



COUNTY OF PLACER
Community Development Resource Agency

PLANNING

HEARING DATE: JUNE 18, 2015
TIME: 9:15 AM

TO: Zoning Administrator
FROM: Development Review Committee
DATE: June 18, 2015
SUBJECT: PLN15-00179 BASER VARIANCE REQUEST

COMMUNITY PLAN AREA: Dry Creek West Community Plan

GENERAL PLAN DESIGNATION: Rural Low Density Residential 1-2.3 AC MIN

ZONING: RA-B-43 (Residential Agriculture, with a Combined Building Site Minimum of 43,560 Square Feet)

ASSESSOR'S PARCEL NUMBER: 023-273-011-000

STAFF PLANNER: Kally Kedingler-Cecil, Assistant Planner

LOCATION: The project site is located at 3105 Central Avenue, Roseville

APPLICANT: Frank Baser, Property Owner and Applicant

PROPOSAL:

The applicant requests approval for a Variance to bring an existing 1,024 square foot workshop into compliance. The existing building was present at the site prior to the applicant's purchase of the home. The applicant is requesting a Variance for a 14-foot side setback where 30 feet is required to allow the building to remain.

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 1 – Existing Facilities).

BACKGROUND/ANALYSIS:

Staff conducted a field review of this parcel on May 6, 2015. The parcel is approximately 0.5 acres and is square in shape with the north property line adjacent to Central Avenue. The parcel is developed with a 1,075 square foot single-family residence, a small 300 square foot shed used for storage, and a 1,024 square foot accessory structure. There is a 114-foot paved private driveway extending from Central Avenue heading south into the property. The shed is located along the driveway, and the residence is approximately 43 feet from the driveway. The septic system is located between the residence and the paved driveway. The area west of the shed is undeveloped, as there are several large trees growing there.

The applicant became aware the structure was within the setback when he attempted to obtain a building permit to perform interior repairs. He was informed by the Building Division that the structure was unpermitted, was located within the rear setback, and to obtain an "After the Fact" building permit which would require a Variance from the Planning Department.

The applicant cites the location of existing structures as reasons to support the Variance. Staff is in agreement with the finding, as the location of the septic system, the location of the trees and the driveway, and the location of the residence limit the buildable area of the parcel.

RECOMMENDATION:

Staff recommends **approval** of this request for a Variance to the rear setback requirement of 30 feet from the rear property line to allow a side setback of 14 feet. This will allow the existing structure to remain and bring the unpermitted workshop into compliance.

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 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 and the location of the septic system, 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 (PLN15-00179) allows for the existing 1,024 square-foot structure to remain 14 feet from the rear property line where 30 feet 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 existing 32 feet by 32 feet workshop into compliance with County standards . (PLN)
3. The structure shall not be used for habitation in its existing condition. (PLN)
4. All plumbing (if any) in the existing shop shall be connected to the existing septic system. If unable to connect to the existing septic system, then the plumbing shall be removed and verified by the building department. (EHS)
5. 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 Baser Side Setback Variance (PLN15-00179). 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)
6. This Variance (PLN15-00179) shall expire on June 18, 2017 unless previously exercised. (PLN)

ATTACHMENTS:

Attachment A – Memo from Engineering and Surveying Division

Attachment B – Memo from Environmental Health Services

Attachment C – Site Plan

cc: Phil Frantz – Engineering and Surveying Division
Mohan Ganapathy – Environmental Health Services
Frank Baser – Applicant



MEMORANDUM

TO: NICOLE HINKLE, PLANNING DIVISION
KALLY KEDINGER-CECIL, PLANNING DIVISSION

DATE: MAY 21, 2015

FROM: PHILLIP A. FRANTZ, ENGINNERING & SURVEYING DEPARTMENT

SUBJECT: **PLN15-00179: REAR SETBACK FOR GARAGE; 3105 CENTRAL AVE; FRANK BASER; (APN: 023.273.011)**

The Engineering & Surveying Department (ESD) **supports** the Development Review Committee's recommendation for this Variance Application and have no 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: May 8, 2015
Subject: **PLN 15-00179, Baser Side Setback, APN 023-273-011**

Environmental Health Services has reviewed the above mentioned application for variance and has one recommended condition for approval:

- 1) All plumbing (if any) in the existing shop shall be connected to the existing septic system. If unable to connect to the existing septic system, then the plumbing shall be removed and verified by the building department.

Perspective, Hope, and Opportunity

