

**Sorensen Variance – Appeal of  
the Planning Commission’s Denial  
of a Variance (PLN21-00460)  
Continued from July 12, 2022**

**Planning Staff – Adam Anderson**

# Hearing Purpose

At the Board hearing on July 12, 2022, the Board closed the public hearing for the Sorensen Variance Appeal and tentatively approved the appeal in a 4-0-1 vote (Supervisor Weygandt absent), and directed staff to return with conditions of approval and findings in support of the Variance.

# CEQA Finding

Find that the project is categorically exempt from CEQA pursuant to provisions of Sections 15303 of the California Environmental Quality Act Guidelines and Sections 18.36.050 of the Placer County Environmental Review Ordinance (Class 3 – New construction or conversion of small structures) The shop and retaining wall consist of 1,200 square feet in floor area, do not involve the use of significant amounts of hazardous substances and the surrounding area is not environmentally sensitive. There are no applicable exceptions to these findings pursuant to CEQA Guidelines section 15300.2 either, since the location of the structure is not in a particular sensitive environment, there are no cumulative impacts, and there are no unusual circumstances that create a reasonable possibility that the activity will have a significant effect on the environment. The site is also not a scenic highway or hazardous waste site, nor would the variance cause a substantial adverse change in the significance of a historical resource.

# Variance Findings

1. There are special circumstances applicable to the existing use of this property because there are limited available building sites due to most of the parcel being sloped towards Bear View Drive. The lot also contains existing trees and rock outcroppings that limit the buildable area to the proposed site. The proposed location would be the least impactful because it will not require additional tree removal or disturbance of rock outcroppings, while there is potential for greater environmental impacts should the building area be moved. Because of such circumstances, the strict application of Chapter 17.54.140 (Setbacks and Yards), Placer County Code, would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification. These listed conditions create special circumstances applicable to the subject property which would otherwise warrant the Variance requested.

# Variance Findings (Cont.)

2. The granting of a variance for the shop located 3.74 feet and a retaining wall 0 feet from a property line could be supported and would not constitute the granting of a special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zone district because a shop is an allowed use in the Farm zone. In addition, approval of the variance would not adversely affect safety and be injurious to nearby property or improvements. The encroachment of the shop located 3.74 feet and a retaining wall 0 feet from a property line would be minimal and would not be injurious to the neighbor at the distance requested.
3. 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 the nearby property or improvements in that the proposed shop and retaining wall will not encroach over other property lines. These factors ensure that the granting of the Variance will not create detriment to the public or general welfare of neighboring residences or residents.

# Variance Findings (Cont.)

4. The Variance is consistent with the intent of the Colfax Community Plan and the Placer County General Plan in that shops and retaining walls are an allowed use in the Farm zone district.
5. The variance is the minimum departure from the applicable requirements of Section 17.10.010(E) Farm zone, Site Development Standards, and Section 17.52.040(C)1, Building Site, Combining District Requirements as this variance is necessary to grant relief to the applicant and the building could not be located on other areas of the property.

# Conditions of Approval

Recommended conditions of approval for the Variance are contained in the staff report and require that all necessary grading, building permits, and encroachment permits be obtained.

# Recommendation

Staff recommends the Board of Supervisors take the following actions:

1. Take final action to approve the appeal filed by Sven Sorensen consistent with the tentative action taken previously by the Board on July 12, 2022.
2. Find the project is categorically exempt from the California Environmental Quality Act pursuant to Section 15303 of the CEQA Guidelines and Section 18.36.050 of the Placer County Environmental Review Ordinance (New Construction or Conversion of Small Structures).
3. Finalize the tentative action to uphold the appeal and approve the variance to allow an existing shop to be set 3.74 feet from the north property line where 30 feet is normally required, subject to the findings and Conditions of Approval found in the staff report.