



Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263
FAX: (760) 878-0382
E-Mail: inyoplanning@
inyocounty.us

AGENDA ITEM NO.: 5 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: October 26, 2016

SUBJECT: Variance #2016-04/Rancho Costalotta Properties LLC

EXECUTIVE SUMMARY

An application for a variance to encroach 10-feet into the required 20-foot rear yard setback for a property zoned One-Family Residential (R1) that is located at 807 S. Barlow Lane, in the community of Bishop. The applicant, Rancho Costalotta Properties LLC, is proposing an addition to a single-family home that increases the square footage and is expanding into an area where an additional residential unit and mobile home has previously been located. This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 5 exemption.

PROJECT INFORMATION.

Supervisory District: 3

Project Applicant: Jeffery Pasley, PO Box 8566, Mammoth Lakes, CA 93546

Property Owner: Rancho Costalotta LLC, PO Box 8566, Mammoth Lakes, CA 93546

Site Address/

Community: 807 S. Barlow Lane, Bishop CA 93514

A.P.N.: 011-340-34

General Plan: Residential Low Density – 2.0 to 4.5 units/acre

Zoning: One-Family Residential with a 10,000 square-foot minimum (R1-10,000)

Size of Parcel: Approximately 16,522 square-feet

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Developed - Single family residence	Residential Low Density (RL), 2.0-4.5du/acre	One-Family Residential (R1), 10,000-sqft minimum lot size
North	Single family homes	Residential Low Density (RL), 2.0-4.5du/acre	One-Family Residential (R1), 10,000-sqft minimum lot size
East	Single family homes	Residential Very Low Density (RVL), 2.0 du/acre	One-Family Residential (R1), 0.5-acre minimum lot size
South	Single family homes	Residential Low Density (RL), 2.0-4.5du/acre	One-Family Residential (R1), 10,000-sqft minimum lot size
West	Single family homes	Residential Low Density (RL), 2.0-4.5du/acre	One-Family Residential (R1), 10,000-sqft minimum lot size

Staff Recommended Action:

1.) Approve the Variance.

Alternatives:

- 1.) Deny the Variance.
- 2.) Approve the Variance with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner:

Cathreen Richards, Senior Planner

STAFF ANALYSIS

Variance Request & Site Characteristics

The applicant Rancho Costalotta LLC owns an approximate 16,522 square-foot parcel at 807 S. Barlow Lane. This parcel and the one located directly south of it are situated in the opposite direction of the rest of the parcels located in the surrounding subdivision and they both have a creek that meanders across them. This property was, until very recently, developed with a residential unit and mobile home that were situated together within one framed-in structure and under a single roof. This conglomeration of buildings was 5-feet from the rear and side lot lines on the east and north sides. There is also a 25'x50' residential unit with a garage located near the middle of the parcel and about 5-feet from

the north side. This parcel and the surrounding parcels are zoned One-Family Residential (R1) that requires the following setbacks:

- Front: 25 feet
- Rear: 20 feet
- Side: 5 feet.

In this case, the combined mobile and single family unit would be considered the principle permitted use and the other a granny unit, due to the larger square footage. This principle use did not meet the setback requirements of the R1 District. About a third of this parcel is off limits to development due to a creek that meanders across the length of south side and twists north in a section that almost reaches the center of the parcel.

The mobile home has been removed and the area where it was located is proposed to have an addition built on to it to blend in with both the existing stick structure that shared the enclosure and roof with the mobile home and further added onto and incorporated into the granny unit located to the east. This work will result in one single family home. The applicant is asking for a variance from the 20-foot rear yard setback requirement to encroach 10-feet and thereby creating a 10-foot rear yard setback.

Previous Variance History

Staff was unable to find a variance for the buildings that are currently on the property. The build dates for these structures are pre-1970 and the mobile home appears to have been placed on the property in the late 1960's or early 1970s.

Provision for Variances

The Inyo County Zoning Ordinance states that any variance to the terms of the Zoning Ordinance may be granted if such a variance would “*not be contrary to its general intent or the public interest, where due to special conditions or exceptional characteristics of the property or its location or surroundings, a literal enforcement would result in practical difficulties or unnecessary hardships*” (Section 18.81.040).

Further, the Zoning Ordinance states that the following three Findings must be affirmed in order for any variance to be granted:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.
2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.
3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.

In addition to the above Findings specified in the Inyo County Zoning Ordinance, California State Government Code requires the following Findings for any variance:

4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. The proposed variance is consistent with the General Plan.
7. The requirements of the California Environmental Quality Act have been met.

Affirmative variance Findings must describe the special circumstances that act to physically differentiate the project site from its neighbors and make it unique, and thus uniquely justified for a variance; alternatively, negative findings must describe how the project's physical characteristics are not unique or exceptional, and therefore do not justify a variance.

ALL seven of the Findings must be affirmed in order for a variance to be approved.

ENVIRONMENTAL REVIEW

This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 5 exemption, "Minor alterations to land use limitations, such as lot line adjustments, variances, and encroachment permits on land with a slope of less than 20%, which do not result in changes in land use or density."

RECOMMENDATIONS

Findings

Staff has reviewed this application and can find that all seven of the required Findings can be affirmed:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.
(Affirmative – Evidence: The property is zoned One Family Residential (R1), which requires a 10,000-square foot minimum and, a front yard setback of 25-feet, rear yard setback of 20-feet and side yards of 5-feet. The loss of buildable area on this parcel due the creek meandering through its south side limits development to the area on the north making it difficult to meet the required setbacks without disturbing the creek. There are also pre-existing structures that were built prior to the County's adoption of a Zoning Ordinance that the owner is trying to save. There are other properties in the area with the same creek flowing through them, but the affected area of most of these other parcels is not as much as this one. This parcel is unique to the area and to the majority of single family homes in the County because of the limitations created by the creek.)

2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.
(Affirmative – Evidence: This variance request to encroach into the rear yard setback and will not result in allowing for activities that are unusual to the surrounding neighborhood and it would not be detrimental or injurious to either public welfare or other properties in the vicinity as it is a single family residence in a residential neighborhood. The shorter rear yard will also not create privacy or encroachment issues with the adjoining property as it abuts the rear yard of the neighboring property.)
3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.
(Affirmative – Evidence: The project site is limited by a creek that flows across the length of the south side of the parcel and twists north in a section that reaches almost to the center, these factors create difficulties/hardships in meeting the required setback requirements for the R1 zone. Granting a variance to encroach 10-feet into the rear yard setback would still allow the general purposes of Title 18.30 of the Zoning Code to be fulfilled, as the encroachment would not change the low-density, single-family, residential character or use of the property.)
4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
(Affirmative – Evidence: The project site has limited buildable space as it is limited by a creek that flows across the length of the south side of the parcel and twists north in a section that reaches almost to the center. The home located directly south of this parcel that shares a section of the creek and the same parcel orientation, also does not meet the front or rear yard setback requirements of the R1 District. For these reasons, the requested variance to encroach into the rear yard setback cannot be said to constitute a grant of special privileges. It would, instead, allow the property owners the ability to use their property in the same manner as the other properties in the vicinity.)
5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
(Affirmative – Evidence: The proposed variance applies to rear yard setback requirements. The proposed residential use is permitted in the R1 Zone.)
6. The proposed variance is consistent with the Inyo County General Plan
(Affirmative – Evidence: The requested variance presents no inconsistencies with the General Plan land use designation of the project site, which is Residential Low Density (RL) 2.0-4.5du/acre.)
7. The requirements of the California Environmental Quality Act have been met.

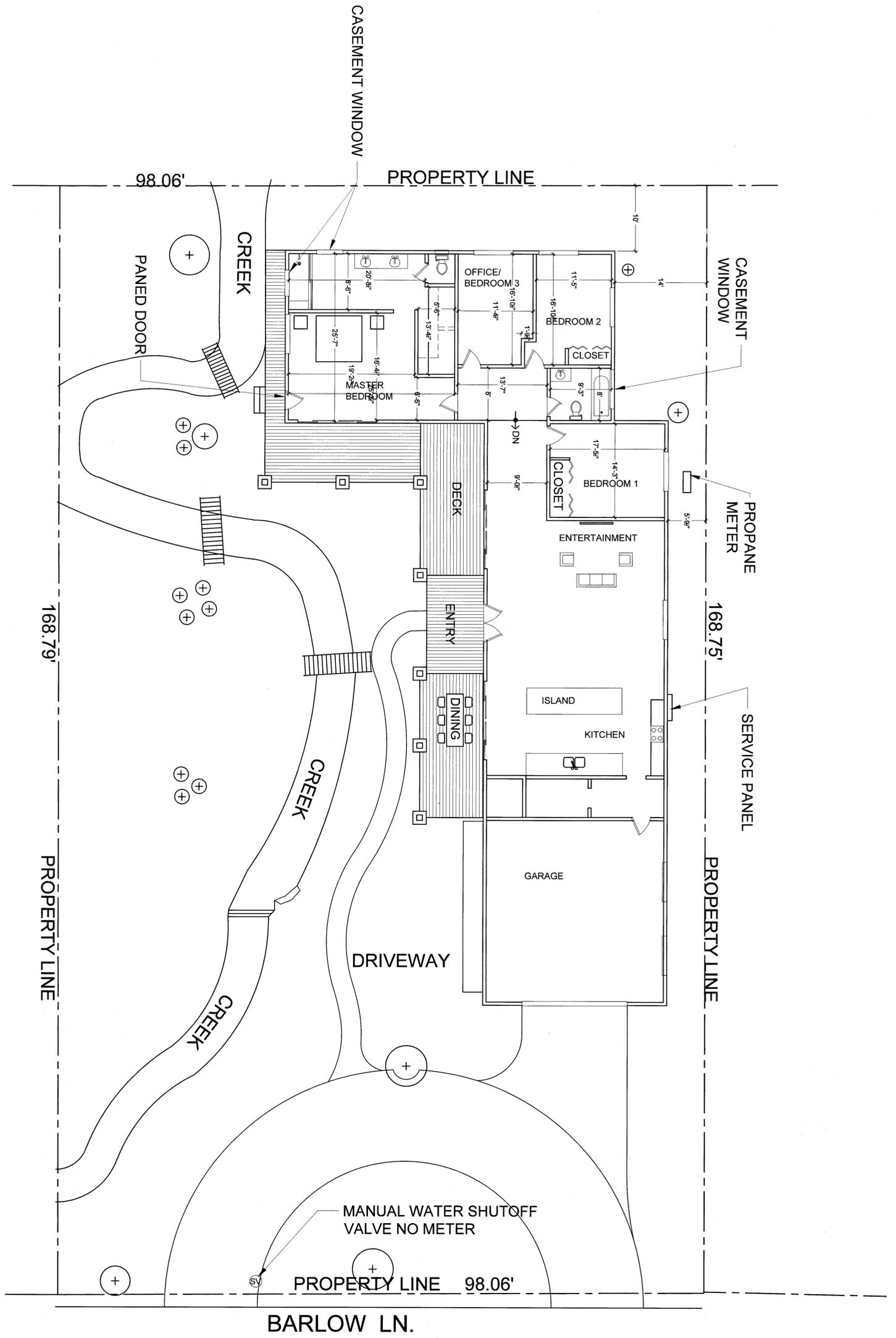
(Affirmative – Evidence: The requested variance is not subject to the provisions of CEQA, being categorically exempt under Class 5.)

Conditions of Approval

- 1.) Hold Harmless: the applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action, or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning Variance #2016-04/Rancho Costalotta LLC or applicant's failure to comply with conditions of approval.

ATTACHMENTS

- Site Map/General Vicinity Map



PLOT DATE: 03-18-16

PROJECT:
BARLOW RESIDENCE
 807 BARLOW LN.
 BISHOP, CA 93154

SHEET TITLE:
SITE PLAN

REVISIONS	
DRAWN	J.A.
APPROVED	
JOB NO.	
DATE	03-18-16
SCALE	AS SHOWN
SHEET	1 OF 1



LINE

GRANDVIEW

BIRCH

PA ME

GRANDVIEW

WILDROSE

MORNINGSIDE

MESQUITE

INDIAN CREEK

PA HA

BILLY WILLIAMS

BARLOW

HIGHLAND

SUNSET

CAROL

SUMMER HAZE

Proposed Variance APN:011-340-34

IRENE

SARAH VIE

SIERRA VISTA

SUNRISE

ORINDA

GLENBROOK

LONGVIEW

UNDERWOOD