



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

E.J. Ivaldi, Deputy Director

Date: June 17, 2015

Time: 1:50 PM

DATE: June 8, 2015

TO: Zoning Administrator

FROM: Development Review Committee

SUBJECT: PLN 14-00005 – Variance to the Front Setbacks and Construction in a Road Easement

OWNER: Randy Stanaway

APPLICANT: GilanFarr + Assoc Architecture c/o: Phil GilanFarr

STAFF PLANNER: Stacy Wydra, Senior Planner

ZONING: Plan Area Statement 018 Flick Point Residential
North Tahoe Area General Plan

LOCATION: 5754 Nile Road, Carnelian Bay

APN: 116-080-023-000

PROPOSAL:

The applicant is requesting approval of a Variance to the required front setbacks of 20 feet from the front property line and 45 feet from the centerline of Nile Road (whichever is greater) and to allow for an encroachment into the 25-foot road easement Nile Road for the construction of an 840 square foot three-vehicle garage and 1,272 square feet that includes a new entryway and residential living above the garages and entryway. The applicant is requesting the following setbacks to the required 45 foot from the centerline of Nile Road and the 20 foot setback from the property line:

- 21 feet – ¾ inches (18 feet to the eaves) for the entryway resulting in a 27-foot encroachment.
- 20 feet – 10 inches for the garage and living space above the garage resulting in a 23-foot – ¼ inch encroachment.

The applicants are requesting the following setbacks to the 25-foot Nile Road easement where no encroachment is allowed per the Agate Bay Heights Subdivision:

- 20 feet – 10 inch (18 feet to the eaves) setback for the entryway, garage and living space above the garage for an encroachment of 14 feet – 9 inches into the Nile Road easement.

BACKGROUND/EXISTING CONDITIONS:

The project parcel is located in the Plan Area Statement 018 Flick Point Residential of the North Tahoe Area General Plan in Agate Bay and is located within the Agate Bay Heights subdivision. The Agate

Bay Heights subdivision was created in 1955 by recorded map. The recorded map states "... that said map particularly sets forth and describes all lots intended for sale by their number and precise length and width, but does not offer or dedicate to public use those portions shown upon said map as private roads, or indicated as easements. Easements are hereby granted over all roads shown as private roads, and are, also granted to the proper authorities over those strips of land of specified width, shown on the said map, for the purposes of construction and maintenance of the facilities designated, together with the right to anchor telephone and power poles within the subdivision lots, also the right to trim or remove trees when necessary for utility purposes." Furthermore, the roads shown on the recorded subdivision map were offered for dedication to the public however, the Placer County Board of Supervisors did not accept Nile Road, as a county road. Therefore, as a result of the unacceptance, Nile Road is a private road easement that runs 25 feet on either side of the described centerline of road. Nile Road provides access from Sahara Drive to Agate Road.

When the subdivision was originally created, in September of 1955, there were 61 lots. Currently there are 63 parcels within the Agate Bay Heights subdivision as two lots, Lot 7 (subject parcel) and Lot 9 were subdivided into two parcels. The average width of the parcels within the Agate Bay Heights Subdivision and within the general vicinity of the subject parcel contains an average width of 100 feet, whereas the subject parcel has a width of 62 feet. Those parcels along Nile Road that are developed are developed with single-family residences with and without garages.



The subject parcel, Lot 7, comprises 13,791 square feet and is developed with a 1,710 square foot two-story residence. The property is bounded by residential parcels developed with single-family residences. The subject parcel is 62.37 feet wide at its frontage, 100.25 feet wide at the rear and with an average length of approximately 141 feet. The subject property was subdivided and the resultant parcel, behind the subject parcel, is accessed off of North Lake Boulevard. As a result of the subdivided parcel it is smaller in size than the other residential parcels in this subdivision with the exception of Lot 9. As shown in the picture, there is an existing paved area across the entire frontage of the parcel and vegetation consists of pine trees.



A setback of approximately 43 feet (40 feet to the eaves) is maintained to the existing structure measured from the property line. Only a small portion of the existing residence is located within the 45 foot setback from the centerline of Nile Road, with no portion of the existing structure located within the 25 foot wide access easement of Nile Road.

Staff conducted site visits and researched building permits and it appears that some residences along Nile Road were granted automatic slope exceptions, per Section 17.54.140 *Exceptions to Front, Side and Rear Setbacks* which allowed for garages to be constructed within the front required setbacks based on the steep slope of the parcel. However, this code section specifically states "This section is not intended to allow the placement of any structure within any easement without explicit permission from all parties to the easement."

Based on records on file, two residences were granted Variances to construct garages within the front setbacks. In 1995, a Variance (VAA 2636) was approved for the construction of a carport 13 feet from the edge of the access easement at the property located at 5722 Nile Road. In 2005, a Variance (PVAA 20050056) was approved for the construction of a two-vehicle garage with an attached covered walkway, 25 feet from the property line to the eaves of the structure and 20 feet - six inches (18 feet-six inches to the eaves) from the centerline of the road to the structure and at the property located at 5700

Nile Road. These structures within the front setbacks are single-story structures and do not contain living space above the garages within the required setbacks.

ANALYSIS/DISCUSSION:

General Plan and Zoning Consistency

The project is governed by the North Tahoe General Plan and is zoned Plan Area Statement (PAS) 018 Flick Point Residential which allows for single-family residences and accessory structures such as garages. Therefore, the proposed project is consistent with the North Tahoe General Plan, however the project is requesting approval of Variances to the required setbacks of the zone district of PAS 018 Flick Point Residential and to allow for an encroachment into the access easement which is not permissible per the Agate Bay Heights subdivision recorded map.

Project Description – Variance

The project proposes to construct 840 square feet of garage which consists of a 23-foot x 21-foot two-vehicle garage and an 11-foot x 23-foot one-vehicle garage. In between the two-vehicle garage and the one-vehicle garage an entryway of 264 square feet is proposed. Above the garages and the enclosed entryway is a total of 1,008 square feet of living area. The living area proposes a great room, wet bar, bedroom, bathroom and a 108 square foot exterior deck off the back of the proposed addition. A total of 1,272 square feet of new living area is proposed with the addition.

The following table outlines the setbacks proposed for the addition:

REQUIRED SETBACK:	45-Foot Centerline Setback OR 20-Foot Setback from the Property Line (whichever is greater)	25-Foot Nile Road Easement
Proposed Eaves	Requested Setback: 18 feet 27 foot encroachment	Requested Setback: 18 feet Encroachment: 7 feet
Proposed Entryway	Requested Setback: 21 feet - ¾ inches 23 feet - ¼ inches encroachment	Requested Setback: 20 feet-10 inches Encroachment: 14 feet – 9 inches
Proposed Garage	Requested Setback: 20 feet – 10 inches 24 feet – 2 inches encroachment	Setback: 20 feet-10 inches Encroachment: 14 feet – 9 inches
Proposed Living Space above the Garage	Requested Setback: 20 feet – 10 inches 24 feet – 2 inches encroachment	Setback: 20 feet-10 inches Encroachment: 14 feet – 9 inches

The following table explains, approximately, how much square footage of the proposed addition encroaches into the required setbacks and within the 25 foot wide easement of Nile Road:

Requested Square Footage in the Setbacks	45 Foot Centerline Setback	20 Foot Property Line Setback	25 Foot Nile Road Easement
Proposed Eaves	287 square feet	19 square feet	55 square feet
Proposed Entryway	264 square feet	0 square feet	70 square feet
Proposed Garage	762 square feet	0 square feet	56 square feet
Proposed Living Space	1,194 square feet	0 square feet	42 square feet

The narrow width of the parcel and the location of the existing single-family residence limits the location of an addition to the residence however, it is staff’s determination that the size of the proposed addition is too large for the size and width of the parcel and is not complimentary to the existing residence nor to the existing characteristics of the residential neighborhood. Furthermore, the size of the addition precludes any areas for snow storage. As mentioned within the “Existing Conditions” section of this staff report, no living space has been permitted by the County within the front setback.

The applicant indicated that alternate layouts were reviewed, however, each with additional costs, complications or further encroachments. However, upon discussions with the applicant, staff had indicated that the County would possibly be able to support a two-vehicle garage and modest entryway to provide access from the road to the entrance of the existing single-family residence. However, staff has informed the applicant that the living space above the garage would not be supported.

RECOMMENDATION:

Staff recommends denial of the Variance (PLN14-00005), to allow for a reduction to the required front setbacks and encroachment into the road easement of Nile Road as described within this staff report for the construction of an addition of a three-vehicle garage, entryway and living area to the existing single-family residence within the front required setbacks of Nile Road and within the Nile Road easement on the parcel located at 5754 Nile Road on Assessor's Parcel Number 116-080-023 based on the findings.

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. *Per Section 15270 "PROJECTS WHICH ARE DISAPPROVED", CEQA does not apply to projects which a public agency rejects or disapproves.*

VARIANCE

1. *There are no 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 that would warrant the size of the addition and the living space within the front setbacks and encroachment into the access easement. Due to the size of the parcel, the location of the existing single-family residence, staff recognizes space is limited for an addition to the existing residence however, it is staff's determination that the size of the proposed addition cannot be accommodated on the subject parcel because of its excessive size and minimum width. Furthermore, the size of the addition and the living space above the proposed garage is not in keeping with the characteristics of the neighborhood in that the living space proposed within the required front setbacks would be uncharacteristic of the neighborhood and existing single-family residences. Therefore, there are no special circumstances which justify the proposed addition on the subject parcel.*
2. *The Variance authorized would 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 no other garages on record that were legally constructed within the access easement. Although Variances have been granted for garages, no living space above the garages has been permitted. Furthermore, no construction has been permitted within the access easement therefore, should the Variance be approved it would be granting a special privilege of construction within the Nile Road access easement. The encroachment into the access easement would be unprecedented and could preclude the widening of Nile Road. The construction of the garages and living space within the front setbacks and within the Nile Road access easement is not in keeping with the existing single-family residences within the general vicinity. Therefore, based on the size of the proposed addition, the width of the parcel, the*

location of the existing single-family residence and that there is no living space currently constructed within the Nile Road access easement; it can be determined that the setbacks proposed for the construction will not be adequate and would constitute a grant of special privileges if developed within the required setbacks and Nile Road access easement.

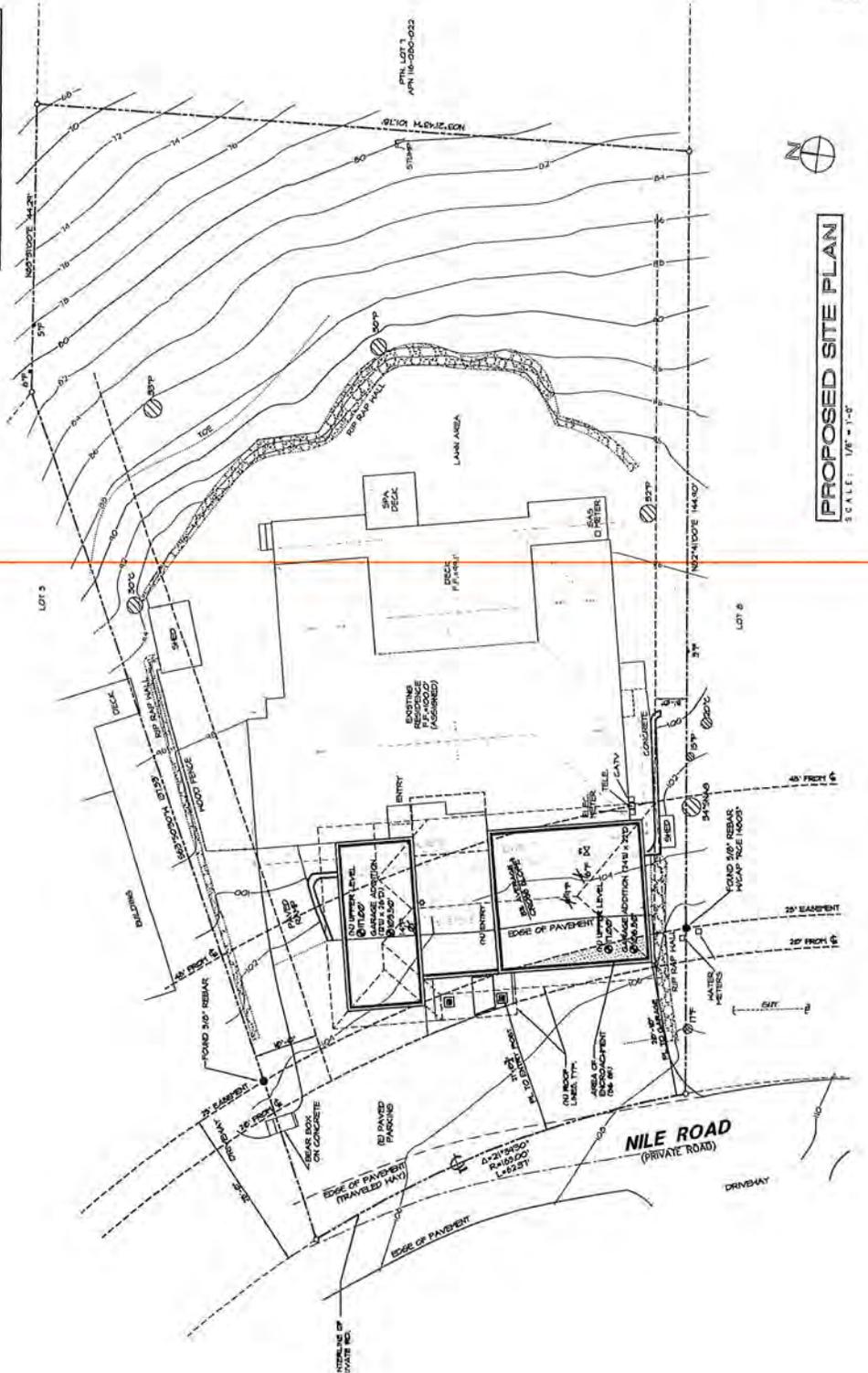
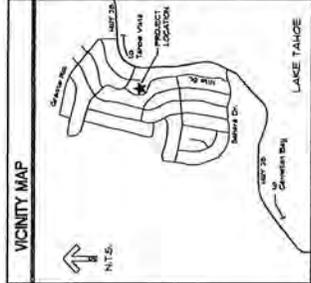
- 3. The granting of the Variance could, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, would be materially detrimental to the public welfare, injurious to nearby property or improvements in that the proposed addition to the existing single-family residence contains living space above the garages which would be within the front setbacks of Nile Road. Setbacks are intended to ensure that there is adequate distance between living areas and the traveled way as it relates to safety, i.e. vehicles traveling along Nile Road and to address snow removal operations in particular. Furthermore, the location of the addition within the 25 foot wide access easement would preclude the widening of Nile Road on this property, should Nile Road ever need to be widened. Therefore, these factors could create a detriment to the public or the general welfare of the residents or neighboring residences or residents should the Variance be approved.*
- 4. The Variance is not consistent with the intent of the North Tahoe Area General Plan and the Plan Area Statement 018 Flick Point Residential Zoning District and the Agate Bay Heights Subdivision Map as for all intended purposes, the 25 foot side access easement is to preclude structures from being constructed within the access easement. While a garage is deemed accessory to a single-family residence and is otherwise an allowed use the Variance has to consider all findings to support the Variance. As such, it is staff's determination that the garages and entry way with the living space above the garage, within the required setbacks and access easement, cannot be supported.*
- 5. The Variance proposed is not the minimum departure from the requirements of the front setbacks from Nile Road for the Plan Area Statement 018 Flick Point Residential zone district of the North Tahoe Area General Plan and of the Agate Bay Heights Subdivision map. It is staff's determination that the size and width of the parcel and the existing location of the residence need to be taken into consideration as it relates to an addition. Staff concludes that the size and location of the proposed addition is not the minimum departure to the required setbacks. Staff believes that there are other alternatives that could be considered for an addition to the existing residence which could include a two-vehicle garage and covered or enclosed entry way of which the site could accommodate. Staff has determined that the living space above the garage and the third vehicle garage far exceed the capacity of which this parcel, and its existing conditions, can accommodate.*

ATTACHMENTS:

- Attachment A - Project Plans
- Attachment B - Agate Bay Subdivision Map

PROPERTY INFORMATION

AREA OF LOT	0.15 ACRES
AREA OF LOT 1	0.15 ACRES
AREA OF LOT 2	0.15 ACRES
AREA OF LOT 3	0.15 ACRES
AREA OF LOT 4	0.15 ACRES
AREA OF LOT 5	0.15 ACRES
AREA OF LOT 6	0.15 ACRES
AREA OF LOT 7	0.15 ACRES
AREA OF LOT 8	0.15 ACRES
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AREA OF LOT 11	0.15 ACRES
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AREA OF LOT 13	0.15 ACRES
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AREA OF LOT 19	0.15 ACRES
AREA OF LOT 20	0.15 ACRES



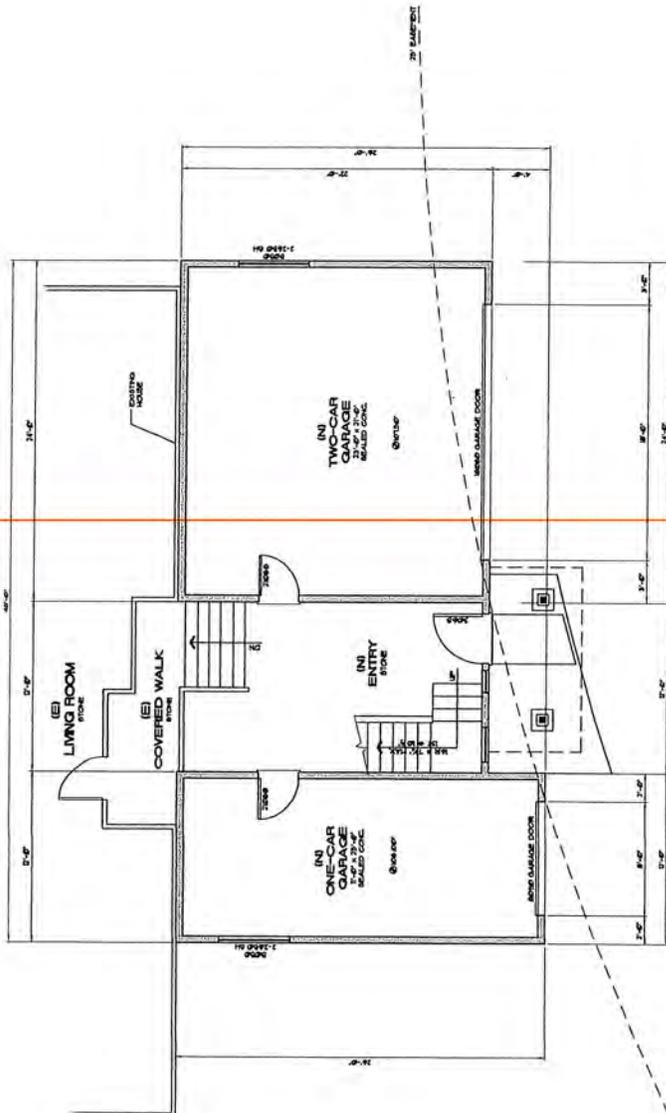
PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"

RECEIVED

JAN 29 2015

CDRA

CILIANFARR + ASSOCIATES
 ARCHITECTURE
 1440 N. 10TH AVE., SUITE 100
 DENVER, CO 80202
 TEL: 303.733.8888
 WWW.CILIANFARR.COM



LEGEND
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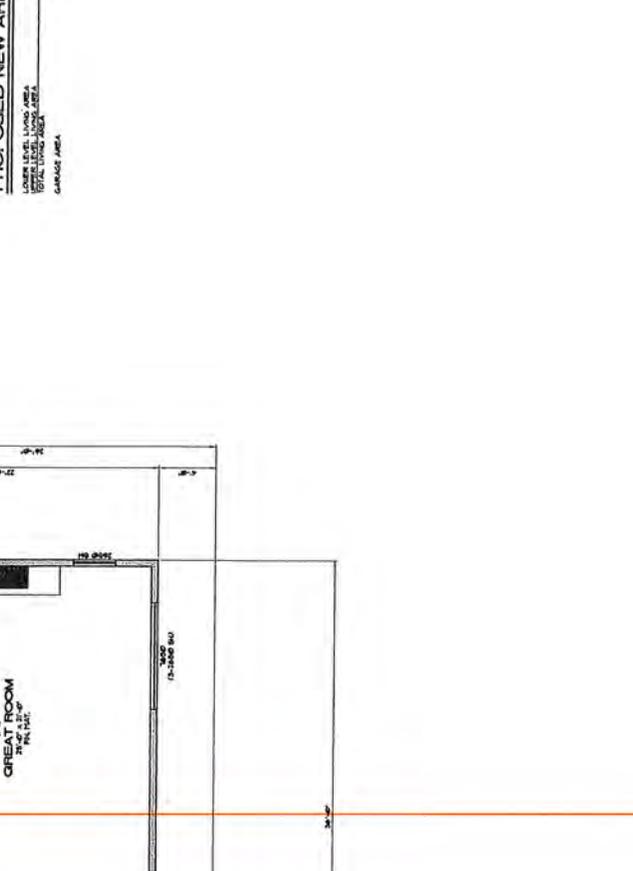
PROPOSED NEW AREAS
 LOWER LEVEL LIVING AREA
 LOWER LEVEL GARAGE AREA
 TOTAL LOWER LEVEL AREA
 GARAGE AREA
 241 sq ft
 1075 sq ft
 1316 sq ft
 1075 sq ft

PROPOSED LOWER LEVEL FLOOR PLAN
 SCALE: 1/8" = 1'-0"

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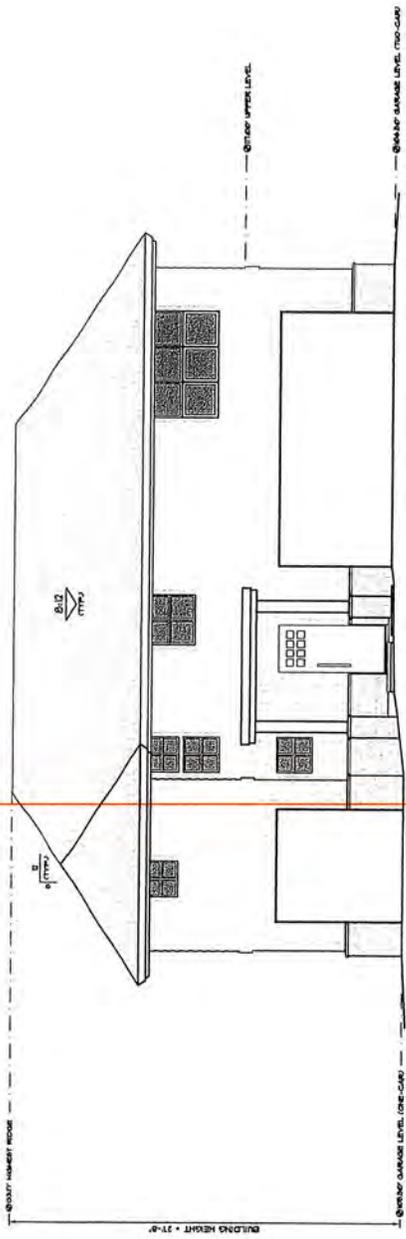
LEGEND
 --- EXISTING WALLS
 --- NEW WALLS
 --- DEMO
 --- SAFETY GLASS
 --- FREEZE PROOF HOSE BIB
 --- GAS CONNECTION

PROPOSED NEW AREAS
 LOWER LEVEL LIVING AREA
 TOTAL AREA: 1,075 SF
 GARAGE AREA
 TOTAL AREA: 648 SF

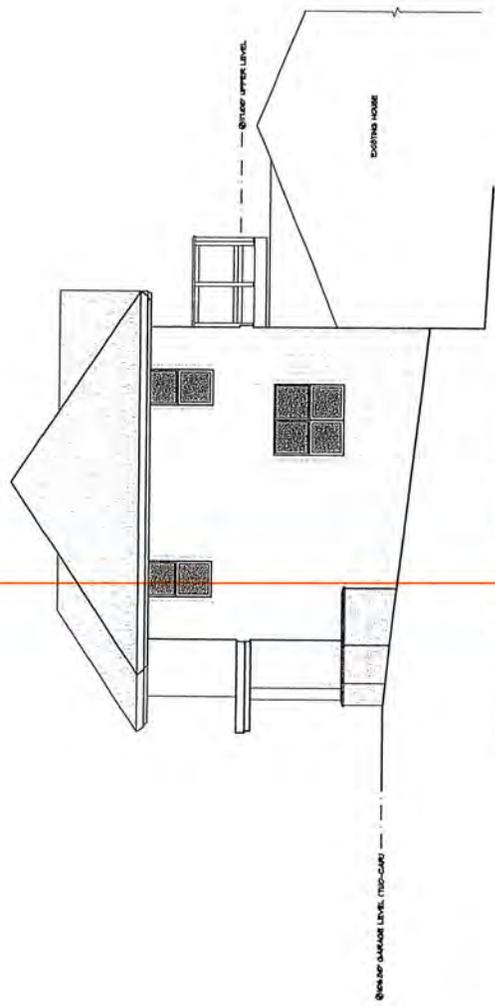


PROPOSED UPPER LEVEL FLOOR PLAN
 SCALE: 1/8" = 1'-0"

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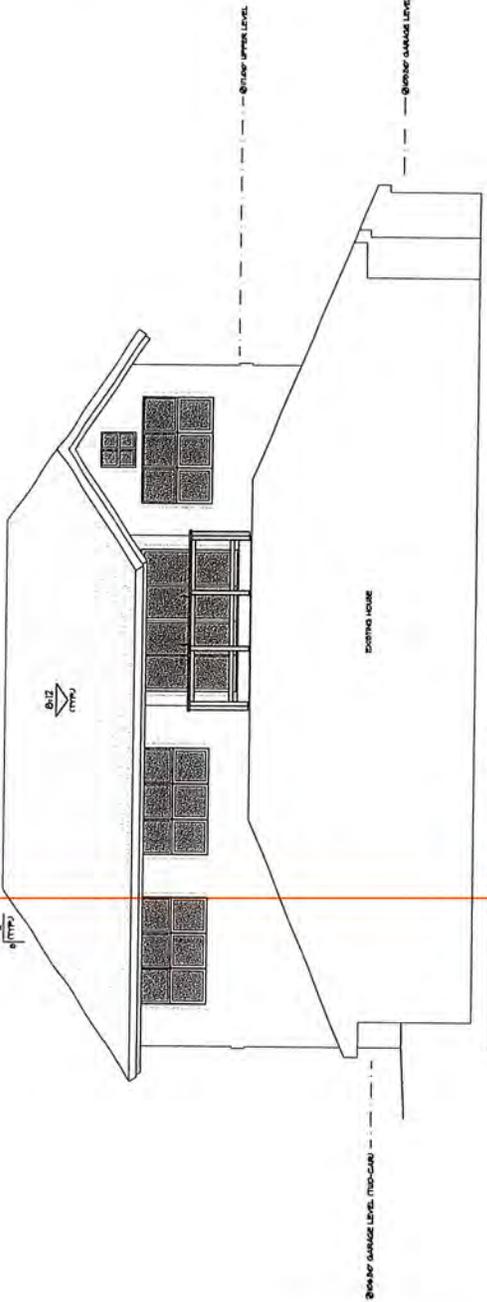


FRONT / WEST ELEVATION
 SCALE: 1/8" = 1'-0"

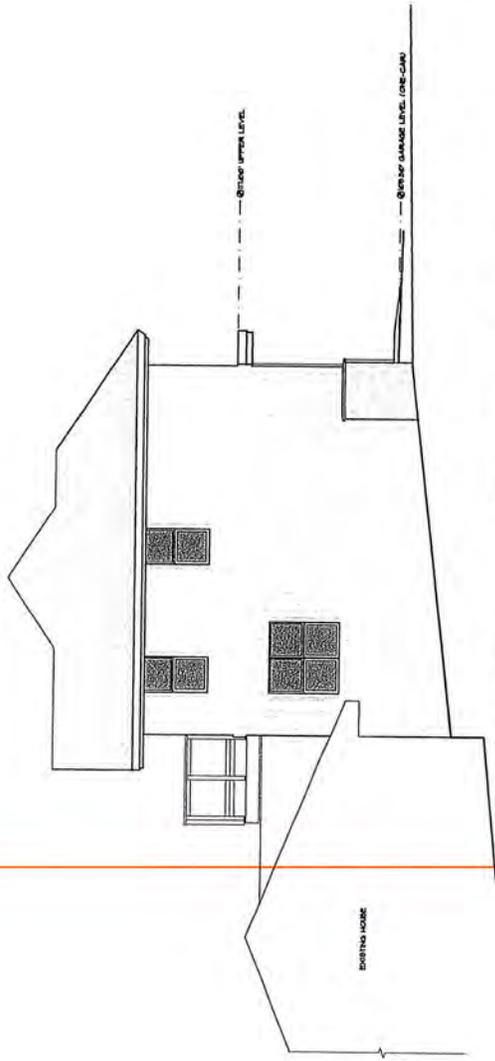


RIGHT / SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"

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REAR / EAST ELEVATION
 SCALE: 1/8" = 1'-0"



LEFT / NORTH ELEVATION
 SCALE: 1/8" = 1'-0"

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The undersigned, TAHOE TITLE GUARANTY COMPANY, a corporation, hereby certifies that it is the only party having any interest in the lands delineated and embraced within the boundary line upon the herein embodied map entitled "AGATE BAY HEIGHTS, PLACER COUNTY, CALIFORNIA," etc, that it has caused said map to be prepared for record and does consent to the making and filing thereof, and that said map particularly sets forth and describes all lots intended for sale by their number and precise length and width, but does not offer or dedicate to public use those portions shown upon said map as private roads, or indicated as easements. Easements are hereby granted over all roads shown as private roads, and are also granted to the proper authorities over those strips of land of specified width, shown on the said map, for the purposes of construction and maintenance of the facilities designated, together with the right to anchor telephone and power poles within the subdivision lots, also the right to trim or remove trees when necessary for utility purposes.

In WITNESS WHEREOF, the undersigned, TAHOE TITLE GUARANTY COMPANY, a corporation, has caused its corporate name to be hereunto subscribed by its Vice President, and attested by its Assistant Secretary, thereunto duly authorized, and its corporate seal to be hereunto affixed this 12. th day of August A. D. 1955

TAHOE TITLE GUARANTY COMPANY

By J. H. Blasburn
 --- Vice President ---

Corporate Seal