



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: 9:40 AM

TO: Zoning Administrator
FROM: Development Review Committee
DATE: July 16, 2015
SUBJECT: PLN15-00229 Tonge Variance

COMMUNITY PLAN AREA: Horseshoe Bar/Penryn Community Plan

GENERAL PLAN DESIGNATION: Rural Estate 4.6 - 20 Acre Minimum

ZONING: RA-B-X 4.6 AC. MIN. (Residential Agriculture, with a Combined Site Minimum of 4.6 Acres)

ASSESSOR'S PARCEL NUMBER: 037-053-026-000

STAFF PLANNER: Kally Keding-Cecil, Assistant Planner

LOCATION: The project site is located at 3290 Rattlesnake Road in the Newcastle area.

APPLICANT: Kathleen Tonge

PROPOSAL:

The applicant requests approval for a Variance to allow for a carport to remain 1-foot from the property line where 30 feet is normally required.

CEQA COMPLIANCE:

This project is categorically exempt from environmental review pursuant to provisions of Section 15301 of the California Environmental Quality Act Guidelines and Section 18.36.030 of the Placer County Environmental Review Ordinance (Class 1 – Existing Facilities).

BACKGROUND/ANALYSIS:

Staff conducted a field review of this parcel on June 30, 2015. The parcel is zoned RA-B-X 4.6 AC (Farm with a Combined Site Minimum of 4.6 Acres). The property is located at 3290 Rattlesnake Road in the Newcastle area and is approximately 7.25 acres. The parcels to the north, west, and south have identical zoning and vary in size from 4.7 to 6.1 acres and are developed with single

family residences, with the exception of the parcel to the northeast across Rattlesnake Road which is undeveloped.

The subject parcel is bounded on the northeast property line by Rattlesnake Road. The parcel is slightly pentagon shaped, and the residence is located near the top “point” of the parcel. The parcel gradually slopes up from Rattlesnake Road toward the residence. The slopes serve as a pasture for two cows and is largely undeveloped with the exception of small accessory structures. The driveway extends along the northwestern property line from Rattlesnake Road and ends at the residence. The parcel slopes steeply from the back of a detached garage up to the rear property line. An intermittent stream flows through the northern portion of the parcel, and a 10-foot wide water easement runs along the rear property line.

The carport is located next to the detached garage across from the main residence and was constructed in the last year. The carport is approximately 15 feet tall and is used to shade an RV. It is located adjacent to the south property line and 30 feet from the rear property line. The property owner was told by the company contracted to construct the carport that a Building Permit was not required. The property owner later discovered that a Building Permit was required for the structure, and was informed that a Variance would be required to obtain an After-the-Fact Building Permit.

The applicant sites the location of existing structures to support the Variance. Staff is in agreement with the finding, as the location of existing structures, the shape of the parcel, the sloped topography, and the cow pasture limit the buildable area near the home where the carport could be feasibly located.

RECOMMENDATION:

Staff recommends **approval** of this request for a Variance allow a carport to remain 1-foot from the side setback where 30 feet would normally be required.

FINDINGS:

CEQA

The Zoning Administrator finds that this project is categorically exempt from review under CEQA pursuant to Section 15301 of CEQA and section 18.36.050 of the Placer County Environmental Review Ordinance (Class 1 – Existing Facilities).

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, the topography, and the size and shape 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 (PLN15-00229) allows for an existing carport to remain 1 foot from the property line where 30 would normally be required. (PLN)
2. A building permit shall be obtained from the Placer County Building Department within 24 months of the approval of this Variance to bring the carport into compliance with County standards. (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 Tonge Variance (PLN15-00229). 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 (PLN15-00229) 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

Attachment D – Correspondence from South Placer Fire District

cc: Phil Frantz- – Engineering and Surveying Division
Laura Rath – Environmental Health Services
Kathleen Tonge – Applicant



MEMORANDUM

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

DATE: JULY 7, 2015

FROM: PHILLIP A. FRANTZ, ENGINEERING & SURVEYING DEPARTMENT

SUBJECT: **PLN15-00229: SIDE SETBACK FOR CARPORT; 3290 RATTLESNAKE ROAD;
KATHY TONGE; (APN: 037-053-026)**

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

1. Prior to Building Permit issuance, the applicant shall provide evidence that the monuments locating the front property corners are in place and the property line delineated (if necessary) to the satisfaction of the County Surveyor. This may involve processing a Record of Survey or Corner Record. Contact Leslie Amsberry, at 530.745.7505.



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: Laura Rath, REHS
Land Use and Water Resources Section

Date: July 2, 2015

Subject: **PLN 15-00229, Tonge, APN 037-053-026**

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

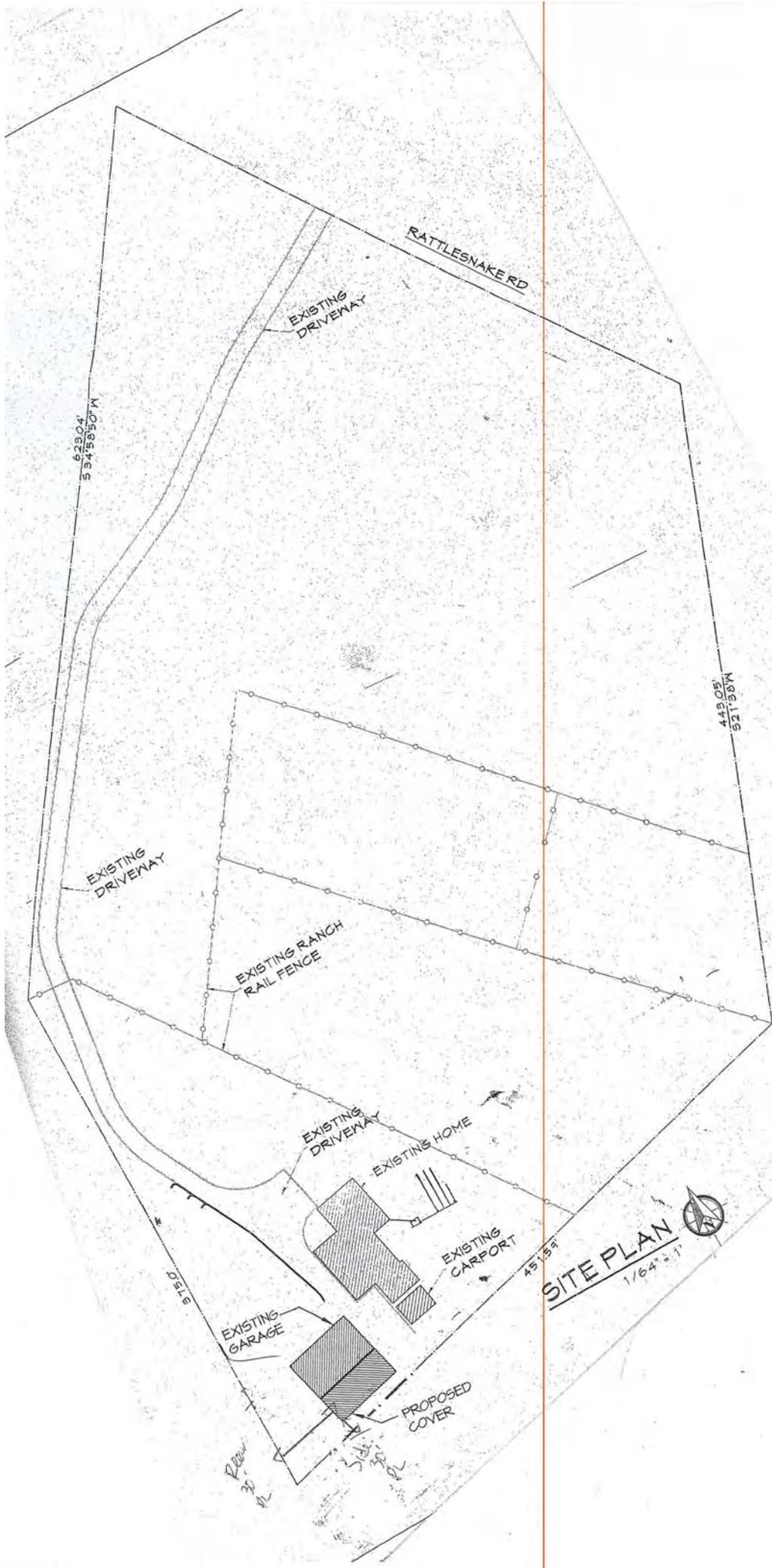
Perspective, Hope, and Opportunity

PLN15-CD229
RECEIVED

JUN 17 2015

CDRA

GARAGE BD 55413.14



Zoning RA-B-X-4.6A
MIN. 4.6
Side 30' PL
Rear 30' PL
Max Height 36'
Max Coverage 20%

SITE PLAN
1/64" = 1'

Julie Leipsic

From: Mike Ritter <mritter@SouthPlacerFire.org>
Sent: Monday, July 06, 2015 10:02 AM
To: Julie Leipsic
Cc: Katrina Hoop
Subject: PLN15-00229 - Tonge

Julie,

South Placer Fire District has reviewed the request to reduce the setback to allow for the construction of an attached carport to an existing garage, located at 3290 Rattlesnake Rd. South Placer Fire District has no objections.

Respectfully,

Michael Ritter
Fire Prevention Captain
South Placer Fire District
6900 Eureka Road
Granite Bay, CA 95746
916-791-7059 (Office)
916-791-2199 (Fax)
mritter@southplacerfire.org