



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

Planning Services Division

E.J. Ivaldi, Deputy Director

HEARING DATE: November 4, 2015
TIME: 2:15 P.M.

DATE: October 26, 2015
TO: Zoning Administrator
FROM: Development Review Committee
SUBJECT: Stanaway Variance (PLN 14-00005)
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 in the Carnelian Bay area
APN: 116-080-023-000

PROPOSAL:

The applicant is requesting approval of a Variance for a setback of 25 feet from the centerline of Nile Road whereas a 45-foot setback from the centerline of Nile Road is required for the construction of an addition to the existing single-family residence consisting of a 640 square foot two-vehicle garage with 640 square feet of living area above the garage, entry stairs and deck located within the required front setback on the subject property located at 5754 Nile Road in the Carnelian Bay area, Assessor's Parcel Number 116-080-023-000.

BACKGROUND/EXISTING CONDITIONS:

The original project requested 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 requested 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 also proposed to encroach into the 25-foot wide Nile Road access easement where no encroachment is allowed per the Agate Bay Heights Subdivision. The applicants proposed a 20-foot-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.

The original project was heard by the Zoning Administrator at the June 17, 2015 Zoning Administrator public hearing. The Zoning Administrator considered testimony from Placer County staff, the project applicants, and the public. Prior to the Zoning Administrator taking action on the previously proposed project the Zoning Administrator provided the applicant with two options: 1) work with staff to reduce the size of the addition proposed and suggested that the structure be relocated outside of the access easement or 2) he would take action on the project proposed and would deny the Variance proposed. The applicants requested that the Zoning Administrator continue the Variance hearing to a date and time uncertain.

Since the June Zoning Administrator public hearing the applicants revised the project proposal and reduced the original proposed 3-vehicle garage to a 2-vehicle garage within one structure and living space above. The living space above was reduced from 840 square feet to 640 square feet and the exterior deck however, was increased from the original 108 square feet off the back of the addition (east side) to 626 square feet. The proposed deck extends along the entire lengths of the east and west sides of the addition. The proposed structure was relocated farther back on the project site to be relocated outside of the 25-foot access easement which also provides for a minimum of 25 feet from the edge of the traveled way to the face of the garage, whereas 20 feet is the minimum distance required.

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.

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 a Variance to the required front setback of the zone district of PAS 018 Flick Point Residential.

Project Description – Variance

The project proposes to construct 640 square feet of garage (24 feet by 24 feet) and 640 square feet of living area above the garage. The 640 square feet of living area proposes a great room, bathroom and approximately 626 square feet of exterior deck off the east and west sides of the proposed addition.

The narrow width of the parcel, the subdivision of the parcel and the location of the existing single-family residence limits the location and size of an addition to the residence however, it is staff's determination that the reduced size and modified location, outside of the 25-foot access easement, of the proposed addition is now complimentary to the existing residence and to the existing characteristics of the residential neighborhood. Furthermore, the reduced size of the addition allows for snow to be stored on-site, to the west of the proposed addition.

RECOMMENDATION:

Staff recommends approval of the Variance (PLN14-00005), to allow for a reduction to the required front setback as described within this staff report for the construction of an addition of a two-vehicle garage, entryway, 640 square feet of living area and 626 square feet of deck area to the existing single-family residence within the front required setback, 45 feet from the centerline of Nile Road 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. *This project 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. Class 3 consists of construction and location of limited numbers of structures, including accessory structures such as garages and living space. 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 that would warrant the size of the addition and the living space within the front setback. Due to the size of the parcel, the location of the existing single-family residence and the 25-foot wide access easement, staff recognizes space is limited for an*

addition to the existing residence and, it is staff's determination that the size of the proposed addition can be accommodated on the subject parcel because it is located outside of the 25-foot wide access easement. Furthermore, the size of the addition and the living space above the proposed garage is in keeping with the characteristics of the neighborhood in that the living space proposed within the required front setbacks would be characteristic of the neighborhood and existing single-family residences. Therefore, there are special circumstances which justify the proposed addition on the subject parcel.

- 2. The Variance authorized would 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 the structure outside of the 25-foot access easement is in keeping with the residential neighborhood in that there are no structures that encroach into the access easement. Variances, however, have been granted for encroachments into the required front setback. Therefore, based on the size of the proposed addition, the width of the parcel, the 25-foot access easement, the location of the existing single-family residence, the maintenance of a minimum of 20 feet from the face of the garage to the edge of the traveled way; it can be determined that the setbacks proposed for the construction will be adequate and would not constitute a grant of special privileges if developed within the required setback.*
- 3. The granting of the Variance would not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, would not be materially detrimental to the public welfare, injurious to nearby property or improvements in that the proposed structure is located outside of the 25-foot access easement which will ensure that the structure will not interfere with the widening of Nile Road, should it ever need to be widen. Furthermore, the required minimum distance of 20 feet from the face of the garage to the edge of the traveled way is maintained which will ensure that vehicles parked in front of the garage will not be sticking out into the traveled way of Nile Road. Additionally, 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. With the revised project there is adequate snow storage located on the site.*
- 4. The Variance is 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 in that the structure is outside of the 25-foot wide access easement, a garage and detached living area is accessory to the existing single-family residence and is otherwise an allowed use and the Variance is to the required 45-foot front setback from the centerline of Nile Road. This finding is further supported by the additional findings described in this staff report.*
- 5. The Variance proposed is the minimum departure from the requirement of the front setback 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, the location of the 25-foot access easement and the existing location of the residence need to be taken into consideration as it relates to an addition to the existing single-family residence. Staff concludes that the size and location of the proposed addition, particular to the addition being located outside of the 25-foot wide access easement, is the minimum departure to the required setbacks.*

ATTACHMENTS:

- Attachment A: Recommended Conditions of Approval
- Attachment B: Engineering and Surveying Division Memo
- Attachment C: Environmental Health Services Memo
- Attachment D: Building Division Memo
- Attachment E: Site Plans

**PLANNING DIVISION
RECOMMENDED CONDITIONS OF APPROVAL**

1. The Variance (PLN14-00005) is approved for a 25-foot front setback measured from the centerline of Nile Road, a 20-foot reduction to the required 45-foot front setback measured from the centerline of Nile Road, for the construction of an addition to the existing single-family residence consisting of a 640 square foot two-vehicle garage with 640 square feet of living area above the garage, entry stairs and 626 square feet of deck area to be considered at the project site located at 5754 Nile Road in the Agate Bay Heights subdivision, APN 116-080-023 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 November 4, 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. The living area above the garage shall comply with the requirements and standards for a residential accessory structure and as outlined in the Tahoe Regional Planning Agency Code of Ordinance Section 21.3.6 *Living Area Associated with Residential Accessory Structures*.
4. The construction of the structure shall comply with the Tahoe Regional Planning Agency and Placer County applicable standards including, but not limited to, height and coverage.
5. The residential accessory structure, the living area above the garage, shall not be rented out as a separate residential unit.
6. 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 Stanaway Variance Project PLN14-00005. 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: Stacy Wydra, Planning Services Division
Julie Leipsic, Planning Services Division

DATE: October 27, 2015

FROM: Ed Staniforth, Engineering and Surveying Division

SUBJECT: PLN14-00005: Variance to front setbacks; 5754 Nile Road; Carnelian Bay; Stanaway; (APN: 116-080-023)

The applicant requests a variance to the 45 feet from roadway centerline front setback for the following: a two (2) car garage, stairs, entry, and a 626 square foot deck proposing a minimum 25' setback to the closest face of structure. In addition, approximately 640 square feet of living space is proposed above the garage. The project site is accessed by a 50 foot wide private roadway and utility easement. The front property lines for parcels along this easement go to the centerline of the easement. Therefore, there is a 25' roadway and utility easement along the front of the subject property. The face of the proposed garage is not proposed to encroach into the roadway easement, however a small portion of the southernmost garage eaves are proposed to encroach by approximately six (6) inches. 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 pouring the foundation for the proposed garage (and after the forms have been set), the applicant shall provide an Exhibit signed and stamped by a licensed Land Surveyor that precisely identifies the distance from the edge of the proposed foundation to the edge of the private road easement to the satisfaction of the County Surveyor. This certification will be used to verify that the proposed foundation will be constructed consistent with the approved project site plan and demonstrates that the structure (excepting the eaves) will not encroach within the private road easement. The applicant is advised that a foundation inspection cannot occur until this condition has been satisfied.
2. Any windows of the proposed structure(s) within the front setback and facing west shall be tempered and/or wired safety glass or equivalent.
3. Prior to Building Permit issuance, obtain a Grading Permit for any excavation/grading work in excess of 3 cubic yards in volume.



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 27, 2015
Subject: **PLN 14-00005, Stanaway Variance, APN 116-080-023**

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

Perspective, Hope, and Opportunity



COUNTY OF PLACER
Community Development Resource Agency

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Agency Director

BUILDING

Tim Wegner
Chief Building Official

Memorandum

To: Stacy Wydra
From: Kirk Smith, Supervising Building Inspector
Date: 3-2-15
Subject: PLN14-00005 Stanaway ZA Hearing

Hi Stacy,

I have reviewed the plans for the Stanaway garage and have only a few comments:

1. The existing structure will be affected by falling snow from the new roof onto the existing house. The engineer will need to analyze the existing structure for the required impact load per Placer County Ordinance 15.04.160.H.
2. Any windows in rooms at the front of the existing house that get covered by the addition may need to provide additional windows for natural light and venting or emergency egress for any bedrooms, the designer will need to address this.

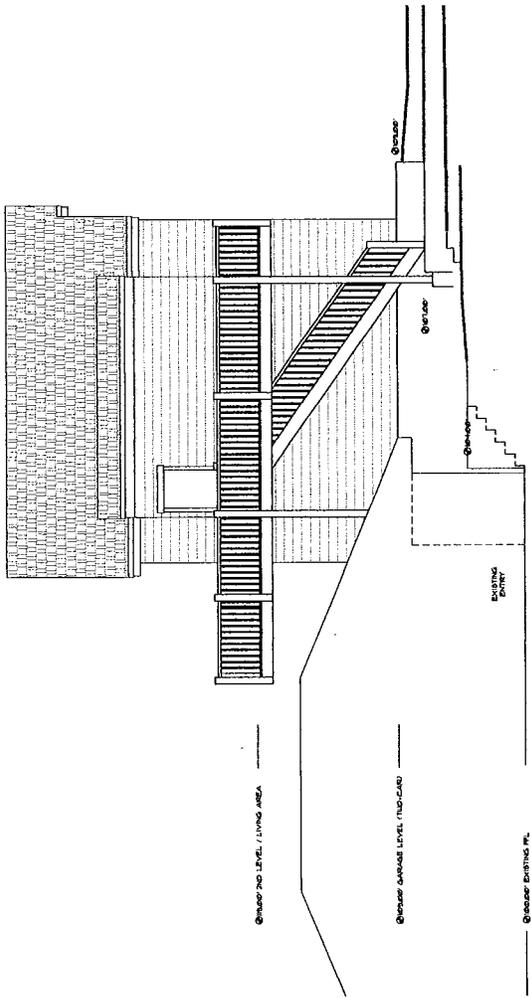
Thanks

KIRK SMITH

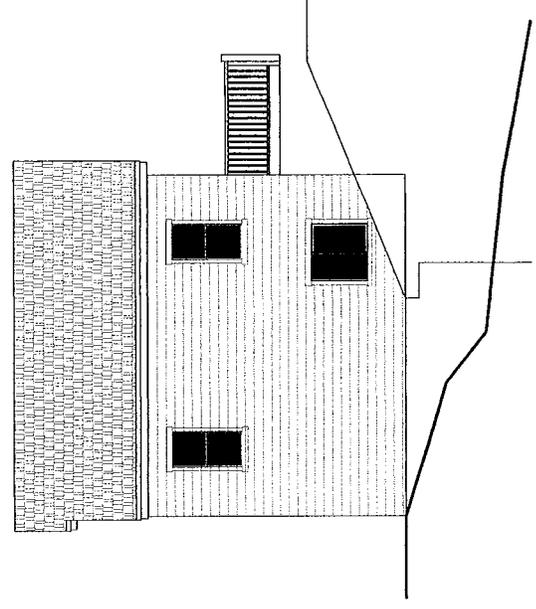
Supervising Building Inspector
Placer County Building Department
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Web Site Address: <http://www.placer.ca.gov>
Email: building@placer.ca.gov



LEFT / NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



RIGHT / SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

10/2/2013