



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

E.J. Ivaldi, Deputy Director

HEARING DATE: July 23, 2015
TIME: 1:45 PM

DATE: July 14, 2015
TO: Zoning Administrator
FROM: Development Review Committee
SUBJECT: PLN15-00158 – Balla Variance
OWNER: Lou and Rose-Marie Rae-Balla
APPLICANT: Lindy Warner, JK Architecture / Gary Davis Group
STAFF PLANNER: Stacy Wydra, Senior Planner
ZONING: Plan Area Statement 010 (Dollar Point Residential)
LOCATION: 3225 Edgewater Drive in the Tahoe City area.
ASSESSOR'S PARCEL NUMBER: 093-071-007-000

PROPOSAL:

The applicants are requesting approval of a Variance to the required 20-foot front setback to allow for an eight (8) foot, four (4) inch setback from the front property line for the construction of a sitting room deck on the upper level and to allow for a setback of eleven (11) feet – four (4) inches from the front property line to the proposed deck posts on the lower level at the project site located at 3225 Edgewater Drive in the Dollar Point Subdivision.

CEQA COMPLIANCE:

The Variance is categorically exempt from the provisions of CEQA per Section 18.36.050, Class 3, New construction of the Placer County Environmental Review Ordinance, October 4, 2001 and per CEQA Guidelines Section 15303.

BACKGROUND/EXISTING CONDITIONS:

The project parcel is located in the Plan Area Statement 010 Dollar Point Residential of the Tahoe City Area General Plan in the Tahoe City area. This developed 11,522 square foot residential property is bounded by Edgewater Drive to the south, and residential parcels to the north, west, and east. The project site consists of a slope of approximately 14% across the entire project site and is improved with native landscaping, pine, fir and cedar trees and improved landscaping, such as a lawn area, stone patios and walkways. The property is developed with a 1,776 square foot residence, attached garage and decks. Currently, the residence is located approximately 24 feet, 6 inches from the property line with the eaves extending to a distance of 22 feet, 6 inches from the front property line.

ANALYSIS/DISCUSSION:

General Plan and Zoning Consistency

The project is governed by the Tahoe City Area General Plan and is zoned Plan Area Statement (PAS) 010 Dollar Point Residential which allows for single-family residences and accessory structures such as decks. Therefore, the proposed project is consistent with the Tahoe City Area General Plan and the zone district of PAS 010 Dollar Point Residential.

Project Description – Variance

The project proposes to construct a 198 square foot deck within the 20-foot front required setback of Edgewater Drive. The proposed “sitting room deck” on the upper level is proposed to cantilever over into the front setback and proposes to maintain a setback of eight (8) feet, four (4) inch setback from the front property line while the deck posts on the lower level proposes to be set in and maintain a setback of eleven (11) feet, four (4) inches from the front property line.

The applicant explored other design alternatives for the construction of the proposed sitting room deck. However, the location of the existing residence constructed 24 feet from the front property line limits the ability to add onto the residence without encroaching into the front setback. The location of the residence close to the front setback affords no simple connection from the main living area to the providing an outdoor living area. The proposed design achieves this connection by relocating the existing entry stairs and providing a sitting room within the building envelope (abutting the front setback). The existing structures determines the back wall of the sitting room and, after review by the applicant’s structural engineer, it cannot be reconfigured without causing hardship and expense disproportionate with the purpose of the remodel / addition project. The dimensions of the sitting room are minimal to provide a usable space modestly accommodating a standard seating arrangement.

Off of the addition to the residence (which complies with the required front setback) the 12-foot deep sitting room deck is proposed which encroaches into the front setback. This deck, if approved, would provide indoor/outdoor living within the limitations of the existing split-level design. The location of the proposed deck is the only location which provides for southern exposure and provides for an outdoor living area. The dimensions of the deck are minimal to accommodate a furniture arrangement such as a table and chairs.

The proposed deck is located on an upper level, approximately 14 to 15 feet above the road level and will not interfere with snow storage or other concerns of the public right-of-way. Additionally, there are neighboring decks of existing residences that currently extend into the front setbacks similar to the proposed deck. While staff could not find approved Variances for these decks which encroach into the front setback, the appearance of front decks off the living areas of the residences is in keeping with the residential character of the neighborhood.

Summary

Based upon these circumstances which would otherwise provide for support for the reduced setback on the subject property, it can be determined that there will be no significant impacts created should the Variance to the front setback along Edgewater Drive for the construction of a deck be approved.

RECOMMENDATION:

Staff recommends the Zoning Administrator (ZA) determine the Variance for the project to be categorically exempt from the California Environmental Quality Act (CEQA). Staff recommends approval of the Variance (PLN15-00158), to allow for a reduction to the required 20-foot front setback, allowing for a setback of eight (8) feet, four (4) inches measured from the front property line for the construction of a 343 square foot deck accessory to the existing single-family residence within the front required setback off of Edgewater Drive on the parcel located at 3225 Edgewater Drive on Assessor's Parcel Number 093-071-007 based on the findings and subject to the recommended conditions of approval.

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 18.36.030 (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 structures including accessory structures which include exterior decks. The project will not create a significant impact to the surrounding properties, structures, or public.*

VARIANCE

1. *There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, 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 deck addition is limited to the area in front of the existing single-family. Special circumstances such as the location of the existing single-family residence, the limited room for an expansion to the existing residence, and the internal floor plan of the residence support the Variance request for the front setback reduction for the construction of the proposed deck. These listed conditions create special circumstances applicable to the project which would otherwise warrant the Variance requested.*
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 there are existing residences and decks constructed within the required setbacks within the residential subdivisions in the immediate vicinity especially pertaining to existing decks within the front setback along Edgewater Drive. Furthermore, the construction of a deck is in keeping with the existing single-family residences within the general vicinity. Therefore, based on the existing on-site conditions and the physical limitations, i.e. location of the existing single-family residence, 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 the construction of a deck is an allowed use within the Plan Area Statement 010 Dollar Point Residential zoning district of the Tahoe City Area General Plan and the use will be compatible uses within this location.*
4. *The granting of the 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, nor injurious to nearby property or improvements in that the proposed deck*

along Edgewater Drive will be constructed within the confines of the subject parcel and will not encroach over the property lines, and there is adequate distance (20 feet) from the face of the deck to the edge of the travelled way, and the height of the deck being approximately 14 feet above grade, that will ensure that snow removal operations will not be impeded by the location of the deck. These factors will ensure that the granting of the Variances will not create a detriment to the public or the general welfare of the residents or neighboring residences or residents.

5. *The Variance is consistent with the intent of the Tahoe City Area General Plan and the Plan Area Statement 010 Dollar Point Residential Zoning District in that a deck is accessory to a single-family residence which is an allowed use and the Variance is to the required front 20-foot setback from Edgewater Drive and is also supported by the additional findings described in this staff report.*
6. *The Variance is the minimum departure from the requirements of the front setbacks from Edgewater Drive for the Plan Area Statement 010 Dollar Point Residential zone district of the Tahoe City Area General Plan and is necessary to grant relief to the applicant in that the proposed location of the deck is dictated by the location of the existing single-family residence, the internal circulation of the existing residence and the size of the deck to accommodate a table and chairs and is consistent with the characteristics of the existing residential neighborhood.*

STAFF SUMMARY AND RECOMMENDATION:

As supported by the discussion and findings contained in this staff report, staff concludes that the findings to approve the Variance can be made for this project and that none of the findings to deny the Variances may be made.

Staff recommends the Zoning Administrator (ZA) approve the Variance Application Number PLN15-00158 as proposed based on the findings contained within this staff report and subject to the conditions of approval.

ATTACHMENTS:

Attachment A – Planning Department 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
Lou and Rose-Marie Rae-Balla, Owners
Lindy Warner, JK Architecture / Gary Davis Group, Applicant

**PLANNING DIVISION
RECOMMENDED CONDITIONS OF APPROVAL
APPLICATION NO. PLN15-00158 - VARIANCE
3225 EDGEWATER DRIVE
BALLA VARIANCE**

1. The Variance (PLN15-00158) is approved for a reduction to the required 20-foot front setback from Edgewater Drive for the construction of a 343 square foot deck 8 feet – 4 inches from the front property line of Edgewater Drive to the face of the deck and posts to be 11 feet – 4 inches from the front property line of Edgewater Drive to be considered at the project site located at 3225 Edgewater Drive in Dollar Point, APN 093-071-007 and as shown on the submitted site plan and project description on file in the Community Development Resource Agency, except as modified by the conditions of approval.
2. The effective date of approval shall be July 23, 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 thirty-six (36) 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. Prior to grading permit issuance and/or building permit issuance and/or occupancy approvals, the applicant shall comply with any conditions imposed 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 Balla Variance Project PLN15-00158. 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 OF PLACER
Community Development/Resource Agency

Michael Johnson, AICP
Agency Director

**ENGINEERING AND
SURVEYING DIVISION**

Richard Eiri, Deputy Director

MEMORANDUM

TO: Heather Beckman, Planning Services Division **DATE: May 13, 2015**

FROM: Ed Staniforth, Engineering and Surveying Division

**SUBJECT: PLN15-00158: variance to front setbacks; 3225 Edgewater Drive; Tahoe City; Balla;
(APN: 093-071-007)**

The applicant requests a variance to the 20 foot front setback for the following: a sitting room requiring an 18'-3" setback, a deck off the sitting room requiring a 6'-3" setback, and deck posts requiring a 9'-3" setback. The new sitting room, located along the eastern side of the existing structure, proposes approximately 30 square feet of living space within the front setback. The Engineering & Surveying Division (ESD) supports the Development Review Committee's recommendation for this Variance application subject to the following conditions of approval:

1. Prior to Building Permit issuance, dedicate to Placer County a 20' wide snow storage easement along the property frontage on Edgewater Drive. The County Surveyor will prepare the legal description of the Snow Storage Easement document. The document can be obtained by contacting the ESD. Prior to Building Permit issuance, the easement paperwork must be signed and notarized, and returned to the County.
2. Prior to Building Permit issuance, the applicant shall obtain from the Department of Public Works an encroachment permit for the portion of the single family residence located within the required easement. Said permit shall be in recordable form and hold Placer County harmless from any damage resulting to the structure.
3. No living space is permitted within the portion of the structure that is proposed within the required front setback, unless otherwise approved part of this application. Any windows of the proposed structure within the setback / snow storage easement shall be tempered or wired safety glass or equivalent.



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: June 24, 2015

Subject: **PLN 15-00158, Balla Variance (Revised), APN 093-071-007**

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

Perspective, Hope, and Opportunity

