

**PLUMAS COUNTY
ZONING ADMINISTRATOR**
Minutes of the Regular Meeting of August 10, 2022

The Plumas County Zoning Administrator convened in a meeting on August 10, 2022, at 10:02 a.m. in the Permit Center Conference Room, Quincy. Zoning Administrator, Tracey Ferguson, presiding. Senior Planner, Tim Evans, is in attendance.

I. PUBLIC COMMENT OPPORTUNITY

No public comment is presented.

II. SPECIAL USE PERMIT: ANTARAMIAN, SARK & ALINE; APN 115-063-012; T.24N/R.9E/S.14 MDM

The request for a special use permit to re-establish the lawful, non-conforming residential use of a structure in C-1 (Core Commercial) zoning, located at 56 Harbison Avenue, Quincy, is presented. Tim Evans, Senior Planner, states that based on material information to the application, which came to light the week of August 1, 2022, staff recommends the hearing be continued to the regular meeting of the Zoning Administrator on September 14, 2022. Tracey Ferguson, Zoning Administrator, questions if the applicant or representative is present. It is confirmed that neither the applicant nor the applicant's representative is present. Ferguson continues the Special Use Permit to the regular meeting of the Zoning Administrator on September 14, 2022.

III. VARIANCE: NOALL, KENNETH; APN 106-283-011; T.28N/R.8E/S.27,28 MDM

The request for a variance of the front and side (northern) yard setbacks in order to accommodate a carport, located at 6655 Dyer Drive, Lake Almanor, is presented. Tim Evans, Senior Planner, gives a presentation as reflected in the staff report.

In response to the staff report, Kenneth Noall, applicant, clarifies that the northern retaining wall does not encroach into the neighbor's property. As designed, the retaining wall parallels the property line and continues off the front property line into the County road right of way. Noall and Jeff Morrish of NST Engineering indicate the location of the retaining wall on the site plan. Ferguson comments, in reviewing the site plan, it's not clear the retaining wall is not encroaching into the neighbor's property. Jeff Morrish of NST Engineering replies, stating, the retaining wall placement will be made clear on the site plan.

Tracey Ferguson, Zoning Administrator, states Condition #2 should be amended to state, "a *revised* site plan and building plans shall be submitted . . ."

Continuing, Noall explains that he is trying to bring up his parking to be level with the top floor of his house and extend it across the existing void so he can have a carport and storage below.

The public hearing is opened at 10:33 a.m. There being no comments, the hearing is closed at 10:33 a.m.

DECISION

Tracey Ferguson, Zoning Administrator, finds the project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15305, with Findings A through C; and approves the Variance subject to the conditions of approval outlined in Exhibit 15 of the Staff Report, with the amendment of Condition #2, making Findings A through F as follows:

ENVIRONMENTAL DETERMINATION FINDINGS

- A) There is no substantial evidence in the record supporting a fair argument that the proposed project, as conditioned, might have a significant adverse impact on the environment; and
- B) The project is a variance from the side yard setback for the construction of a carport that will be constructed to meet all building requirements; and
- C) The location and custodian of the documents which constitute the record of these proceedings is the Plumas County Planning Department, 555 Main Street, Quincy, California

CONDITIONS

Plumas County Planning Department

1. The Variance for the proposed storage area and carport is approved in conformance with the Variance application and site plan submitted on May 6, 2022, with the following setback corrections:
 - A. The requested variance to the side yard setback for the proposed carport shall be 2.3 feet for the carport as shown on the site plan as opposed to the 2.5 feet stated on the application.
 - B. The requested variance to the side yard setback for the proposed carport overhang shall be one (1) foot three (3) inches as stated in the narrative supplied with the variance application as opposed to the 1.5 feet stated on the application.
 - C. The requested variance to the side yard setback for the northern retaining wall is one (1) foot and the site plan shows the retaining wall located up to and across the eastern (front) and northern (side) property lines. The retaining wall is not required to meet setbacks, so the request for a variance for the retaining wall is not necessary.
2. The northern retaining wall shall not cross the northern property line onto the adjacent parcel. A revised site plan and building plans shall be submitted with the building permit application for the storage area, carport, and retaining walls clearly showing the northern retaining wall not crossing the northern property line.
3. The Variance is to be signed by the property owners and returned within forty (40) days of the date of approval or the permit will be voided.

Plumas County Building Department

4. Applicant shall submit all necessary building permits to the Plumas County Building Department within eighteen (18) months of the approval of this variance.

Plumas County Environmental Health

5. The proposed storage area, carport, and retaining walls shall not impact any existing on-site sewage disposal system or any future on-site sewage disposal areas.

Plumas County Department of Public Works

6. Prior to the issuance of the building permit for the storage area, carport, and retaining walls, an encroachment permit shall be obtained from Plumas County Public Works.

FINDINGS

A) There are special circumstances applicable to the property under which strict application of the provisions of this chapter would deprive the property owner of privileges enjoyed by other property owners in the vicinity.

The special circumstances applicable to this property are due to the eastern property boundary length being 56.30 feet and the western property boundary length being 82.34 feet, which creates a narrow area for development of the parcel. Additionally, the developable area is further reduced by the steep grade along the entire parcel and a leach field/septic system located within the rear of the parcel (Exhibits 13 and 14). The narrow area for development deprives the property owners the full use of the property that other property owners in the vicinity enjoy.

B) That the variance is necessary for the preservation and enjoyment of the substantial property rights of the applicant.

The granting of the variance is necessary to accommodate the permitted uses (storage area, carport, and retaining walls) of the property as it would allow reasonable development of the parcel.

C) That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety, or general welfare.

The reduced setbacks would not substantially reduce visibility or the open space quality of homes located along Dyer Drive as the front elevation of the existing dwelling and proposed storage area, carport, and retaining walls adjacent to the street are a single story.

The proposed carport and garage will be required to meet all the necessary building codes and will be in compliance with all zoning requirements. Therefore, the granting of the variance would not be detrimental to the public health, safety, or general welfare.

D) That the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the same vicinity or zone.

Many other parcels on the East Shore of Lake Almanor and in the immediate vicinity have storage areas and carports and that have been constructed to the size of the proposed storage (351 square feet) and carport (580 square feet). Additionally, other parcels, under similar circumstances, would be given the same consideration. Therefore, the granting of this variance would not constitute a granting of a special privilege.

E) If any exceptions from the provisions of this code which implement the SRA Fire Safe Regulations are requested, that the requirements of Section 9-9.202 - *Exceptions* of Article 2 of Chapter 9 of this title are met.

The proposed project is for a storage area and carport addition to an existing dwelling on a property located within the State Responsibility Area (SRA). Pursuant to Sec. 1270.02(b)(2) of the 2020 Fire Safe Regulations, an activity subject to the SRA/VHFHSZ (Very High Fire Hazard Severity Zone) Fire Safe Regulations is the “application for a building permit for new construction, not relating to an existing structure.” Therefore, due to the proposed project being an addition to an existing structure, the SRA/VHFHSZ Fire Safe Regulations do not apply to the proposed project and an exception from the SRA/VHFHSZ Fire Safe Regulations is not required and is not being requested.

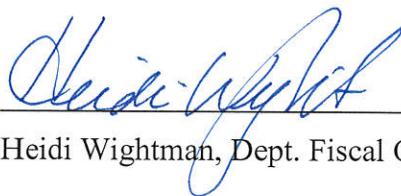
F) That the variance will not permit uses not permitted by the zone.

The variance is consistent with the residential uses permitted by the S-1 zoning.

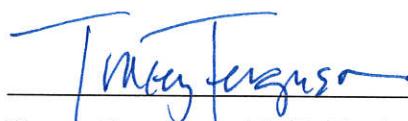
Zoning Administrator Notation: Any decision made as a result of this meeting may be appealed to the Board of Supervisors within ten (10) calendar days of the decision. If the tenth day lands on a Saturday, Sunday, or County holiday, the end of the appeal period will be the next working day. The appeal shall be based on relevant information stated or submitted at or prior to this meeting by (a) the applicant; (b) any owner of real property within 300 feet of the exterior boundaries of the property involved who was present at the hearing or who presented written testimony before the Zoning Administrator, or who may be adversely affected by the decision of the Zoning Administrator; (c) such other person whom the Board determines to have been adversely affected by the decision; or (d) any County department head whose department has an interest in the decision (Plumas County Code, Title 9, Chapter 2, Article 10, Section 9-2.1001). Appeals shall be filed with the Clerk of the Board of Supervisors, paying the fee according to the Planning & Building Services Fee Schedule.

ADJOURN

There being no further business, the meeting adjourns at 10:40 a.m. The next regularly scheduled Zoning Administrator meeting is set for September 14, 2022, at 10:00 a.m. at the Planning & Building Services Conference Room located at 555 Main Street in Quincy.



Heidi Wightman, Dept. Fiscal Officer II



Tracey Ferguson, AICP, Zoning Administrator