

"Placerville, a Unique Historical Past Forging into a Golden Future"

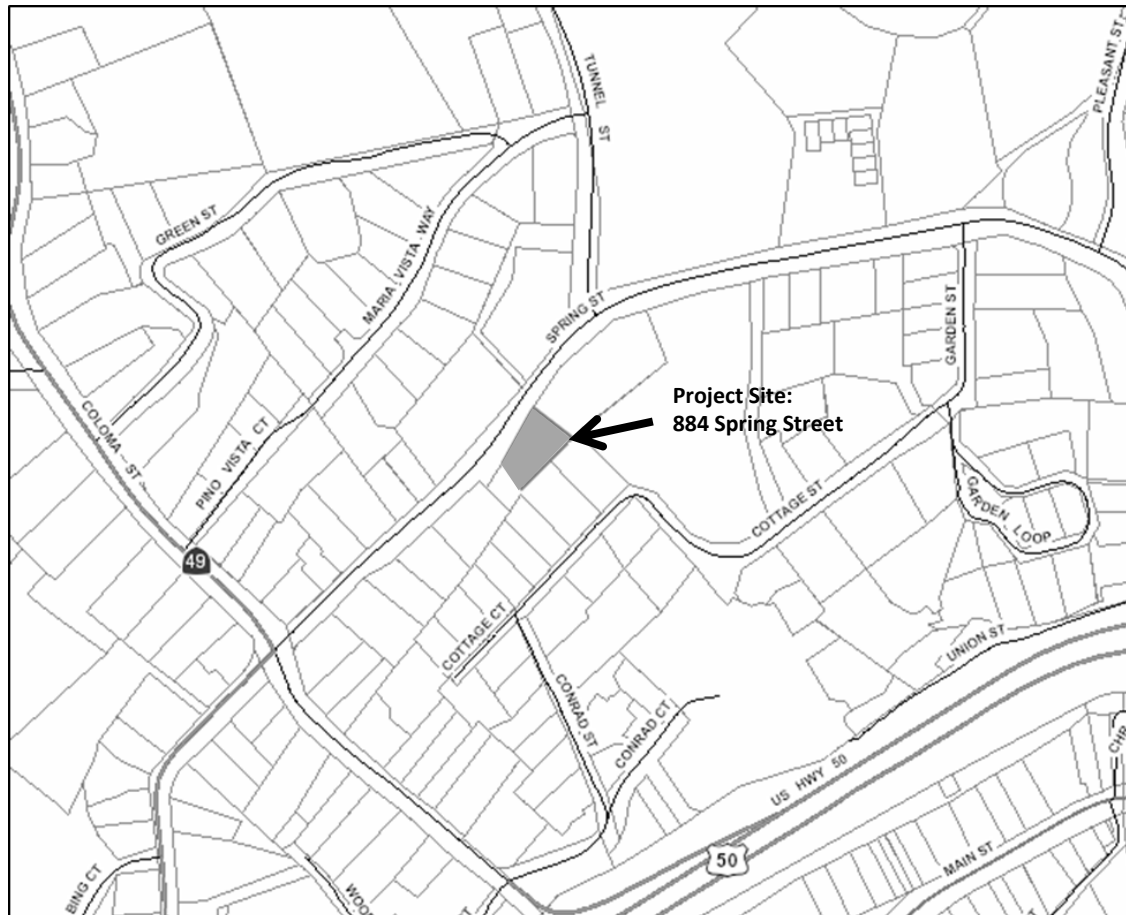


**CITY OF PLACERVILLE PLANNING COMMISSION
STAFF REPORT
JANUARY 15, 2019 REGULAR MEETING**

SUBJECT: 884 Spring Street - Variance (VAR) 18-03

Request to allow a 7.5 feet side-yard setback where 10 feet is required, and to allow a 15 feet rear yard where 20 feet is required in the R1-6 (Single-Family Residential, 6,000 square-foot minimum parcel size) Zone District (City Code Section 10-5-8(D)), for the construction of decks.

LOCATION: 884 Spring Street, Placerville, approximately 200 feet south of the intersection of Tunnel and Spring Streets. See Figure 1. Fee Parcel Number is 001-171-034.



OWNER/ APPLICANT: Todd and Amy Sprague

PROJECT PLANNER: Andrew Painter, City Planner

RECOMMENDATION: Approve Variance 18-03 with the Findings and Conditions stated herein.

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Medium Density Residential	No change
Zoning	R1-6 (Single-Family Residential, 6,000 square-foot minimum parcel size) Zone District	No change
Parcel Size	0.30 Acres	No change
Parcel Slope	30% cross slope average	No change
Structural Improvements	A 1,450 square foot, multi-story, single family home, with garage and decks	Widen the deck along the side of the home into the rear yard setback, and add new deck along the rear of the home within the side yard setback
Nearest Residence	Approximately 100 feet southeast	No Change
Surrounding Development	North: Professional Office East: Residential South: Residential West: Professional Office / Residential	No change

AUTHORITY FOR APPLICATION: New construction encroaching into setback areas requires a variance subject to approval by the Planning Commission. Sections 10-3-1(C) and 10-3-5 of the Placerville Zoning Ordinance

BACKGROUND AND REQUEST: The three story site home was constructed under grading and building permits in 1983. Prior to the 1983 permit issuance, the City Planner granted Minor Deviation 1983-02 that allowed the home developer to utilize a 10 feet average minimum setback instead of the normal 20 feet minimum front yard setback. The front yard average was used for home construction.

The home's constructed orientation on the site has the front door facing northeast. The home's rear elevation faces southwest. The home's side elevations face Spring Street (northwest) and the opposite cut slope (southeast). A sloping driveway off Spring Street serves the home. See Figure 2.

The subject parcel's front, side and rear yards differ from the home's orientation in this case. A parcel's yards are defined under City Code Section 10-1-4 as follows:

Front Yard: Area between any contiguous street right of way and a line drawn parallel thereto at such distance therefrom as specified in this Ordinance for any zone, and extending between side parcel lines.

Rear Yard: Area between the rear parcel line and a line drawn parallel thereto at such distance therefrom as specified in this Ordinance for any zone and extending between side parcel lines.

Side Yard: Area between each side parcel line and a line drawn parallel thereto at such distance therefrom as specified in this Ordinance for any zone.

For the processing of VAR 18-03, all yards (setbacks) described in the staff report refer to those as defined under City Code.

The current homeowners Todd and Amy Sprague have submitted a construction application to replace the existing front deck, widen the deck along the side of the home into the rear yard, and add new deck along the rear of the home within the side yard setback. The deck additions would allow greater enjoyment of their steep property. Refer to the Applicant Submittal Package (Attachment A) that contains a thorough description and exhibits of the property and the request, along with a letter of support from Erin Riviello who owns the adjacent property located at 885 Cottage Street.

Figure 2: Spring Street View of Project Site



Variance approval is necessary for the proposed construction that would encroach into the side and rear setbacks of the lot. In order to approve any variance, the Planning Commission must make the following findings:

That the granting of the request would not constitute a special privilege not enjoyed by others in the vicinity; the granting will not be detrimental to the public health, safety, convenience and welfare; and, that the granting of the variance would not injure property or improvements in the vicinity of the site.

Based upon the description of this request and exhibits relating thereto, the Commission can make findings to justify the granting of the variance. Among the unusual circumstances that apply to the property include the 30% slope and the multi-story developed nature of the site as shown in the Applicant Submittal Package (Attachment A). In addition, there are numerous residences and accessory structures in the immediate neighborhood that have non-conforming

setbacks (See Attachment B). These circumstances confirm that this request would not be a grant of special use or privilege not enjoyed by others in the vicinity and under the same zoning designation.

ENVIRONMENTAL ASSESSMENT

This request is categorically exempt from environmental review pursuant to Section 15303(a) of the California Quality Act Guidelines, in that it involves minor alterations (set back variance) in land use limitations not resulting in the creation of a new parcel.

CONCLUSION AND RECOMMENDATION

As described above, this request would not create additional impact upon public services, facilities, or any additional impact upon the neighborhood.

Staff recommends that the Planning Commission take the following action:

- I. Adopt the Staff Report as part of the public record.
- II. Make the following findings:
 - (a) The project is categorically exempt from environmental review according to Section 15303(a) of the Environmental Quality Act Guidelines, in that the request involves a minor setback variances not resulting in the creation of a new parcel.
 - (b) Due to the existing built nature of the site and surrounding area, as demonstrated on Attachments A and B of the staff report, the granting of this request does not constitute a special privilege not enjoyed by others in the vicinity and zone in which the property is located.
 - (c) Due to project site topography, and proximity of proposed construction to neighboring properties that are demonstrated and described in staff's report and attachments, the granting of this request will not be detrimental to the public health, safety, convenience and welfare, nor injurious to properties and improvements in the vicinity of the subject site.
- IV. Approve Variance 18-03, subject to the following conditions and requirements:
 1. These conditions and requirements shall apply to Variance 18-03, a request by Todd and Amy Sprague for a setback variance that allows a 7.5 feet side-yard setback where 10 feet is required, and allows a 15 feet rear yard where 20 feet is required, for the construction of decks.
 2. Approval is granted for the Variance request described in the application date-stamped November 16, 2018, and staff's report and exhibits dated January 15, 2019, except as modified by the conditions of approval.
 3. The permit shall apply only to 884 Spring Street, Fee Parcel Number 001-171-034, regardless of any change of ownership, and may not be transferred to another parcel.
 4. These conditions of approval shall be binding on the applicant and all successors in interest in the event the project site is sold to another party.

5. Any proposed future change to the site or modification to the application beyond what is authorized under this permit shall be submitted to the Development Services Department for a determination of appropriate procedures.



Andrew Painter, City Planner

Attachments

A. Applicant Submittal Package

B. Neighboring Non-Conforming Setbacks

884 Spring St
Placerville, CA 95667

November 16, 2018

Andrew Painter
Community Development and Engineering Department
Planning Division
City of Placerville
3101 Center St
Placerville, CA 95667

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NOV 16 2018

CITY OF PLACERVILLE
COMMUNITY DEV. DEPT.

Dear Sir,

I am writing to request a setback variance for our property at 884 Spring Street (APN 1-171-34). This property is zoned R1, with a minimum lot size of 6,000 sq ft. That zoning has setbacks of 10 feet on the sides and 20 feet on the front and rear.

For visual reference of the following, please see "Sprague Deck Site Plan: Setbacks", which depicts existing structures in blue and proposed additions in red. It also shows light gray boxes for the setback areas and a dark gray box for Spring Street. All of the depicted decks are at the second story level of our three-story house.

The existing house was built in 1983 with a setback from Spring Street of approximately 9 feet. The home site is cut into a steep hillside, so the house ground floor is between 10 and 15 feet above the Spring Street level, and the hillside to the rear property line quickly climbs higher than the 3rd story eaves. See the attached map "Sprague Deck Site Plan: Ground Elevations relative to deck surface", which will make it clear how steeply sloped our hillside is.

We have applied for and been granted a building permit in which we propose to re-deck the front deck, widen the side deck, and add a rear deck. (Note, these deck positions are relative to the house as labelled on the site plan, whose front faces northeastward along Spring Street). The plans have been approved, other than a site plan which was missing. Upon drafting the site plan, it became apparent that the proposed widening and additional deck would violate the side and rear setbacks on the property.

The widening of the side deck would result in its closest corner being approximately 17.5 feet from the rear property line adjoining 885 Cottage Street. This deck is being widened to make more room underneath to store wood for our wood stove, as well as make that area more easily traversed than the current 4-foot width.

For orientation of all the following pictures, refer to "Sprague Deck Site Plan: Photo locations".

In picture "A", the camera is pointed out the side door of the house, looking across the existing side deck at the hillside beyond. It should be clear from this picture that widening the deck will take it a bit closer to the steep hillside, but could in no way become a nuisance to a neighbor beyond the rear property line, which is between **13' and 19' above** the level of the deck. Picture "B" looks northeast along the edge of the existing side deck, showing the proposed widening (not to scale). Picture "C" is

taken looking uphill towards the house on 885 Cottage, showing the approximate rear boundary line and the neighbor's roofline. Picture "F" is taken from the back of the neighbor's house at 885 Cottage Street, demonstrating that the current decks are not visible at all, and indeed due to the steep topography, only our third story is visible. The structure at 885 Cottage is more than 70 feet from the rear property line of 884 Spring Street.

The addition of the rear deck would result in its closest corner being approximately 7.5 feet from the side property line, and 15 feet from the rear property line (both adjoining 885 Cottage Street property). This deck is being added to enjoy nice sunset views, but also to create a space in the patio underneath that can be enjoyed even in the rain during winter. The size of this deck was decided based on likely positions of footings, which would need to be placed beyond the existing patio and short retaining wall (see Picture "D") Picture "E" looks from the existing side deck in the direction where the proposed rear deck would be, showing the elevation of the hillside beyond to be about the same height as the proposed deck, and that there are no nearby improvements on the adjacent property in that direction.

In summary, I am asking for a 2.5' reduction in the 10' setback to the side property line, and a 5' reduction in the 20' setback to the rear property line, for the purposes of expanding and adding decks. These decks will not be of any impact to any neighbor's views or use of their property, but will significantly enhance our utilization and enjoyment of our property while adding value to the whole neighborhood. In addition, the decks would probably not even be visible from Spring Street nor from any neighboring structures.

If you need to reach me for any reason, please call or email.

Thank you,



Todd K Sprague
916-215-8633
todd@toddnamy.com

Attachments: 4 pages of variance application
Neighboring Parcels of 884 Spring Street (map)
Sprague Deck Site Plan: Setbacks (map)
Sprague Deck Site Plan: Ground Elevations relative to deck surface (map)
Sprague Deck Site Plan: Photos (map)
Photos A,B,C,D,E,F
Letter from Erin E. Riviello, owner of 885 Cottage St

CITY OF PLACERVILLE
PLANNING APPLICATION

Date: 11-16-2018
Zoning: R1-6 GP: MDR
File No: VAR 18-03
Filing Fee (PZ) \$500.00
Filing Fee (EN) _____
Receipt No: 8981

REQUEST FOR:

- | | | |
|--|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Boundary Line Adjustment | <input type="checkbox"/> Certificate of Compliance |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Environmental Assessment | <input type="checkbox"/> Environmental Impact Report |
| <input type="checkbox"/> Final Subdivision Map | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> General Plan Consistency |
| <input type="checkbox"/> Historic District Review | <input type="checkbox"/> Landscape Plan Review | <input type="checkbox"/> Minor Deviation |
| <input type="checkbox"/> Planned Development Overlay | <input type="checkbox"/> Preliminary Plan Review | <input type="checkbox"/> Sign Package Review / Amendment |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Temporary Commercial Coach | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Tentative Parcel Map | <input type="checkbox"/> Tentative Subdivision Map | <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Zone Change |

DESCRIPTION: REQUEST TO ALLOW A 7.5' SETBACK FOR THE SIDE YARD WHERE 10 FEET IS REQUIRED AND TO ALLOW A 15' SETBACK FOR THE REAR YARD WHERE 20 FEET IS REQUIRED UNDER SECTION 10-5-8(D) OF CITY CODE.

ITEMS ABOVE THIS LINE FOR OFFICE USE ONLY

City Ordinance #1577 established a Fee & Service Charge System. In some cases project review will require the services of specialists under contract to do work that City staff cannot perform. In these cases, the applicant shall pay the direct cost of these services plus fifteen percent (15%) for City Administration.

PROJECT APPLICANT

NAME Todd K Sprague
MAILING ADDRESS 884 Spring St
Placerville, CA 95667
PHONE 916-215-8633
EMAIL todd@toddnamy.com

APPLICANT'S REPRESENTATIVE (if different)

NAME _____
MAILING ADDRESS _____
PHONE _____
EMAIL _____

PROPERTY OWNER(S)

NAME Todd K Sprague and Amy Michelle Silan Sprague PHONE 916-215-8633
MAILING ADDRESS 884 Spring St, Placerville, CA 95667
EMAIL ADDRESS todd@toddnamy.com

SURVEYOR, ENGINEER, ARCHITECT, OR OWNER'S REPRESENTATIVE (If applicable)

NAME _____ PHONE _____
MAILING ADDRESS _____
EMAIL ADDRESS _____
I have notified the mortgage holder, which is: _____

DESCRIPTION OF PROPERTY (Attach legal deed description)

STREET ADDRESS 884 Spring St, Placerville
ASSESSOR'S PARCEL NO.(S) 1-171-34
Above described property was acquired by owner on _____
Month March Day 20 Year 2004

List or attach any Covenants, Conditions or Restrictions, concerning use of property, of improvements contemplated; as well as yard setback and area or height requirements that were placed on the property by **subdivision** tract developers. Give date said restrictions expire.


According to its R1, 6,000 Single Family Residential zoning, our lot must be 6000 sqft or greater and requires 10-foot setback on the sides and 20-foot setback on the front and rear.

I hereby certify that the statements and information contained in this application, including the attached drawings and the required findings of fact, are in all respects true and correct. I understand that all property lines must be shown on the drawings and be visible upon site inspection. In the event that the lines and monuments are not shown or their location found to be incorrect, the owner assumes full responsibility.

I further understand that if this request is subsequently contested, the burden will be on me to establish: that I produced sufficient factual evidence at the hearing to support this request; that the evidence adequately justifies the granting of the request; that the findings of fact furnished by me are adequate, and further that all structures or improvements are properly located on the ground. Failure in this regard may result in the request being set aside, and structures being built in reliance thereon being required to be removed at my expense.

PROPERTY OWNER agrees to and shall hold the CITY, its officers, agents, employees and representatives harmless from liability for damage or claims for damage for personal injury, including death, and claims for property damage which may arise from the direct or indirect operations of the PROPERTY OWNER or those of his contractor, subcontractor, agent, employee or other person acting on his behalf which relate to this project. PROPERTY OWNER agrees to and shall defend the CITY and its officers, agents, employees and representatives from actions for damages caused or alleged to have been caused by reason of the PROPERTY OWNER'S activities in connection with the project. This hold harmless agreement applies to all damages and claims for damages suffered or alleged to have been suffered by reason of the operations referred to in this paragraph, regardless of whether or not the CITY prepared, supplies or approved plans or specifications or both for the project.

PROPERTY OWNER further agrees to indemnify, hold harmless, pay all costs and provide a defense for CITY in any action challenging the validity of PROPERTY OWNER'S project.


Applicant's Signature

Todd K Sprague
Printed Name of Applicant(s)

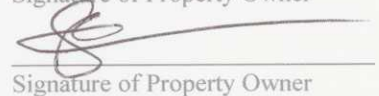
11/15/18
Date

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.


Signature of Property Owner

Todd K Sprague
Printed Name of Property Owner

11/15/18
Date


Signature of Property Owner

Amy Michelle Silan Sprague
Printed Name of Property Owner

11/15/18
Date

NOTICE: Section 10-3-9 of the Placerville Municipal Code prohibits the occupancy of a building or a release of utilities prior to the issuance of a Certificate of Occupancy by the Building Division AND the completion of all zoning requirements and conditions imposed by the Planning Commission or City Council UNLESS a satisfactory performance bond or other acceptable security has been posted to insure completion. VIOLATIONS may result in prosecution and/or disconnection of utilities.

A Notice of Public Hearing and Staff Report will be prepared for applications requiring public hearing(s). Two Wednesdays prior to the hearing date, the Notice of Public Hearing will be sent to the Applicant and Owner; on the Thursday prior to the hearing date, the Staff Report will be sent to the Applicant and Owner. Notices and Staff Reports will be sent via email if addresses have been provided; if not, the documents will be sent to the mailing addresses provided on this form. Please list below any alternate or additional recipients, along with their contact information, or any alternate instructions for sending these materials to the Applicant or Owner.

n/a

"REQUIREMENTS FOR FILING APPLICATION FOR A VARIANCE"

Before filling out application please read

- (A) REQUEST: The applicant requests a VARIANCE on the property described on the application for the following purposes: (Use this space only to state exactly what is intended to be done on, or with, the property which does not conform to existing zoning regulations. _____)

NOTE: The law requires that the conditions set forth in the following four sections 1, 2, 3, and 4 must be established before a Variance CAN be granted. Answers to these sections must be complete and full.

State fully wherein your case conforms to the following requirements:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the provisions of the City's Municipal Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.

The proposed additions are second-story decks on the existing house, but the topography on the property is steep enough that the edge of these decks will be within a few feet of the ground level laterally going towards both the rear and side property lines. The rear property line is 16 feet higher in elevation than the proposed decks (it is about even with the eaves of the 3rd story of the house). There is no structure on the adjacent property to the side boundary. The structure beyond the rear boundary line is at least 70 feet away from our mutual property line. There are many examples in the City of decks closer to the property lines than the 15' rear and 7.5' side setback Variances that we are requesting.

2. That any Variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

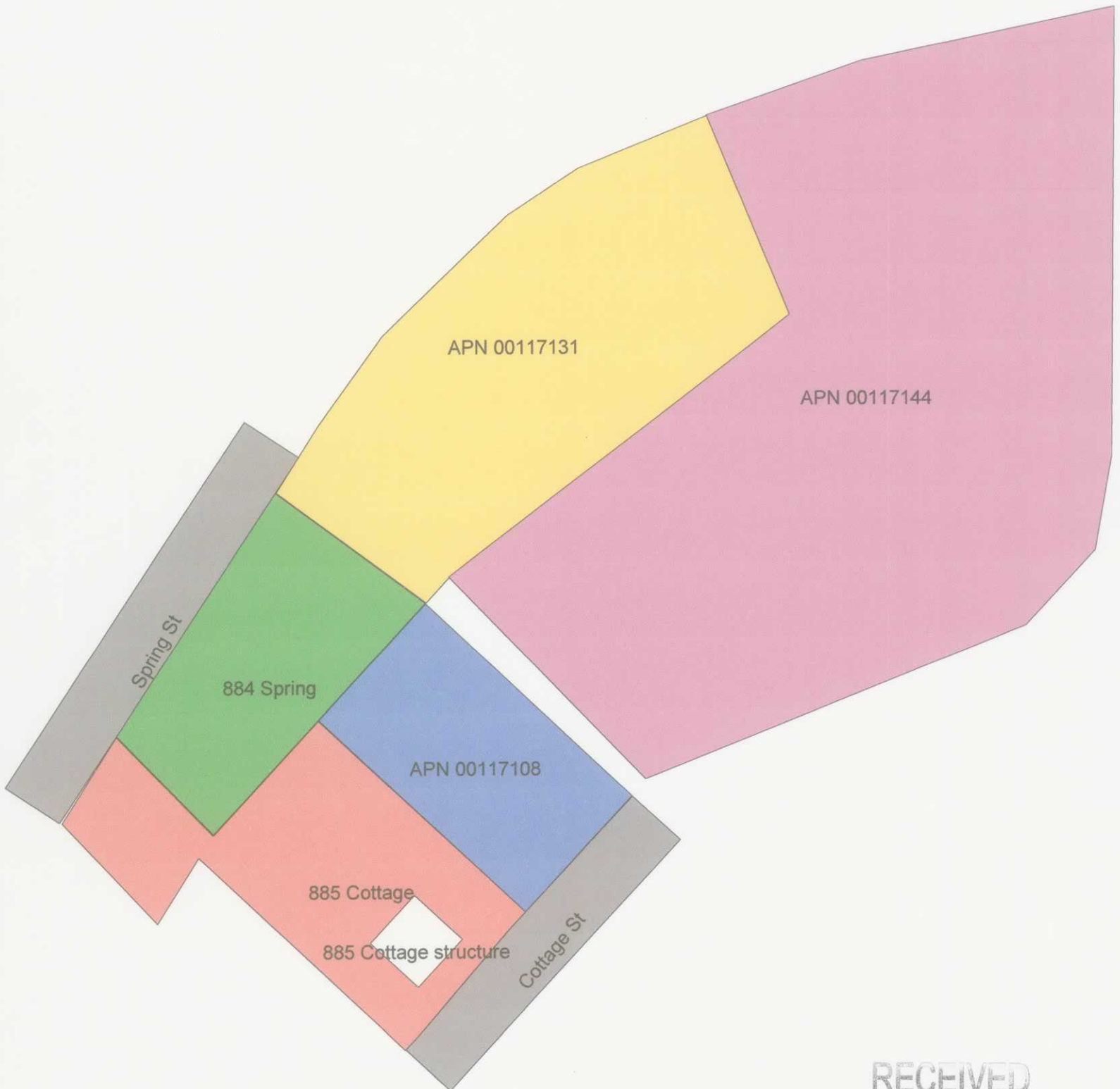
Many houses in Placerville are much closer together than what we are requesting, and I do not consider them to have gained special privilege, nor would I expect any neighbor of ours to feel that way about our requested Variance.

3. That the granting of the Variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to property and improvements in the same vicinity and zone in which the subject property is situated.

The proposed decks will be constructed according to code for public health and safety. By their location on the interior of our steep property, they will not impede any person's convenience nor welfare, nor will they threaten or impede any property or improvements in the vicinity.

4. That the granting of such Variance will not adversely affect the General Plan of the City.

Adding these decks in these locations will not have any adverse affect on the General Plan.



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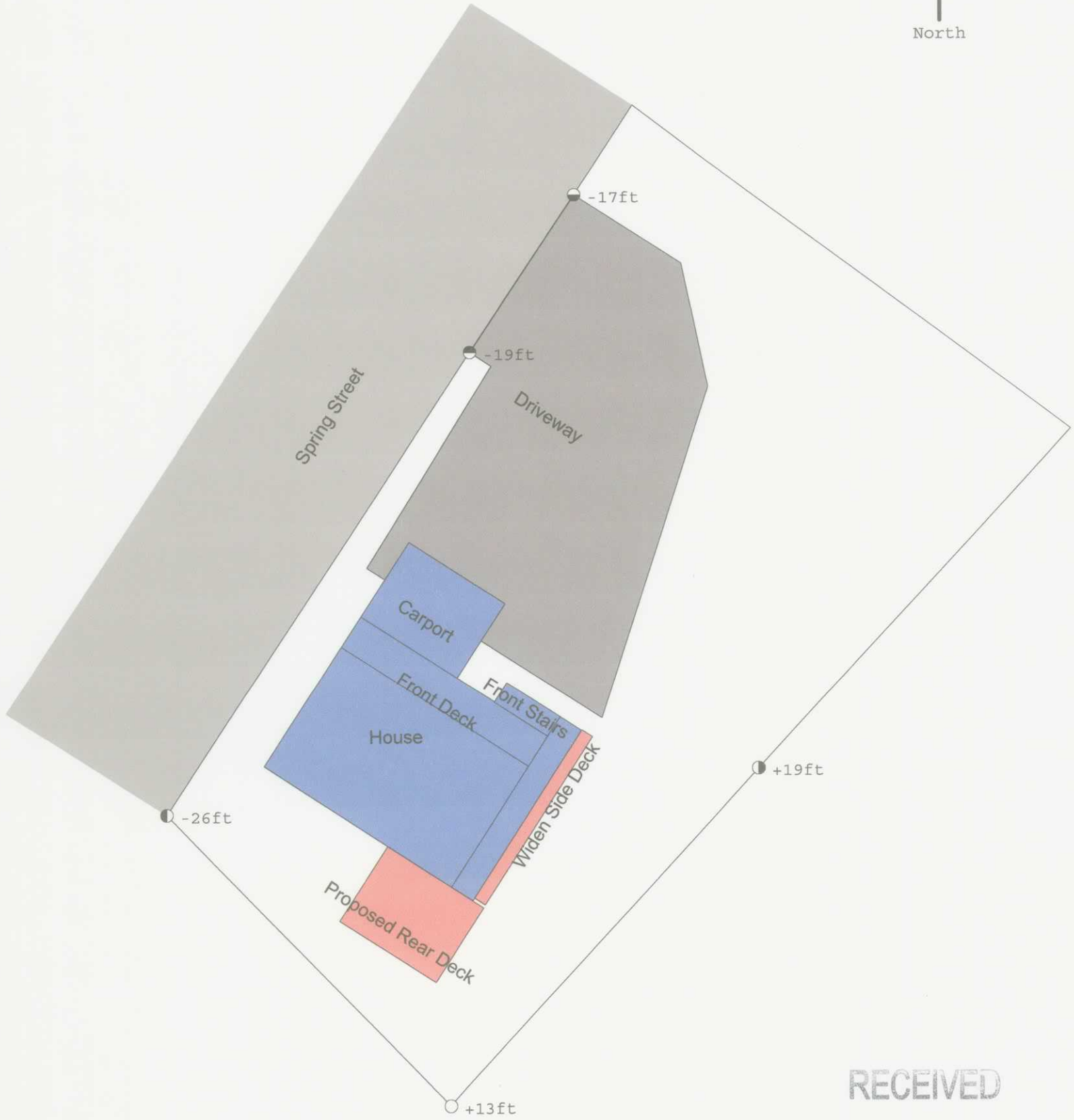
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CITY OF PLACERVILLE
COMMUNITY DEV. DEPT.

Notes:

- 7.5' side setback to rear deck.
- 15' rear setback to rear deck.
- 17.5' rear setback to corner of widened side deck.

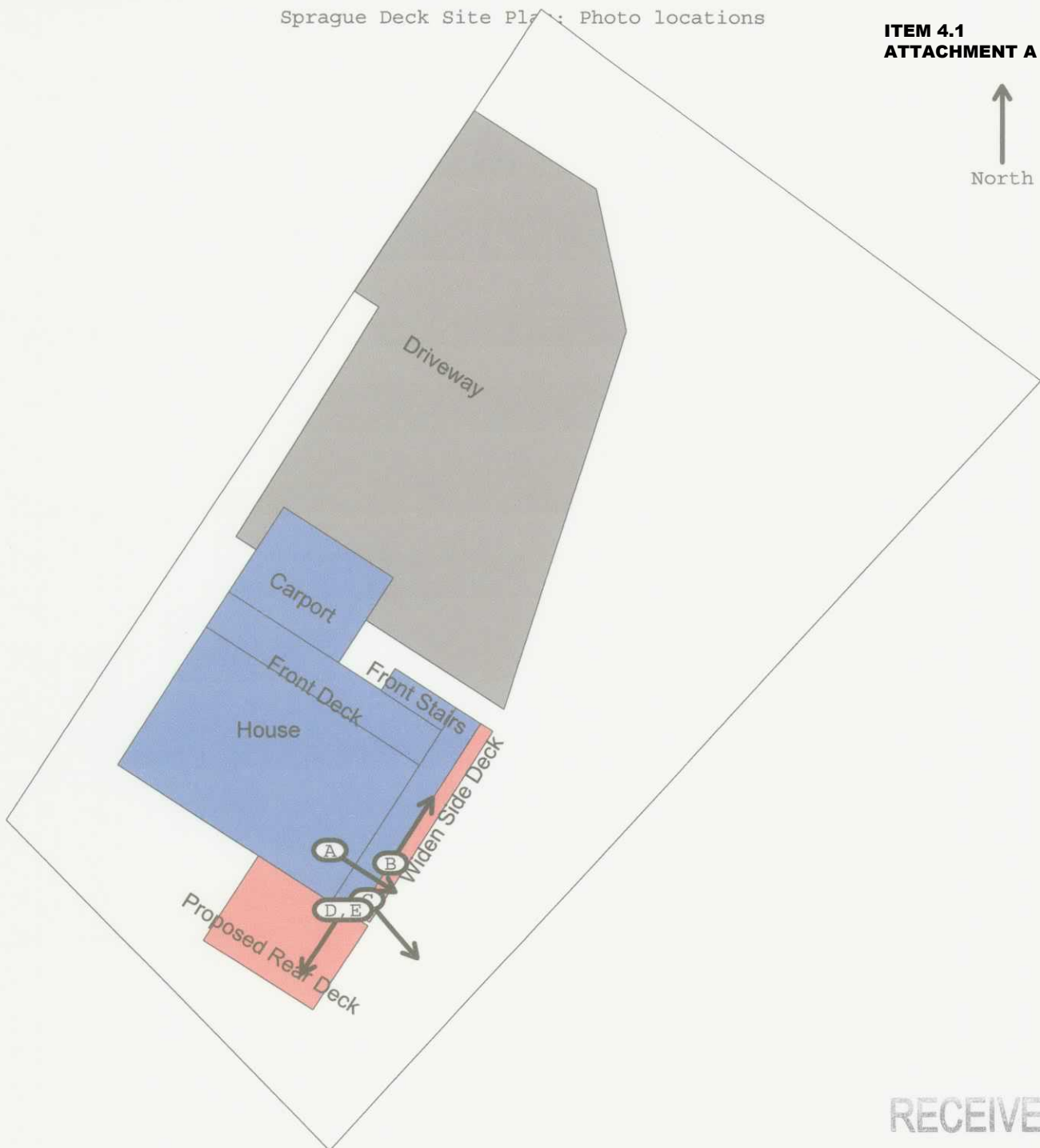
- 3/4" iron pipe (found)
- 3/4" pipe RE3230
- ◐ 3/4" pipe S side of Spring
- ◑ iron 3/4" pipe
- post CNE cor
- Footing F1
- Footing F2
- Footing S2
- Footing S1
- Footing R1
- Footing R2
- Footing R3



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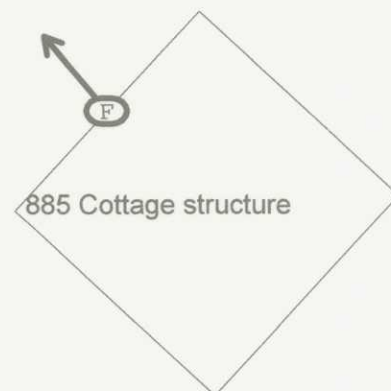
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A

Widen
Side Deck



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B

Widen
Side Deck

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C

885 Cottage
Roof line

Property Line 16'
higher than
proposed decks

Picture taken looking
up hill from existing
side deck

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D

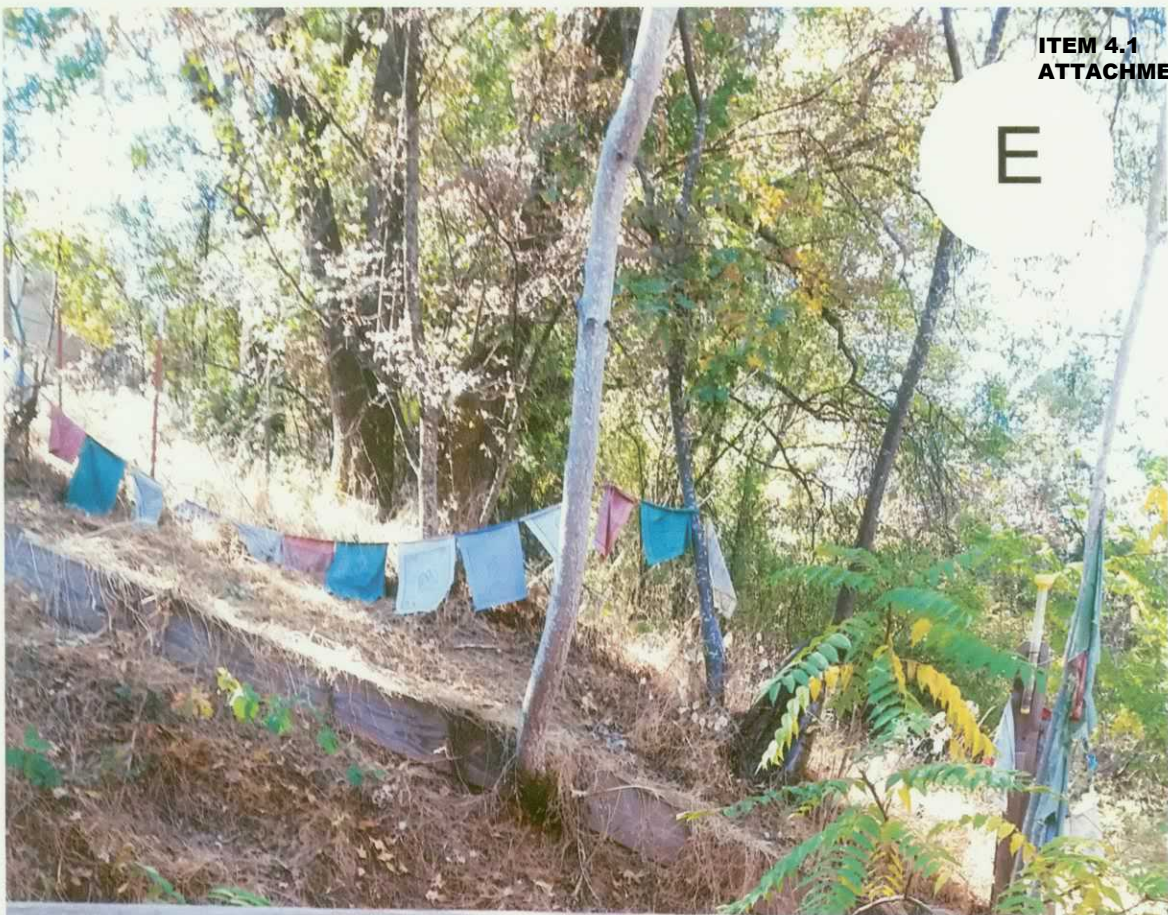
Rear Deck
Footing
Locations

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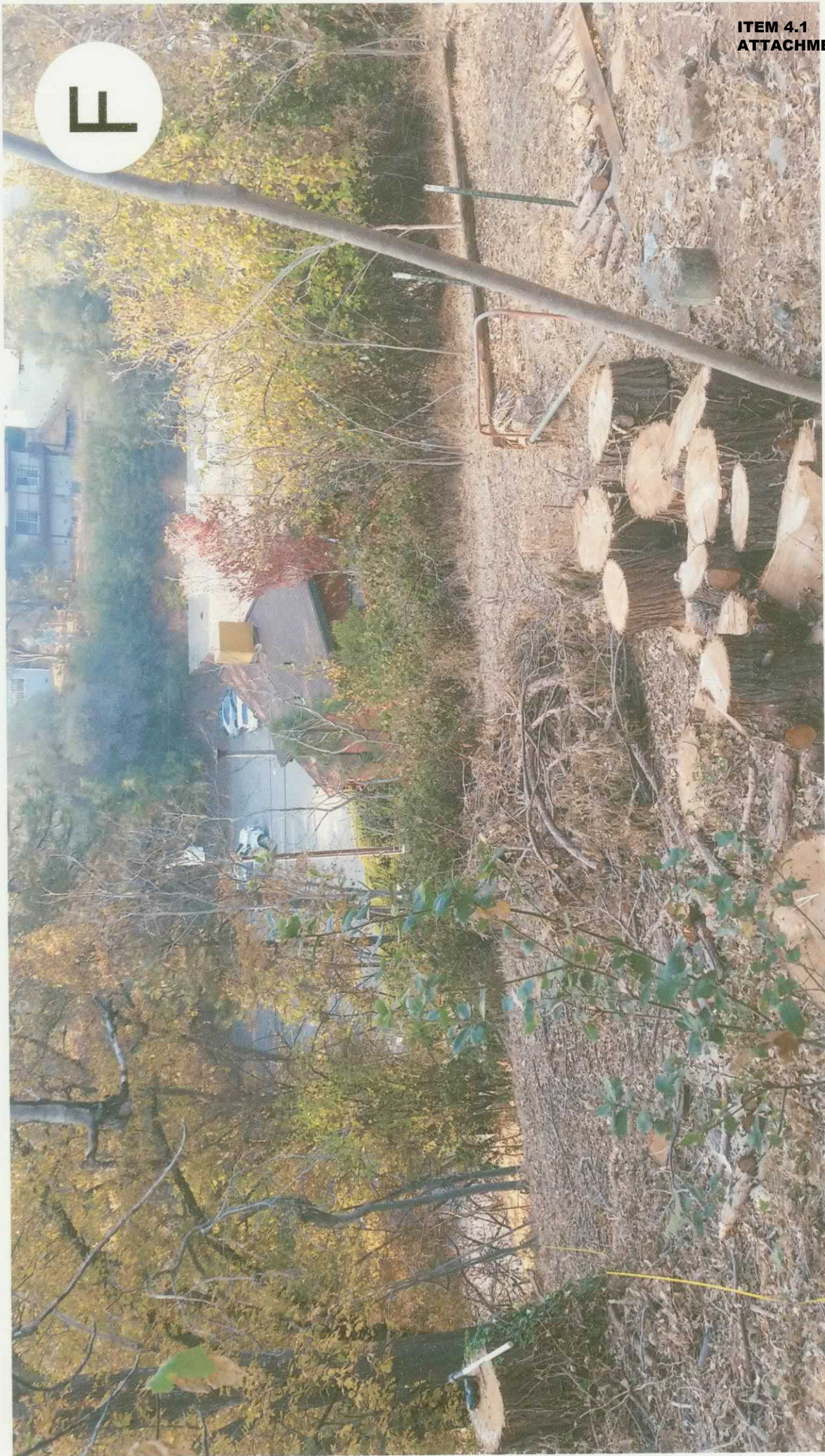
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ITEM 4.1
ATTACHMENT A

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CITY OF PLACERVILLE
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885 Cottage St.
Placerville, Ca. 95667

November 8, 2018

To whom it may concern,

I am the property owner of 885 Cottage st . Recently Todd and Amy Sprague at 884 Spring St., requested my approval and acceptance of the variance listed below to expand their decks

Rear property line setback of 15' instead of 20' and 7.5' setback along side property lines instead of 10'. I am writing to express my acceptance and approval of the above mentioned variance.

Thank you,



Erin E. Riviello

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Attachment B
Neighboring Non-Conforming Setbacks Within the R1-6 Zone



Denotes Non-Conforming Setbacks Within R1-6 Zone

Map Scale: 1" = 100 feet