



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

Planning Services Division

E.J. Ivaldi, Deputy Director

HEARING DATE: September 15, 2015
TIME: 2:00 P.M.

DATE: September 3, 2015
TO: Zoning Administrator
FROM: Development Review Committee
SUBJECT: PLN15-00310 Estes Variance
OWNER: Phil and Nancy Estes
APPLICANT: Luke Dragovich, Drago Design & Build
STAFF PLANNER: Heather Beckman, Assistant Planner
ZONING: Plan Area Statement 018 (Flick Point/Agate Bay Residential)
LOCATION: 5680 North Lake Boulevard, Carnelian Bay
APN: 116-100-003-000

PROPOSAL:

The subject property is located at 5680 North Lake Boulevard and has a required 20-foot front setback as measured from the property line. The applicant is requesting a Variance to recognize the existing single family dwelling that was legally permitted but built in the wrong location, and to construct an addition on the north side of the residence and a new covered entry. Specifically the Variance requests a reduced front setback of nine feet to the existing garage (eight feet to eaves), 19 feet 11 inches to the existing house and proposed addition (18 feet 11 inches to eaves) and 14 feet to the proposed covered entry (13 feet to eaves).

CEQA COMPLIANCE:

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

BACKGROUND/EXISTING CONDITIONS:

The project site is located at 5680 North Lake Boulevard and is part of the Dollar Point Unit 1 Subdivision in Carnelian Bay, California, and is within Plan Area Statement 018 (Flick Point/Agate Bay Residential). This developed 8,618 square foot parcel is located within a residential neighborhood and is directly adjacent to Lake Tahoe. The parcel has a 20-foot required front setback, side setbacks are five and ten

feet respectively, and the rear set back is 10 feet. As the property is directly adjacent to Lake Tahoe, the Tahoe Regional Planning Agency (TRPA) Backshore Boundary standards apply and are more restrictive than the 10-foot rear setbacks. The parcel is also subject to the 100 year floodplain which is associated with Lake Tahoe. The proposed project is located outside of the floodplain limits. The parcel has approximately 18 to 20 percent slopes within the developed portion of the property, and has slopes greater than 30 percent directly adjacent to Lake Tahoe. The parcel is well vegetated with native Jeffrey pines, Lodgepole pines and ground vegetation.

The parcel is developed with a 3,378 square foot two-story residence (with additional basement level) and attached one-car garage. The existing garage and residence encroach into the front setback 10 feet and one foot respectively. These structures were legally permitted as part of the original 1976 permit, but appear to have been constructed in the wrong location.

ANALYSIS/DISCUSSION:

Single family dwellings are an allowed use in this zoning district. The project proposes to add a covered entry to the residence and a living space addition on the north side of the residence. The covered entry will provide access to the residence that is protected from inclement weather. The proposed entry is located 14 feet from the front property line (13 feet to eaves) and 32 feet from the edge of pavement. Due to the existing location of the residence, there is no other logical place to locate the entry.

The proposed residential addition is 19 feet 11 inches from the property line (18 feet 11 inches to eaves) and 36 feet from the edge of pavement; the same distances as the existing residence. Both of the proposed additions do not extend beyond the existing nonconformity.

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 required front setback for the construction of a new covered entry and living space addition 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 Variance to allow for a reduced front setback of nine feet to the existing garage (eight feet to eaves), 19 feet 11 inches to the existing house and residential addition (18 feet 11 inches to eaves) and 14 feet to the proposed covered entry (13 feet to eaves). This recommendation is 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. All development on the property (i.e. residence and garage) currently encroaches into the required 20-foot front setback. The proposed covered entry allows for protected access into the residence. Due to the location of the existing structures there is no other alternative for the covered entry. The proposed living space addition is very modest in size and encroaches one foot into the front setback; exactly the same as the existing residence. Therefore there is no increase to the*

nonconformity. Both the covered entry and living space addition are located well away from the North Lake Boulevard Right of Way (32 and 36 feet respectively) and pose no safety hazards related to snow removal and maintenance. 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.

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 covered entries and residential additions are 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 previously approved covered entry, 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 an enclosed covered entry is an allowed accessory use to a single-family residence 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 this 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 proposed residential additions are greater 20 feet from the edge of pavement and are less than the existing encroachments on the site. Furthermore, the granting of this Variance improves the public health and safety for the residents and visitors to this property as the covered entry provides protection from inclement weather and snow removal activities.*
5. *The Variance is consistent with the intent of the Placer County General Plan and the Single-Family Residential Zoning District in that residential additions are allowed accessory uses to existing single-family residences. The Variance to allow for the encroachment into the North Lake Boulevard front setback is also supported by the additional findings described in this staff report.*
6. *The Variance is the minimum departure from the requirement of the 20-foot front setback for the Plan Area Statement 018 Flick Point/Agate Bay zone district of the North Tahoe Community Plan and Placer County General Plan and is necessary to grant relief to the applicant in that the project proposed to enclose a previously approved covered entry which already encroaches into the front setback and does not add additional structures within the setback.*

ATTACHMENTS:

Attachment A: Planning Services Division Memo
Attachment B: Engineering and Surveying Division Memo
Attachment C: Environmental Health Services
Attachment D: Site Plans

cc: Ed Staniforth, Engineering and Surveying Division
Laura Rath, Environmental Health Services
Luke Dragovich with Drago Design & Build, Applicant
Phil & Nancy Estes, Property Owners

**PLANNING SERVICES DIVISION
RECOMMENDED CONDITIONS OF APPROVAL
APPLICATION NO. PLN15-00310
5680 NORTH LAKE BOULEVARD
ESTES VARIANCE**

1. The Variance (PLN15-00310) is approved to allow for front setback of nine feet to the existing garage (eight feet to eaves), 19 feet 11 inches to the existing house and residential addition (18 feet 11 inches to eaves) and 14 feet to the proposed covered entry (13 feet to eaves) in the Carnelian Bay area of California, APN 116-100-003 and as shown on the submitted site plans, project description and correspondence on file in the Community Development Resource Agency, except as modified by the conditions of approval.
2. The effective date of approval shall be September 15, 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 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. 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 Estes Variance Modification Project PLN15-00310. 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
Julie Leipsic, Planning Services Division

DATE: August 27, 2015

FROM: Ed Staniforth, Engineering and Surveying Division

SUBJECT: PLN15-00310: Variance to front setback; 5680 North Lake Boulevard; Agate Bay; Estes; APN: 116-100-003

The applicant requests a variance to the 20 foot front setback for the following: an EXISTING two car garage requiring a setback of approximately 9 feet to face of garage, a new covered entry requiring a setback of approximately 13 feet to the eaves, and a new kitchen pop-out requiring a setback of approximately 19 feet to the eaves. The Engineering & Surveying Division (ESD) supports the Development Review Committee's recommendation for this Variance application subject to the following conditions of approval:

1. No living space is permitted within the portion of the structure that is proposed within the required front setback, unless otherwise approved as part of this application. Any windows of the proposed structure within the setback shall be tempered or wired safety glass or equivalent.
2. Prior to Building Permit issuance, provide the Engineering and Surveying Division with permits/comments from TRPA indicating their 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: Laura Rath, REHS
Land Use and Water Resources Section

Date: August 28, 2015

Subject: PLN 15-00310, Estes, APN 116-100-003

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

Perspective, Hope, and Opportunity

Project Participants

Owner:
Phil & Nancy Estes
120 Crown Terrace
Orinda, CA 94653

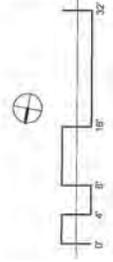
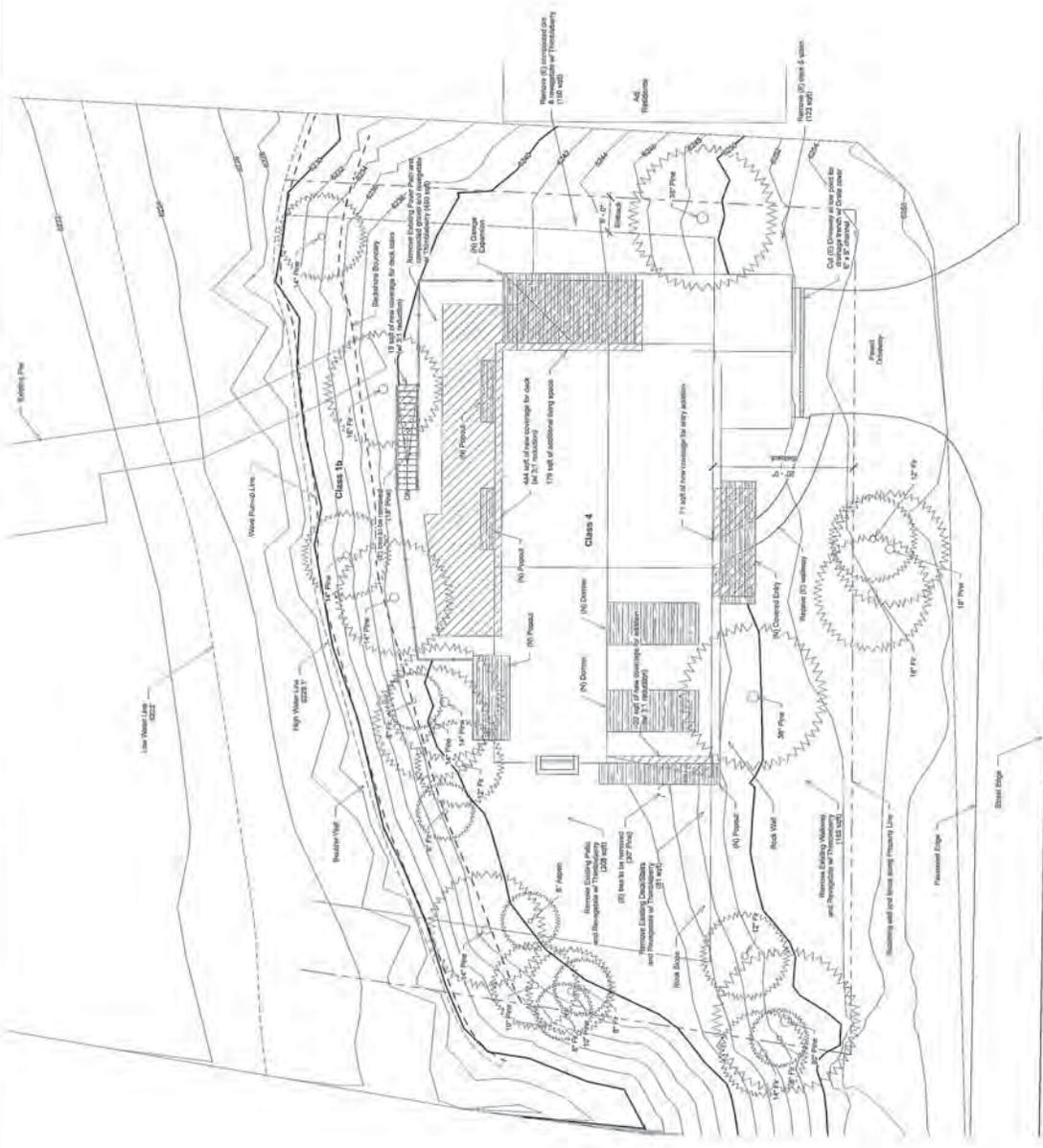
Design:
Drago Design + Build
PO Box 948
11000 Agate Bay Blvd
Orinda, CA 94653
775.527.1258
Contact: Luke Dragovich

Contractor:
Dragovich Construction
2760 Northstar Rd
Reno, NV 89521
775.846.8748
Contact: Steve Dragovich

Vicinity



Lot	Existing (sqft)	Proposed (sqft)
Upper Level	1008	1032
Main Level	1971	1971
Lower Level	1137	1137
Garage	1401	600



REVISIONS
1/07/15
DGA

1 Site Plan Variance
1/8" = 1'-0"