



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

Michael J. Johnson, AICP  
Agency Director

**PLANNING**

EJ Ivaldi, Deputy Director

**Date: January 7, 2015**  
**Time: 1:30 PM**

**DATE:** December 31, 2014  
**TO:** Zoning Administrator  
**FROM:** Development Review Committee  
**SUBJECT:** PLN14-00215 – Variance to Two Front Setbacks  
**OWNER:** Raj and Reena Agrawal  
**APPLICANT:** Elise Fett  
**STAFF PLANNER:** Heather Beckman, Assistant Planner  
**ZONING:** Plan Area Statement 031 (Brockway Residential)  
**LOCATION:** 9902 Lake Street, Kings Beach  
**APN:** 090-324-002-000

**PROPOSAL:**

The property is located on the corner of Lake Street and Harbor Avenue and has two 45-foot required front setbacks; each measured from the center line of the traveled way. The applicant is requesting approval of a Variance to the Lake Street front setback to allow for a setback of 37.5 feet from the centerline of the traveled way for the construction of a covered entry way and 36.5 feet from the eaves. The applicant is also requesting a Variance to the Harbor Avenue required 45-foot front setback to allow for a setback of 39 feet from the centerline of traveled way for the construction of a residential addition and 38 feet from the eaves. The Variance request also includes a proposed covered porch west of the proposed residential addition, and would require a setback of 34 feet from the structural posts and 32 feet from the eaves, where a 45-foot setback is required

**CEQA COMPLIANCE:**

The Variance is categorically exempt from the provisions of CEQA per Section 18.36.050,; Class 3A New Construction of the Placer County Environmental Review Ordinance (CEQA Guidelines Section 15303).

**BACKGROUND/EXISTING CONDITIONS:**

The project site is located at 9902 Lake Street and is part of the Lake Vista Re-subdivision of Cal-Neva in Kings Beach, California, and is within Plan Area Statement 031 (Brockway Residential) zone district of the North Tahoe Community Plan. This developed 17,844 square foot parcel is surrounded by existing single-family residences and is directly adjacent to Lake Tahoe. The property is relatively narrow (70 feet wide), slopes moderately (eight percent) to the south, and transitions into a well vegetated and stable bluff adjacent to the beach of Lake Tahoe. The parcel is well vegetated with native Jeffrey pines and ground vegetation. The parcel is developed with a 2,758 square foot, 2-story residence, attached garage and a 643 square foot driveway. The property is located at the corner of Lake Street and Harbor Avenue; access is off of Lake Street. Lake Street is a private road that accesses five additional residences. Harbor Avenue is a Placer County Right of Way (ROW) that has recently been improved with a pervious paver pedestrian path to access Lake Tahoe and stormwater drainage improvements for the neighborhood.

The existing residence and garage encroach into both front setbacks and is presumed to be a legally existing nonconformity. Specifically the northeast corner of the garage is located 41 feet from the centerline of Lake Street (39 feet to eaves) and the residence is located 43 feet from the centerline of the Harbor Avenue ROW (41 feet to eaves).

**ANALYSIS/DISCUSSION:***Lake Street (Front Entry) Variance*

The existing entry is uncovered and has a steep roof that sheds directly onto the driveway. The project proposes to construct a minimal covered entry (including posts, a swooped overhang and curved dormer) over the existing driveway. The proposed entry is intended to provide for a safe ingress and egress to the front door of the existing residence as well as to provide functional improvements during the winter months. The structural posts require an encroachment of seven feet six inches into the required 45-foot setback and the eaves would encroach an additional one foot. Both the structural elements and eaves, however, would be located greater than 20 feet from the edge of the traveled way as required by Public Works Department. The existing garage also encroaches into the front setback four feet and, therefore, there are no alternatives to the placement of the covered entry.

*Harbor Avenue (Residential Addition) Variance*

The project proposes a 2-story addition, including a deck and covered porch, to the rear of the existing house. The existing residence currently encroaches 2.5 feet into the required 45-foot front setback from the centerline of the traveled way, and the eaves encroach an additional one foot. The applicant states that the location of the existing residence and interior floor plan largely drive the location of the proposed addition. Due to the location of the existing residence and in an effort to maintain continuity between the existing and proposed floor plans, the proposed addition cannot be readily located outside of the required front setback. As such, the proposed residential building would encroach six feet into the required front setback and the eaves would encroach an additional one foot.

The residential addition project also proposes a new covered porch located off of the western side of the new addition. As proposed, the structural posts would encroach 11 feet into the setback and the eaves would encroach an additional two feet.

As mentioned previously, Harbor Avenue is a Placer County ROW which allows access to Lake Tahoe. The ROW has been improved to allow for pedestrian-only access to Lake Tahoe and stormwater drainage improvements for the neighborhood.

The residential addition to the south of the residence (excluding the covered porch) would be permissible pursuant to an Administrative Approval (Zoning Ordinance 17360.105.A.1) that allows for up to a 50percent reduction in the required setback from a road easement where the minimum setback for the applicable zone district is met (i.e. 20 feet from the property line). The proposed residential building does meet the 20-foot from property line requirement and also the 50 percent reduction, or 22.5 feet from the centerline of the traveled way.

### Summary

Development in older subdivisions such as this tended to locate structures closer to the ROW to facilitate access and minimize snow removal. Therefore the proposed encroachments into the required 45-foot front setback of Lake Street is comparable with adjacent properties in the general vicinity and would not grant a special privilege or pose a detriment to the surrounding neighborhood and streetscape. The proposed entry and addition are allowable accessory uses to single-family residences and do not increase the density of the existing single-family residence and no living space is proposed within the required front setback. The residential addition is located to the rear of the existing development which already encroaches into the required 45 foot front setback of Harbor Avenue. In order to maintain continuity of the residence (both architecturally and floor plan designs), the proposed addition must likewise encroach into the setback.

Based upon these circumstances, which provide support for the reduced setback on the subject property, it can be determined that there will be no significant impacts created should the Variance to the two front setbacks for the construction of a covered front entry and residential addition and porch be approved.

### RECOMMENDATION:

Staff recommends the Zoning Administrator find the project to be categorically exempt from the California Environmental Quality Act (CEQA) and approve the Variances to allow for f37.5-foot setback (36.5 feet to eaves) from the Lake Street required 45-foot front setback, 39-foot setback (38 feet to eaves) from the Harbor Avenue required 45-foot front setback and a 34-foot setback (32 feet to eaves) from the required 45-foot setback. based on the following findings and subject to the recommended conditions of approval (Attachment A).

### 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, A (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 new, small facilities or structures, including but not limited to accessory structures including garages. 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 the two front setbacks, relatively narrow parcel width (70 feet), and existing building location and design. Because of such circumstances, the strict application of this chapter would deprive the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. Specifically, the location of the proposed front entry is dictated by the existing garage and the location of the proposed residential addition and porch is dictated by the existing single-family residence as described in the staff report. The covered entry will provide for safe ingress and egress for the property as well as functional improvements in the wintertime. These listed conditions create special circumstances applicable to the project which would otherwise warrant the Variance requested.*
- 2. The Variance authorized does 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 construction of a covered entry and residential addition is in keeping with the existing single-family residences within the general vicinity. Therefore, based on the existing on-site conditions,*

*the location of the existing single-family residence, and the need to address safe ingress/egress it can be determined that the setbacks proposed will be adequate and will not constitute a grant of special privileges.*

3. *The Variance does not authorize a use that is not otherwise allowed in the zoning district in that the construction of a covered entry and residential addition are allowed accessory uses to a single-family residence which are an allowed use within the Single-Family Residential zoning district of the Placer County General Plan and the use will be a compatible use within this location.*
4. *The granting of the 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, nor injurious to nearby property or improvements in that the proposed covered entry and residential addition will be constructed within the confines of the subject parcel and will not encroach over the property lines. The covered entry will assist in the public health and safety by providing for safe ingress/egress to the residence. The residential addition that is proposed to encroach into the Harbor Avenue front setback will not impede current or future access to Lake Tahoe or improvements to the ROW. These factors will ensure that the granting of the Variance will not create a detriment to the public or the general welfare of the residents or neighboring residences or residents.*
5. *The Variance is consistent with the intent of the Placer County General Plan and the Single-Family Residential Zoning District in that covered entries and residential additions are allowed accessory uses to existing single-family residences and the Variance is to allow the encroachment into the Lake Street and Harbor Avenue required 45-foot front setbacks is also supported by the additional findings described in this staff report.*
6. *The Variance is the minimum departure from the requirements of the 45 foot front setbacks for the Plan Area Statement 031 Brockway Residential zone district of the North Tahoe Community Plan and Placer County General Plan and is necessary to grant relief to the applicant in that: (1) the proposed location of the covered entry is dictated by the location of the existing residence which already encroaches into the setback and the need for protected ingress/egress to the existing residence and (2) the residential addition and porch allows for a moderate expansion of an existing residence which is commensurate in size and use of other residences in the neighborhood.*

**ATTACHMENTS:**

- Attachment A - Planning Services Division  
Attachment B: Engineering and Surveying Department  
Attachment C: Environmental Health Department  
  
Attachment D - Project Plans

**PLANNING DEPARTMENT  
RECOMMENDED CONDITIONS OF APPROVAL  
APPLICATION NO. PLN14-00215  
9902 LAKE STREET  
AGRAWAL VARIANCE**

---

1. The Variance (PLN14-00215) is approved to allow for a setback of 37.5 feet from the centerline of the traveled way of Lake Street for the construction of a covered entry way and 36.5 feet from the eaves. The Variance also approves a setback of 34 feet from the centerline of traveled way of Harbor Avenue (32 feet to eaves) for the construction of a residential addition and covered porch to the existing single-family residence located at 9902 Lake Street in the Kings Beach area of California, APN 090-324-002 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 January 7, 2014, 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 24 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. 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, Truckee Fire 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 Agrawal Variance Project PLN14-00215. 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: Heather Beckman, Planning Services Division  
Nicole Hinkle, Planning Services Division**

**DATE: Rev.- Dec. 31, 2014**

**FROM: Andy Deinken, Engineering and Surveying Division**

**SUBJECT: PLN14-00215: variance to front setbacks; 9902 Lake Street; Brockway Vista;  
Agrawal; (APN: 090-324-002)**

The applicant requests approval for the following modifications to an existing single family residence: a proposed entry roof on the north side of the residence will encroach approximately 9.4' into the 45' centerline setback from Lake Street (a County-maintained right of way); a proposed living space addition to the south side of the residence will encroach approximately 6.4', including eaves, into the 45' centerline setback from Harbor Avenue (a non-County-maintained right of way); and a proposed deck, a portion of which is covered, includes eaves which will extend approximately 12.9' into the 45' centerline setback from Harbor Avenue. The existing structure, including eaves, extends approximately 5' into the 45' centerline setback from Lake Street, and approximately 3' into the 45' centerline setback from Harbor Avenue. 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 Building Permit issuance, dedicate to Placer County a 20' wide snow storage easement along the property frontage on Lake Street. The County Surveyor will prepare the legal description of the Snow Storage Easement document. The document can be obtained by contacting the ESD. Prior to Building Permit issuance, the easement paperwork must be signed and notarized, and returned to the County.
2. Prior to Building Permit issuance, the applicant shall obtain from the Department of Public Works an encroachment permit for the portion of the single family residence located within the required easement. Said permit shall be in recordable form and hold Placer County harmless from any damage resulting to the structure.



**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:** December 26, 2014  
**Subject:** PLN 14-00215, Agrawal, APN 090-324-002

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

*Perspective, Hope, and Opportunity*

