



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

Michael J. Johnson, AICP  
Agency Director

**Planning Services Division**

EJ Ivaldi, Deputy Director

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

**DATE:** August 31, 2015  
**TO:** Zoning Administrator  
**FROM:** Development Review Committee  
**SUBJECT:** PLN15-00285 Harris Variance  
**OWNER:** Joe Harris  
**APPLICANT:** Joe Harris  
**STAFF PLANNER:** Heather Beckman, Assistant Planner  
**ZONING:** Plan Area Statement 023 (Tahoe Vista Residential)  
**LOCATION:** 7169 North Lake Boulevard, Tahoe Vista  
**APN:** 117-100-021-000

**PROPOSAL:**

The subject property is located at 7169 North Lake Boulevard and is a triangular shaped parcel. The property has a 45-foot required front setback as measured from the center line of Pino Grande Avenue, a 20-foot required front setback from the property line that fronts North Lake Boulevard, and a five foot side setback. The applicant is requesting a Variance to recognize the existing single family dwelling that was legally permitted in 1956 but encroaches into all setbacks. The Variance also requests reduced front and side setbacks for a proposed garage, covered entry and second story living area addition. Specifically the Variance requests the following setbacks:

<b>Requested Pino Grande Avenue Front Setback (Required 45 foot setback - Centerline of Traveled Way)</b>		
<b>Improvement</b>	<b>Setback to Structure</b>	<b>Setback to Eave</b>
Existing Residence	37' 5"	35' 6"
Garage Addition	26'	24'
Second Story Living Space Addition	37'	35'
New Covered Entry	24'	21'

<b>Requested North Lake Blvd. (Hwy 28) Front Setback (Required 20 foot setback - Property Line)</b>		
<b>Improvement</b>	<b>Setback to Structure</b>	<b>Setback to Eave</b>
Existing Residence	4' 6"	2'
Second Story Living Space Addition (over existing residence footprint)	9'	7'
Second Story Living Space Addition (beyond existing residence footprint)	7'	5'

<b>Requested Side Setback (Required 5 foot setback - Property Line)</b>		
<b>Improvement</b>	<b>Setback to Structure</b>	<b>Setback to Eave</b>
Existing Residence	4"	0"
Second Story Deck Over Existing Residence	4"	NA
Second Story Living Space Addition (over existing residence footprint)	6'	4'
Garage Addition	6'	4'

**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 7169 North Lake Boulevard and is within the Plan Area Statement 023 (Tahoe Vista Residential) zone district of the Placer County General Plan. This developed 4,631 square foot parcel is located within a residential neighborhood. The parcel is triangular in shape and is bordered by a single family residence to the north, and by Pino Grande Avenue and North Lake Boulevard to the east and south respectively. Pino Grande Avenue is not a County maintained road.

The property is developed with a 1,155 square foot residence and does not have a garage. Although the residence was legally permitted in approximately 1956, it appears to have been constructed within all three setbacks. The property is minimally vegetated and is characterized by an approximate 10 percent slope across the developed area; slopes from the Pino Grande Avenue Right of Way (ROW) to the front setback are approximately 21 percent. Access to the property is currently from North Lake Boulevard and crosses the adjacent privately owned property. Parking for the property is located both onsite and on the adjacent property.

**ANALYSIS / DISCUSSION:**

Single family dwellings are an allowed use in this zoning district. The project proposes to remove the North Lake Boulevard access and create a new access point from Pino Grande Avenue and add a 568 square foot garage and 70 square foot covered entry. The project also proposes to add 1,000 square feet of second floor living space both directly above the existing residence and extending beyond the existing residential footprint. The parcel is highly constrained as a result of the small size, triangular shape and two front setbacks. The buildable area outside of the required setbacks is 686 square feet.

As was mentioned previously, the existing residence was legally permitted but constructed in the wrong location, thus the location of the residence also limits the remaining buildable area on the parcel.

The proposed new access and garage addition relocate all access and parking fully onto the subject parcel, as well as provides safe ingress and egress to the structure during inclement weather. Although access from Pino Grande Avenue to the building site has a 21 percent downslope and meets the slope criteria for a Reduced Setback for Parking (Ordinance 17.54.140.A.2.b), the proposed structure does not meet the required eight foot distance from the side property line in order to take advantage of the exception. At its closest point, the proposed garage is located 20 feet nine inches from the Pino Grande Avenue edge of pavement, which is not a Placer County maintained road. The applicant explored other alternatives such as locating the access and garage addition off of North Lake Boulevard, but there was not enough physical space to accommodate this within the property boundaries.

The proposed second story living space is largely located on top of the footprint of the existing residence. There are two areas (one each on the Pino Grande Avenue and the North Lake Boulevard frontages) where the additional second story living area extends beyond the first story footprint. These areas, however, encroach less than the existing first story footprint. In other words, the proposed addition does not extend beyond the existing nonconformity. At its closest point the residence is located 36 feet from North Lake Boulevard edge of pavement, which is maintained by Caltrans.

**RECOMMENDATION:**

Staff recommends the Zoning Administrator find the project to be categorically exempt from the California Environmental Quality Act (CEQA) and approve a Variance to recognize the following:

<b>Requested Pino Grande Avenue Front Setback (Required 45 foot setback - Centerline of Traveled Way)</b>		
<b>Improvement</b>	<b>Setback to Structure</b>	<b>Setback to Eave</b>
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**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. *The subject parcel is triangular in shape, small in size, has two front setbacks and the existing residence encroaches into all setbacks. As such, the buildable area of the parcel is highly constrained. Additionally, the existing access is from North Lake Boulevard and crosses the adjacent, privately owned, parcel. Parking for the subject parcel is located onsite and on the adjacent parcel. Relocation of the access point relieves traffic pressure on North Lake Boulevard, remedies the impact to the adjacent parcel, and provides protected ingress and egress to the subject residence. Furthermore, the location of the garage addition is driven by the existing residence. The second story living space addition is largely located above the existing residential footprint, and in the two locations that it extends beyond the existing residence it is located further back than the existing encroachment. 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 residential development is in keeping with the existing single-family residences within the general vicinity. In fact, it appears that development on adjacent parcels likewise encroach into their respective front setbacks. Therefore, based on the existing on-site conditions and the location of the existing single-family residence, 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 single family dwellings 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 closest structure (existing or proposed) on the subject parcel is located 32 feet from Pino Grande Avenue and 36 feet from the North Lake Boulevard edge of pavement. Neither of these roads is maintained by Placer County. 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 garage and residential addition will be constructed within the confines of the subject parcel and will not encroach over the property lines.*

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 uses. The Variance to allow for the encroachment into the Pino Grande Avenue and North Lake Boulevard front setbacks, and the side 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 45 and 20 foot front setbacks, and five foot side setback for the Plan Area Statement 023 Tahoe Vista Residential zone district of the North Tahoe Community Plan and Placer County General and is necessary to grant relief to the applicant in that the proposed location of the access, garage and second story living space is dictated by the location of the existing residence which already encroach into the respective setbacks.*

**ATTACHMENTS:**

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

cc: Andy Deinken - Engineering and Surveying Division  
Laura Rath - Environmental Health Services  
Joe Harris – Owner / Applicant

**PLANNING SERVICES DIVISION  
RECOMMENDED CONDITIONS OF APPROVAL  
APPLICATION NO. PLN15-00285  
7169 NORTH LAKE BOULEVARD  
HARRIS VARIANCE**

1. The Variance (PLN15-00285) is approved to allow for a Variance to the following:

<b>Requested Pino Grande Avenue Front Setback (Required 45 foot setback - Centerline of Traveled Way)</b>		
<b>Improvement</b>	<b>Setback to Structure</b>	<b>Setback to Eave</b>
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This Variance is for the existing single family dwelling Tahoe Vista area of California, APN 117-100-021 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. Prior to building permit issuance, the applicant shall provide an Exhibit signed and stamped by a licensed Land Surveyor that precisely identifies the distance from the existing residence to the boundary common to this lot and Lot 30 to the north, to the satisfaction of the County Surveyor. This certification will be used to verify that the existing residence structure location is consistent with the project site plan, which currently indicates that no portion of the structure encroaches upon the property boundary.
4. Prior to submission of the building application, the property owner shall submit a Voluntary Merger application. The property owner shall merge Assessor Parcel Numbers 117-100-021 (Lots 31 and 32) and record the Voluntary Merger approval prior to the issuance of any occupancy approvals.
5. 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 Harris Variance Project PLN15-00285. 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.





## 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

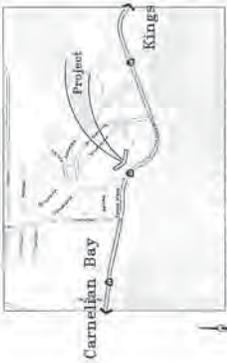
**From:** Laura Rath, REHS  
Land Use and Water Resources Section

**Date:** August 19, 2015

**Subject:** PLN 15-00285, Harris, APN 117-100-021

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

*Perspective, Hope, and Opportunity*



**VICINITY MAP**  
**SITE NOTES**

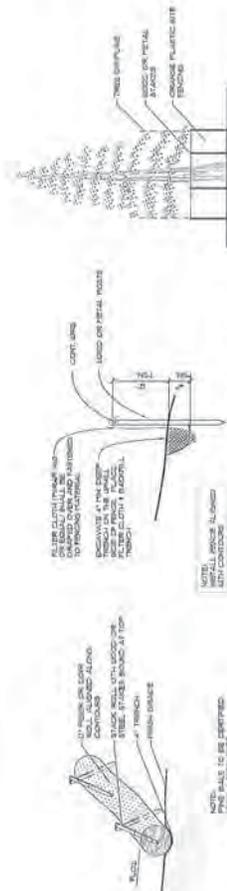
- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES TO REMAIN ON THE SITE.
- 2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
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- 9. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 10. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

**REVEGETATION NOTES**

- 1. ALL REVEGETATION SHALL BE REPLANTED WITHIN 90 DAYS OF THE COMPLETION OF THE PROJECT.
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- 10. ALL REVEGETATION SHALL BE REPLANTED WITHIN 90 DAYS OF THE COMPLETION OF THE PROJECT.

**DEFENSIBLE SPACE NOTES**

- 1. ALL DEFENSIBLE SPACE SHALL BE MAINTAINED AT ALL TIMES.
- 2. ALL DEFENSIBLE SPACE SHALL BE MAINTAINED AT ALL TIMES.
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- 10. ALL DEFENSIBLE SPACE SHALL BE MAINTAINED AT ALL TIMES.



**PINE BALE DIKE**

**FILTER FABRIC FENCE**

**TREE PROTECTION**

**SCOPE OF WORK**

THE SCOPE OF WORK FOR THIS PROJECT IS TO PROVIDE DEFENSIBLE SPACE AND TREE PROTECTION FOR THE PROPOSED RESIDENCE AND GARAGE. THE WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO THE APPROVAL OF THE LOCAL AGENCIES.

**DESIGN CRITERIA**

THE DESIGN CRITERIA FOR THIS PROJECT ARE BASED ON THE LOCAL REGULATIONS AND STANDARDS. THE DESIGNER HAS CONSIDERED ALL RELEVANT FACTORS AND HAS PROVIDED A DESIGN THAT MEETS ALL REQUIREMENTS.

**SITE DATA**

ITEM	DESCRIPTION	QUANTITY	UNIT
1	DEFENSIBLE SPACE	100	LINEAR FEET
2	TREE PROTECTION	5	TREES
3	PINE BALE DIKE	200	LINEAR FEET
4	FILTER FABRIC FENCE	100	LINEAR FEET
5	CONCRETE	100	CY
6	STEEL	100	LB
7	WOOD	100	CU YD
8	PAINT	100	GAL
9	LANDSCAPING	100	SQ YD
10	UTILITIES	100	LINEAR FEET

**COVERAGE EXEMPTIONS**

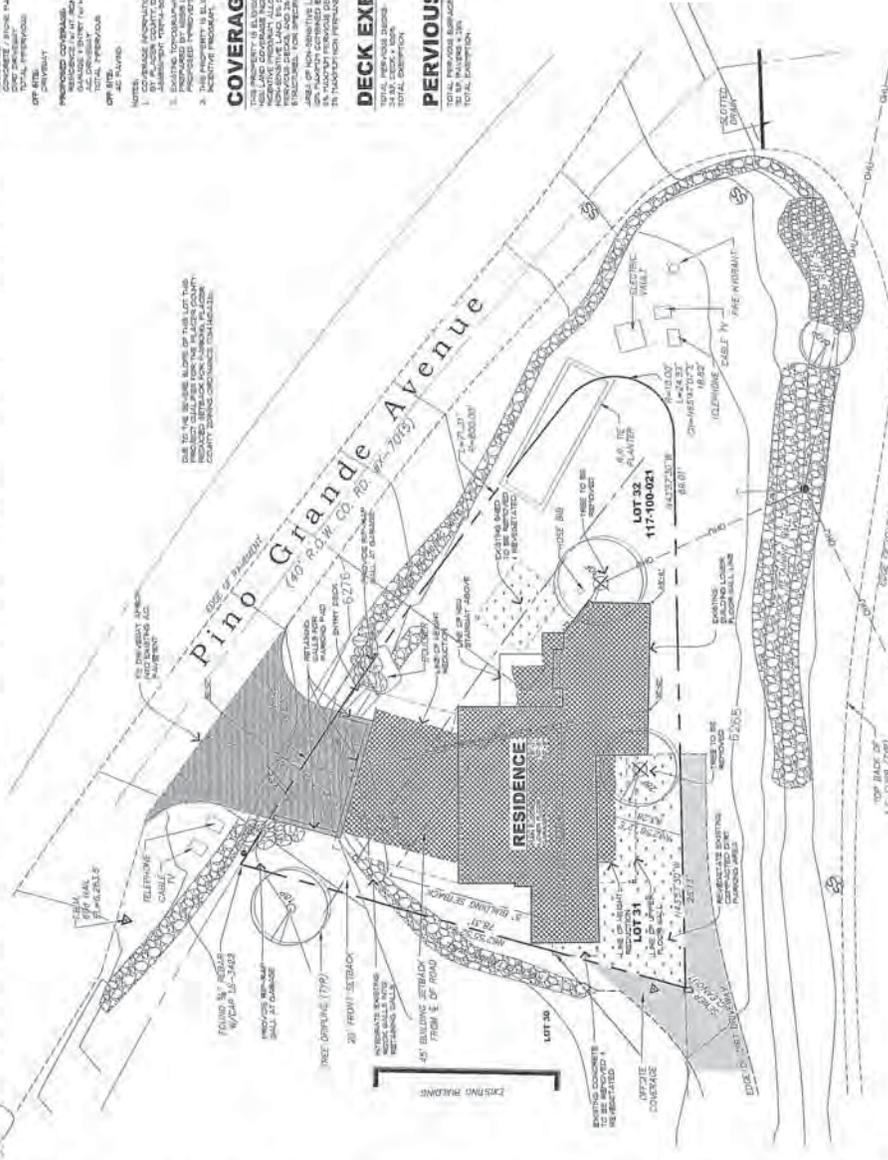
- 1. THE PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE LOCAL REGULATIONS.
- 2. THE PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE LOCAL REGULATIONS.
- 3. THE PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE LOCAL REGULATIONS.

**DECK EXEMPTIONS**

- 1. THE PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE LOCAL REGULATIONS.
- 2. THE PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE LOCAL REGULATIONS.
- 3. THE PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE LOCAL REGULATIONS.

**PERVIOUS SURFACES**

- 1. THE PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE LOCAL REGULATIONS.
- 2. THE PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE LOCAL REGULATIONS.
- 3. THE PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE LOCAL REGULATIONS.



North Lake Blvd.

**SITE PLAN**



1" = 10'

**A-1.1**

RECEIVED  
10.27.2015  
CDRA

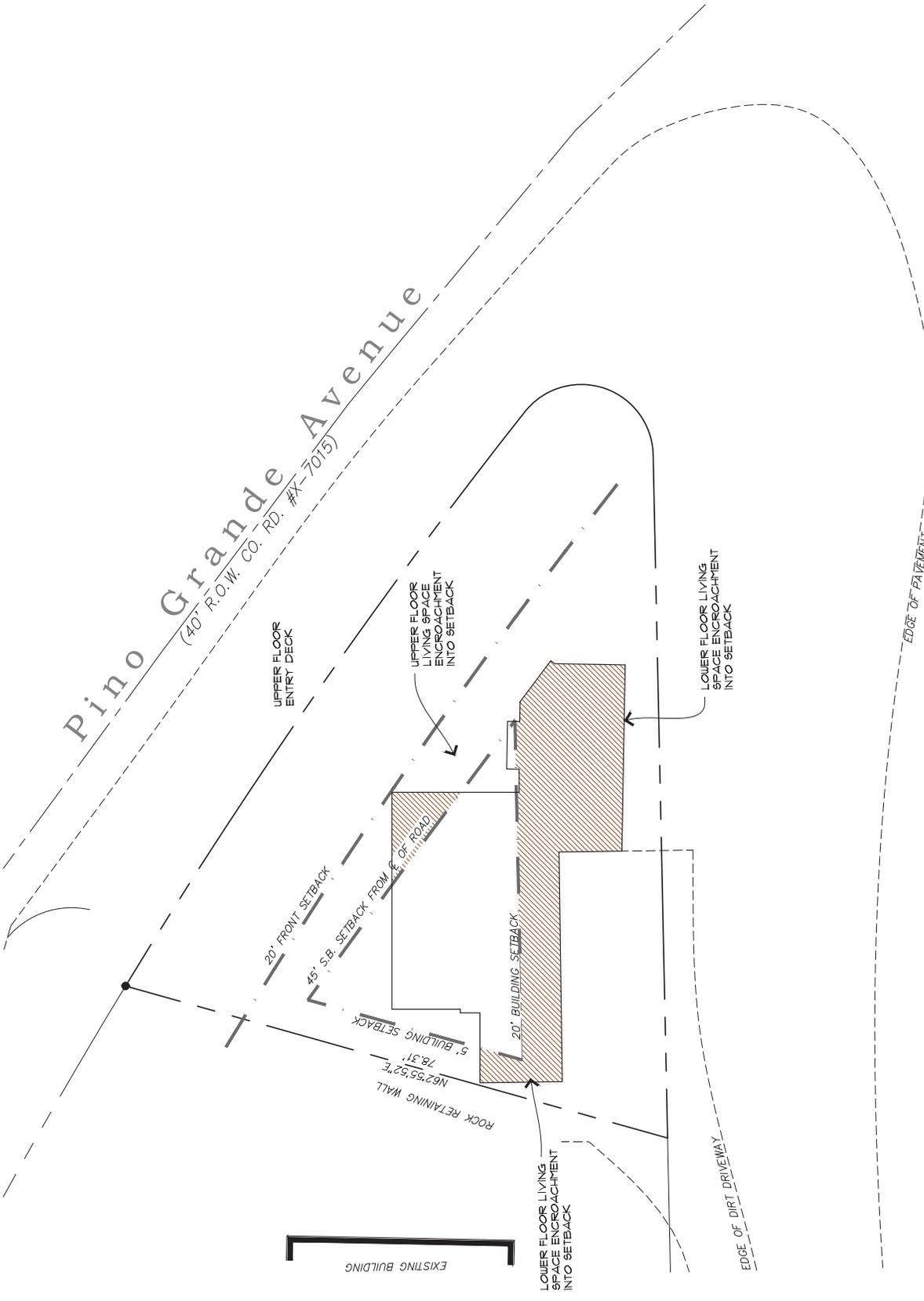
PROJECT NO. 117-100-021  
DATE: 10/27/15

HARRIS  
ARCHITECTS  
117-100-021  
117-100-021

Harris  
Addition

**SITE PLAN**

DATE: 10/27/15  
PROJECT NO. 117-100-021



Pino Grande Avenue  
 (40' R.O.W. CO. RD. #X-7015)

North Lake Blvd.

1" = 10'-0"

1 INCH = 10 FOOT

EXISTING LIVING SPACE

EXISTING BUILDING

UPPER FLOOR ENTRY DECK

UPPER FLOOR LIVING SPACE ENCROACHMENT INTO SETBACK

LOWER FLOOR LIVING SPACE ENCROACHMENT INTO SETBACK

20' FRONT SETBACK

45' S.B. SETBACK FROM EDGE OF ROAD

5' BUILDING SETBACK

20' BUILDING SETBACK

ROCK RETAINING WALL

LOWER FLOOR LIVING SPACE ENCROACHMENT INTO SETBACK

EDGE OF DIRT DRIVEWAY

EDGE OF PAVEMENT

