

COUNTY OF PLACER Community Development Resource Agency

Michael J. Johnson, AICP Agency Director

PLANNING

Paul Thompson
Deputy Planning Director

HEARING DATE: April 18, 2013

TIME: 9:10 A.M.

DATE:

April 5, 2013

TO:

Zoning Administrator

FROM:

Planning Services Division

SUBJECT:

Variance to a side setback to allow an 860 square foot addition to an existing

single-family residence to be constructed with a 21-foot setback – PVAA 20130060

APPLICANT:

Matthew S. Picchi, Property Owner

STAFF PLANNER:

Roy Schaefer, Associate Planner

ZONING:

RA-B-X-10 AC. MIN. (Residential Agricultural with a minimum Building Site of

10 acres)

LOCATION:

South side of Colwell Road, 1/4 mile east of the intersection of Humphrey Road and

Colwell Road in Penryn (5630 Colwell Road)

APN:

032-092-051-000

PROPOSAL:

The applicant is requesting a Variance to a side (eastern property line) setback requirement to allow an 860 square foot addition to an existing 1,796 square foot, single-family residence to be constructed with a 21-foot side setback, where typically a 30-foot setback is required.

CEQA COMPLIANCE:

The project is categorically exempt from environmental review pursuant to provisions of Section 15305 of the California Environmental Quality Act Guidelines and Section 18.36.070 of the Placer County Environmental Review Ordinance (Class 5, Minor Alterations in Land Use Limitations).

BACKGROUND/ANALYSIS:

Staff conducted a field review of the project site on April 5, 2013. The 2.2-acre parcel is located on the south side of Colwell Road, ¼ mile east of the intersection of Humphrey Road and Colwell Road in Penryn. The subject property is zoned RA-B-X-10 (Residential Agricultural with a minimum Building

Site of 10 acres) and is designated Rural Estate (4.6-20 acre min) in the Horseshoe Bar/Penryn Community Plan.

The parcel is developed with a 1,796 square foot single-family residence and a 480 square foot detached garage. The residence is served by a well and a septic system. There are several native oak trees in the northern portion of the parcel and there is a seasonal drainage ditch with several oak trees in the southern portion of the parcel. Other surrounding parcels are developed with single-family residences and residential accessory structures.

Staff supports this Variance request to allow an 860 square foot addition to the existing single-family residence to be constructed with a 21-foot side setback from the eastern property boundary, where typically a 30-foot setback is required. Special circumstances include the fact that the parcel is only 2.2 acres in a zone district with a 10-acre minimum and the interior layout of the existing residence dictates where an addition can be constructed to harmonize with the existing structure. Due to such circumstances, the strict application of the Zoning Ordinance has been found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.

Environmental Health Services (EHS) and the Engineering and Surveying Division (ESD) supports the recommendation of approval for this Variance request. ESD has one recommended condition of approval.

RECOMMENDATION:

Staff recommends **approval** of this Variance request for a side setback requirement to allow an 860-square foot, addition to an existing single-family residence to be constructed with a 21-foot side setback from the east property boundary, based on the following findings and recommended conditions of approval.

FINDINGS:

CEOA FINDINGS

1. The project is categorically exempt from environmental review pursuant to provisions of Section 15305 of the California Environmental Quality Act Guidelines and Section 18.36.070 of the Placer County Environmental Review Ordinance (Class 5, Minor Alterations in Land Use Limitations).

VARIANCE FINDINGS

- 1. There are special circumstances applicable to the subject property that include the fact that the parcel is only 2.2 acres in a zone district with a 10 acre minimum and the interior layout of the existing residence dictates where an addition can be constructed to harmonize with the existing structure. Due to such circumstances the strict application of the Zoning Ordinance has been found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.
- 2. The granting of this Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
- 3. The Variance does not authorize a use that is not otherwise allowed in the RA-B-X-10 Zone District.

- 4. The granting of this 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.
- 5. The Variance is consistent with the *Horseshoe Bar/Penryn Community Plan and Placer County General Plan*.

CONDITIONS OF APPROVAL:

- 1. Approval of this Variance (PVAA 20130060) allows an 860 square foot addition to an existing single-family residence to be constructed with a 21-foot side setback from the east property boundary, where typically a 30-foot setback is required.
- 2. The applicant shall satisfy any conditions set forth by the California Department of Forestry or the serving Penryn Fire District.
- 3. The applicant shall obtain a Building Permit for the 860 square foot addition to the existing single-family residence from the Placer County Building Department.
- 4. The applicant shall 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 attorneys fees awarded in any proceeding brought in any State or Federal court, challenging the County's approval of that certain Project know as the PVAA 20130060, Picchi Variance to a side setback requirement. The applicant shall, upon written request of the County pay, or at the County's option reimburse the County for, all reasonable costs for defense of any such action and preparation of an administrative record, including the County staff time, costs of transcription 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 written request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition.
- 5. This Variance (PVAA 20130060) shall expire on April 29, 2015 unless previously exercised.

ATTACHMENTS:

- A. Memo from Engineering and Surveying Division
- B. Memo from Environmental Health Services
- C. Site Plan

cc: Engineering & Surveying Division Environmental Health Services

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COUNTY OF PLACER Community Development Resource Agency

ENGINEERING & SURVEYING

MARCH 15, 2013

DATE:

MEMORANDUM

TO:

ROY SCHAEFER, PLANNING DIV

NICOLE HAGMAIER, PLANNING DIV

FROM:

SHARON BOSWELL, ESD

SUBJECT:

PVAA 20130060: SIDE S/B; PICCHI; COLWELL RD; PENRYN;

(APN: 032-092-051)

This project requests approval of a side setback to 21' from side (easterly) property line to construct an 860 square foot addition to an existing single family residence. The Engineering & Surveying Division (ESD) **supports** the Development Review Committee's recommendation for this Variance application subject to the following recommended condition of approval:

1. Prior to Building Permit issuance, obtain an encroachment permit to reconstruct the existing driveway that connects to a publicly maintained road (Colwell Road), to a Plate R-18, LDM standard.



Placer County Health and Human Services Department

Richard J. Burton, M.D., M.P.H.Health Officer and Department Director

Wesley G. Nicks, R.E.H.S.
Director of Environmental Health,
Public Health and Animal Services

MEMORANDUM

DEPARTMENT OF HEALTH & HUMAN SERVICES ENVIRONMENTAL HEALTH SERVICES

To:

Zoning Administrator

From:

Laura Rath, REHS

Land Use and Water Resources Section

Date:

March 19, 2013

Subject:

PVAA 20130060, PICCHI, APN 032-092-051

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

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