



COUNTY OF PLACER
Community Development/Resource Agency

**Planning Services
Division**

Michael J. Johnson, AICP
Agency Director

EJ Ivaldi
Deputy Director of Planning

HEARING DATE: May 22, 2014
ITEM NO.: 3
TIME: 10:35 am

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: May 15, 2014
SUBJECT: EXPO FLOORS LLC.
APPEAL OF THE ZONING ADMINISTRATOR'S DENIAL OF A VARIANCE
(PVAA 20130277)
CATEGORICAL EXEMPTION
SUPERVISORIAL DISTRICT 4, UHLER

COMMUNITY PLAN AREA: Granite Bay Community Plan

COMMUNITY PLAN DESIGNATION: Rural Estate (4.6-20 acre min.)

ZONING: RA-B-X 4.6 Ac. Min. (Residential Agriculture District, combining minimum Building Site of 4.6 acres)

ASSESSOR'S PARCEL NUMBER: 036-180-046-000

STAFF PLANNER: Roy Schaefer, Associate Planner

LOCATION: The project is located at 8300 Moss Court which is immediately north of the intersection of Auburn Folsom Road and Moss Lane in the Granite Bay area.

APPLICANT: Expo Floors, LLC.

APPELLANT: Expo Floors, LLC.

PROPOSAL:

The applicant/appellant, Expo Floors LLC, is appealing the Zoning Administrator's denial of a Variance application. The applicant requested a Variance to exceed the height limit within the front (Moss Lane and Moss Court) and side (north property boundary) setbacks to allow an existing solid block wall of up to 8-foot, 6-inches in height (measured from the inside of wall) to

remain as constructed adjacent to the north and northeast property boundary. The maximum height allowed for a solid wall in the front setback is 3 feet and in the side setback is 6 feet. The Moss Court front setback is 75 feet from the centerline of Moss Court (20 foot wide road & public utility easement) and the Moss Lane front setback is 50 feet from the edge of easement (50 foot wide road right-of-way). Also requested was a Variance to a side (north property line) setback for an existing playhouse to remain as constructed with a 15 foot setback, where typically 30 foot 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(A) (1), Minor Alterations in Land Use Limitations). The Planning Commission will be required to make a finding to this effect and a recommended finding for this purpose is included at the end of this report.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Community Development/Resource Agency staff and the Departments of Public Works, Environmental Health, Air Pollution Control District, and the Granite Bay Municipal Advisory Council (GBMAC) were transmitted copies of the project plans and application for review and comment. All County comments have been addressed in the staff report. Correspondence (email) was received from several neighbors on Moss Lane in Granite Bay.

SITE CHARACTERISTICS:

The 4.53 acre parcel is currently developed with a large man-made pond, including fountains with a music system, a covered patio structure, a storage building, two playhouse structures, extensive landscaping, and a gated entry with solid walls and/or wrought iron fencing along property boundaries. There is currently no single-family residence on the property. However, the property owner has recently submitted building plans for a new residence. The proposed new two-story residence could be characterized as a castle-like structure with 13,796 square feet of living space, 2,808 square feet of garage space, and a basement of 650 square feet. The surrounding parcels are developed with single family residences and residential accessory structures.

EXISTING LAND USE AND ZONING:

Location	Zoning	Granite Bay Community Plan	Existing Conditions and Improvements
Site	Residential Agriculture District, combining minimum Building Site of 4.6 acres (RA-B-X 4.6 Ac. Min.)	Rural Estate (4.6 to 20 acre minimum)	Solid Wall along north property boundary, a large man-made pond and Residential Accessory Structures

North	Same as project site	Same as project site	Residential
South	Same as project site	Same as project site	Residential
East	Residential Agriculture District, combining minimum Building Site of 20 acres, combining Planned Development 0.44 dwelling units per acre (RA-B-X 20 Ac. Min. PD=0.44)	Same as project site	Residential
West	Same as project site	Same as project site	Residential

BACKGROUND:

In early 2013, Placer County Code Enforcement received several complaints regarding the subject property located at 8300 Moss Court in Granite Bay. There was a complaint filed on April 2, 2013 alleging that a community center was operating without a Use Permit, a Business License and Building Permits. On April 9, 2014, a complaint was filed alleging that a solid masonry wall was constructed in excess of 6-feet in height without a building permit. On July 26, 2013, there was a complaint filed regarding the installation of security cameras, a second complaint on the solid masonry wall, a new tower structure being built within the setback (without a building permit), a grading violation, a wood fence that had gunite sprayed over it, four other residential accessory structures built without building permits, a water fountain feature with electricity installed without a building permit, for water drainage from this property creating damage to neighboring properties, and for not adhering to the allowed hours of construction. Code Enforcement found the property to be in violation (subsequent to several inspections) on multiple items and issued a Notice of Violation to the property owners on November 19, 2013. This Variance application was filed with the Planning Services Division to address the height of the solid masonry wall and the playhouse structure that was constructed within a side setback.

Zoning Administrator Hearing

The Zoning Administrator considered this Variance request on February 20, 2014 (Continued from original hearing date of December 19, 2013 to allow for proper noticing). At that meeting, the Zoning Administrator listened to staff reports from the Development Review Committee and received oral testimony from the applicant's attorneys, neighbors, and the attorney for the property owners immediately to the north at 5860 Moss Lane (Gene & Vicki Satrap). The Zoning Administrator also accepted into the record correspondence from three neighbors along Moss Lane that oppose this Variance request.

After considering all oral and written testimony, the Zoning Administrator took action to deny the Variance request. This decision was based on the fact that there are no special circumstances applicable to the subject property, including size, shape, topography, that would support the required findings for approval of the Variance. The Zoning Administrator found that the size of the property at 4.53 acres meets the minimum for the Zone District and the shape of the property would not lend support to a variance, particularly due to its relatively flat topography. There is an area in the northeast portion of the property that does have a small hill. However, the Zoning Administrator found that a six-foot, high solid wall along this property boundary would provide for sufficient screening and the small hill would actually reduce the need for any additional height for a wall. The only other solid walls in the immediate area are located on the other side of Auburn-Folsom Road; these boundary walls are part of the Los

Lagos Subdivision and were limited to only 6-foot in height. The Zoning Administrator concluded that a variance for walls over 6 feet in height in the side setback and 3 foot in height in the front setbacks would not be consistent with other properties in the immediate vicinity. In Addition, a Variance to allow a 15-foot side setback for the existing playhouse structure was denied as well because there was no necessity to construct this structure with a setback of less than 30 foot from the property boundary.

Planning Commission Hearing

On April 24, 2014, this item was continued by the Planning Commission to the May 22, 2014 meeting (date & time certain) at the request of the applicant's attorney (Robert A. Laurie) who was unable to attend the April 24, 2014 hearing date due to a scheduling conflict.

LETTER OF APPEAL

On February 28, 2014, an Appeal of the Zoning Administrator's denial of the Variance was filed by Expo Floors LLC of the Zoning Administrator's Denial of a Variance. A copy of the Appeal letter and its supplemental material is included in Attachment C.

RESPONSE TO APPEAL LETTER

To ensure that each assertion set forth in the appeal letter is responded to, staff has prepared a specific response for each issue raised in the appeal letter.

1. **The applicant/appellant asserts that there is substantial evidence that special circumstances exist on the subject property, including size, shape, topography, location or surroundings, and that denial of the application would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.**

The applicant's attorney at the February 20, 2014 Zoning Administrator meeting agreed with the analysis in the staff report that stated "special circumstances applicable to the subject property include the fact that the existing wall along the rear property boundary enhances security for the site and has a low visibility from Moss Court because of the distance from the road and the landscaped mounds adjacent to the south and west property boundaries." In regards to the playhouse, the staff report states that the structure would have a "low visibility from Moss Court and only the top of the structure is visible from properties to the north". The Zoning Administrator concluded that these statements from staff would not be considered special circumstances as they relate to size, shape and topography, and that the proposed walls and play structures are not consistent with other properties in the vicinity. This was the basis for the Zoning Administrator's decision to deny the Variance request.

2. **The applicant/appellant asserted that the approval of a Variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.**

The applicant must prove to the satisfaction of the Zoning Administrator that their Variance application meets the criteria set forth in Section 17.60.100 of the Zoning Ordinance. In this

case, the solid block wall and playhouse structure were constructed without Building Permits and in violation of the Placer County Zoning Ordinance. The Zoning Administrator considered all of the evidence presented from all parties as part of the Variance hearing process. After consideration of this information, the Zoning Administrator took action to deny the Variance request, based on the fact that there are no special circumstances which warranted the granting of the requested Variance based on size, shape, topography and also determined that it was not consistent with other properties in the vicinity.

The Los Lagos Subdivision on the other side of Auburn Folsom Road has solid walls along the property boundary adjacent to the road; however, these walls were previously limited to a maximum of 6-foot in height. If the wall on the Expo Floors, LLC property is allowed to exceed 6-foot height in the side setback and 3-foot height in the front setback this would be a grant of special privilege when considered within the context of other properties in the vicinity. In addition, the playhouse structure was constructed with a 15-foot side setback on a 4.53 acre parcel; there is no finding to support this because there are many other suitable locations on site for this relatively small structure that would all comply with a 30-foot setback requirement.

3. The applicant/appellant asserts that the Zoning Administrator unreasonably ignored the Planning Services Division support and recommendation for approval of the applicant's Variance based on its findings; there is no factual basis for the denial and the Zoning Administrator's decision must be overturned.

The Zoning Administrator did not ignore the Planning Services Division staff report. He considered their recommendation and all other evidence presented from all parties as part of the public hearing process. After consideration of this information, the Zoning Administrator took action to deny the Variance request on the basis that there are no special circumstances attributable to the property, such as size, shape, topography, and also because the Variance request was not consistent with other properties in the vicinity. Although staff's original support for the project offered a solution to these code violations on the property, the Zoning Administrator was not able to make the required findings to approve the Variance request.

RECOMMENDATION:

As detailed in this report, staff could find no merit in any of the appeal issues raised by the appellant. It is staff's recommendation that the Planning Commission uphold the decision of the Zoning Administrator and deny the appeal filed by Expo Floors, LLC., and require the property owner to bring the solid masonry wall and playhouse structure into compliance with the Zoning Code within 90 days of this action, all subject to the following findings:

FINDINGS:

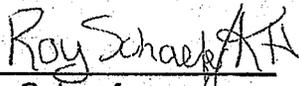
CEQA:

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(A) (1), Minor Alterations in Land Use Limitations).

VARIANCE FINDINGS FOR DENIAL:

1. There are no special circumstances (size, shape, topography, and location or surroundings of the parcels) applicable to support a Variance for the subject property. The size of the property at 4.53 acres meets the minimum for the Zone District, the topography on-site is relatively flat, and the shape of the property would not preclude any structures from being built at the required building setbacks. In addition, the strict application of the Zoning Ordinance has not 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 would constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district. All other properties in the same Zone District are only allowed (without the approval of a Variance) a three-foot high solid wall in the front setback and six-foot high solid wall/fence in the side and/or rear setback area.
3. This Variance would not be consistent with the *Granite Bay Community Plan and Placer County General Plan*. Specifically, Residential Land Use Goal 1.B. – Policy 1.B.9. in the General Plan states that “the County shall discourage the development of isolated, remote, and/or walled residential projects that do not contribute to the sense of community desired for the area.”

Respectfully submitted,



Roy Schaefer
Associate Planner

ATTACHMENTS:

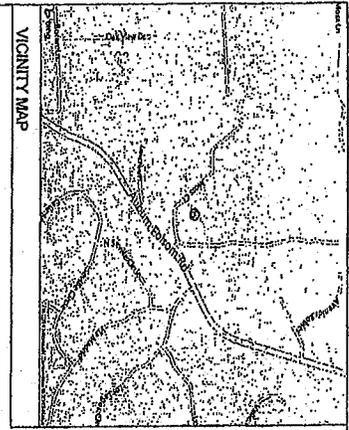
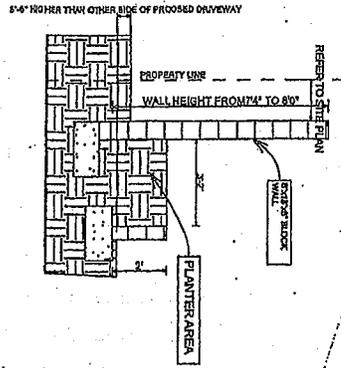
- Attachment A – Vicinity Map
- Attachment B – Site Plan
- Attachment C – Elevations of Solid Masonry Wall
- Attachment D – Planning Appeal (Filed on February 28, 2014)
- Attachment E – Zoning Administrator Staff Report (February 20, 2014)
- Attachment F – Correspondence

cc: Applicant/Appellant – Expo Floors, LLC.
Sharon Boswell - Engineering and Surveying Division
Laura Rath - Environmental Health Services
Karin Schwab - County Counsel's Office
Michael Johnson - CDRA Director
EJ Ivaldi – Deputy Director of Planning
Subject/chrono files

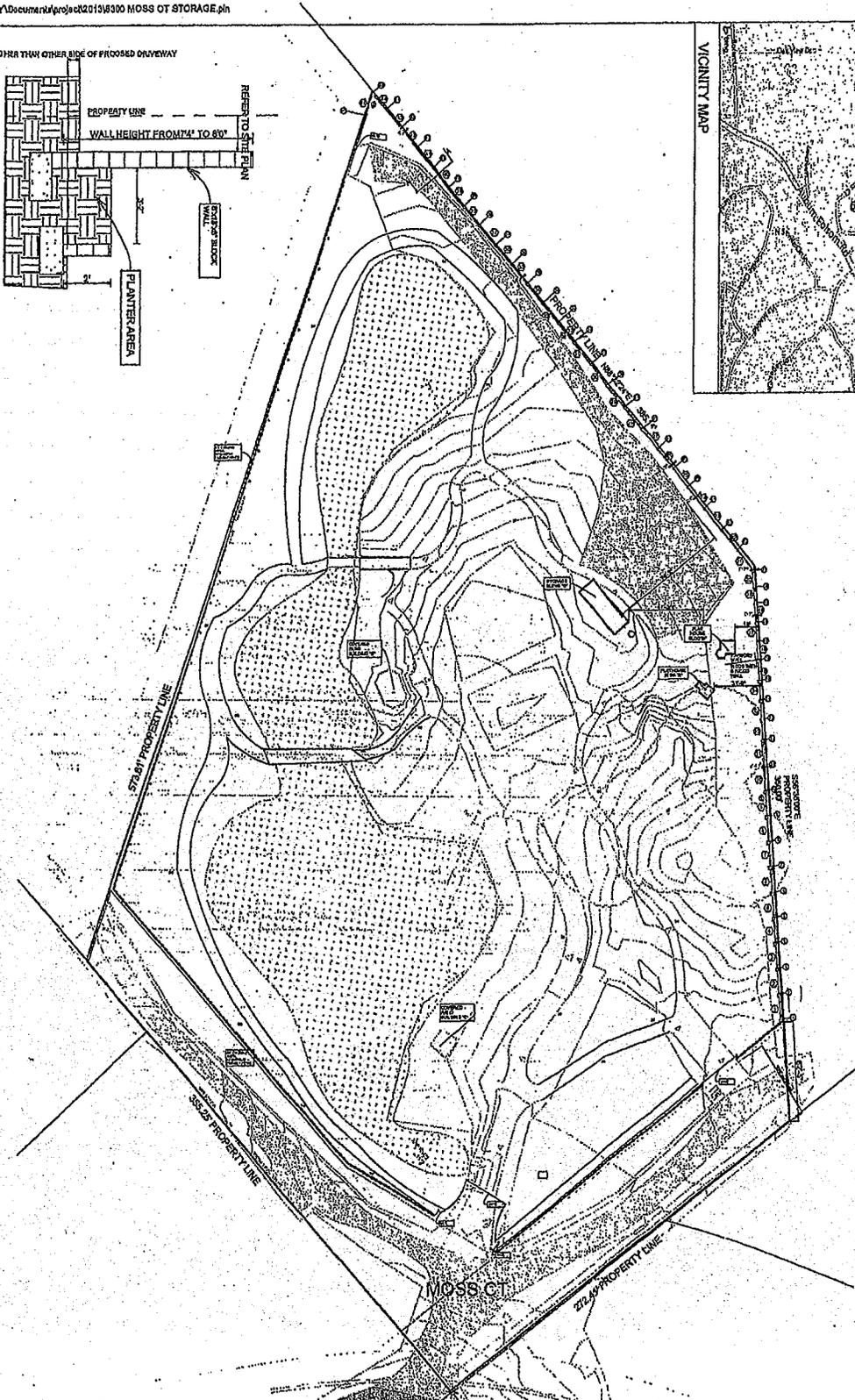
APN	036-180-046-000
Address	8300 MOSS CT, GRANITE BAY
Approx. Acres	4.5305
Zoning	RA-B-X 4.6 AC. MIN.
Community Plan Area	Granite Bay Community Plan
Supervisor District	BOARD OF SUPERVISORS DIST 4
Fire District	SOUTH PLACER FIRE
School District	LOOMIS UNION ELEMENTARY SCHOOL DISTRICT
MAC Area	GRANITE BAY MAC



2 SECTION AA
SECTION AA



1 SITE PLAN
SITE PLAN



SHEET 2
A-1.0
OF 10

SHEET TITLE
SITE PLAN

PROJECT NO.	830 MOSS CT
OWNER INFORMATION	EXPO/HOORING LLC
DATE	05/20/13
DESIGNER	PRELIMINARY
DATE	05/20/13
PROJECT NO.	830 MOSS CT
OWNER INFORMATION	EXPO/HOORING LLC
DATE	05/20/13
DESIGNER	PRELIMINARY
DATE	05/20/13

OWNER INFORMATION
EXPO/HOORING LLC

VARIANCE APPLICATION

830 MOSS CT
GRAND BLVD
95620

CONTRACTANTS



8



(4-24-14 PC Hearing)

Staff Report due 4/3/14

PLACER COUNTY PLANNING DEPARTMENT
AUBURN OFFICE
 3091 County Center Dr
 Auburn, CA 95603
 530-886-3000/FAX 530-886-3080
 Web page: www.placer.ca.gov/planning

TAHOE OFFICE
 565 W. Lake Blvd./P. O. Box 1909
 Tahoe City CA 96145
 530-581-6280/FAX 530-581-6282
 E-Mail : planning@placer.ca.gov

RECEIVED
FEB 28 2014
CDRA

PLANNING APPEALS

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

-----OFFICE USE ONLY-----

Last Day to Appeal 3-3-14 (5 pm) Appeal Fee \$ 530⁰⁰
 Letter _____ Date Appeal Filed 2-28-14
 Oral Testimony _____ Receipt # 14-0095969
 Zoning _____ Received by S
 Maps: 7-full size and 1 reduced for Planning Commission items Geographic Area Granite Bay

-----TO BE COMPLETED BY THE APPLICANT-----

- Project name Fence Expo floor wall heights
- Appellant(s) Andrey Ginzberg (916)
 Address 8300 Moss Ct Granite Bay CA 95864
 Telephone Number _____ Fax Number _____
 City _____ State _____ Zip Code _____
- Assessor's Parcel Number(s): 036-180-046
- Application being appealed (check all those that apply):

<input type="checkbox"/> Administrative Approval (AA-_____)	<input type="checkbox"/> Tentative Map (SUB-_____)
<input type="checkbox"/> Use Permit (CUP/MUP-_____)	<input checked="" type="checkbox"/> Variance (VAA- <u>2013-0277</u>)
<input type="checkbox"/> Parcel Map (P-_____)	<input type="checkbox"/> Design Review (DSA-_____)
<input type="checkbox"/> General Plan Amendment (GPA-_____)	<input type="checkbox"/> Rezoning (REA-_____)
<input type="checkbox"/> Specific Plan (SPA-_____)	<input type="checkbox"/> Rafting Permit (RPA-_____)
<input type="checkbox"/> Planning Director Interpretation _____ (date)	<input type="checkbox"/> Env. Review (EIAQ-_____)
<input type="checkbox"/> Minor Boundary Line Adj. (MBR-_____)	Other: _____
- Whose decision is being appealed: Zoning administrator
- Appeal to be heard by: planning director
(see reverse)
- Reason for appeal (attach additional sheet if necessary and be specific):
The fence and play house already built
It is hard to turn this down
(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s) [Signature]

March 3, 2014

VIA HAND-DELIVERY

Roy Schaefer
County of Placer
Community Development/Resource Agency
3091 County Center Drive, Suite 140
Auburn, CA 95603

RECEIVED

MAR 03 2014

CDRA

Re: Appeal of Zoning Administrator's Decision -- Supplemental Documents
Applicants/Appellants: Expo Floors and Andrey Chuprikov
Project: Variance PVAA 20130277 -- Expo Floors
Location: 8300 Moss Court, Granite Bay, APN 036-180-046-000

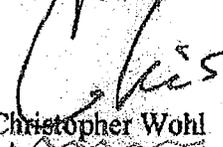
Dear Mr. Schaefer:

Please be advised that Robert Laurie of the law firm of BECKER RUNKLE LAURIE MAHONEY & DAY, 263 Main Street, 2d Floor, Placerville, CA 95667, 530-295-6400 and the undersigned have been retained by Expo Floors and Andrey Chuprikov ("Applicants") in the above-referenced matter. Please direct all future communications regarding this matter to Applicants' legal counsel.

Enclosed with this letter, please find supplemental documents to Applicant's Appeal filed on February 28, 2014 with the \$536.00 filing fee (see attached payment receipt).

Should you have any questions or need anything further, please do not hesitate to contact my office. Your prompt attention to this letter is appreciated.

Very truly yours,



Christopher Wohl

CW/sr

cc: Robert Laurie, Becker Runkle Laurie Mahoney & Day
Andrey Rakin, Expo Floors



PLACER COUNTY PLANNING SERVICES DIVISION

AUBURN OFFICE
3091 County Center Dr. Auburn, CA 95603
530-745-3000/FAX 530-745-3080
Website: www.placer.ca.gov
E-mail: planning@placer.ca.gov

TAHOE OFFICE
775 North Lake Blvd., Tahoe City, CA 96146
PO Box 1909, Tahoe City, CA 96145
530-581-6280/FAX 530-581-6282

PLANNING APPEALS

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

---OFFICE USE ONLY---

Last Day to Appeal _____ (5 pm)	Appeal Fee \$ _____
Letter _____	Date Appeal Filed _____
Oral Testimony _____	Receipt # _____
Zoning _____	Received by _____
Maps: 7-full size and 1 reduced for Planning Commission items	Geographic Area _____

---TO BE COMPLETED BY THE APPLICANT---

- Project name Variance PVAA 20130277 - Expo Floors
- Appellant(s) Applicant Expo Floors and Andrey Chuprikov

Address <u>4660 Florin Perkins Road</u>	Telephone Number <u>Sacramento</u>	CA	Fax Number <u>95826</u>
	City	State	Zip Code
- Assessor's Parcel Number(s): 036-180-046-000

- Application being appealed (check all those that apply)

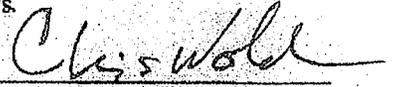
<input type="checkbox"/> Administrative Approval	Application Number _____
<input type="checkbox"/> Use Permit	_____
<input type="checkbox"/> Parcel Map	_____
<input type="checkbox"/> General Plan Amendment	_____
<input type="checkbox"/> Specific Plan	_____
<input type="checkbox"/> Environmental Review	_____
<input type="checkbox"/> Minor Boundary Line Adjustment	_____
<input type="checkbox"/> Tentative Map	_____
<input checked="" type="checkbox"/> Variance <input checked="" type="checkbox"/>	<u>PVAA 20130277 - Expo Floors</u>
<input type="checkbox"/> Design Review	_____
<input type="checkbox"/> Rezoning	_____
<input type="checkbox"/> Rafting Permit	_____
<input type="checkbox"/> Planning Director Interpretation _____ (date)	_____
<input type="checkbox"/> Other: _____	_____

- Whose decision is being appealed: Zoning Administrator (see reverse)
- Appeal to be heard by: Placer County Planning Commission (see reverse)
- Reason for appeal (attach additional sheet if necessary and be specific):
Please see attached.

(if you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s) Christopher Wohl



Attorney for Applicants

PLACER COUNTY ZONING ORDINANCE SECTION 17.60.110

Rulings made by the below are considered by the Planning Commission:

- Planning Director (interpretations)
- Zoning Administrator
- Design/Site Review Committee
- Parcel Review Committee - other than road improvements which should be appealed to the Director of Public Works
- Environmental Review Committee

Rulings made by the Planning Commission are appealed directly to the Board of Supervisors.

Rulings made by the Development Review Committee are appealed to the hearing body having original jurisdiction.

Note: An appeal must be filed within 10 calendar days of the date of the decision. Appeals filed more than 10 days after the decision shall not be accepted by the Planning Division.

For exact specifications on an appeal, please refer to Section 17.60.110 of the Placer County Code.

Planning Appeal - Attachment

Subject: Variance PVAA 20130277 – Expo Floors

Applicants: Expo Floors and Andrey Chuprikov

Location: 8300 Moss Court, Granite Bay, APN 036-180-046-000

7. Applicants appeal the Zoning Administrator's decision on grounds that there is substantial evidence of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, and that denial of the application would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Applicants also presented substantial evidence that the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated. The Zoning Administrator unreasonably ignored the Planning Services Division support and recommended approval of the Applicant's Variance based on its findings; there is no reasonable factual basis for the denial and the Zoning Administrator's decision must be overturned.

Applicants' brief submitted to the Zoning Administrator is attached as Exhibit A and further evidence will be produced in a timely fashion to support the Planning Commission's approval of Applicants' variance.



PLACER COUNTY

PERMIT RECEIPT

Page 1 of 1

PID: 529972

RECEIPT NUMBER: 14-0095969

APN: 036-180-046-000
 DATE ISSUED: 28-FEB-2014
 PERMIT: PVAA 20130277
 SCOPE: VARIANCE
 SITE ADDRESS: 8300 MOSS CT
 SUBDIVISION: 4.7 AC PAR B PMOR 11 70
 CITY: GRANITE BAY,

PERMIT OWNER: EXPO FLOORS LLC
 ADDRESS: 4660 FLORIN PERKINS ROAD
 CITY/STATE/ZIP: SACRAMENTO, CA 95826

Payment Received From: ANDREYGINZBURG
 1900 BLUE LEAD PLACE
 GOLD RIVER CA 95670 916-743-0123

Fees Calculated 12 Months Back

<u>Date</u>	<u>Fee Code</u>	<u>Description</u>	<u>Paid to Date</u>	<u>This Receipt</u>	<u>Balance Due</u>
28-FEB-2014	PL-APLPC	APPEAL BEFORE THE PLANNING COMMISSION	\$0.00	\$536.00	\$0.00
13-SEP-2013	PL-NOE	NOTICE OF EXEMPTION (CLERK RECORDER)	\$50.00	\$0.00	\$0.00
13-SEP-2013	PL-EXV	EXEMPTION VERIFICATION	\$26.00	\$0.00	\$0.00
13-SEP-2013	PL-VAA-SET	VARIANCE-SETBACK/FENCING/OTHER	\$1,380.00	\$0.00	\$0.00
Totals:				\$536.00	\$0.00

<u>Payment Code</u>	<u>Description</u>	<u>Amount</u>
CREDIT	CREDIT CARD 153913	\$536.00

Tendered: \$536.00
 Change: \$0.00
 Balance Due: \$0.00

EXHIBIT A

1 To: Mr. Roy Schaefer, Associate Planner
2 From: Expo Floors, LLC and its legal counsel Robert Laurie of the law firm BECKER
3 RUNKLE LAURIE & MAHONEY, 263 Main Street, 2d Floor, Placerville, CA
4 95667, 530-295-6400 and Christopher Wohl of the law firm PALMER KAZANJIAN
5 Subject: Variance to maximum wall height in the rear setback to allow existing wall to remain
6 as constructed and a Variance to a side setback to allow an existing playhouse to
7 Applicant: Expo Floors and Andrey Chuprikov
8 Location: 8300 Moss Court, Granite Bay, APN 036-180-046-000

9
10 I. INTRODUCTION

11 Andrey Chuprikov, as the authorized agent¹ of Expo Floors LLC, ("Expo Floors") submitted
12 a Variance application that would: (1) allow an existing solid wall with a height of up to 10 feet to
13 remain as constructed along the side property boundary shared by Expo Floors and Mr. and Mrs.
14 Gene Satrap (collectively the "Satraps"); and (2) allow an existing playhouse to remain as
15 constructed with a 15-foot side setback, where 30 feet is required. On December 12, 2013, the
16 Planning Services Division of the Placer County Community Development Resource Agency
17 ("CDRA"), recommended that the Zoning Administrator approve Expo Floors' Variance request.

18 On December 17, 2013, (two days before the December 19, 2013 Public Hearing on the
19 Variance application) written opposition to the Expo Floors Variance application was filed with the
20 CDRA by attorneys representing the Satraps.² The December 19, 2013, Public Hearing was then
21 continued to February 20, 2014, to allow Expo Floors the opportunity to submit this written
22 response to the opposition filed by counsel for the Satraps.

23 As more fully set forth below, Expo Floors respectfully requests that the Zoning
24 Administrator adopt the Planning Services Division's recommended approval of Expo Floors'

25 ¹ See Exhibit 1 attached hereto.

26 ² As a preliminary matter, the opposition filed by counsel for the Satraps largely consists of
27 unsupported (and mostly irrelevant) allegations and personal attacks that should be put into
28 perspective--the Satraps have filed a claim for Nuisance against Expo Floors in the Placer County
Superior Court, Case No. SCV 0033168. The Satraps thereafter filed a motion for injunctive relief
asking that the Court order Expo Floors to tear down the design wall and the playhouse that are at
issue in the instant Variance application; the Court denied the Satraps request.

1 Variance application allowing the existing solid wall to remain as constructed and to allow the
2 existing playhouse to remain as constructed with a 15-foot side setback.

3 II. EXPO FLOORS' VARIANCE APPLICATION SHOULD BE APPROVED

4 In August 2012 Expo Floors purchased the approximate 4.3 acre property at 8300 Moss
5 Court in Granite Bay, California (referred to herein as the "Property"). Andrey Rakin is the
6 managing member of Expo Floors and resides on the Property so he can oversee the improvements
7 and construction of the Property. Expo Floors retained Andrey Chuprikov to serve as the
8 Property's construction manager. Mr. Chuprikov and Expo Floors' legal counsel Robert Laurie and
9 Christopher Wohl are the authorized representatives of Expo Floors in this matter.

10 A. The Design Wall

11 One of the first major works of improvement to the Property was the installation of perimeter
12 fencing at a cost of more than \$190,000.00. Most of the fencing around the Property is white
13 wrought iron except a design wall along the boundary line with the Satraps. The design wall was
14 constructed because of the desire for privacy, visual screening of the Satraps' activities, security,
15 noise reduction, and to enhance the appearance of the Property. Except for an approximate twenty-
16 foot segment, the design wall is not higher than five feet, ten inches. The approximate twenty-foot
17 section that is closer to eight feet in height was constructed because the elevation along that segment
18 is higher than the other portion of the wall.

19 The Planning Services Division supports approval of the Variance to allow the design wall to
20 exceed the height limitation and to remain as constructed because it "enhances security for the
21 [Property] and has a low visibility from Moss Court because of the distance from the road and the
22 landscaped mounds adjacent to the south and west property boundaries."

23 (1) The Design Wall is Safe

24 The Satraps argue in their opposition that the design wall is unsafe and for that reason ask
25 that the Variance application be denied.³ Contrary to the Satraps' claim, the design wall was

26 ³ The Satraps include in their opposition a 3 page letter from their engineer Laurie Burne. (Exhibit 3)
27 Ms. Burne concedes she only visited the Satrap property to "observe" the design wall, which is why
28 her letter provides no competent opinion concerning the safety or structural integrity of the design
wall. For example, Ms. Burne's letter does not indicate she reviewed drawings, design specifications
or calculations related to the construction of the design wall. She clearly did not review the

1 designed, engineered, and properly constructed in accordance with the California Building Code
2 ("CBC"); the design wall is not at risk of toppling over as the Satraps speculate. The plans and
3 specifications for the design wall were prepared by Premier Design and Professional Engineer Eric
4 Reitzel respectively. (Exhibit 4) In response to safety concerns raised by the Satraps, Expo Floors
5 hired Norman Scheel Structural Engineer to examine the design wall, provide a structural analysis
6 (with calculations) concerning its stability, and to determine if it was built to the minimum load
7 requirements of the CBC. (Exhibit 5). Mr. Scheel performed his analysis, prepared calculations,
8 and then opined that the "wall is stable and built to the minimum load requirements of the
9 CBC." (*Ibid.*)

10 In response to the letter prepared by Ms. Burne (Exhibit 3), and to allay the Satraps' concerns
11 with the structural integrity of the design wall, Expo Floors retained Dennis Wobber, a Forensic
12 Structural Engineer with Allana Buick & Bers, Inc., in Palo Alto California. Mr. Wobber reviewed
13 the diagrams, design specifications, Mr. Scheel's report and calculations, and photographs regarding
14 the design wall. (Exhibit 6) Mr. Wobber confirms that he performed an independent analysis of the
15 wall "for checking the overturning and soil bearing pressure against the footing" to determine if it
16 was built in accordance with the CBC. Mr. Wobber opined in his January 18, 2014, letter that the
17 design wall is structurally safe and presents absolutely no danger of "falling over during a wind or
18 seismic event." (Exhibit 6).

19 There is no question that the design wall was engineered, designed and constructed in
20 accordance with the CBC and that it presents no danger to the Satraps or to anyone else.

21 *(2) The Design Wall Enhances Privacy and Security*

22 The design wall was beautifully constructed and it also enhances privacy and security on the
23 Property. Although the Satraps claim it is an "eyesore" the pictures of the design wall tell a much
24 different story. (Exhibit 2). The design wall includes custom lighting and molding. Further, the
25
26

27 calculations, plans or specifications prepared by Premier Design, Mr. Reitzel, or Mr. Scheel. Rather
28 it appears that Ms. Burne simply "eyeballed" the design wall, measured its height and length, and
then recited various provisions within the CBC. Ms. Burne's letter does not remotely establish any
basis that the design wall is unsafe and it should therefore be disregarded.

1 design wall is only constructed along the back portion of the Property along the boundary line with
2 the Satraps, and because it cannot be seen from the street it is not detrimental to the neighborhood.

3 Although there are security cameras located on the design wall, they show only the roadway
4 and access to the Property—the cameras do not view anyone else's property. In addition, Expo
5 Floors has had to use private security because of vandalism and threats of vandalism.

6 *(3) The Variance Application Concerning the Design Wall Should be Approved*

7 As discussed above, only an approximate 20 foot section of the design wall exceeds the
8 current height limitation and this does not present any issues to the surrounding community. Expo
9 Floors accepts the Planning Services Division's Conditions of Approval set forth in its December 12,
10 2013, recommendation to the Zoning Administrator. Expo Floors therefore respectfully requests that
11 the Zoning Administrator adopt the Planning Services Division's recommendation to approve the
12 Variance permitting the design wall to exceed the current height limitation and to remain as
13 constructed because it "enhances security for the [Property] and has a low visibility from Moss
14 Court because of the distance from the road and the landscaped mounds adjacent to the south and
15 west property boundaries."

16 B. The Variance Permitting the Playhouse to Remain as Constructed With a Fifteen Foot
17 Side Setback Should be Granted

18 The prior owners of the Property did not construct a home but there were two small storage
19 structures, each less than 120 total square feet. The white structure at issue in this Variance
20 application is a child's playhouse that was constructed by the prior owner within the 30 foot side
21 setback. When Expo Floors purchased the Property the playhouse was in disrepair and an eyesore.
22 Rather than tear it down, Expo Floors improved the playhouse (at considerable expense) thereby
23 enhancing the Property.⁴

24 The Satraps erroneously speculate in their opposition that the original playhouse was
25 "expanded" into something much larger. The Satraps have it wrong. Expo Floors improved the
26

27 ⁴Expo Floors has considerably improved and enhanced the Property, which benefits the entire
28 neighborhood. The Property, long neglected by the prior owner, has been transformed by Expo
Floors into a park-like setting with lush plants and colorful flowers, beautiful bodies of water that
include fountains and are home to swans. (Exhibit 9)

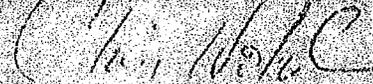
1 playhouse and did not increase the size beyond its original footprint. Expo Floors simply improved
2 what was originally constructed by the prior owner. The Planning Services Division supports
3 approval of the Variance to allow the playhouse to "remain as constructed with a fifteen foot side
4 setback because it has a low visibility from Moss Court and only the top of the structure is visible
5 from properties to the north [notably the Satrap property]." The Planning Services Division's
6 recommendation to grant the Variance concerning the playhouse is appropriate because it cannot be
7 seen from the street and is also hidden from the Satraps view by trees along the boundary line.

8 III. CONCLUSION

9 The Planning Services Division supports approval of the Variance as set forth above and due
10 to "such circumstances the strict application of the Zoning Ordinance has been found to deprive the
11 subject property of privileges enjoyed by other properties in the vicinity and under identical zone
12 classifications." Expo Floors agrees with recommendations of the Planning Services Division and
13 requests that the Zoning Administrator approve the application as submitted.

14 Dated: February 5, 2014

PALMER KAZANJIAN WOHL HODSON LLP



15
16 By: _____

17 Christopher Wohl
18 Attorneys for EXPO FLOORS, LLC
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1



To Whom It May Concern:

In August of 2012, Expo Floors LLC ("Expo Floors") purchased the property at 8300 Moss Court in Granite Bay, California (hereinafter the "Property") and is the legal owner. I am the managing member of, and a partner in, Expo Floors.

As the managing member of Expo Floors, I am responsible for overseeing works of improvements and maintenance of the Property. On behalf of Expo Floors I hired a construction manager by the name of Andrey Chuprikov. Mr. Chuprikov is hereby authorized by Expo Floors to represent its interests in all matters regarding the Property including but not limited to the Variance application PVAA 20130277.

Very truly yours,

Andrey Rakin
Managing Member of Expo Floors LLC

EXHIBIT 2

