

“Placerville, a Unique Historical Past Forging into a Golden Future”

**Development Services Department Staff Report
 April 16, 2019 Planning Commission Regular Meeting
 Prepared By: Andrew Painter, City Planner**



SUBJECT: 3192 Big Cut Road - Variance (VAR) 19-01: Request to allow a 10 feet front-yard setback where 20 feet is required in the R2 (Low Density Multi-Family Residential) Zone District (City Code Section 10-5-8(D)), for the expansion of an existing deck. Parcel Number 003-182-54.

LOCATION: 3192 Big Cut Road, Placerville, at the northeast corner of the intersection of Big Cut Road and Phillips Court. See Figure 1: Vicinity Map.

OWNER/ APPLICANT: Joni and Martin Vasquez

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.

PROJECT PLANNER: Andrew Painter, City Planner

RECOMMENDATION: Approve Variance 19-01 with the Findings and Conditions stated herein.

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	High Density Residential	No change
Zoning	R-2 (Low Density Multi-Family Residential) Zone District	No change
Parcel Size	0.43 acres (18,730 square feet)	No change
Yards	Front: 20 feet (north) Sides: 10 feet (east and west) Rear: 15 feet (south)	Variance request to reduce the 20 feet front yard setback to 10 feet to expand existing deck
Parcel Slope	Front yard cross slope is approximately 2:1	No change
Structural Improvements	Three unit Multi- family residential facility, approx. 3,500 square feet, garage. Addresses: 3192 Big Cut Road, 821-A and 821-B Phillips Ct	Expand existing deck along a portion of the north side of the residence into the front yard setback
Nearest Residence	Approximately	No Change
Surrounding Development	North, West and East: Residential – R-2 Zone South: City Corporation Yard – PF Zone	No change

This parcel contains the following existing permitted structures and site improvements:

2006: The subject parcel was created in 2006 by Parcel Map (Book 49, Page 47, Parcel 1), a two parcel land division splitting off vacant, unimproved land, from land and home located immediately east with address 3157 Benham Court.

2007:

- Single-Family residence (primary dwelling 3192 Big Cut Road), garage and attached shop building, sewer, water, drainage, driveway encroachments along Big Cut Road and Phillips Court, and sidewalk curb and gutter along the site's Phillips Court road frontage – BP No. 14280.

The subject parcel is irregularly shaped and has street frontage along Phillips Court, Benham Court and Big Cut Road. Per City Code Section 10-4-3(H), Development Services Department staff determined which portions of this irregular shaped parcel are the front, side and rear yards. To avoid extensive grading of the site if constructed with access from Benham Court (approx 2:1 slope), the residential construction was orientated on the subject site with vehicle and pedestrian access from Big Cut Road and Phillips Court. The front yard (20 feet minimum setback) is that which faces Benham Court. The site's rear yard (15 feet minimum setback) faces Big Cut Road and Phillips Court. Side yards (10 feet minimum setback) are those facing the west and east property boundaries.

- Secondary dwelling unit (now 821-A Phillips Ct.) – BP No. 14281
- Conversion of portion of shop building to hobby/game room – BP No. 14663.

2015:

- Site Plan Review 15-01 approved by Planning Commission on February 3, 2015, authorized the conversion of the existing single-family residential uses on site to multi-family occupancy, along with the establishment of a third residential unit (studio) within the hobby/game room, per Section 10-4-9(C)3 of the Zoning Ordinance.
- Conversion of hobby/game room to a third residential unit (821-B Phillips Ct) – BP No. 17552.

The Benham Court neighborhood is located within the R-2 Zone. Uses include many single-family residential structures constructed in the mid-1990s and early 2000s, and a multi-family residence constructed in the late 1980s. Uses on neighborhood lots were pad graded to accommodate construction. As mentioned, development on the subject property was not mass graded. It was developed using existing grade to avoid mass excavation.

VARIANCE

The current property owners Marty and Joni Vasquez, request to expand the existing deck along the north building elevation into the 20-foot front yard setback toward Benham Court to 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.

Variance approval is necessary for the proposed construction that would encroach into the front yard setback of the lot. Per City Code Section 10-3-5(B), the Planning Commission may grant variances for the terms of the zoning regulations only when, because of special circumstances applicable to the property, including size, shape, topography, location and surroundings, the

strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Figure 1: Vicinity Map (Source: EDC GOTNET)

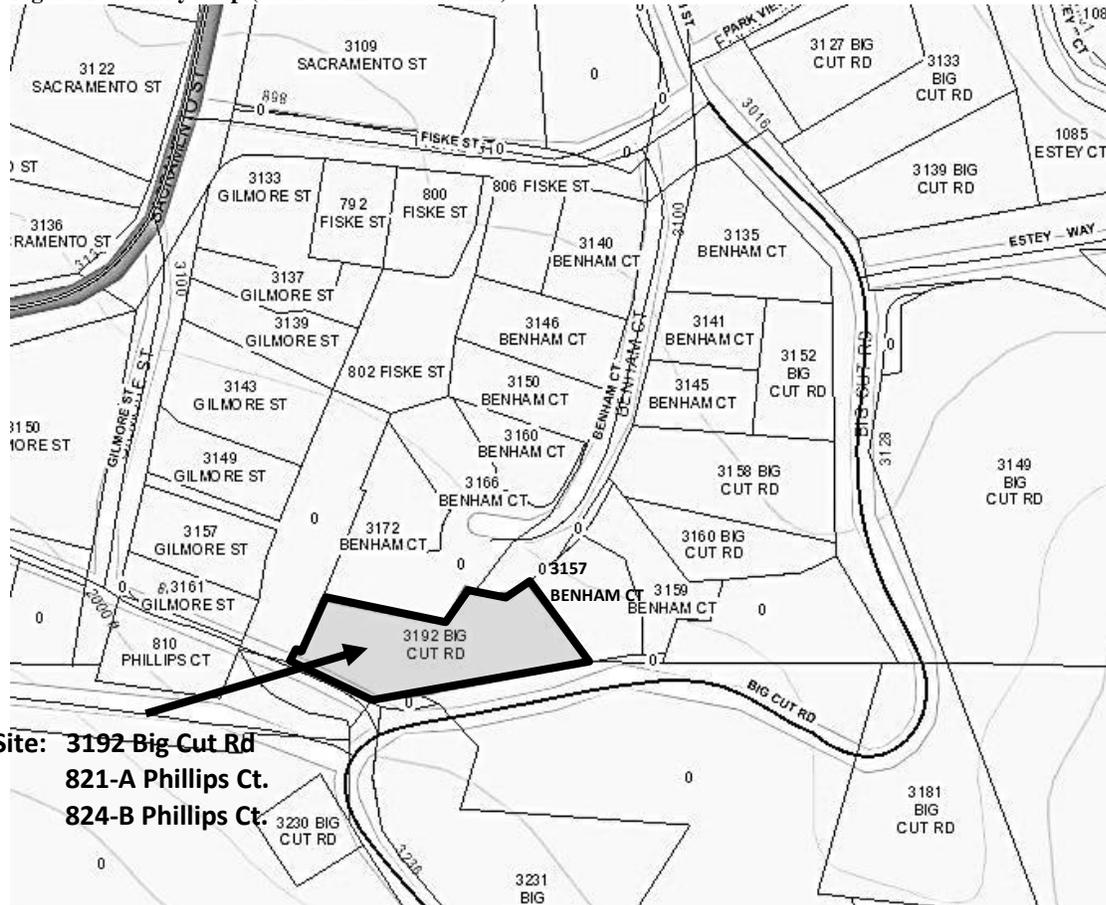


Figure 2: Benham Court View of Project Site



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. The unusual circumstance that applies to the subject property is the approximate 2:1 slope of the front yard that other properties in the Benham Court vicinity do not possess due to the developed nature of pad grading completed as part of their construction in the 1990s to early 2000s. This circumstance confirms 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 in that surrounding properties also within the R-2 Zone enjoy front yard usage. In addition, public health, safety, convenience and welfare would not be harmed with the granting of the request as site improvements would be completed entirely on the subject property.

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 and project site topography, as demonstrated in the Applicant Submittal Package (Attachments A), and as analyzed in staff's 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 proximity of proposed construction to neighboring properties and that said construction would be located entire within the subject parcel, 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 19-01, subject to the following conditions and requirements:

1. These conditions and requirements shall apply to Variance 19-01, a request by Joni and Martin Vasquez for a setback variance that allows a 10- foot front yard setback where 20- feet is required, for the expansion of an existing deck.
2. Approval is granted for the Variance request described in the application date-stamped March 11, 2019, and staff's April 16, 2019 report and exhibits. Approval is valid for a period of eighteen (18) months during which time the rights granted must be exercised by obtaining a construction permit from the Development Services Department's Building Division for the deck expansion.
3. Approval shall apply only to Parcel Number 003-182-54, with addresses 3192 Big Cut Road, 821-A and 821-B Phillips Court 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

1. Applicant Submittal Package
2. 2006 Clayton Residence Site Plan