



COUNTY OF PLACER
Community Development Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

EJ Ivaldi
Deputy Director, Planning

HEARING DATE: JUNE 18, 2015
TIME: 9:55 AM

TO: Zoning Administrator
FROM: Development Review Committee
DATE: June 18, 2015

SUBJECT: PLN15-00185 YELLAND/BROOKS VARIANCE REQUEST

COMMUNITY PLAN AREA: Meadow Vista Community Plan

GENERAL PLAN DESIGNATION: Low Density Residential 40,000 SQ. FT. - 1 AC. MIN.

ZONING: RS-AG-B-40 (Residential Agriculture, with a Combined Building Site Minimum of 40,000 Square Feet)

ASSESSOR'S PARCEL NUMBER: 074-300-011-000

STAFF PLANNER: Kally Keding-Cecil, Assistant Planner

LOCATION: The project site is located at 2960 Volley Circle, Meadow Vista

APPLICANT: Barbara Yelland and Jeffrey Brooks

PROPOSAL:

The applicant requests approval for a Variance to bring an existing deck into compliance. The applicant is requesting a Variance to allow the deck to remain on the property line where a 20-foot setback is normally 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 1 – Existing Structures).

BACKGROUND/ANALYSIS:

Staff conducted a field review of this parcel on June 1, 2015. The parcel is zoned RS-AG-B-40 (Residential Single-Family, Combined Agriculture, Combined Building Site Minimum of 40,000 Square Feet). The property is located at 2960 Volley Circle in the Lake Manor subdivision in Meadow Vista and is approximately 0.92 acres. The parcels to the east and west and across Volley Circle to the north have the same zoning and are of similar size. The property is bounded to the south by Lake Combie. The subject parcel and the surrounding parcels are developed with single-family residences

and pools. The parcel and the driveway slope down from Volley Circle toward the home. From the south of the deck, the parcel slopes again toward Lake Combie. The parcel is rectangular and vegetated with mature oak trees. A five foot wide public utility easement extends halfway down the west property line.

The deck is located on the property line and veers slightly away from the property line to the edge of the deck. The deck surrounds a pool and extends out above the slope of the property.

The home was constructed in 1978 and that same year a pool permit (B 20221) was issued. This permit was never finalized because the 1980 final inspection revealed that an unpermitted deck was constructed with the pool that was in violation of the 20-foot side setback. The property owners at that time were notified of the setback violation and instructed to obtain a Variance or remove the deck. No further action was taken by the Building Department or the property owners. The current property owners purchased the home in 2002 and the violation was disclosed. The adjacent neighbors to the west provided the new property owners a letter stating they were aware of the violation and had no issue with the deck. In 2004, the neighbors sold the property and the issue did not arise again until the neighbor had his property surveyed and discovered the deck is on the west property line. The applicants are requesting the Variance to bring the deck into compliance before the sale of their home.

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, the pool, and the location of the septic tank limit the citing of the deck. Additionally, the sloped topography of the property limits the citing of the deck.

RECOMMENDATION:

Staff recommends **approval** of this request for a Variance to the side setback requirement of 20 feet from the side property line to a zero foot setback to allow the deck to remain and to bring the deck 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 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 (PLN15-00185) allows an existing deck to remain on the west side property line where 20 feet would normally be required and to reduce the rear setback requirement of 20 feet from the property line to allow a setback of zero feet to bring an existing accessory structure into compliance. (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 deck 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 Yelland/Brooks Variance (PLN15-00185). 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 (PLN15-00185) shall expire on June 18, 2017 unless previously exercised. (PLN)

Yelland/Brooks Side Setback - Variance (PLN15-00185)

June 18, 2015

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ATTACHMENTS:

Attachment A – Memo from Engineering and Surveying Division

Attachment B – Memo from Environmental Health Services

Attachment C – Memo from Placer Hills Fire

Attachment D – Site Plan

cc: Phil Frantz- – Engineering and Surveying Division
Laura Rath – Environmental Health Services
Barbara Yelland and Jeffrey Brooks – Applicants



MEMORANDUM

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

DATE: JUNE 5, 2015

FROM: PHILLIP A. FRANTZ, ENGINEERING & SURVEYING DIVISION

SUBJECT: **PLN15-00185: SIDE SETBACK FOR DECK/POOL/HOUSE; 2960 VOLLEY CIRCLE; BARBARA YELLAND AND JEFFREY BROOKS; (APN: 074.300.011)**

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: May 26, 2015

Subject: **PLN 15-00185- Yelland/Brooks Variance, APN 074-300-011**

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

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PLACER HILLS FIRE PROTECTION DISTRICT

Prevention • Education • Protection

May 5, 2015

Barbara Yelland and Jeffrey Brooks

Email: jodyyelland@sbcglobal.net

Phone: 530-906-0764

Re: Variance Request: 2960 Volley Circle, Meadow Vista CA 95722
APN: 074-300-011

Dear Ms. Yelland and Mr. Brooks:

I have reviewed your request and have no problem with granting you this variance. All Placer Hills and Placer County variance ordinances must be followed. Please let me know if I can be of further assistance.

Sincerely:

A handwritten signature in black ink, appearing to read "Ian Gow", written over a horizontal line.

Ian Gow, Fire Chief

Enc. PHFD variance

RECEIVED
MAY 05 2015
CDRA

LINE/SYMBOL	DESCRIPTION/ABBREVIATION
---	EX PROPERTY LINE
---/---	EX EDGE OF PAVEMENT (EP)
---/---/---	EX BUILDING FACE/LINE
---	SEPTIC
---	EASEMENT (AS NOTED)
---	MATERLINE
○	TREE DRIP LINE

PROPERTY DATA

APPLICANT/OWNER: BROOKS JEFFREY & YELLAND BARBARA J TR
 2960 VOLLEY CIR
 HEADON VISTA, CA 95722

CIVIL ENGINEER: EDWARD GIULIANI
 GIULIANI & KULL, INC.
 500 WALL STREET, SUITE A
 AUBURN, CA 95603
 (530) 885-5107

SITE ADDRESS: 2960 VOLLEY CIR
 HEADON VISTA, CA 95722

BLDG/LIV AREA: 3600 SQ FT

ASSESSOR'S PARCEL #: 074-300-011-000

PARCEL SIZE: 1.9 ACRES TOTAL

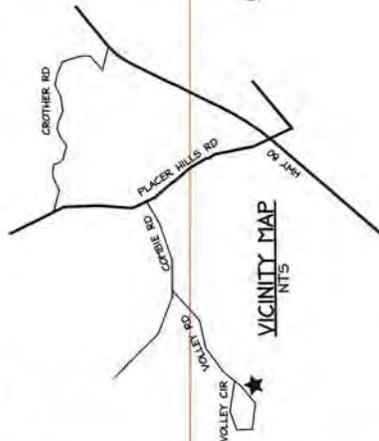
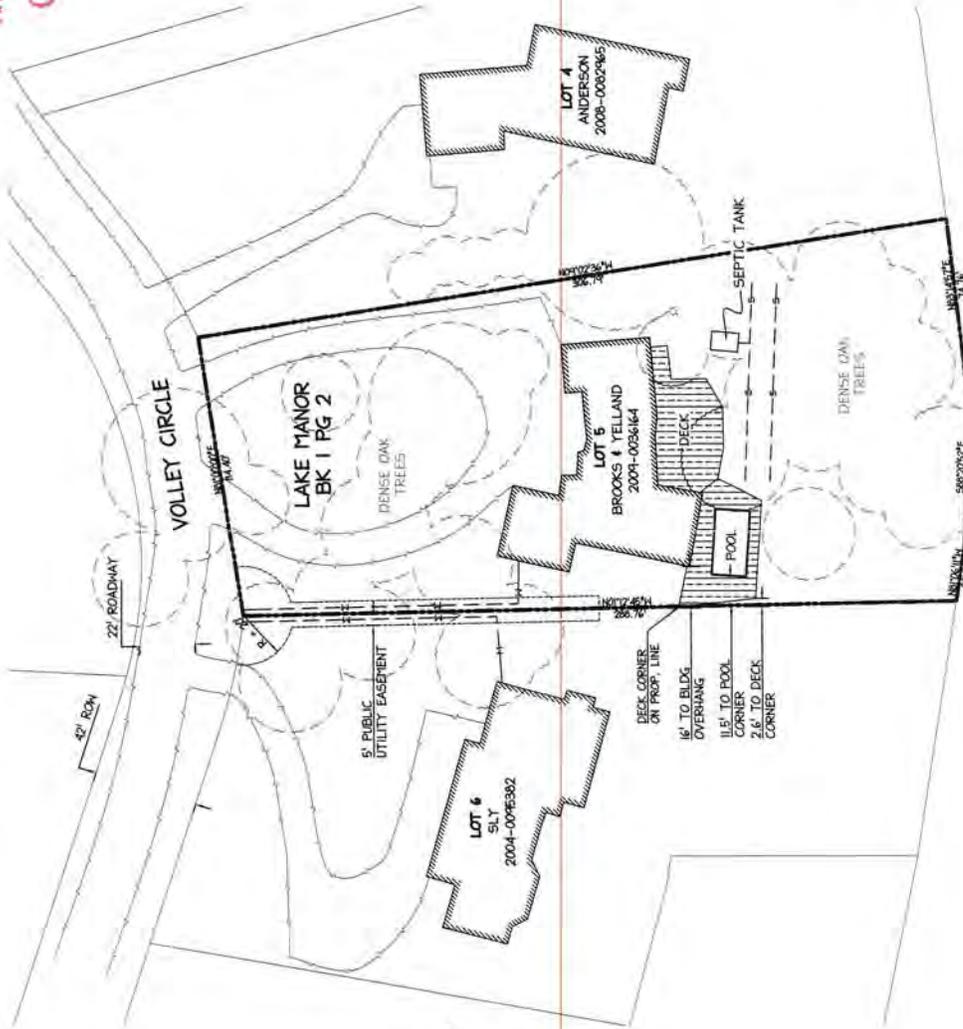
CURRENT ZONING: RS-AG-B-40

CURRENT USAGE: SINGLE FAMILY RESIDENTIAL

2960 VOLLEY CIR
MEADOW VISTA, CA 95722

SCALE: 1" = 50'
 DATE: 04-14-15
 JOB NO.: 15100
 DRAWN BY: EH
 DWG NO.: LDYELLAND
 CHECKED BY: EG

GK Giuliani & Kull, Inc.
 Engineers • Planners • Surveyors
 500 Wall Street, Suite A, Auburn, CA 95603
 (530) 885-5107 Fax (530) 885-5157
 Auburn • San Jose • Oakdale



PLAT FOR VARIANCE
APPLICATION

EXISTING CONDITIONS
 NO NEW CONSTRUCTION