

8.1 Public Hearing
3092 Hazzard Street – Variance (VAR) 19-02

**Development Services Department Staff Report
August 20, 2019 Planning Commission Regular Meeting
Prepared By: Andrew Painter, City Planner**

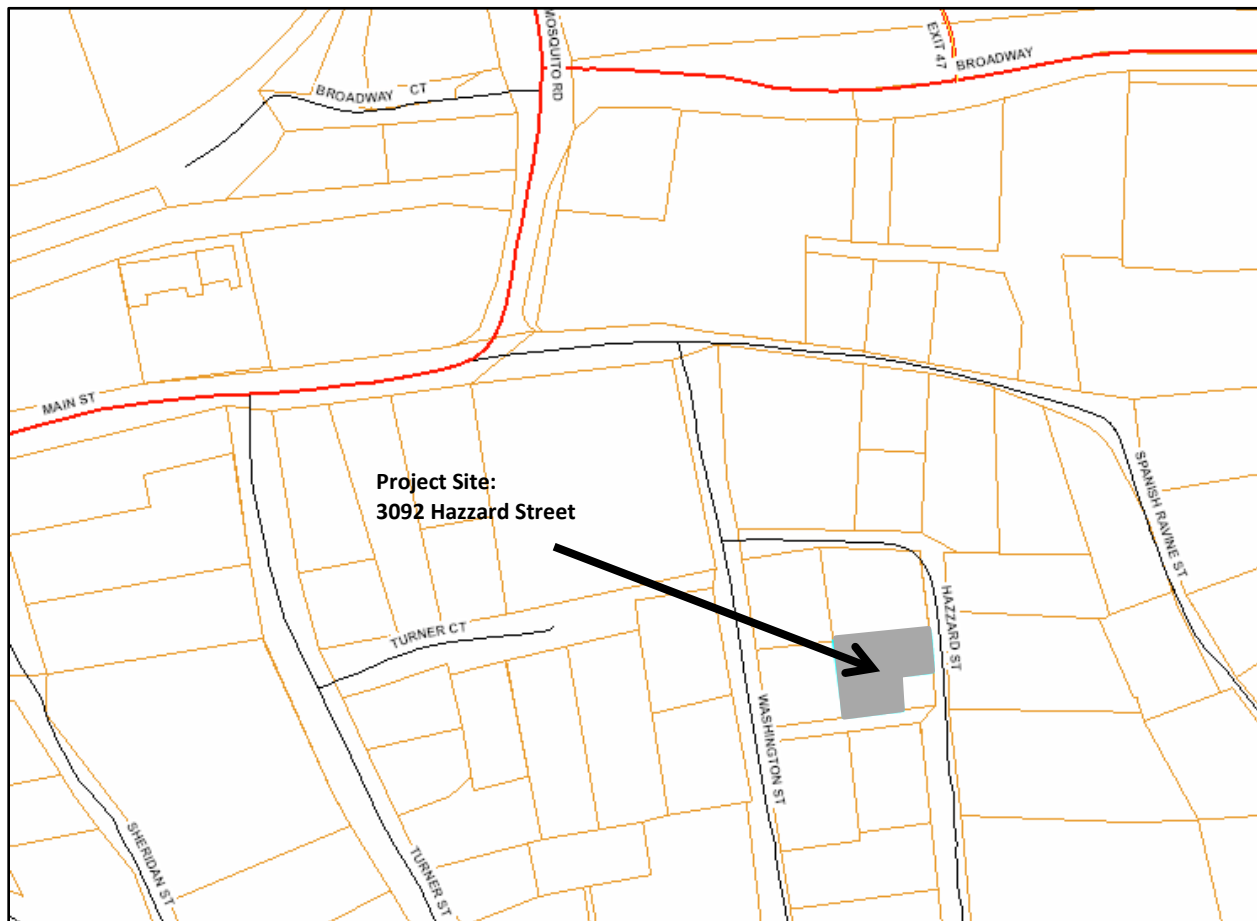


Item 8.1: 3092 Hazzard Street - Variance (VAR) 19-02: Request to allow a 6 feet rear yard where 20 feet is required in the R1-6 (Single-Family Residential, 6,000 square-foot minimum parcel size) Zone District (City Code Section 10-5-8(D)), for the expansion of a second story bedroom.

Location: 3092 Hazzard Street, Placerville, approximately 200 feet south of the intersection of Tunnel and Spring Streets. See Figure 1. Fee Parcel Number is 004-151-011.

Owner/ Applicant: Sammie Ball, Owner; Ronald Williams, Applicant

Figure 1.



Recommendation: Approve Variance 19-02 with the Findings and Conditions stated herein.

Figure 2. Hazzard Street Street View



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	0.11 acres (4,792 square feet)	No change
Parcel Slope	<10% cross slope average	No change
Structural Improvements	Approximately 996 square foot, multi-story single family home, with single car garage.	Expand a second story bedroom of the home by 168 square feet (12' x 14') into the rear yard setback.
Nearest Residence	Approximately 100 feet southeast	No Change
Surrounding Development	North: Residential East: Residential South: Residential West: Residential	No change

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

Background and Request: City Construction Permit and El Dorado County Assessor's records reveal that the home on the project site was constructed in 1955. Two other permits were granted

by the City for the address. Windows were replaced in 2001, and in 2009 the electric panel was upgraded from 100 amperes to 200 amperes.

The current homeowner has submitted a construction application to the Building Division to expand the floor area by 168 square feet of a second story bedroom. This expansion would be constructed within the 20 feet minimum rear setback of the R1-6 Zone. Variance approval from the Planning Commission is necessary for the proposed construction because it would encroach within the rear setback of the parcel. Refer to the Applicant Submittal Package (Attachment A) that contains a thorough description and exhibits of the request, the property, and the neighborhood surrounding the project site.

In order to approve any variance, the Planning Commission must make the following findings:

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

Based upon the applicant's description of this request, the exhibits and photos relating thereto provided by the applicant, and the circumstances that apply to the property and others in the project vicinity, the Commission can make findings to justify the granting of the variance.

A circumstance that applies to the subject property and a neighboring parcel within the same R1-6 Zone, located at 3101 Turner Street, is parcel area. Both parcels are legal but are non-conforming to the current R1-6 Zone's 6,000 square feet minimum parcel area. The project site parcel area is 4,792 square feet. The neighboring Turner Street residential parcel has a non-conforming parcel area of 5,009 square feet and a building floor area of 1,120 square feet. The existing Hazzard Street project site home has 996 square feet of floor area. With the proposed 168 square feet bedroom addition the floor area would be 1,164 square feet, or comparable to that enjoyed by the Turner Street property.

A second circumstance is the built-out nature of the neighborhood. Photos provided by the applicant show the existence of numerous residences and accessory structures in the immediate project vicinity that have non-conforming setbacks and have the same R1-6 zoning. The project site shares this circumstance as the existing home is non-conforming to the R1-6 Zone's 20 feet minimum rear setback. The home is approximately 2 feet within the 20 feet setback line location causing a physical constraint on development of the lot.

The circumstances described above show 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. Proposed construction would be entirely within the project parcel. Windows in the proposed addition would look out to the north and south side yards not west toward the rear yard subject the variance request. The request therefore would not be detrimental to the public health, safety, convenience or welfare, not injure property or improvements in the vicinity of the site.

Public Noticing: Public notice of the public hearing was provided in writing to property owners within 500 feet of the project site. Notice was also published in the Mountain Democrat and posted to the City's website. No comments were received as of the distribution of staff's report.

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, the existing circumstances of the project parcel and the immediately neighborhood provide justification to approve VAR19-01. 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 that contains existing residences and accessory structures that have non-conforming setbacks, or have similar parcel area to the site, and have the same R1-6 zoning as demonstrated within the staff report and applicant exhibits, that 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) In that the proposed bedroom addition with the setback variance would be constructed entirely within the project parcel, and windows would look out to the north and south side yards not west toward the rear yard, 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.
- III. Approve Variance 19-02, subject to the following conditions and requirements:
 1. These conditions and requirements shall apply to Variance 19-02, a request by Sammie Ball for a setback variance that allows a 6 feet rear yard where 20 feet is required, for the construction of an addition of 168 square feet to a second story bedroom.
 2. Approval is granted for the Variance request described in the application date-stamped July 11, 2019, and staff's August 20, 2019 report to the Planning Commission, except as modified by the conditions of approval.
 3. The permit shall apply only to 3092 Hazzard Street, Parcel Number 004-151-011, 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

Attachment

A. Applicant Submittal Package



CITY OF PLACERVILLE
PLANNING APPLICATION

Date: 7-11-19
Zoning: _____ GP: _____
File No: VAR19-02
Filing Fee (PZ) 500.00
Filing Fee (EN) _____
Receipt No: 336

REQUEST FOR:

- ☐ Annexation ☐ Boundary Line Adjustment ☐ Certificate of Compliance ☐ Conditional Use Permit
☐ Environmental Assessment ☐ Environmental Impact Report ☐ Final Subdivision Map ☐ General Plan Amendment
☐ General Plan Consistency ☐ Historic District Review ☐ Landscape Plan Review ☐ Map Amendment ☐ Merger
☐ Minor Deviation ☐ Planned Development ☐ Preliminary Plan Review ☐ Sign Package Review / Amendment
☐ Site Plan Review ☐ Temporary Commercial Coach ☐ Temporary Use Permit ☐ Tentative Parcel Map
☐ Tentative Subdivision Map ☒ Variance ☐ Zone Change

DESCRIPTION: REQUEST SET BACK VARIANCE FOR A BEDROOM EXPANSION
FOR BACK YARD AREA.

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 SAMMIE M. BALL
MAILING ADDRESS 3092 HAZZARD ST
PLACERVILLE, CA 95667
PHONE 530-626-6879
EMAIL debswill@comcast.net

APPLICANT'S REPRESENTATIVE (if different)

NAME RONALD WILLIAMS
MAILING ADDRESS 3092 HAZZARD ST
PLACERVILLE, CA 95667
PHONE 619-987-3412
EMAIL ronwill1@comcast.net

PROPERTY OWNER(S)

NAME SAMMIE M. BALL PHONE 530-626-6879
MAILING ADDRESS 3092 HAZZARD ST PLACERVILLE, CA 95667
EMAIL ADDRESS debswill@comcast.net

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

NAME BURNE ENGINEERING PHONE 530-672-1600
MAILING ADDRESS 5047 ROBERT S. MATHEWS PKWY ELDORADO HILLS, CA 95762
EMAIL ADDRESS BURNEENGINEERING.COM
I have notified the mortgage holder, which is: _____

DESCRIPTION OF PROPERTY (Attach legal deed description)

STREET ADDRESS 3092 HAZZARD ST PLACERVILLE CA 95667
ASSESSOR'S PARCEL NO.(S) 004-151-11-100 R1-6/AO
Above described property was acquired by owner on 9 29 1966
Month Day Year

RECEIVED

JUL 11 2019

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.

Sammie M Ball
Applicant's Signature

SAMMIE M. BALL
Printed Name of Applicant(s)

7/8/19
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.

Sammie M Ball
Signature of Property Owner

SAMMIE M. BALL
Printed Name of Property Owner

7/8/19
Date

Signature of Property Owner

Printed Name of Property Owner

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.

RON WILLIAMS 619-987-3412 RONWILL1@COMCAST.NET

Before filling out application please read

"REQUIREMENTS FOR FILING APPLICATION FOR A VARIANCE"

- (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.

PLEASE CONSIDER A 6 FT SETBACK FROM THE REAR OF MY PROPERTY AT 3092 HAZZARD ST. I AM PROPOSING A SECOND STORY BEDROOM EXPANSION ON THE EXISTING BEDROOM IN THE BACK OF THE HOUSE KEEPING THE EXISTING SETBACKS ON THE SIDE. THIS WILL ALLOW FOR A COMFORTABLE BEDROOM SIZE AND ADEQUATE CLOSET SPACE. THERE WILL BE NO WINDOW VIEW FROM THE BACK OF THE ROOM TO THE HOMES BEHIND MY PROPERTY SO AS NOT TO ENCRACH ON THE PRIVACY OF HOMES BEHIND MY PROPERTY. I ALSO OWN THE PROPERTY AT 3088 HAZZARD ST. NEXT TO 3092 HAZZARD ST ROOM EXPANSION.

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.

THE VARIANCE WOULD NOT BE OUT OF THE NORM FOR PROPERTIES ON HAZZARD ST. MANY HOMES IN PLACERVILLE ARE MUCH CLOSER THAN WHAT I AM REQUESTING.

PICTURES ARE INCLUDED OF HOMES IN OUR HAZZARD ST NEIGHBORHOOD

3092 Hazzard Street
Placerville, CA 95667

July 8, 2019

Andrew Painter
Community Development and Engineering Department
Planning Division
3101 Center Street
Placerville, CA 95667

Dear Sir,

I are writing to request a setback variance for my property at 3092 Hazzard Street (APN 004-151-11-100) The property is zoned R1-6/AO. The zoning has setbacks of 20 feet on the rear.

Referencing our site plan for a bedroom expansion that would require changing the setback to 6 feet. I have included photos of neighboring properties showing structures with little or no setback. They do not meet the required zoning of 20 feet.

This bedroom expansion would improve the home with a sizable master bedroom and closet space that the home does not provide presently.

For the purpose of the expansion of the bedroom there will not be any impact on any neighbor's views or the use of their property but will significantly enhance our utilization and enjoyment of our property while adding value to the neighborhood. The 6 feet variance would be similar and consistent with other properties looking up and down the fence line. The addition would not be visible from Hazzard Street.

Thank you for your consideration.



Sammie Ball/Ronald Williams
3092 Hazzard Street
Placerville, CA 95667
619-987-3412
Ronwill1@comcast.net



BURNE
ENGINEERING
(930) 672-1600

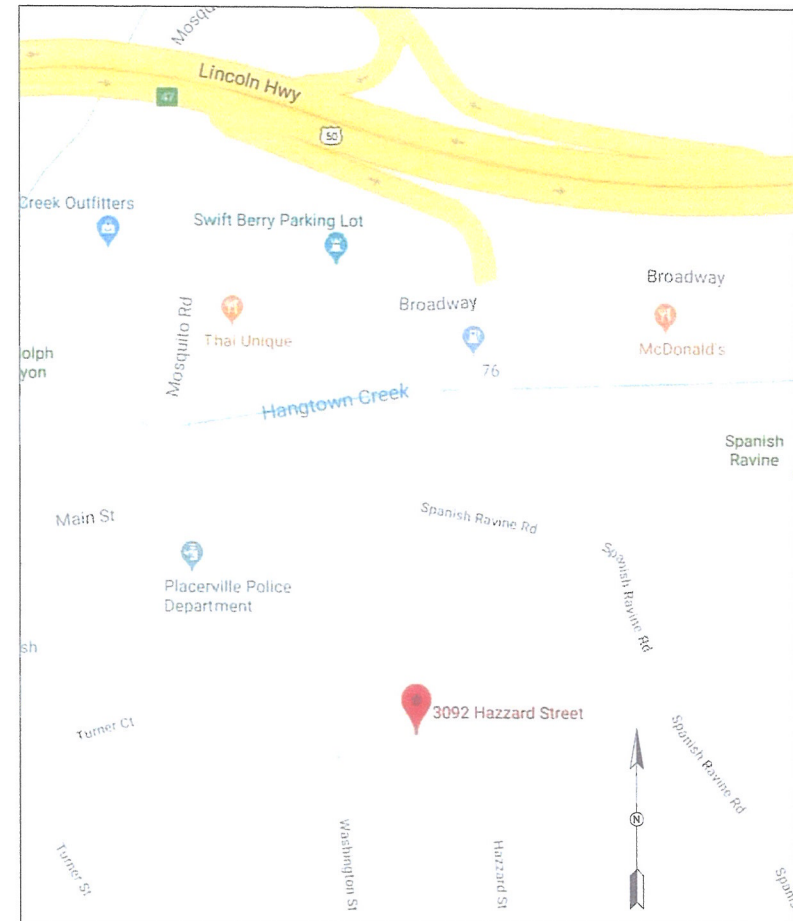
SITE PLAN
WILLIAMS ADDITION
3092 HAZZARD ST
PLACERVILLE, CA 95667

SHEET #:

P1

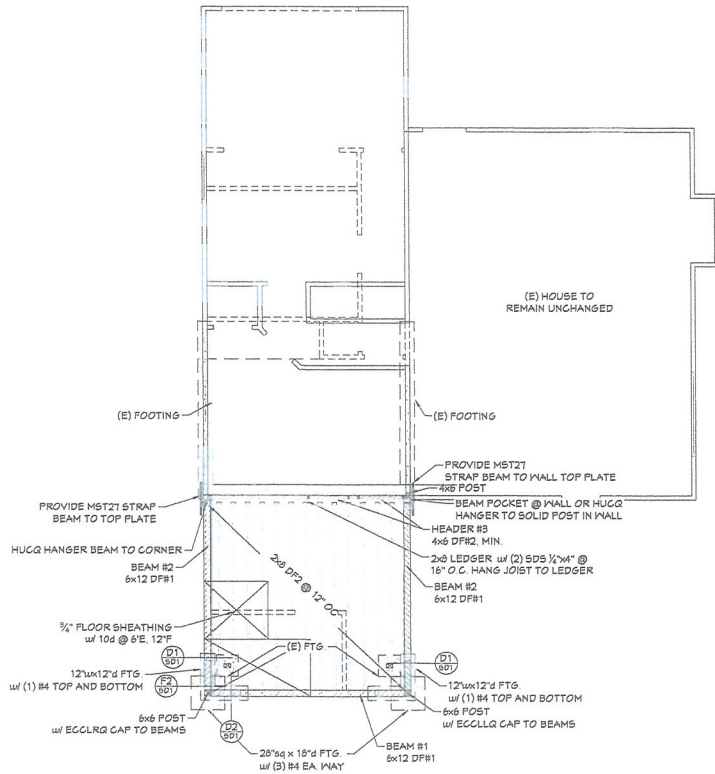


PLOT PLAN
SCALE 1" = 10'-0"

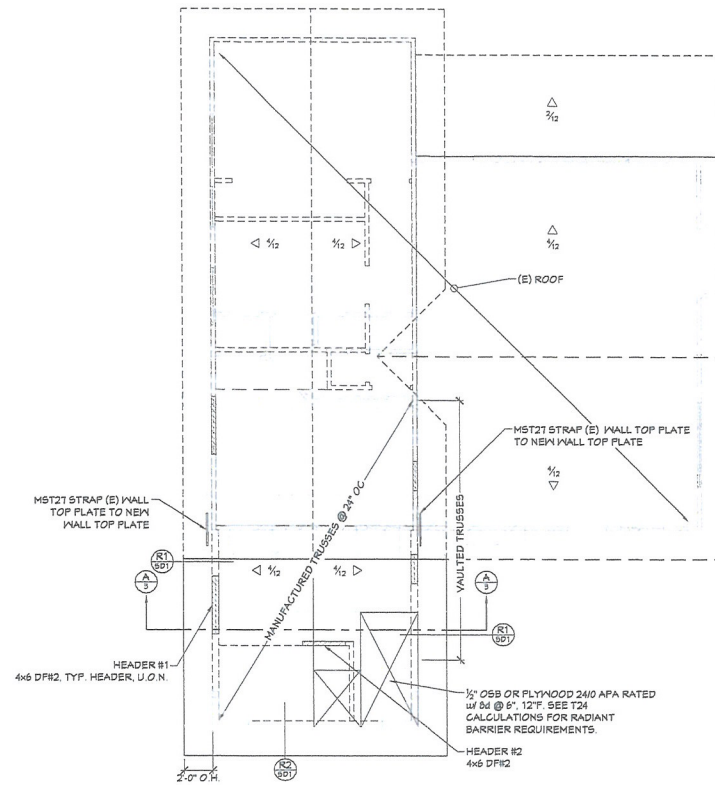


VICINITY MAP
SCALE = N.T.S.

3



UPPER LEVEL FLOOR FRAMING AND FOUNDATION PLAN
SCALE 1/4" = 1'-0"



ROOF FRAMING PLAN
SCALE 1/4" = 1'-0"

WALL LEGEND	
	MAIN LEVEL WALLS
	UPPER LEVEL WALLS

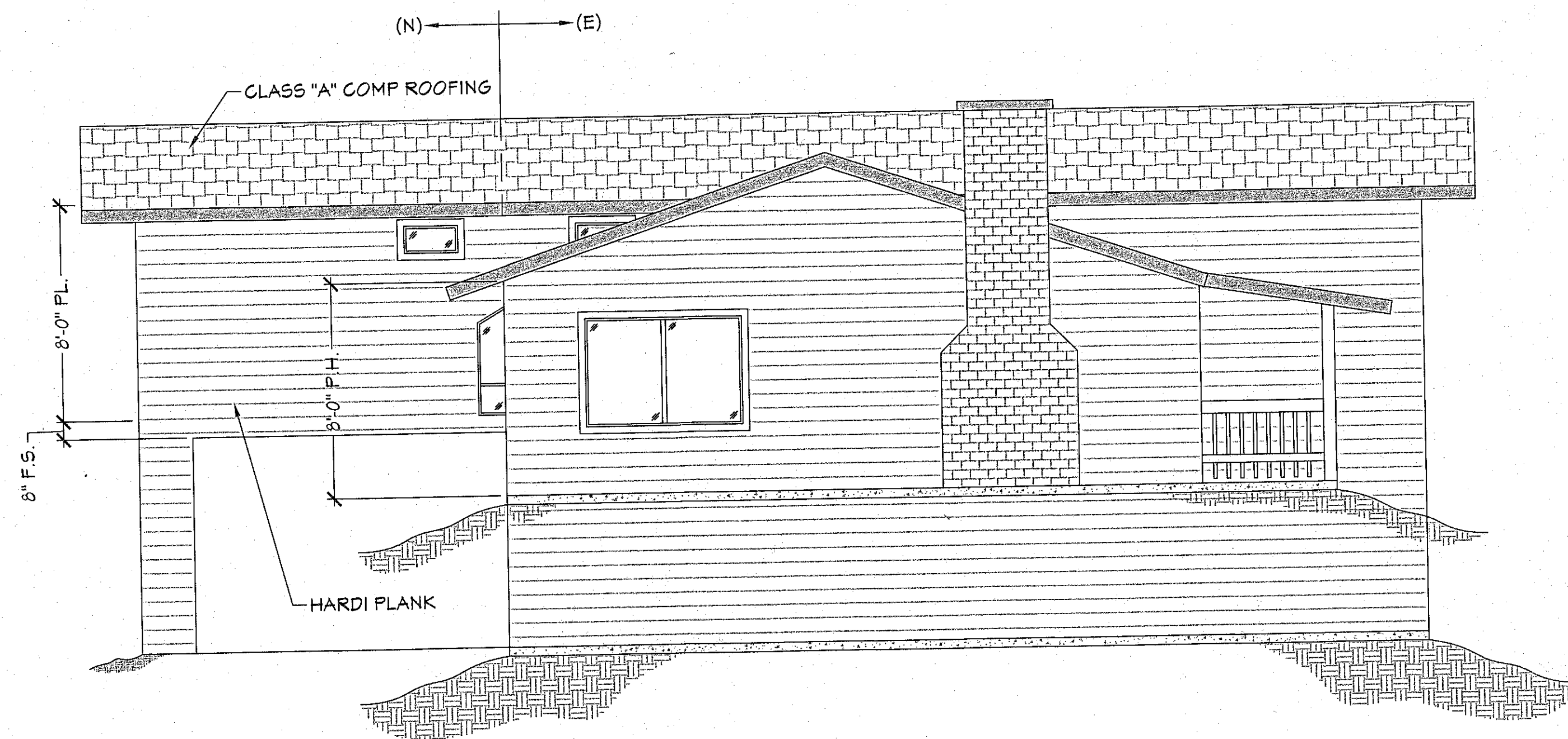
SEE SHEET S01 FOR SHEARWALL SCHEDULE, HOLDOWN LEGEND AND ALL OTHER STRUCTURAL SPECIFICATIONS

SHEET #:

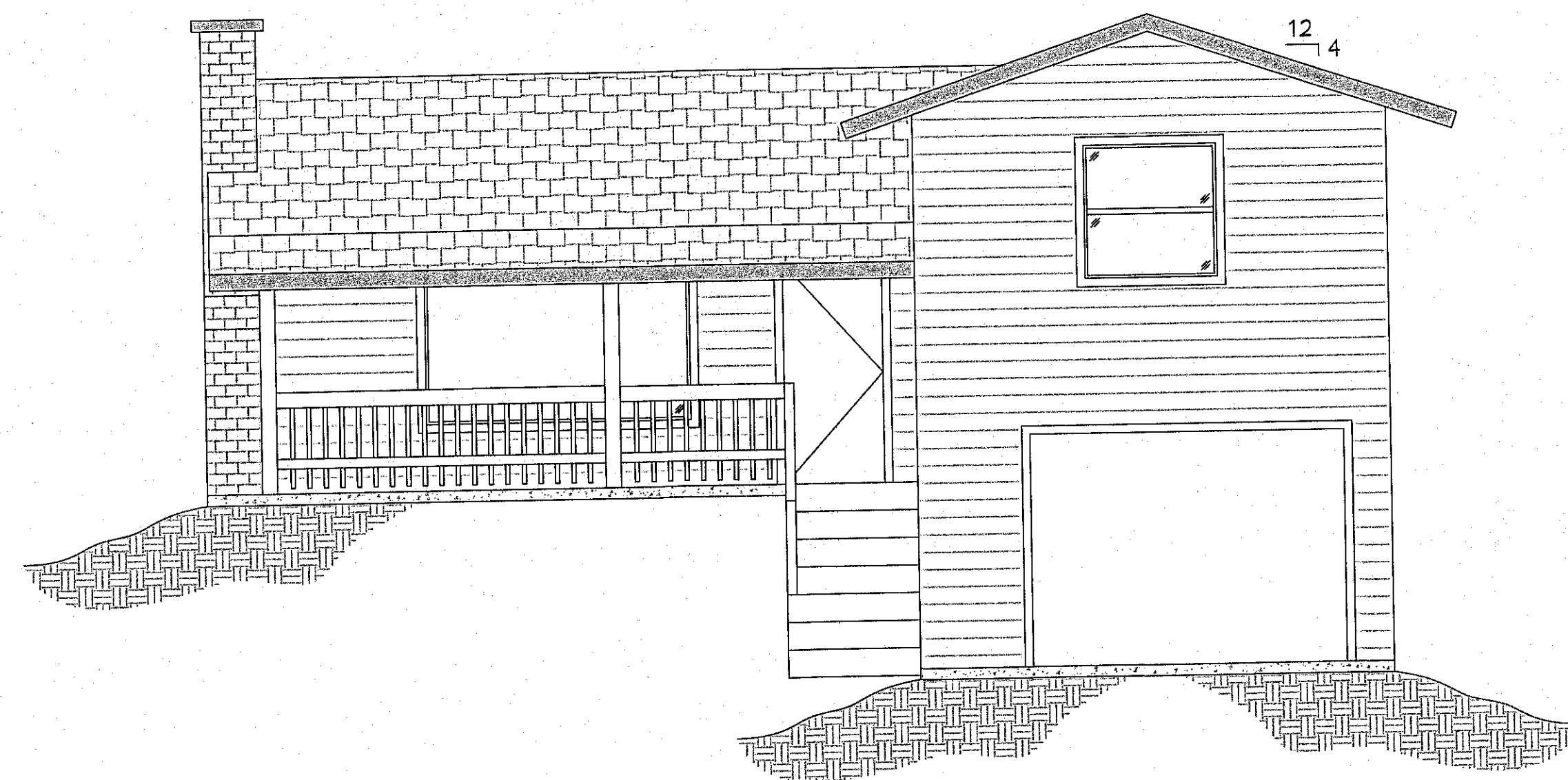
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03.15.14

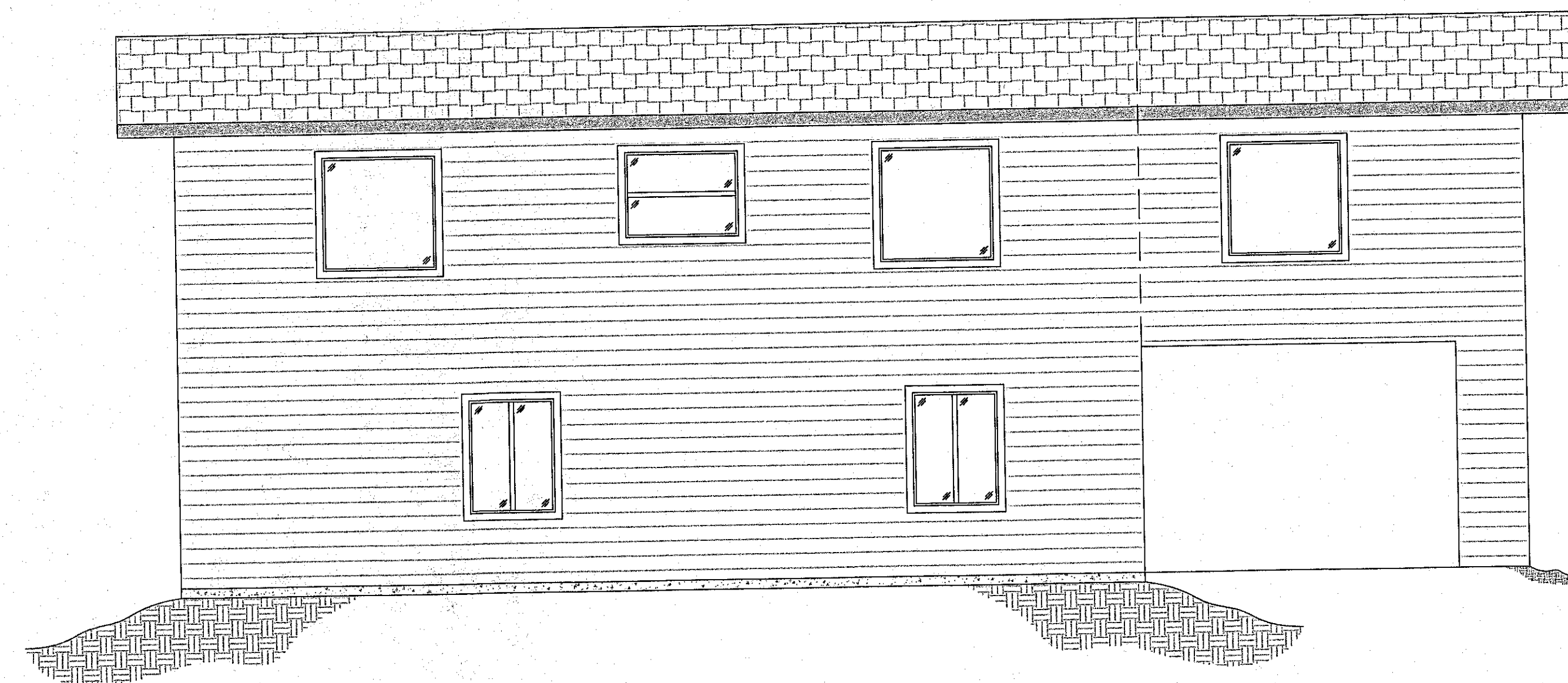
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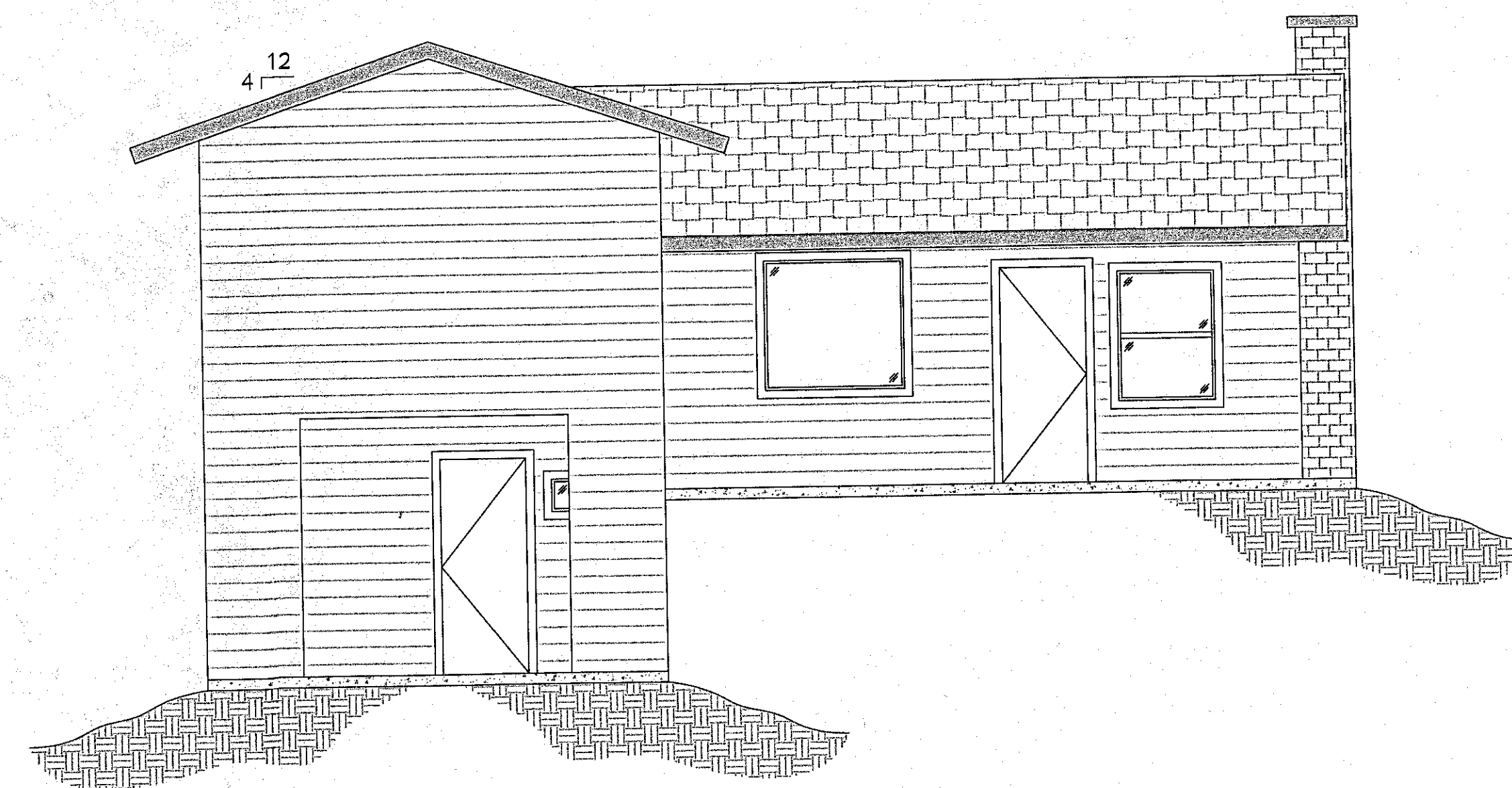
LEFT ELEVATION
SCALE $\frac{1}{4}" = 1'-0"$



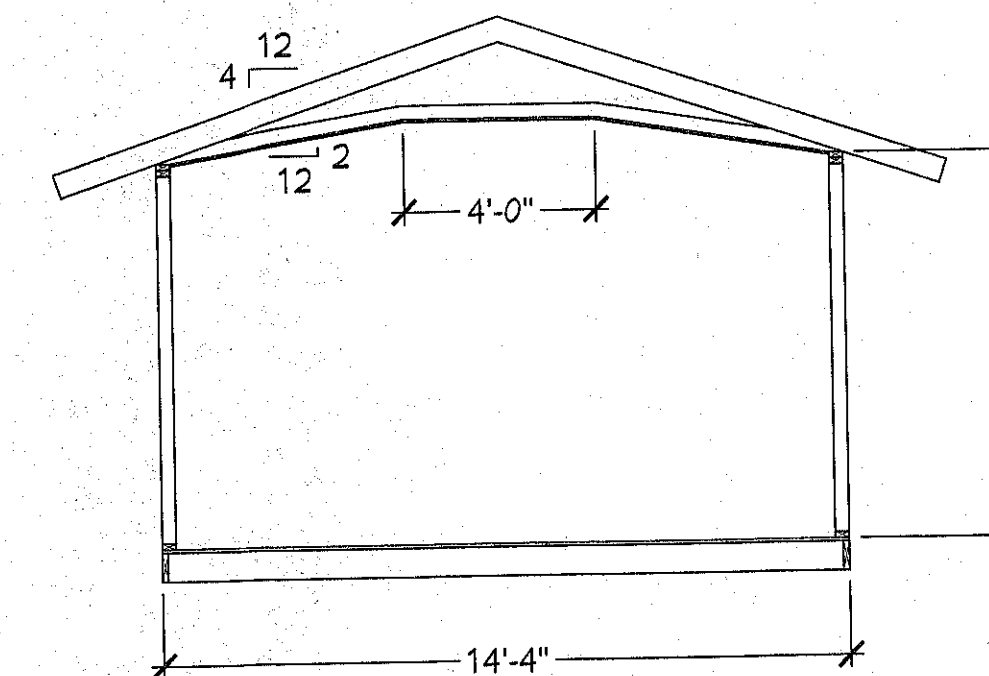
FRONT ELEVATION
SCALE $\frac{1}{4}" = 1'-0"$



RIGHT ELEVATION
SCALE $\frac{1}{4}" = 1'-0"$



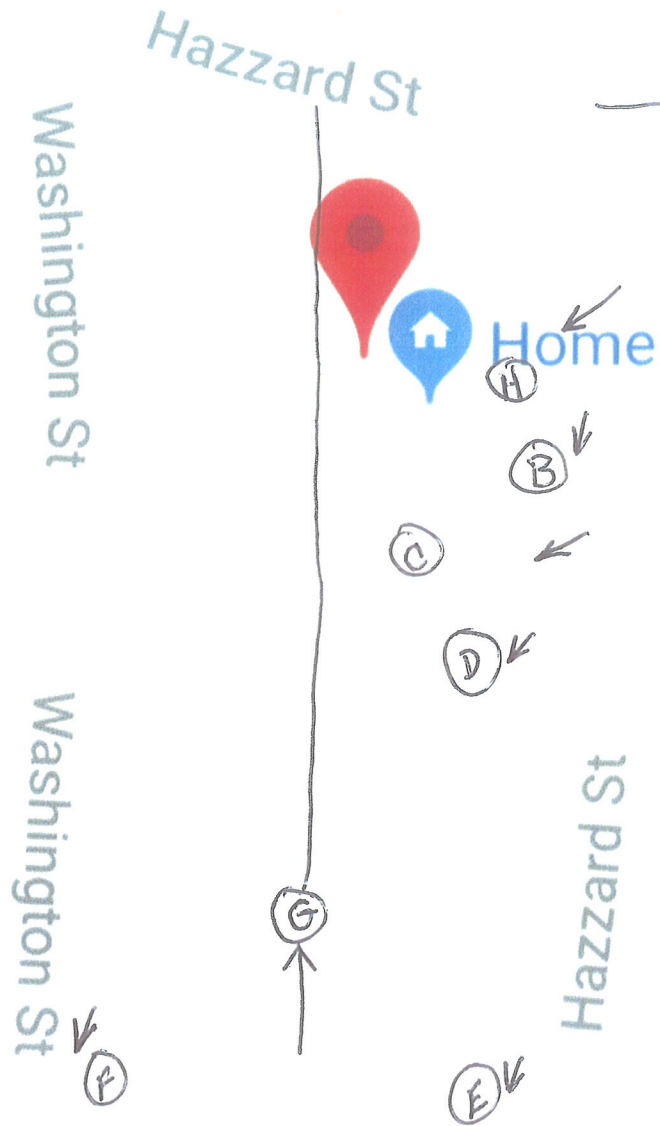
REAR ELEVATION
SCALE $\frac{1}{4}" = 1'-0"$



SECTION A-A
SCALE $\frac{1}{4}" = 1'-0"$

SEE SHEET SN1 FOR SHEARWALL SCHEDULE, HOLDDOWN
LEGEND AND ALL OTHER STRUCTURAL SPECIFICATIONS

RECEIVED
JUL 11 2019
CITY OF PLACERVILLE
DEVELOPMENT SERVICES DEPT.



e Manor



Hazzard St





3092 HAZZARD STREET

#A











3099

#F



