



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

EJ Ivaldi, Deputy Director

Date: March 4, 2015
Time: 2:15 PM

DATE: February 20, 2015
TO: Zoning Administrator
FROM: Development Review Committee
SUBJECT: PLN15-00039 – Variance to Front Setback
OWNER/APPLICANT: Todd Schulze
STAFF PLANNER: Heather Beckman, Assistant Planner
ZONING: Plan Area Statement 031 (Brockway Residential)
LOCATION: 8795 Brockway Vista, Kings Beach
APN: 090-221-028-000

PROPOSAL:

The property is located on the corner of Brockway Vista Avenue and Chipmunk Street and has two required front setbacks; 45 feet from the center line of the traveled way and 20 feet from the property line respectively. The applicant is requesting approval of a Variance to the Chipmunk Street required 20-foot front setback from the property line for the construction of a new single family dwelling. Specifically the applicant requests a reduced front setback to allow for a setback of seven feet from the property line for the main floor, five feet from the second story cantilevered living area and three feet from the eaves.

CEQA COMPLIANCE:

The Variance is categorically exempt from the provisions of CEQA per Section 18.36.050; Class 3A New Construction of the Placer County Environmental Review Ordinance (CEQA Guidelines Section 15303).

BACKGROUND/EXISTING CONDITIONS:

The project site is located at 8795 Brockway Vista Avenue and is part of the Brockway Vista Subdivision in Kings Beach, California, and is within Plan Area Statement 031 (Brockway Residential) zone district of the North Tahoe Community Plan. This undeveloped 6,350 square foot parcel is surrounded by existing single-family residences. The property is narrow (50 feet wide at the Brockway Vista frontage and narrows to 39 feet at the rear of the property), relatively flat and has sparse ground vegetation. The applicant proposes to construct a new, three-story single family dwelling (3,002 feet

of floor area, 630-foot two-car garage, and 518 square feet of deck and patio) with access off of Brockway Vista Avenue. The property qualifies for the Narrow Lot side setback exception (17.54.140.B.4) which allows for side setbacks to be reduced to ten percent of the lot width, or in this case five feet from the western property line.

ANALYSIS/DISCUSSION:

Single family residences are an allowed use for this Plan Area Statement. This undeveloped lot is constrained due to the narrow shape of lot which tapers to the rear of the property, and the two front setbacks. The buildable area outside of the required setbacks is 19 feet wide at the Brockway Vista Avenue frontage and tapers to 14 feet wide at the rear of the property; therefore the buildable area of the parcel is limited. Approval of the requested Variance creates a buildable area that is 34 feet wide at the Brockway Vista frontage and 29 feet wide at the rear of the property. Additionally the proposed structure maintains the required 20 foot distance from the edge of the traveled way as required for snow removal and storage purposes.

Based upon these circumstances, which provide support for the reduced setback on the subject property, it can be determined that there will be no significant impacts created should the Variance to the required front setback for the construction of a new single family dwelling be approved.

RECOMMENDATION:

Staff recommends the Zoning Administrator find the project to be categorically exempt from the California Environmental Quality Act (CEQA) and approve the Variance to allow for a seven foot setback (five foot to eaves) as measured from the property line for the Chipmunk Street front setback. 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. There are special circumstances applicable to the property including a narrow lot that tapers to the rear of the property, and two front setbacks. The buildable area outside of the required setbacks is 19 feet wide at the front of the property (i.e. Brockway Vista Avenue frontage) and tapers to 14 feet wide at the rear of the property, and is therefore highly constrained. 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. Specifically, the existing conditions of the property would result in a very narrow single family residence with limited livable area. The design and architecture of such a constrained project would be out of context of the neighborhood esthetic.*
- 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 the neighborhood is characterized by single family residence of similar size and height as proposed. Therefore, based on the existing on-site conditions, the narrow lot and two front*

setbacks, 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 single family development is and 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 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 single family residence will be constructed within the confines of the subject parcel and will not encroach over the property lines. Additionally the structure maintains the 20 foot distance from edge of pavement requirement for snow removal and snow storage purposes. These factors will ensure that the granting of the Variance will not create a detriment to the public or the general welfare of the residents or neighboring residences or residents.*
5. *The Variance is consistent with the intent of the Placer County General Plan and the Single-Family Residential Zoning District in that single family development is an allowed uses to and the Variance is to allow the encroachment into the Chipmunk Street required 20-foot front setback is also supported by the additional findings described in this staff report.*
6. *The Variance is the minimum departure from the requirements of the 20 foot front setback for the Plan Area Statement 031 Brockway Residential zone district of the North Tahoe Community Plan and Placer County General Plan and is necessary to grant relief to the applicant in that without the Variance the buildable area is very limited and nearly impractical to develop. Were it to be developed under the existing require setback standards, the residence would have very limited living area and the structure would be very narrow which is not in keeping with the surrounding development. The proposed development is consistent with existing size and design esthetic.*

ATTACHMENTS:

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

**PLANNING DEPARTMENT
RECOMMENDED CONDITIONS OF APPROVAL
APPLICATION NO. PLN15-00039
8795 BROCKWAY VISTA
SCHULZE VARIANCE**

1. The Variance (PLN15-00039) is approved to allow for the following setbacks for the construction of a new, three-story single family dwelling: a setback of seven feet from the property line for the main floor, five feet from the second story cantilevered living area and three feet from the eaves. The proposed project is located at 8795 Brockway Vista Avenue in the Kings Beach area of California, APN 090-221-028 and as shown on the submitted site plan and project description on file in the Community Development Resource Agency, except as modified by the conditions of approval.
2. The effective date of approval shall be March 4, 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. Construct a public road entrance/driveway onto Brockway Vista Avenue to a Plate R-18, LDM standard. Prior to Building Permit issuance, the applicant or authorized agent shall obtain an Encroachment Permit from the Placer County Department of Public Works (DPW). **Advisory Note:** DPW plans to construct frontage improvements (4' pervious concrete shoulder) along this section of Brockway Vista Avenue starting in Spring of 2015. Private driveway improvements shall begin at the outside edge of the future DPW improvements as directed by DPW and ESD. However, in the event the DPW improvements are delayed, applicant is advised that a complete private driveway may need to be constructed to connect to the existing edge of roadway pavement either prior to granting of project Occupancy, or prior to Oct. 15, 2015 (in case construction of the single family dwelling project will continue through the winter), whichever comes first. A portion of the driveway may be removed later if and when the DPW project is constructed.
4. Prior to Building Permit issuance, dedicate to Placer County a 20' wide snow storage easement along the property frontage on Brockway Vista Avenue. The County Surveyor will prepare the Snow Storage Easement document. The document can be obtained by contacting the ESD. Prior to Building Permit issuance, the easement paperwork must be signed and notarized, and returned to the County.
5. Prior to Building Permit issuance, the applicant shall obtain from the Department of Public Works an encroachment permit for locating the portion of the single family residence within the 20' front setback from the Chipmunk Street ROW. Said permit shall be in recordable form and hold Placer County harmless from any damage resulting to the structure.
6. Prior to Building Permit issuance, obtain a Grading Permit for any excavation/grading work in excess of 3 cubic yards in volume.
7. As shown on the project site plan, this variance approves the following construction within the front setback:

First Floor: An attached garage and approximately 364 square feet of living area.

Second Floor: Approximately 737.5 square feet of living area, partially located over the garage.

Third Floor: Approximately 520 square feet of living area.

No other living area within the front setback is permitted as part of this approval. Any windows of the proposed structure within the setback shall be tempered and/or wired safety glass or equivalent.

8. Prior to grading permit issuance and/or building permit issuance and/or occupancy approvals, the applicant shall comply with any conditions imposed by CDF or the serving fire district.
9. 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 Schulze Variance Project PLN15-00039. 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.



COUNTY OF PLACER
Community Development/Resource Agency

Michael Johnson, AICP
Agency Director

**ENGINEERING AND
SURVEYING DIVISION**

Richard Eiri, Deputy Director

MEMORANDUM

TO: Heather Beckman, Planning Services Division
Nicole Hinkle, Planning Services Division

DATE: Rev. Feb. 23, 2015

FROM: Andy Deinken, Engineering and Surveying Division

SUBJECT: PLN15-00039: variance to front setback; 8795 Brockway Vista Avenue; Kings Beach; Schulze; (APN: 090-221-028)

The applicant proposes to construct a new single family dwelling at 8795 Brockway Vista Avenue in Kings Beach. The proposed dwelling includes living space within the front setback of Chipmunk Street. As a matter of public safety related to snow removal activity, it is the policy of the Engineering and Surveying Division (ESD) to not support living space within the front setback. In this instance, the closest point of the proposed structure to the edge of pavement of Chipmunk Street is approximately 28'. The first floor of the proposed structure will encroach approximately 13' into the front 20' setback from the Chipmunk Street Right-of-Way (ROW), comprising approximately 364 square feet of living area. The proposed second floor cantilevered extensions will encroach approximately 15' into said 20' setback, with associated eaves which extend an additional 2', for a maximum encroachment of 17' into said setback; the second floor living area in the setback will comprise approximately 737.5 square feet. The proposed third floor will extend approximately 13' into said setback, comprising approximately 520 square feet. The Engineering & Surveying Division supports the Development Review Committee's recommendation for this Variance application, subject to the following conditions:

1. Construct a public road entrance/driveway onto Brockway Vista Avenue to a Plate R-18, LDM standard. Prior to Building Permit issuance, the applicant or authorized agent shall obtain an Encroachment Permit from the Placer County Department of Public Works (DPW). **Advisory Note:** DPW plans to construct frontage improvements (4' pervious concrete shoulder) along this section of Brockway Vista Avenue starting in Spring of 2015. Private driveway improvements shall begin at the outside edge of the future DPW improvements as directed by DPW and ESD. However, in the event the DPW improvements are delayed, applicant is advised that a complete private driveway may need to be constructed to connect to the existing edge of roadway pavement either prior to granting of project Occupancy, or prior to Oct. 15, 2015 (in case construction of the single family dwelling project will continue through the winter), whichever comes first. A portion of the driveway may be removed later if and when the DPW project is constructed.
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3. Prior to Building Permit issuance, the applicant shall obtain from the Department of Public Works an encroachment permit for locating the portion of the single family residence within

the 20' front setback from the Chipmunk Street ROW. Said permit shall be in recordable form and hold Placer County harmless from any damage resulting to the structure.

4. Prior to Building Permit issuance, obtain a Grading Permit for any excavation/grading work in excess of 3 cubic yards in volume.
5. As shown on the project site plan, this variance approves the following construction within the front setback:

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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: February 4, 2015

Subject: **PLN 15-00039, Schulze, APN 090-221-028**

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

Perspective, Hope, and Opportunity

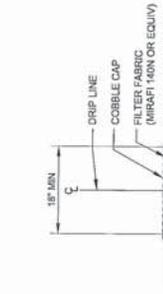
NOTES:

1. TOPOGRAPHIC SURVEY PROVIDED BY ARNETT & ASSOCIATES, INC
2. COVERAGE NUMBERS SHOWN HEREON ARE BASED ON INFORMATION PROVIDED IN ALBA #20040174, DATED 05/11/2011.
3. TREES SMALLER THAN 8" IN DIAMETER HAVE NOT BEEN SHOWN.
4. ALL EASEMENTS OF RECORD PER THE SUBDIVISION TRACT MAP HAVE BEEN SHOWN.
5. FIELD WORK FOR THIS SURVEY WAS ACCOMPLISHED ON DECEMBER 20, 1999 AND MAY 16, 2006.
6. ALL EASEMENTS OF RECORD PER THE SUBDIVISION TRACT MAP HAVE BEEN SHOWN.
7. THIS MAP INDICATES THE LOCATION OF SURFACE UTILITIES DISCOVERED BY THE SURVEYOR. THE LOCATION OF UNDERGROUND UTILITIES OR OTHER UTILITIES NOT SHOWN HEREON PRIOR TO ANY CONSTRUCTION ACTIVITIES, A BOUNDARY SURVEY AND RECORD OF SURVEY TO RE-ESTABLISH THE BOUNDARY SURVEY AND RECORD OF SURVEY AND PROPERLY CONVEYED TO THE SURVEYOR. THE BOUNDARY SURVEY AND RECORD OF SURVEY SHOWN ON THIS TOPOGRAPHIC SURVEY ARE TAKEN FROM RECORD DATA AND MAY VARY SOMEWHAT FROM THOSE RESULTING FROM AN ACTUAL BOUNDARY SURVEY.
8. SURVEY DESIGN PROVIDED BY LINCHPIN STRUCTURAL ENGINEERS FOR WINTERIZATION AND ADDITIONAL EROSION CONTROL. NOTES - SEE SHEET A3-3.1



NOTES:
 1) RAINOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND ROLL
 2) ADJACENT ROLLS SHALL TIGHTLY ADJ. DO NOT OVERLAP ROLLS ON
 TOP OF EACH OTHER
 3) INSTALL STAKES IN MIDDLE OF ROLL

TEMP EROSION CONTROL FENCE
 2



DRIPLINE INFILTRATION TRENCH
 1

VEGETATION PROTECTIVE FENCING
 3

BMP KEYNOTES

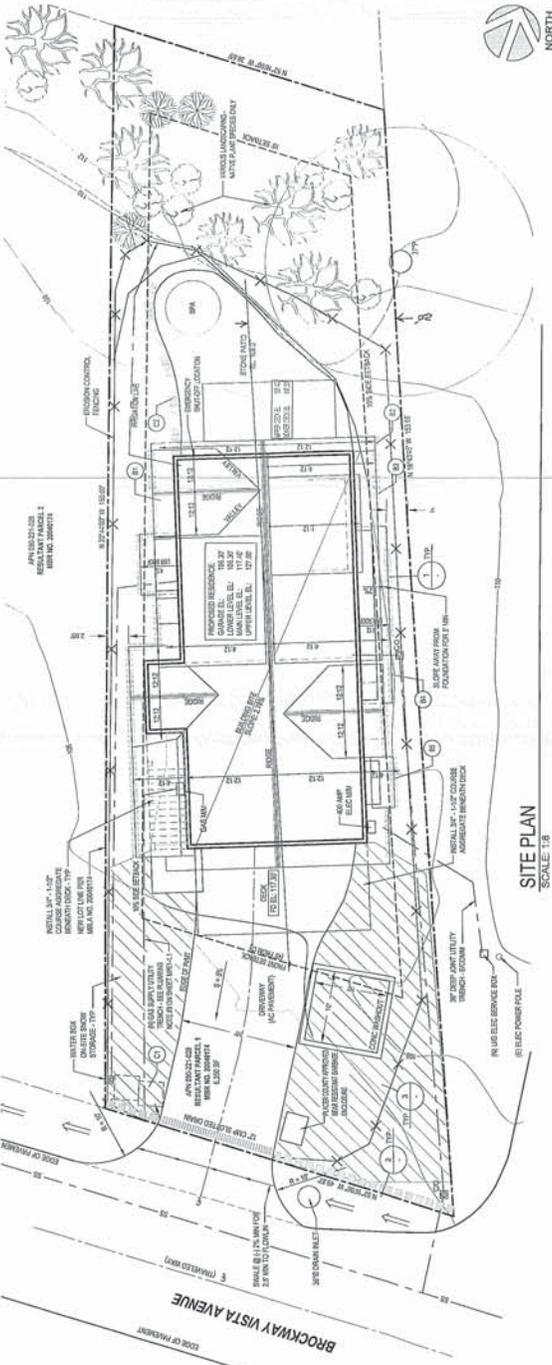


DEFENSIBLE SPACE NOTES

- 1) REMOVE ALL DEAD VEGETATION AND DEAD TREE LIMBS, TYP.
- 2) REMOVE LADDER FUELS BENEATH TREE DRIPLENS WITHIN 10' VERTICALLY OF TREE TRUNKS.
- 3) TRIM TREE LIMBS WITHIN 10' OF GROUND OR 5' OF TREE HEIGHT, WHICHEVER IS LESS, TO CREATE A 2' WIDE NONCOMBUSTIBLE AREA AROUND THE BASE OF STRUCTURE, TYP.
- 4) TRIM ALL GRASS AND WEEDS UP TO 30' AWAY FROM STRUCTURE, TYP. (PROGATED AREAS NOT INCLUDED)
- 5) FIRE DEPARTMENT DEFENSIBLE SPACE APPROVAL IS REQUIRED PRIOR TO ASSUANCE OF OCCUPANCY. DEPARTMENT CERTIFICATE OF OCCUPANCY.
- 6) REFER TO THE NORTH TAHOE FIRE DISTRICT LIVING WITH FIRE DOCUMENT FOR ADDITIONAL INFORMATION.

LAND COVERAGE SUMMARY

PER MILA #	19,296 SF
TOTAL PROJECT AREA	19,296 SF
TOTAL EXISTING LAND COVERAGE	15,971 SF (83%) - PER MILA #
PROJECT AREA PROPOSED LAND COVERAGE	
PER MILA #	1,383 SF
APN: 090-221-023	1,383 SF
FORMERLY APN: 090-221-022 & PTH 023	1,383 SF
ALLOWABLE LAND COVERAGE	1,383 SF (8%)
PROPOSED LAND COVERAGE	
BUILDING	1,383 SF
PAVING	451 SF
STANDSTOCK	175 SF
CONC LANDINGS	175 SF
BANKED LAND COVERAGE	632 SF
TOTAL PROPOSED AND BANKED COVERAGE	3,819 SF (20%)



DRIVEWAY CENTRLINE PROFILE
 SCALE: 1/8\"/>

SITE PLAN
 SCALE: 1/8\"/>

SITE PLAN

DATE	10/05/14
SCALE	AS SHOWN
PROJECT NO.	1054

C1-1.1
 SHEET 2 OF 26

RECEIVED
 JAN 28 2014
CDRA

TOTAL PROJECT AREA	19,296 SF
TOTAL BANKED LAND COVERAGE	2,774 SF (14%)
TOTAL PROPOSED LAND COVERAGE	8,294 SF (43%)
TOTAL PROPOSED AND BANKED COVERAGE	3,598 SF (19%)

APN: 090-221-025
 TOTAL PARCEL SIZE: 6,000 SF
 ALLOWABLE LAND COVERAGE: 1,575 SF (26%)
 BANKED LAND COVERAGE

BANKED LAND COVERAGE
 1,464 SF
 1,473 SF
 400 SF
 75 SF
 617 SF
 3,769 SF (63%)

APN: 090-221-023
 FORMERLY APN: 090-221-022 & PTH 023
 TOTAL PROJECT AREA: 6,000 SF
 ALLOWABLE LAND COVERAGE: 1,503 SF (25%)
 PROPOSED LAND COVERAGE

BANKED LAND COVERAGE
 1,383 SF
 175 SF
 451 SF
 75 SF
 632 SF
 3,486 SF (58%)

THESE DRAWINGS ARE CONSIDERED TO BE PRELIMINARY AND ARE NOT FOR CONSTRUCTION UNTIL APPROVED BY PERMITTING AGENCY.