



COUNTY OF PLACER
Community Development Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

E.J. Ivaldi, Deputy Director

HEARING DATE: JULY 16, 2015
TIME: 9:30 AM

TO: Zoning Administrator
FROM: Development Review Committee
DATE: June 16, 2015
SUBJECT: PLN15-00198 MCCLAY VARIANCE

COMMUNITY PLAN AREA: Colfax Community Plan

GENERAL PLAN DESIGNATION: Rural Estate 1.1-4.5 Acre Minimum

ZONING: F-B-43 PD=1 (Farm, with a Combined Building Site Minimum of 43,560 square feet and a Combined Planned Development with 1 Dwelling Unit per Acre)

ASSESSOR'S PARCEL NUMBER: 071-260-052-000

STAFF PLANNER: Kally Keding-Cecil, Assistant Planner

LOCATION: The project site is located at 22977 Pine Hollow Road

OWNER/APPLICANT: Jane and Terry McClay

PROPOSAL:

The applicant requests approval for a Variance to allow for the installation of a pool five feet from the side property line where 25 feet would normally be required.

CEQA COMPLIANCE:

This project is categorically exempt from environmental review pursuant to provisions of Section 15303 of the California Environmental Quality Act Guidelines and Section 18.36.050 of the Placer County Environmental Review Ordinance (Class 3 – New Construction of Small Structures).

BACKGROUND/ANALYSIS:

Staff conducted a field review of this parcel on June 15, 2015. The parcel is zoned F-B-43 PD=1 (Farm, with a Combined Building Site Minimum of 43,560 square feet and a Combined Planned Development with 1 Dwelling Unit per Acre). The property is located at 22977 Pine Hollow Road in

Colfax and is approximately 5.6 acres. The parcels to the north, west, and south have identical zoning to the subject property and are developed with single family residences and accessory structures. The parcels to the east are undeveloped and are zoned F-B-X 3 Acre Minimum (Farm, with a Combined Site Minimum of 3 Acres).

The subject parcel is located near the top of a steep hill. The home is located on the northwestern portion of the parcel and the pool is proposed to be located behind the home near the side property line. Pine Hollow Road is located along the west property line, and the driveway slopes up from Pine Hollow Road north toward the home. The parcel slopes steeply (approximately 23%) from the home down to a small creek. Mature oak and pine trees cover nearly two-thirds of the parcel.

The applicant sites the location of existing structures as reasons to support the Variance. Staff is in agreement within the finding, as the location of existing structures, including the home, limits the buildable area of the parcel. The steep slope of the parcel and the tree cover further limit the area where a pool could feasibly be located.

RECOMMENDATION:

Staff recommends **approval** of this request for a Variance to the side setback requirement of 25 feet from the side property line to a five-foot setback to for the installation of a pool.

FINDINGS:

CEQA

The Zoning Administrator finds that this project is categorically exempt from review under CEQA pursuant to Section 15303 of CEQA and section 18.36.050 of the Placer County Environmental Review Ordinance (Class 3 – New construction of Small Structures).

VARIANCE

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

1. There are special circumstances applicable to the existing use of this property, including the existing development on the property, and the topography of the parcel which would make the strict application of Chapter 17.60.100 (D) (Action on a Variance), Placer County Code, result in depriving the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.
2. The granting of this variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the same zone district.
3. The Variance does not authorize a use that is not otherwise allowed in the zone district.
4. The granting of this 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 the nearby property or improvements.

5. The Variance is consistent with the Placer County General Plan.
6. The Variance is the minimum departure from the requirements of the Ordinance necessary to grant relief to the applicant, consistent with Chapter 17.60.100 (D) (Action on a Variance) Placer County Code.

CONDITIONS OF APPROVAL:

1. Approval of this Variance (PLN15-00198) allows for the installation of a pool 5 feet from the side property line where 25 feet would normally be allowed. (PLN).
2. A building permit shall be obtained from the Placer County Building Department within 24 months of the approval of this Variance to install the pool. (PLN)
3. The applicant shall defend, indemnify, and hold harmless and 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 awards in any proceeding brought in any State or Federal court, challenging the County's approval of that certain Project known as the McClay Variance (PLN15-00198). The applicant shall, upon written request of the county, pay, or at the County's option, reimburse the County for all reasonable costs for the defense of any such action and preparation of an administrative record, including the County staff time, and costs of transcription or 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 written request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition. (PLN)
4. This Variance (PLN15-00189) shall expire on July 16, 2017 unless previously exercised. (PLN)

ATTACHMENTS:

- Attachment A – Engineering and Surveying Memo
- Attachment B – Environmental Health Memo
- Attachment C – Site Plan

cc: Phil Frantz- – Engineering and Surveying Division
Laura Rath – Environmental Health Services
Jane and Terry McClay – Applicants



MEMORANDUM

TO: JULIE LEIPSIC, PLANNING DIVISION
KALLY DEDINGER-CECIL, PLANNING DIVISION

DATE: JUNE 16, 2015

FROM: PHILLIP A. FRANTZ, ENGINEERING & SURVEYING DEPARTMENT

SUBJECT: **PLN15-00198: SIDE SETBACK FOR POOL; 22977 PINE HOLLOW ROAD; JANE & TERRY MCCLAY; (APN: 071.260.052)**

The Engineering & Surveying Department (ESD) **supports** the Development Review Committee's recommendation for this Variance Application and has no additional comments or recommended Conditions of Approval.



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: June 15, 2015
Subject: PLN 15-00198, McClay Variance, APN 071-260-052

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

Perspective, Hope, and Opportunity

RECEIVED
MAY 20 2005
CDRA

SITE PLAN

SCALE: 1" = 60'

22277 PINE HOLLOW RD
GOLFEX CA
APN:071-200-002
PARCEL 3

