



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

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PLANNING COMMISSION STAFF REPORT

July 09, 2009

FILE #2009-020 Variance to reduce minimum rear setback requirement from 25 feet to 12 feet to allow the construction of a single family home located in the Residential, Single-Family (R-1) zone.

APPLICANT/OWNER: Thomas Roth
2318 K Street
Sacramento, CA 95818

LOCATION: 52844 Clarksburg Ave, in the town of Clarksburg. (APN: 043-240-21) (**Attachment A**)

GENERAL PLAN: Residential Low Density

SUPERVISOR DISTRICT: 1 (McGowan)

ZONING: R-1 (Residential, Single Family)

FLOOD ZONE: B (areas within the limits of the 500-year flood plain)

FLOOD ZONE:


SOIL TYPE: Tyndall Loam (Class II)

ENVIRONMENTAL DETERMINATION: Categorical Exemption

REPORT PREPARED BY:


Craig Baracco, Associate Planner

REVIEWED BY:


David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission:

1. **DETERMINE** that a Categorical Exemption under Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines is the appropriate environmental documentation for the project (**Attachment E**);
2. **ADOPT** the **FINDINGS** (**Attachment C**) for the project; and
3. **APPROVE** the Variance described in the Findings attached hereto, subject to the Conditions of Approval (**Attachment D**).

REASONS FOR RECOMMENDED ACTIONS

Granting the variance will allow the applicant to build a single-family home appropriate to the zoning district. A variance is an appropriate action, given the size of the lot and the need to provide a septic system and turning area for emergency vehicles. The recommended action will allow the orderly development of the property, and provide additional housing in the community of Clarksburg.

AGENDA ITEM: 6.3

BACKGROUND

The subject property is an existing lot in the R-1 zone, currently vacant and undeveloped. The parcel is approximately 7,600 square feet in size, with dimensions of 102 feet by 74 feet. The site is level, with several trees and no significant topography present. The town of Clarksburg is not served by a central water or sewer system. Water service will be provided from a well located on an adjacent property, with access guaranteed through a water easement. An on-site septic system and leach field will provide sewer service.

Surrounding properties are primarily residential, with single family homes located to the west and southwest, a duplex to the east, and a six unit apartment complex located to the southeast. This applicant also owns the duplex and apartment units, and they currently have a remodel building permit issued to convert these buildings into a single family home, and a four unit apartment complex, respectively. To the north of the subject property is the Old Sugar Mill property, currently zoned M-2 (Heavy Industrial), and previously subject to a Specific Plan application, which has been withdrawn. The main Sugar Mill building, currently used by a number of area wineries, is located approximately 1,000 feet north of the subject property.

The subject property is not located adjacent to a county road, and is accessed through a driveway easement that passes through the two neighboring properties and connects with Clarksburg Ave south of the property.

The rear setback requirement in the R-1 zone is 25 feet. The applicant is requesting a variance to this requirement, to allow the proposed house to be placed 12 feet from the rear property line. As the property is accessed from the east side, the eastern property line is considered the "front" and the western property line the "rear" for the purpose of setbacks.

STAFF ANALYSIS

According to the Yolo County Code section 8-2.2901, a variance is to allow departure from the strict application of the Zoning Code, due to special circumstances pertaining to the physical characteristics or location of the site. A Variation should not constitute a grant of special privilege inconsistent with the limitation placed on surrounding properties, and must be in conformity with the General Plan.

The primary limiting physical factor on this property is its size. At 7,600 square feet, the lot is appropriate for an urban setting, but the need to place a septic system on the property severely restricts the buildable area allowed on the parcel. In order to meet Environmental Health standards, a total area of just under 2,000 square feet must be dedicated to leach field and replacement area. No buildings may be placed in this area, and the leach field must be located five feet from any property line and ten feet from the home itself. This renders approximately 35% of the property unbuildable.

A second consideration is placement of the driveway and the need to provide access for emergency vehicles. This property lies at the end of a long (400+ feet) easement driveway that crosses two other parcels. In order to meet the requirements of the local fire protection district, the applicant must provide enough driveway area for emergency vehicles to turn around. A total area of about 1,200 square feet on the east side of the property will be dedicated to provide this required driveway area, further restricting the buildable area of the lot.

The proposed house is a compact design with two bedrooms and a total footprint of 1,600 square feet. The home is two stories high with an attached garage. A variance is not required due to a proposal to overbuild the lot, or to build a home larger than those found in the surrounding area. A number of mature shade trees are found on the property, including an oak tree. All existing trees

will be preserved in the proposed site plan. The lot bordering the subject lot on the west side where the variance is requested, is developed with a single family home. The neighboring house is located over 150 feet from the existing house and the granting of a variance will not crowd the neighboring home.

Given the physical restrictions of the property and the requirements imposed by both Environmental Health and the Fire District, staff concludes that the Variance request is a reasonable and necessary measure to allow the development of this parcel with a single family home. While having to fit homes with septic systems on small lots is a situation common in the community of Clarksburg, the additional requirement to provide a turning area for emergency vehicles is unique for this property. In combination, these two sets of requirements impose a barrier to development that cannot be overcome outside a Variance. Therefore, this situation is particular to this property and the granting of a Variance will not constitute a grant of special privilege unavailable to surrounding properties. Staff recommends approval of the Variance.

ENVIRONMENTAL DETERMINATION

Under Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines, minor setback variances not resulting in the creation of any new parcels are exempt from CEQA review.

SUMMARY OF AGENCY COMMENTS

A "Request for Comments" was prepared and circulated for the project from June 14, 2008 to June 29, 2009. The project was also brought before the Development Review Committee on June 24, 2008. All comments are integrated into this staff report and the conditions of approval where appropriate.

APPEALS

Any person who is dissatisfied with the decision of the Planning Commission may appeal its decision to the Board of Supervisors by filing with the Clerk of the Board of Supervisors (625 Court Street, Room 204, Woodland, CA 95695) within fifteen (15) days of the Commission's decision. A written notice of the appeal specifying their reason(s) and the payment of the fees to cover expenses of the application and the appeal process shall be made at the Clerk of the Board and the Planning and Public Works Department.

ATTACHMENTS

- | | |
|---------------------|------------------------|
| ATTACHMENT A | Location Map |
| ATTACHMENT B | Site Plan |
| ATTACHMENT C | Findings |
| ATTACHMENT D | Conditions of Approval |
| ATTACHMENT E | Categorical Exemption |



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Yolo County

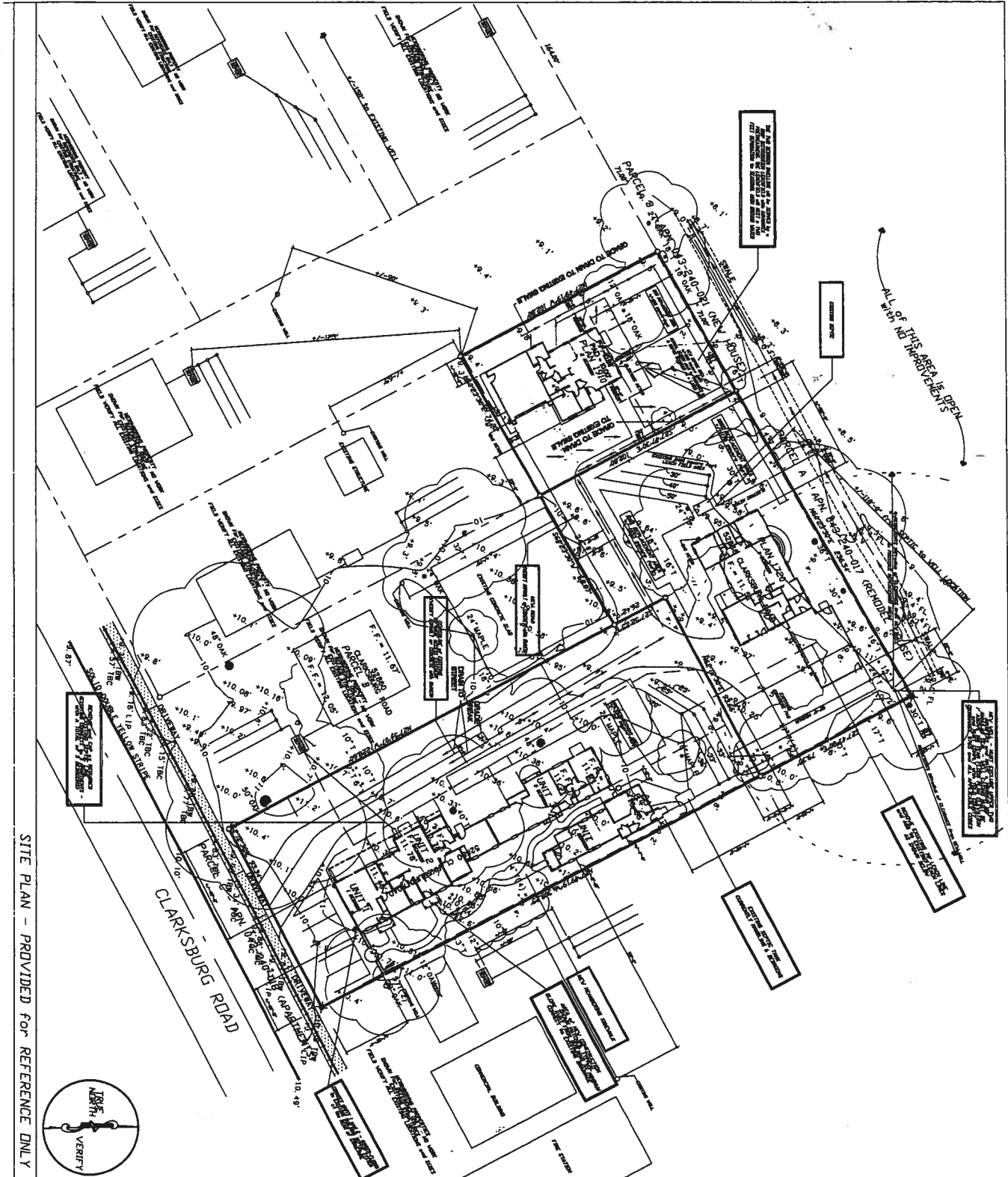
Planning and

Public Works

ATTACHMENT A
Location Map



Printed 7/1/2009



SITE PLAN - PROVIDED FOR REFERENCE ONLY



CONDITIONS SHOWN ON DRAWINGS ARE APPROPRIATELY VERIFIED

NO.	DATE	DESCRIPTION

Parcel M

ATTACHMENT B

Site Plan

LEGEND

- IMPROVEMENT LINE
- EXISTING FUND FENCING - FIELD VERIFY
- NEW FUND FENCING - VERIFY LOCATION, STYLE AND DATE LOCATIONS WITH OWNER/OWNER
- EXISTING TREE - FIELD VERIFY SIZE AND TYPE
- NEW LEACH LINE
- EXISTING LEACH LINE

- NOTES**
- REFER TO CIVIL DRAWINGS FOR FURTHER INFORMATION
 - FOR REFERENCE PARCEL A - APN 043-240-018 THE EXISTING APARTMENTS CONSIST OF 7 UNITS WITH 9 BEDROOMS
 - FOR REFERENCE PARCEL A - APN 043-240-017 THE NEW APARTMENT LAY-OUT IS 4 UNITS WITH 5 BEDROOMS
 - FOR REFERENCE PARCEL A - APN 043-240-017 RESIDUAL HOUSE - NEW 3 BEDROOMS (NO CHANGE)
 - FOR REFERENCE PARCEL 3 - APN 043-240-021 NEW HOUSE 2 BEDROOMS

DESIGNER

GENERAL CONTRACTOR

SCALE 1"=40'-0"

AS01

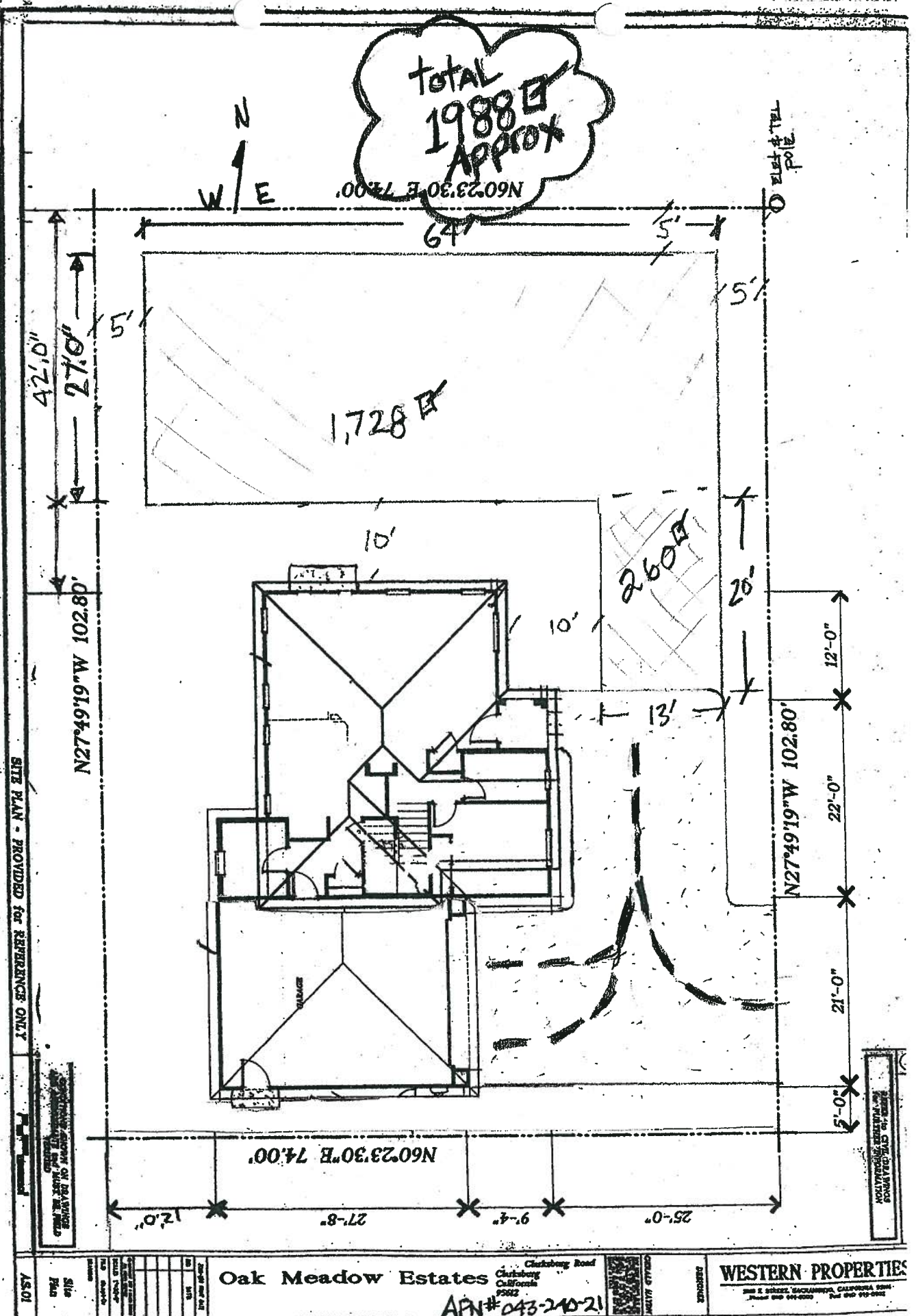


Exhibit A Proposed Layout X

Findings For Roth Variance ZF# 2009-020

Upon due consideration of the facts presented in this staff report, testimony at the public hearing for Zone File #2009-020, and all other documents in the record, and in accordance with the California Environmental Quality Act (CEQA), the Yolo County General Plan, the Clarksburg Area General Plan, Yolo County Zoning Code Section 8-2.2904 (variance requirements), the Yolo County Planning Commission approves a Variance allowing the building of a home with rear yard setbacks of 12 feet and finds the following concerning the project:

(A summary of evidence to support each FINDING is shown in Italics)

California Environmental Quality Act (CEQA) Guidelines

In determining that the proposed Categorical Exemption for this project is the appropriate level of environmental review under CEQA, the Planning Commission finds:

Under Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines, minor set back variances not resulting in the creation of any new parcels are exempt from CEQA review. The variance at issue in this application meets these criteria.

Variance Findings:

In accordance with Section 8-2.2904 of Article 27 of the Yolo County Code, the Planning Commission finds:

- a. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;

The R-1 Zone requires a rear yard requirement of 25 feet. The applicant shall be allowed to build the home with rear yard setbacks of 12 feet. The variance does not constitute a grant of a special privilege with respect to this parcel. Residences of a similar (or even larger) size may be constructed on other parcels in this vicinity that are zoned R-1. By granting this variance, the Planning Commission finds that it is simply ensuring that the subject parcel enjoys the same residential development rights as other surrounding parcels. If the Planning Commission were to instead deny the requested variance, the subject parcel would be unable to build a residence and would not enjoy the same privileges as other parcels in the same vicinity and zone.

Conditions of Approval have been prepared for this project, which limit this waiver specifically to the construction of a single-family home at this specific parcel. The variance will not apply generally.

ATTACHMENT C

- b. That, because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter would deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and

The subject parcel is approximately 7,600 square feet in area, with a building footprint severely restricted due to the requirement to provide a septic system and leach field, as well as a turning area for emergency vehicles. While having to fit homes with septic systems on small lots is a situation common in the community of Clarksburg, the additional requirement to provide a turning area for emergency vehicles is unique for this property.

Given the unique combination of size and multiple lot restrictions found on this parcel, the rear setback normally found in this zones appropriate. Therefore, a rear yard setback of 12 feet is appropriate for this property alone.

- c. That the granting of such variance will be in harmony with the general purpose and intent of this chapter, and will be in conformity with the Master (General) Plan.

The property is designated Low Density Residential in the Clarksburg Area General Plan. The construction of a single-family home is consistent with the provisions of this land use designation. Further, this lot is located within the already developed area of town and this Variance would further Policy L5: Growth should be directed toward infill or replacement development within the Clarksburg town area.

**Conditions of Approval
Roth Variance
ZF# 2009-020**

Planning

1. The applicant shall be responsible for all costs associated with implementing the following Conditions of Approval, which the Planning Commission finds are necessary and appropriate:
2. This variance shall apply solely to the building of a single-family home located at 52844 Clarksburg Avenue, Clarksburg (APN 043-240-21).
3. The rear yard shall be a minimum of 12-feet as measured from base of wall to property line.
4. All other requirements of the Yolo County Zoning Code for the R-1 zone shall be followed, including side and front yards, parking, height of building, and any accessory structures built on the site.

Building

5. The applicant shall apply for a building permit for the construction of the single-family home, shall follow all applicable building codes and regulations, and pay all appropriate fees.

Public Works

6. The Applicant shall install frontage improvements (curb, gutter, and sidewalk) for access from Clarksburg Avenue, prior to final occupancy. If the applicant's associated projects on the neighboring properties (APNs: 043-240-17, 18); that utilize the same access off of Clarksburg Avenue, have not been completed at that time, then the applicant shall contact the Public Works Division (ph 666-8838) and shall post a \$10,000 bond/check to secure Temporary Occupancy Permit only, for a period not to exceed five months.

County Counsel

7. In accordance with Yolo County Code Section 8-2.2415, the applicants, owners, their successors or assignees shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

ATTACHMENT D

8. The County shall promptly notify the applicant of any claim, action, or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to the action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Failure to comply with the **CONDITIONS OF APPROVAL** as approved by the Planning Commission may result in the following:

- Non-issuance of future building permits;
- Legal action.

COUNTY RECORDER

Filing Requested by:

Yolo County Planning and Public Works

Name

292 West Beamer Street

Address

Woodland, CA 95695

City, State, Zip

Attention: Craig Baracco

Notice of Exemption



To: Yolo County Clerk
625 Court Street
Woodland, CA 95695

Project Title: ZF# 2009-020

Thomas Roth
2318 K Street
Sacramento, CA 95816

Project Location: 52844 Clarksburg Ave, in the town of Clarksburg (APN: 043-240-21)

Project Description: A Variance to allow a structure in the required rear yard setbacks in the R-1 zone.

Exempt Status: Setback variance not resulting in the creation of any new parcels.

Reason why project is exempt:

Under Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines, setback variances not resulting in the creation of any new parcels are exempt from CEQA review.

Lead Agency Contact Person: Craig Baracco, Associate Planner
Telephone Number: (530) 666-8833

Signature (Public Agency): _____ Date:

ATTACHMENT E