property is also subject to the 100-foot watercourse setback. The property has recently received a Letter of Map Amendment (LOMA) and has been removed from the 100 year floodplain designation. The applicant is requesting a Variance to recognize the existing single family dwelling that was legally permitted, but built in the wrong location, as well as to allow for a front setback encroachment associated with a new residential addition. Specifically the Variance requests a front setback of 42 feet for the existing covered entry (40 feet to eaves), a front setback of 46 feet to the existing single family dwelling (45 feet to eaves), and a 43-foot front setback for the new addition (42 feet to eaves). Additionally, the Variance requests a 17-foot western side setback (15 feet to eaves) for the existing single family dwelling.

CEQA COMPLIANCE:

The Variance is categorically exempt from the provisions of CEQA per Section 18.36.050; Class 3A New Construction or conversion of small structures, of the Placer County Environmental Review Ordinance (CEQA Guidelines Section 15303).

BACKGROUND / EXISTING CONDITIONS:

The project site is located at 290 Rainbow Road in the Soda Springs area and is within the RS-AG-B-40 PD = 1 zone district of the Placer County General Plan. This developed 12,123 square foot parcel is located within a residential neighborhood. The subject parcel is bordered by single family residences to the east and west, and by the South Yuba River to the north. The property is located at the end of Rainbow Road which is a gated private road that is not maintained during the winter months. The property is well vegetated with native Jeffrey pines and Lodgepole pines, and is also characterized by expansive granitic bedrock upon which the existing development is located, and where the new addition is likewise proposed to be located. Beyond the bedrock, the property drops off precipitously to the South Yuba River.

The existing residence, although legally permitted in approximately 1962, appears to have been constructed in the wrong location and, therefore, encroaches into the front and side setbacks. The rear of the residence also encroaches into the 100-foot watercourse setback, however that standard was not applicable at the time the original dwelling was constructed. Although it was never constructed, a previous Variance (VAA-2817) was approved on the subject parcel in 1996 to allow for a storage and art studio that would have encroached into the front setback.

ANALYSIS / DISCUSSION:

Single family dwellings are an allowed use in this zoning district. The project proposes to add a 261 square foot residential addition (art studio) located to the east of the existing single family dwelling. The developable area of the subject parcel is limited by the 50-foot front setback and the rear 100-foot water course setback. As was mentioned previously, the existing residence was legally permitted but constructed in the wrong location, thus the location of the residence also limits the remaining buildable area on the parcel. The proposed addition is located on the area of granitic bedrock where the existing development is located. Beyond the bedrock (i.e. to the north toward the South Yuba river) the property drops off precipitously. The proposed addition does not encroach into the 100 foot water course setback, and does not encroach any further into the front setback than the existing residence.

The applicant explored other alternatives such as locating the addition more northward on the property (i.e. closer to the South Yuba river), but this was limited by (a) by the precipitous drop off adjacent to South Yuba River which would require extreme amounts of fill material near the river and/or significant engineered foundation in order to build, (b) the 100 foot water course setback and (c) would place the connection from the existing residence to the proposed addition in the existing living room and would disrupt internal continuity and flow of the residence.

Rainbow Road is a gated private road that is not maintained in the winter months. The closest structure (existing or proposed) on the subject parcel is located 42 feet from the front property line and 63 feet from the Right of Way (ROW). The development on the adjacent parcels appears to be located even closer to the ROW than the subject parcel. As such the proximity of the structures to the ROW is not anticipated to present any conflict with vehicular traffic.

RECOMMENDATION:

Staff recommends the Zoning Administrator find the project to be categorically exempt from the California Environmental Quality Act (CEQA) and approve the Variances to allow for a front setback of 42 feet for the existing covered entry (40 feet to eaves), a front setback of 46 feet to the existing single family dwelling (45 feet to eaves), and a 43-foot front setback for the new detached addition (42 feet to eaves). Additionally, the Variance requests a 17-foot western side setback (15 feet to eaves) for the existing single family dwelling.

FINDINGS:

Approval or conditional approval of the Variance requests may be granted only when the Zoning Administrator first determines that the Variance satisfies the criteria set forth in California Government Code Section 65906 and those requirements of Sections 17.60.100, by finding that:

CEQA COMPLIANCE - VARIANCE:

Environmental Review / California Environmental Quality Act (CEQA):

- 1. This project is categorically exempt from the provisions of CEQA per Section 18.36.050, A (Class 3) [New Construction] of the Placer County Environmental Review Ordinance, October 4, 2001. Class 3 consists of construction and location of limited numbers of new, small facilities or structures, including but not limited to accessory structures including garages. The project will not create a significant impact to the surrounding properties, structures, or public.*

VARIANCE

- 1. The subject parcel has a 50 foot front setback and the limit of development at the rear of the property is dictated by the 100 foot water course setback. The buildable area, from a practical standpoint, is also limited to the flat granitic bedrock where the existing and proposed development is located. Northward of the flat bedrock area, the property drops off precipitously to the South Yuba River. The existing residence was legally permitted but appears to have been built in the wrong location. Thus portions of the existing residence encroach into the front and side setbacks and it is infeasible to relocate the existing development. As a result of the location of the existing residence and the setbacks, there are limited areas for residential addition. Furthermore, locating the proposed addition more northward on the parcel places development closer to the South Yuba river and would require fill and/or significant engineering to construct, would place development closer to the 100 foot water course setback, and disrupts the internal continuity and flow between the addition and existing living space. Because of such circumstances, the strict application of this chapter would deprive the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.*
- 2. The Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district in that residential development is in keeping with the existing single-family residences within the general vicinity. In fact, it appears that the adjacent residences encroach further into their respective front setbacks, and are located closer to the ROW than development on the subject parcel. Therefore, based on the existing on-site conditions, the location of the existing single-family residence and deck/carport, it can be determined that the setbacks proposed will be adequate and will not constitute a grant of special privileges.*
- 3. The Variance does not authorize a use that is not otherwise allowed in the zoning district in that single family dwellings and detached accessory structures are allowed accessory uses to a single-family residence which are an allowed use within the Single-Family Residential zoning district of the Placer County General Plan and the use will be a compatible use within this location.*
- 4. The closest structure (existing or proposed) on the subject parcel is located 42 feet from the front property line and 63 feet from the Right of Way (ROW). Rainbow Road is a gated private road that is not maintained in the winter months. As such the proximity of the structures to the ROW is not anticipated to present any conflict with the vehicular traffic or snow removal activities. The granting of the 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 in that the proposed covered entry and residential addition will be constructed within the confines of the subject parcel and will not encroach over the property lines.*

5. *The Variance is consistent with the intent of the Placer County General Plan and the Single-Family Residential Zoning District in that residential additions are allowed accessory uses to existing single-family residences. The Variance to allow for the encroachment into the Rainbow Road front setback is also supported by the additional findings described in this staff report.*
6. *The Variance is the minimum departure from the requirement of the 50-foot front setback and 20-foot side setback for the RS-AG-B-40 PD = 1 Residential zone district of the Placer County General Plan and is necessary to grant relief to the applicant in that the proposed location of the living space and deck/carport is dictated by the location of the existing residence and deck/carport which already encroach into the respective setbacks.*

ATTACHMENTS:

Attachment A - Planning Division Recommended Conditions of Approval
Attachment B - Engineering and Surveying Memorandum
Attachment C - Environmental Health Services Memorandum
Attachment D - Site Plans

cc: Ed Stanisforth, Engineering and Surveying Division
Justin Hansen, Environmental Health Services
Tom and Maru Hoeber, Owner/Applicant

RECOMMENDED CONDITIONS OF APPROVAL
PLN15-00250
HOEBER VARIANCE

1. The Variance (PLN15-00250) is approved to allow for a front setback of 42 feet for the existing covered entry (40 feet to eaves), a front setback of 46 feet to the existing single family dwelling (45 feet to eaves), and a 43-foot front setback for the new residential addition (42 feet to eaves). Additionally, the Variance requests a 17-foot western side setback (15 feet to eaves) for the existing single family dwelling Soda Springs area of California, APN 066-120-027 and as shown on the submitted site plans, project description and correspondence on file in the Community Development Resource Agency, except as modified by the conditions of approval.
2. The effective date of approval shall be August 5, 2015, unless the approval is appealed to the Planning Commission. In accordance with Section 17.58.140(D) and 17.58.160(B)(1) of the Zoning Ordinance, the approval of the Variance shall be valid for 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) of the Zoning Ordinance.
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 attorney's fees awarded by a certain development project known as the Hoerber Variance Project PLN15-00250. 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.



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: Mohan Ganapathy
Land Use and Water Resources Section

Date: July 24, 2015

Subject: PLN 15-00250, Hoeber, APN 066-120-027

Environmental Health Services has reviewed the above mentioned application for variance and has no comments.

Perspective, Hope, and Opportunity

