



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson, AICP
Director of Planning

MEMORANDUM

DATE: SEPTEMBER 26, 2006

TO: HONORABLE BOARD OF SUPERVISORS

FROM: MICHAEL JOHNSON, DIRECTOR OF PLANNING

SUBJECT: Findings for Denial - Giarritta Variance Appeal (VAA-4274)

ACTION REQUESTED

As directed at the September 12, 2006 Board of Supervisors meeting, staff has prepared findings for denial for the Giarritta Variance appeal (VAA-4274) for review and action by the Board.

BACKGROUND/DISCUSSION

The Giarritta property is an approximately 5.09 acre parcel that is located at the end of Dusty Road in the Colfax area. Because of the property owner's continued commencement of work without the benefit of County staff review and approval, the project site has been the subject of numerous Code Enforcement actions over the past several years. With this current Variance application, the appellant was seeking approval of a Variance to legalize the placement of an existing residence on the project site that was sited in a manner contrary to the approved building permit.

After being considered and denied by the Zoning Administrator and the Planning Commission, the appeal was forwarded to the Board of Supervisors for review and consideration. At its September 12, 2006 meeting, the Board of Supervisors heard testimony from the appellant and surrounding neighbors regarding issues associated with the requested variance. Similar to the actions taken by the Zoning Administrator and Planning Commission, the Board expressed disappointment that the appellant chose to place the structure on the site in a manner inconsistent with the approved building permit. After considering the comments of the appellant and the adjoining neighbors, the Board unanimously adopted a motion (5-0) to recommend denial of the Variance application, and directed staff to prepare findings for denial. Staff has prepared the Findings for Denial (Exhibit 1) for review and consideration by the Board.

RECOMMENDED ACTION

Staff recommends the Board of Supervisors deny the Giarritta Variance Appeal (VAA-4274), based upon the testimony provided at the September 12, 2006 Board of Supervisors meeting and the Findings for Denial attached to this staff report (Exhibit 1).

Respectfully submitted,

MICHAEL J. JOHNSON, AICP
Director of Planning

ATTACHMENTS:

Exhibit 1 – Findings for Denial - Giarritta Variance Appeal (VAA-4274)

EXHIBIT 1
FINDINGS FOR DENIAL
Giarritta Variance Appeal (VAA-4274)

Based upon the testimony provided at the September 12, 2006 Board of Supervisors meeting, and pursuant to the provision of Placer County Code Chapter 17.060.100(D) (Action on a Variance - Findings), the following are the Findings of Denial for the Giarritta Variance Appeal (VAA-4274):

1. Application of the Zoning Ordinance setback requirements does not deprive the applicant of any privileges enjoyed by other properties in the vicinity under the identical zoning classification.
2. If authorized, the Variance could constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zone district, as the applicant illegally placed the manufactured home on the property, despite the fact that there was sufficient area available to place the structure in other parts of the property in a manner consistent with the requirements of the Placer County Code.
3. The granting of a Variance could, under the circumstances and conditions applied in this particular case, adversely affect public safety by locating a structure(s) closer to the property lines than otherwise allowed and potentially impact a roadway easement that serves an additional parcel beyond this site.
4. The requested Variance is not the minimum departure from the requirements of the ordinance necessary to grant relief to the applicant, since the residence could have been placed in another location had the applicant graded the site with the proper approvals and consistent with the Placer County Code.

