



**COUNTY OF PLACER**  
**Community Development Resource Agency**

**Planning Services Division**

Michael J. Johnson, AICP  
Agency Director

E.J. Ivaldi, Deputy Director

**HEARING DATE:** October 15, 2015  
**TIME:** 9:30 A.M.

**TO:** Zoning Administrator  
**FROM:** Development Review Committee  
**DATE:** September 24, 2015  
**SUBJECT:** Codding Variance (PLN15-00332)

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**COMMUNITY PLAN:** Auburn Bowman

**GENERAL PLAN DESIGNATION:** Rural Residential 2.3 to 4.6 acre minimum

**ZONING:** RA-B-100 (Residential-Agricultural, with a minimum lot size of 2.3 acres)

**ASSESSOR'S PARCEL NUMBER:** 076-211-013-000

**STAFF PLANNER:** Lisa Carnahan

**LOCATION:** 13861 Dry Creek Road in the Auburn area

**OWNER/APPLICANT:** Gideon Codding

**PROPOSAL:**

The applicant requests approval of a Variance to fence height limits to allow for a solid, eight-foot high, corrugated metal fence along the southern (front) and western (side) boundaries of the subject property, where three-foot and six-foot heights, respectively, are allowed by the Zoning Ordinance.

**BACKGROUND/ANALYSIS:**

Staff conducted a field review of the site on September 16, 2015. The approximately two-acre subject property is a moderately sloped, fairly rectangular-shaped parcel which is approximately 188 feet in width, and 478 feet on its longest side. It is currently developed with a single-family residence built around 1966 and a newer 2,400 square foot barn with corrugated metal siding. The site is located within an area of similarly-zoned rural residential parcels with single-family

residences. Within the project vicinity, the majority of the fences observed were either open-wire or split rail fencing (see Attachment E). The few solid wood fences noted in the area during the site visit appeared to adhere to the fence height limits of the zone district. The Residential-Agricultural zoning allows for a fence height of three feet within the front setback, except that open wire, chain link, wood rail, or other similar types of fencing may be constructed to a height of six feet in the Residential-Agricultural where the site and surrounding parcels are at least one acre in size. The maximum height for solid fencing allowed with a side or rear setback is six feet.

The driveway for the project site is accessed off of Dry Creek Road. However, the property does not front directly onto Dry Creek Road, but rather shares a driveway access with the developed property adjacent and to the south, owned by Mr. George Miller. As a part of the Variance submittal package, the applicant included a letter of support from Mr. Miller for the requested eight-foot high fence (please refer to Attachment D) with the stated reason for the Variance request being the "...mutual desire for privacy and enjoyment of our respective properties." As the site plan shows, the Coddling's home is 33 feet from the property line, and neighbor's house is ten feet away from the same property line. According to County records, both residences were constructed in the mid-1960's, prior to the current zoning coming into effect. The Coddling's home is several feet higher in elevation than the neighbor's home, and the neighbor's home is visible through the Coddling's window.

At the time of the site visit, a row of trees/shrubs between the two residences had already been trimmed up from the ground and holes had been dug for the proposed fence (please refer to attached Photo 1). According to the applicant, he and his wife purchased the property about a year ago. The shared property boundary is the side property line for Mr. Miller, but is the front property line for the applicant. As such, while the neighbor would be able to build a six-foot solid fence on the property line, the Coddling's would be restricted to a three-foot solid fence. Given these unusual circumstances, staff is in support for a Variance to allow the applicant to construct a six-foot fence along his southern, front boundary line, where three feet would be allowed. However, staff is not in support of the request for an eight-foot high solid fence between the two homes.

The applicant is also requesting to construct an eight-foot, solid, corrugated metal fence along the western side property line. According to the site plan submitted by the applicant, the Coddling's home and the home to the west are approximately 101 feet apart. Like the neighbors to the south, the owners of the property to the west signed the letter of support for the proposed Variance. The eight-foot high, solid corrugated fence is being requested in order to provide privacy, limit direct views in between the homes, and to provide security. While staff understands the need for privacy and security, these needs can also be accomplished on the property with a standard six-foot solid fence in combination with vegetative screening in selective areas, without the need for a Variance. There are no special circumstances on the property which would allow staff to recommend approval for the requested eight-foot high, solid fence on the western boundary.

#### **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

(E) of the Placer County Environmental Review Ordinance (Class 3 - New construction of accessory structures).

**RECOMMENDATION:**

The following recommendations for the front fence and side fence are separated for clarity.

- A. Front Fence-Due to lack of special circumstances, staff is unable to support the requested Variance to allow an eight-foot high, solid fence within the front setback. However, because the adjacent property owner to the south has the ability to construct a solid six-foot fence on the same property boundary where the applicant is only allowed a three-foot solid fence, and because a six-foot high solid fence in between the two homes would not obstruct site distance on Dry Creek Road, staff is in support of a Variance to allow the applicant to construct a six-foot solid fence within the front setback.
  
- B. Side Fence – Due to lack of special circumstances, staff recommends denial of the request to allow an eight-foot solid fence along the western property boundary.

**Findings for Approval to allow a fence height of six (6) feet within the front (southern) setback:**

**CEQA:**

This project is categorically exempt from environmental review pursuant to provisions of Section 15301 of the California Environmental Quality Act Guidelines and Section 18.36.030 of the Placer County Environmental Review Ordinance (Class 1 – Existing facilities).

**Variance:**

1. There are special circumstances applicable to the southern property line of the subject property. In this case, the fence height limit for the southern boundary on the subject property is three feet for solid fencing, whereas the same boundary for the adjacent property to the south would allow a six-foot solid fence.
  
2. The granting of this Variance does not constitute a grant of special privileges inconsistent with limitations upon other residential properties in the vicinity and in the zone district, as the adjacent property to the south would be allowed to construct a six-foot fence on the same property boundary.
  
3. The granting of this Variance does not authorize a use that is not otherwise authorized in the zoning district. Approval of this Variance would authorize the construction of a six-foot solid fence.
  
4. The granting of this 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, or injurious to nearby property or improvements.
  
5. The Variance is consistent with the objectives, policies, general land uses and programs as specified in the Auburn Bowman Community Plan. Approval of this portion of the

Variance would be consistent with the Plan's objectives, policies and general land uses with regards to residential development.

6. The Variance is the minimum departure from the requirements of Chapter 17 (Zoning Ordinance) necessary to grant relief to the applicant, consistent with sections (a) and (b) above.

**Findings for Denial of a fence height of eight (8) feet within the side (western) setback:**

**CEQA:**

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 (E) of the Placer County Environmental Review Ordinance (Class 3 - New construction of accessory structures).

**VARIANCE:**

Having considered the staff report, supporting documents and public testimony, the Zoning Administrator hereby finds that:

1. There are **not** special circumstances applicable to the western side of the property, and the strict application of the provisions of Chapter 17 would not deprive the property of privileges enjoyed by other residential properties in the vicinity and under identical zoning classification. There are no unique constraints (size, shape or topography) to this property when compared to the other parcels in the area which would result in the need for a higher fence.
2. The granting of this Variance for an eight-foot solid, corrugated metal fence on the western side of the property **would** constitute a grant of special privileges inconsistent with limitations upon other residential properties in the vicinity and in the zone district. As noted during the site review, other solid fencing utilized in the neighborhood has been constructed to the required six-foot limit.

**ATTACHMENTS:**

Attachment A – Engineering and Surveying Memo  
Attachment B – Environmental Health Memo  
Attachment C – Site Plans  
Attachment D – Neighbors' letters of support  
Attachment E – Photos

cc: - Jackie Tsan, Engineering and Surveying Division  
- Laura Rath, Environmental Health Services  
- Gideon Coddington, Property Owner/Applicant



**COUNTY OF PLACER**  
**Community Development/Resource Agency**

Michael Johnson, AICP  
Agency Director

**ENGINEERING AND  
SURVEYING DIVISION**

Richard Eiri, Deputy Director

**MEMORANDUM**

**TO: LISA CARNAHAN, PLANNING SERVICES                      DATE: SEPTEMBER 24, 2015**

**FROM: JACKIE TSAN, ENGINEERING AND SURVEYING DIVISION**

**SUBJECT: PLN 15-00332; VARIANCE, ALLOW EIGHT FEET FENCE; DRY CREEK RD,  
AUBURN; CODDING; (APN: 076-211-013-000)**

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The applicant is requesting approval to build an eight feet fence. The Engineering & Surveying Department (ESD) **supports** the Development Review Committee's recommendation and has no comments or conditions.

ATTACHMENT A



## 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:** Laura Rath, REHS  
Land Use and Water Resources Section

**Date:** September 11, 2015

**Subject:** PLN 15-00332, Coddling, APN 076-21-013

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

*Perspective, Hope, and Opportunity*



Gideon and Valerie Coddling  
13861 Dry Creek Rd.  
Auburn, California 95602  
916.380.8818

3000  
1000  
2000

August 21, 2015

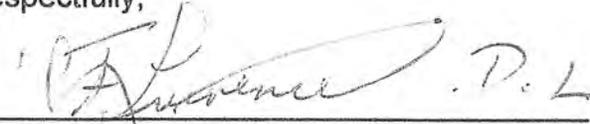
Dear Planning Commissioners;

I support my neighbor's application for a variance to construct a closed eight foot high fence along our shared property line.

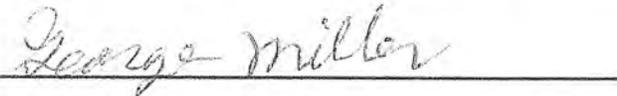
Due to the location and relative elevation differences between our respective homes, without this fence, we currently experience direct views through each other's windows.

We look forward to your action to grant this variance, in consideration of our mutual desire for privacy and enjoyment of our respective properties.

Respectfully,

  
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Owner, 13845 Dry Creek Road (westerly neighbor)

  
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Owner, 13851 Dry Creek Road (southerly neighbor)

  
\_\_\_\_\_

Owner, 13861 Dry Creek Road (variance applicant)



Google earth

miles  
km



*Residential fences in the vicinity of the project site.*



Google earth

miles 2  
km 3



*Residential fences in the vicinity of the project site.*



View of the neighbor's home to the west through the Applicant's bedroom window.



View of neighbor's home to the south.