



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

EJ Ivaldi, Deputy Director

Date: June 18, 2015
Time: 1:35 PM

DATE: June 9, 2015
TO: Zoning Administrator
FROM: Development Review Committee
SUBJECT: PLN15-00131 –Variance to Front and Side Setback
OWNER/ APPLICANT: James & Julie Nelson
STAFF PLANNER: Heather Beckman, Assistant Planner
ZONING: RS-B-X 6,500 (Residential Single Family, combining minimum Building Site of 6,500 square feet)
LOCATION: 8163 Serene Road, Soda Springs
APN: 069-450-051-000

PROPOSAL:

The property is located at 8163 Serene Road and has a 30-foot required front setback, a five foot required southern side setback and ten foot required setback rear setback; all are measured from the property line. Development limitations on the northern side of the property are determined by a 30-foot PG&E Right of Way (ROW), which is more restrictive than the required ten foot side setback. The applicant is requesting a Variance to the front setback to allow for a 15-foot front setback (13 feet to eaves) to recognize the existing residence and to allow for the conversion of the existing one-car garage to living space. The applicant also requests a Variance to allow for a one foot side setback for an existing second-story deck that also functions as a carport.

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 8163 Serene Road and is part of the Serene Lakes Unit 5 and 6 Subdivision in Soda Springs, California, and is within the RS-B-X (6,500 square feet minimum) zone district of the Placer County General Plan. This developed 8,846 square foot parcel is located within a residential neighborhood. The subject parcel is bordered by a single family residence directly to the

west (or rear of the property), a 30-foot PG&E ROW directly to the north and an undeveloped parcel to the south. No development is allowed within the PG&E ROW. Although the property is 95 feet wide, the combined PG&E ROW (which supersedes the northern side setback) and southern five foot required side setback render the parcel relatively narrow; or approximately 60 feet wide. With the exception of the PG&E ROW which is characterized by ground vegetation only, the parcel is well vegetated with native Jeffrey pines, Lodgepole pines and ground vegetation. The parcel is developed with a 1,389 square foot two-story residence and an attached one-car garage that is located below existing second-floor living space. The southern second-story deck, which also functions as a car-port, was permitted subsequent to the residence. The northern deck and concrete landing is less than 30 inches above the ground surface and did not require a permit. Approximately two square feet of the concrete landing encroaches into the 30-foot PG&E ROW.

The existing residence, although legally permitted (1993), appears to have been constructed in the wrong location and, therefore, encroaches into the front setback. Specifically the southwest corner of the house and covered entry encroaches 15 feet into the front setback. Commensurately, the second-story deck/carport which was legally permitted (1995), was also constructed in the wrong location. The deck/carport encroaches approximately 17 feet into the 30-foot front setback, which is allowed per Placer County Zoning Ordinance 17.54.140(3). The deck/carport also encroaches approximately four feet into the required five foot side setback.

ANALYSIS/DISCUSSION:

Single family dwellings are an allowed use in this zoning district. As mentioned previously, the residence and deck/carport which require Variance approvals were legally permitted but constructed in the wrong location.

Garage to Living Space Conversion

The project proposes to convert the existing one-car garage into living space (sleeping area and game room); thus increasing the square footage of living space within the front setback. Living space currently exists above the garage and is likewise located within the front setback. Therefore the project does not propose additional structures within the setback or changes to snow removal and maintenance, but rather a change of the use of the existing structure. Should the conversion of the garage be approved, two parking spaces would still be maintained onsite. The face of the closest structure (i.e. the covered entry) is 31 feet from the edge of pavement.

The applicant explored other alternatives such as locating the new living space (sleeping area and game room) to the northern side of the residence. This presents complications as it would be located adjacent to the kitchen and would disrupt the internal continuity and flow of the residence. Furthermore, an addition to the northern side of the residence results in additional site disturbance and snow shed into the front setback and in proximity to the 30-foot PG&E ROW.

Development in older subdivisions such as this tended to locate structures closer to the ROW to facilitate access and minimize snow removal. Therefore the proposed encroachments into the required 45-foot front setback of Serene Road is comparable with adjacent properties in the general vicinity and would not grant a special privilege or pose a detriment to the surrounding neighborhood and streetscape.

Second-Story Deck/Carport

The deck/carport was legally permitted subsequent to the construction of the residence; therefore the location of the deck/carport was predicated on the existing residence. Reducing the width of the deck to meet the setback requirements would prevent the ability to park a car under the deck and therefore result in a reduction of onsite parking. As a result, the property would become nonconforming for parking standards.

Staff notes that based on the site plan provided with the application, the edge of the existing deck/carport is one-foot off of the side property line. Staff recommends a condition of approval to confirm the exact property line and location of deck/carport in relation to it.

Based upon these circumstances, which provide support for the reduced setbacks on the subject property, it can be determined that there will be no significant impacts created should the Variance to the front and southern side setbacks be granted.

RECOMMENDATION:

Staff recommends the Zoning Administrator find the project to be categorically exempt from the California Environmental Quality Act (CEQA) and approve the Variances to allow for 15-foot setback (13 feet to eaves) from the Serene Road required 30-foot front setback for the existing residence and proposed conversion of garage to living space. Staff further recommends approval of the Variance to allow for a one foot setback from the southern side setback to allow for the second-story deck/carport. This recommendation is based on the following findings and subject to the recommended conditions of approval (Attachment A).

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. As a result of the 30 foot PG&E ROW on the north side of the parcel, which is a no-build zone, the effective buildable width of the parcel is approximately 60 feet. As a result there are limited areas to expand the existing residence. Furthermore, developing on the north side of the residence presents interior continuity and flow complications as it would place the proposed sleeping area and game room directly adjacent to the kitchen. This would also result in new ground disturbance and snow shed into the front setback. Living space already exists above the garage and within the front setback. Although conversion of the existing garage to living space increases living space within the front setback, it does not add or expand structures within the setback and presents no changes to snow removal or storage functions. The deck/carport was legally permitted and provides for one of the required onsite parking spaces. Reducing the deck width to meet the setback requirements would make the parcel nonconforming for parking. Removing the deck entirely would deprive the property of privileges enjoyed by others. 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 (including decks) is in keeping with the existing single-family residences within the general vicinity. Therefore, based on the existing on-site conditions, the location of the existing single-family residence and deck/carport, 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 the conversion of garage to living space and the deck/carport 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 faces of the existing structures are greater than 31 feet from the edge of pavement. The conversion of the garage to living space does not increase structures within the front setback and, therefore, has no impact on snow removal or storage operations. Furthermore, the deck/carport provides for covered parking and enables safer ingress/egress to the residence. 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 covered entry 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 accessory uses to existing single-family residences. The Variance to allow for the encroachment into the Serene Road front setback and southern 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 30 foot front setback and 5 foot side setback for the RS-B-X (6,500 square feet minimum) Residential zone district of the Placer County General Plan and is necessary to grant relief to the applicant in that the proposed location of the living space and deck/carport is dictated by the location of the existing residence and deck/carport which already encroach into the respective setbacks.*

ATTACHMENTS:

- | | |
|----------------|------------------------------------|
| Attachment A - | Planning Services Division |
| Attachment B: | Engineering and Surveying Division |
| Attachment C: | Environmental Health Services |
| Attachment D - | Project Plans |

**PLANNING SERVICES DIVISION
RECOMMENDED CONDITIONS OF APPROVAL
APPLICATION NO. PLN15-00131
8163 SERENE ROAD
NELSON VARIANCE**

1. The Variance (PLN15-00131) is approved to allow for 15-foot setback (13 feet to eaves) from the Serene Road required 30-foot front setback for the existing residence and proposed conversion of garage to living space and for a one foot setback from the southern side setback to allow for the second-story deck/carport.
2. The effective date of approval shall be June 18, 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 revise the site plans to reflect the removal of all improvements (e.g. concrete landing) within the 30-foot PG&E ROW.
4. 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 deck/carport structure to the boundary common to this lot and Lot 112 to the south, to the satisfaction of the County Surveyor. This certification will be used to verify that the existing deck/carport structure location is consistent with the project site plan, which currently indicates that no portion of the structure encroaches upon the property boundary.
5. Prior to Building Permit issuance, the applicant shall obtain from the Department of Public Works an encroachment permit for the portion of the single family residence located within the snow storage easement and front setback. Said permit shall be in recordable form and hold Placer County harmless from any damage resulting to the structure.
6. Any windows of the proposed modified structure within the snow storage easement shall be tempered/wired safety glass or equivalent. *Advisory note: ESD recommends that all windows of the existing structure located within the snow storage easement be tempered/wired safety glass or equivalent.*
7. 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 Nelson Variance Project PLN15-00131. 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: Justin Hansen
Land Use and Water Resources Section

Date: May 22, 2015

Subject: **PLN 15-00131, Nelson Garage Conversion Variance, APN 069-450-051**

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

Perspective, Hope, and Opportunity

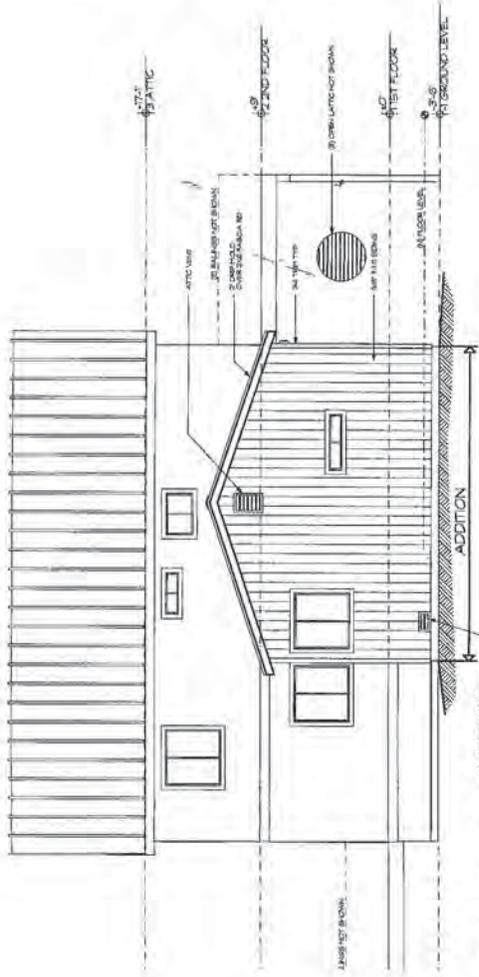
PROJECT NO.	
DATE	
SCALE	
BY	
CHECKED BY	
APPROVED BY	
DATE	
SCALE	
BY	
CHECKED BY	
APPROVED BY	
DATE	

RESIDENTIAL DRAFTING
 by
 Ronald E. Bryant Jr.
 14777 Van Buren Blvd., Suite 100
 Irvine, CA 92618
 (949) 453-1111
 Fax: (949) 453-1112
 Copyright © 2010. All rights reserved.

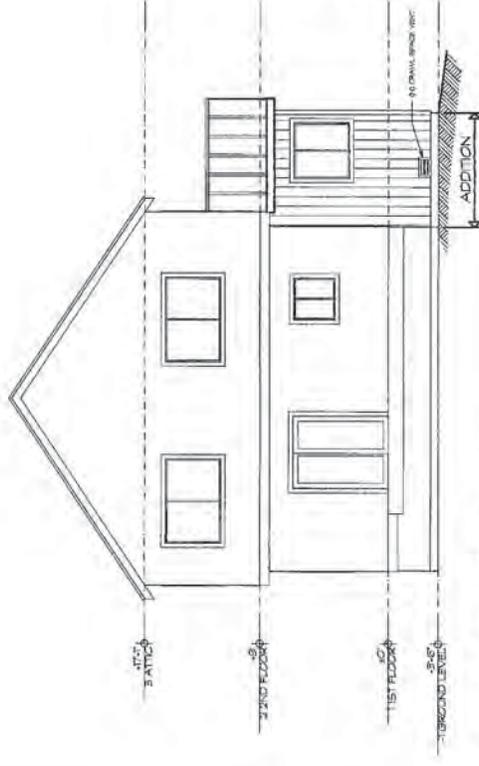
ADDITION
 PROPERTY AND GRADING
 10155 VAN BUREN BLVD., SUITE 100
 IRVINE, CALIFORNIA 92618
 PHONE NO. (949) 453-1111

APR 07 2010
 CADA

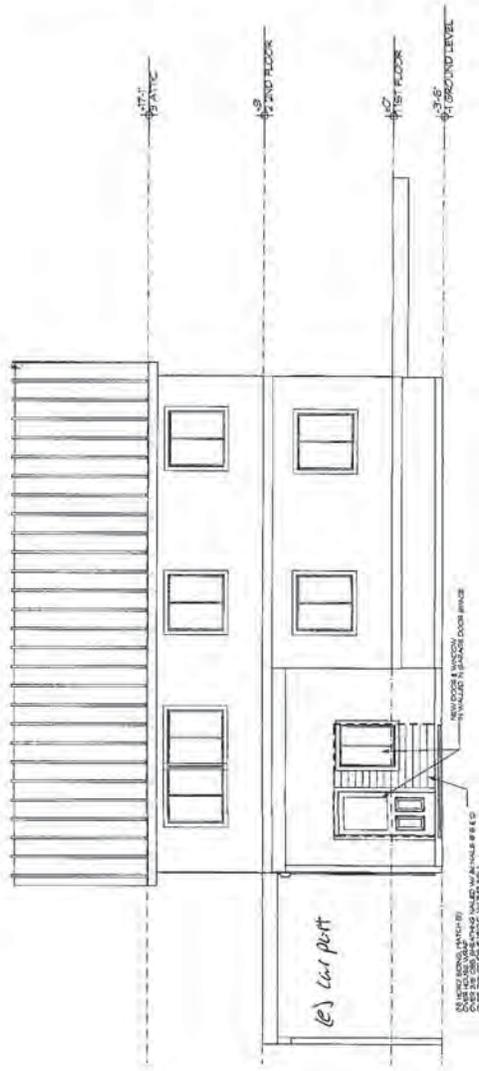
PLAN SET	Non-Byright
DATE	
SCALE	
BY	
CHECKED BY	
APPROVED BY	
DATE	



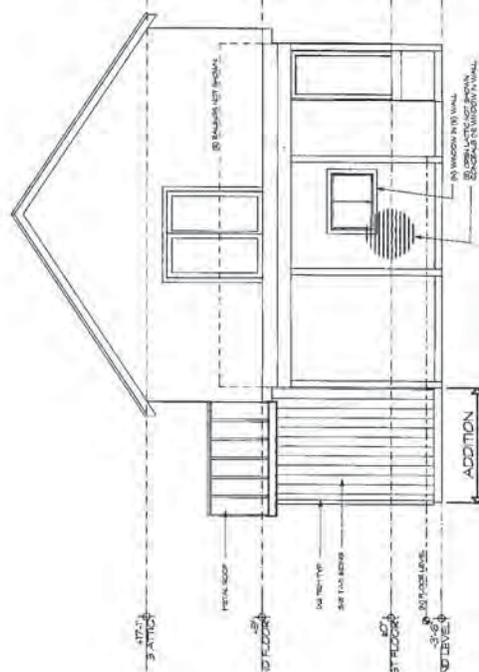
RIGHT - WEST ELEVATION
 SCALE 1/8" = 1'-0"



RIGHT - NORTH ELEVATION
 SCALE 1/8" = 1'-0"



FRONT - EAST ELEVATION
 SCALE 1/8" = 1'-0"



LEFT - SOUTH ELEVATION
 SCALE 1/8" = 1'-0"

