



RESOURCE MANAGEMENT AGENCY

Community and Economic Development
Department of Planning and Building

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PLANNING COMMISSION DATE: September 3, 2013

AGENDA ITEM: #1

VA	#2013-002	Variance to allow a height of a 33'-7" height for a proposed accessory structure, where a 25'-0" maximum height is allowed by ordinance.
APN	#059-210-024	Applicant: Michael Karby
CEQA		EXEMPT

REQUEST:

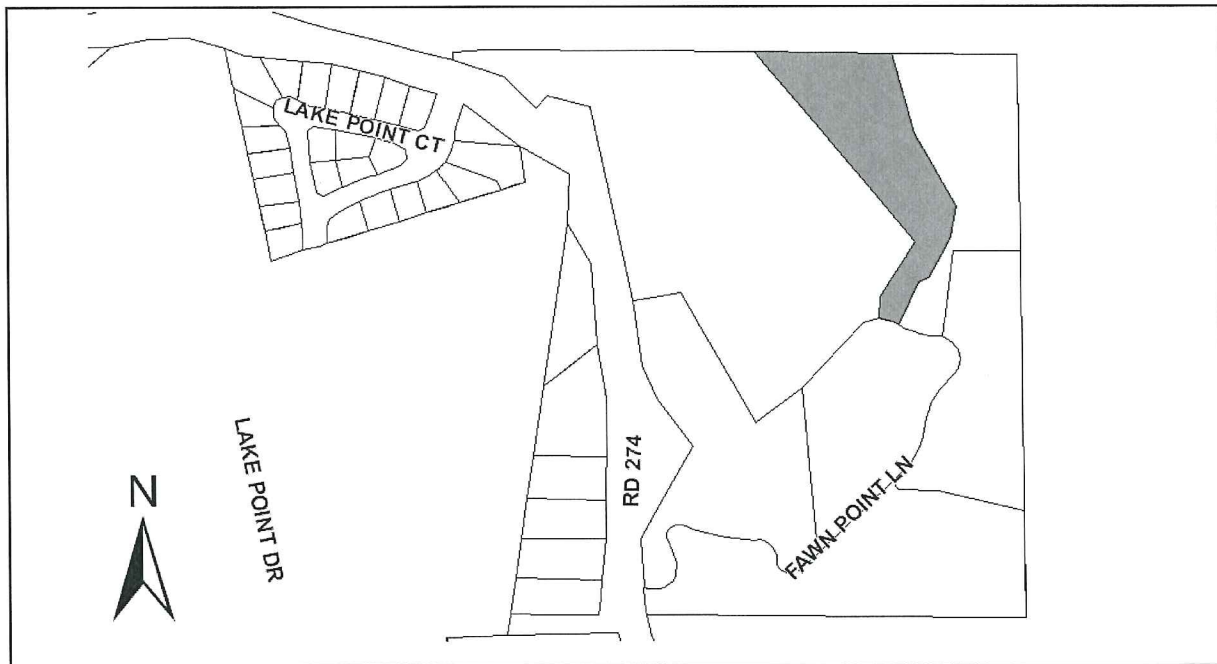
The applicant is requesting a Variance to allow a height of a 33'-7" height for a proposed accessory structure, where a 25'-0" maximum height is allowed by ordinance.

LOCATION:

The project is located at the terminus of Fawn Point Lane (38881 Fawn Point Lane), Bass Lake.

ENVIRONMENTAL ASSESSMENT:

The project is exempt from the California Environmental Quality Act (CEQA) as a categorical exemption under Section 15305, Minor Alterations in Land Use Limitations.



RECOMMENDATION:

Approval subject to the Conditions Monitoring and Reporting Program.

GENERAL PLAN DESIGNATION (Exhibit A):

SITE: RR (Rural Residential) Designation

SURROUNDING: RR (Rural Residential) Designation and OS (Open Space) Designation

ZONING (Exhibit B):

SITE: RMS (Residential, Mountain, Single Family) Zone District

SURROUNDING: RMS (Residential, Mountain, Single Family) Zone District, RUS (Rural, Urban, Single Family) Zone District, and OS (Open Space) Zone District

LAND USE:

SITE: Rural Residential

SURROUNDING: Rural Residential and Bass Lake/Open Space

SIZE OF PROPERTY: 2.79 acres

ACCESS (Exhibit A): Primary access to the property is provided along Fawn Point Lane.

BACKGROUND AND PRIOR ACTIONS:

The subject parcel was created as part of Parcel Map #2364. The site has an existing single family dwelling constructed in 2007.

In 2007, a zoning permit was approved for a second single family dwelling.

PROJECT DESCRIPTION:

The application is a variance to allow the construction of a two-story accessory building that consists of a garage area (lower floor) and a storage area (upper floor) with decking. The variance would allow for a 33'-7" height for the proposed accessory structure where a 25'-0" maximum height is allowed by ordinance

ORDINANCES/POLICIES:

County Code Section 18.22 of the Madera County Zoning Ordinance outlines the land use regulations within the RMS (Residential, Mountain, Single Family) zone district.

County Code Section 18.106 of the Madera County Zoning Ordinance outlines the land use regulations for approval of a variance application.

The Madera County General Plan - Policy Document outlines the uses that are deemed consistent within the RR (Rural Residential) designation.

ANALYSIS:

The applicant has submitted a height variance application to allow for the construction of an accessory structure. The parcel is located in the Bass Lake area at the end of Fawn Point Lane. The proposed structure consists of a garage, mechanical room where the water filtration system is housed and storage area on the lower floor and an attic storage area with adjacent decking on the upper floor.

The proposed structure would be located in an area that would not block any views from adjacent properties. The project site is over two acres in size and provides ample area to allow view paths from adjacent properties. In addition, the existence of trees within the immediate area of the property would likely shield the proposed structure from any adjacent properties.

The proposed variance would allow the accessory structure to be built to a height of 33'-7", 8'-7" above the maximum allowable height of the zone district (25'-0" maximum height). The applicant states the reason for the additional height is in order to allow an appropriately pitched roof to meet the aesthetics of the existing single-family dwelling. In addition, according to the applicant, the proposed location is the only feasible location for the proposed accessory structure. The height variance would have no impact to adjacent properties and is consistent with recent applications approved by the Planning Commission. In addition, the aesthetic design of the structure would enhance the value of this property as well as the surrounding properties in the Bass Lake area.

The proposed structure could resemble a guesthouse in nature due to its upper area and associated decking. However, the structure does not have a restroom, cooking areas or any additional rooms that could be used as a bedroom. Therefore, this application will not be required to obtain a zoning permit to allow a guesthouse. The attic area as well as the lower storage area both must remain as unconditioned space. The Engineering Department has indicated that there are not any additional water or sewer units to allow the structure to be used as a guesthouse. Therefore, the applicant would need to obtain those units prior to any future conversion of the existing structure to a guesthouse or dwelling unit.

WILLIAMSON ACT:

The subject parcel is not within the Williamson Act.

GENERAL PLAN CONSISTENCY:

The variance is within the RMS (Residential, Mountain, Single Family) zone district, which allows for single family dwellings and accessory buildings by right. The variance would only allow for additional height for the proposed accessory building. The RR (Rural Residential) general plan designation allows for single family dwellings as well as similar and compatible uses. Accessory structures are generally considered necessary for single family dwelling residents for storage of goods, equipment for maintenance, and other uses associated with residential living. Therefore, the proposed use is considered to be consistent with the Madera County General Plan.

FINDINGS OF FACT:

The Madera County Zoning Ordinance requires that the following findings of fact must be made by the Planning Commission to grant approval of this permit:

1. *There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same zoning district. Bass Lake was developed prior to the requirement for building permits. In addition, the conversion from PG&E to the County and the fee parcel system created parcels that are uniquely*

shaped, creating issues with development within the required setbacks. Variances have been required regularly in order for residents in Bass Lake to use the property within the standards of the RMS zone districts, including height.

- 2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner. The proposal would also allow the property owner to develop a garage and parking spaces in compliance with the parking requirements of County Code.*
- 3. The granting of such application will not, under the circumstances of this particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, in the circumstances of this particular case, be materially detrimental to the public welfare or injurious to the property or improvements in that neighborhood. The proposal will not involve hazardous materials or result in the emission of hazardous materials. No emission of any kind will result. Minimal to no odors and noise will be produced from the garage or the residence.*
- 4. The granting of the variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated. The proposal would allow for the development of a garage which is allowed in the RMS zone district with the obtainment of a building permit. Therefore, special privilege does not apply to this proposal as all other properties within the zone district may also have a garage.*

RECOMMENDATION:

The analysis provided in this report recommends approval of Variance #2013-002 subject to the attached Conditions Monitoring and Reporting Program.

ATTACHMENTS:

1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C, Assessor's Map
4. Exhibit D-1, Site Plan
5. Exhibit D-2, Floor Plan (Lower Floor)
6. Exhibit D-3, Floor Plan (Upper Floor)
7. Exhibit D-4, Elevations (North and West)
8. Exhibit D-5, Elevations (South and East)
9. Exhibit E, Aerial Map
10. Exhibit F, Topographical Map
11. Exhibit G, Findings of Fact submitted by Applicant

CONDITIONS OF APPROVAL

PROJECT NAME:

VA #2013-002

PROJECT LOCATION:

The project is located at the terminus of Fawn Point Lane (38881 Fawn Point Lane), Bass Lake.

PROJECT DESCRIPTION:

The applicant is requesting a Variance to allow a height of a 33'-7" height for a proposed accessory structure, where a 25'-0" maximum height is allowed by ordinance.

APPLICANT:

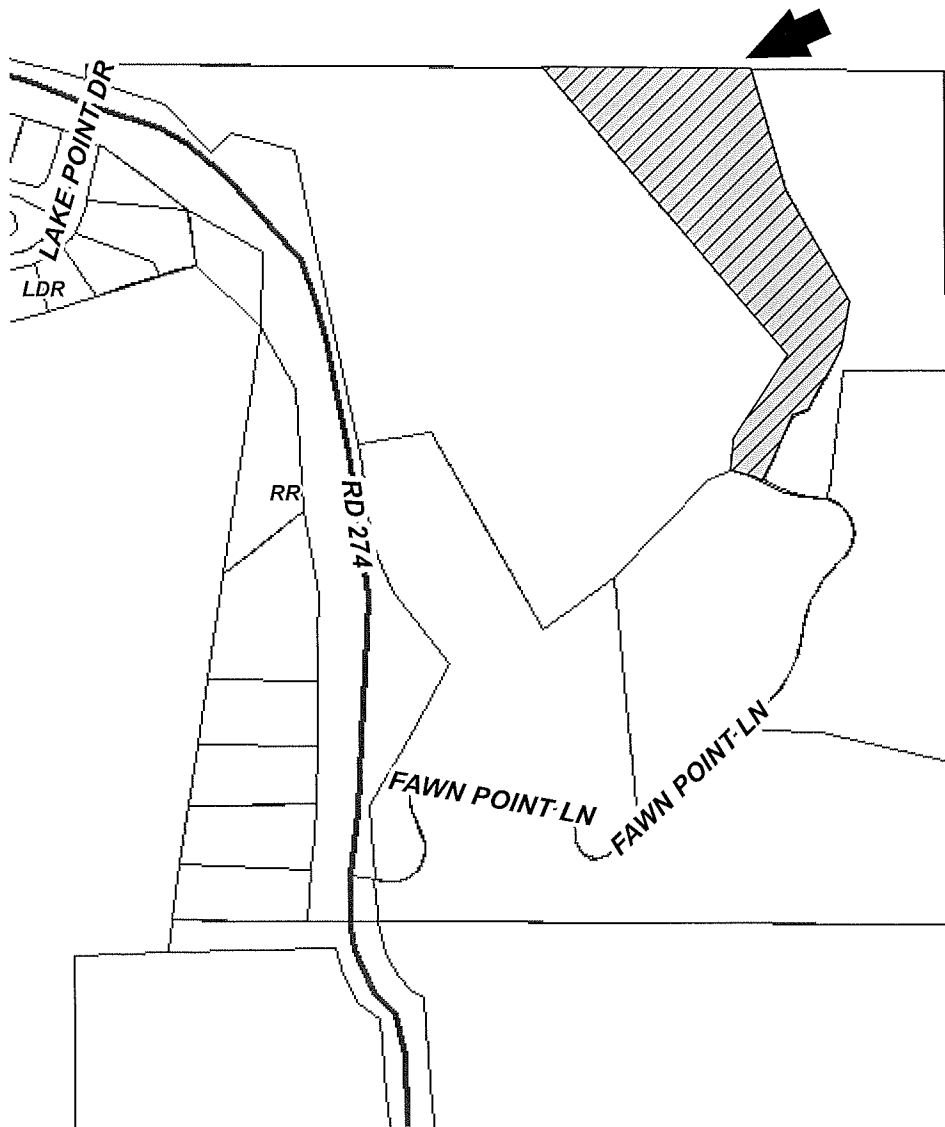
Michael Karby

CONTACT PERSON/TELEPHONE NUMBER:

Michael Karby, (559) 486-4200

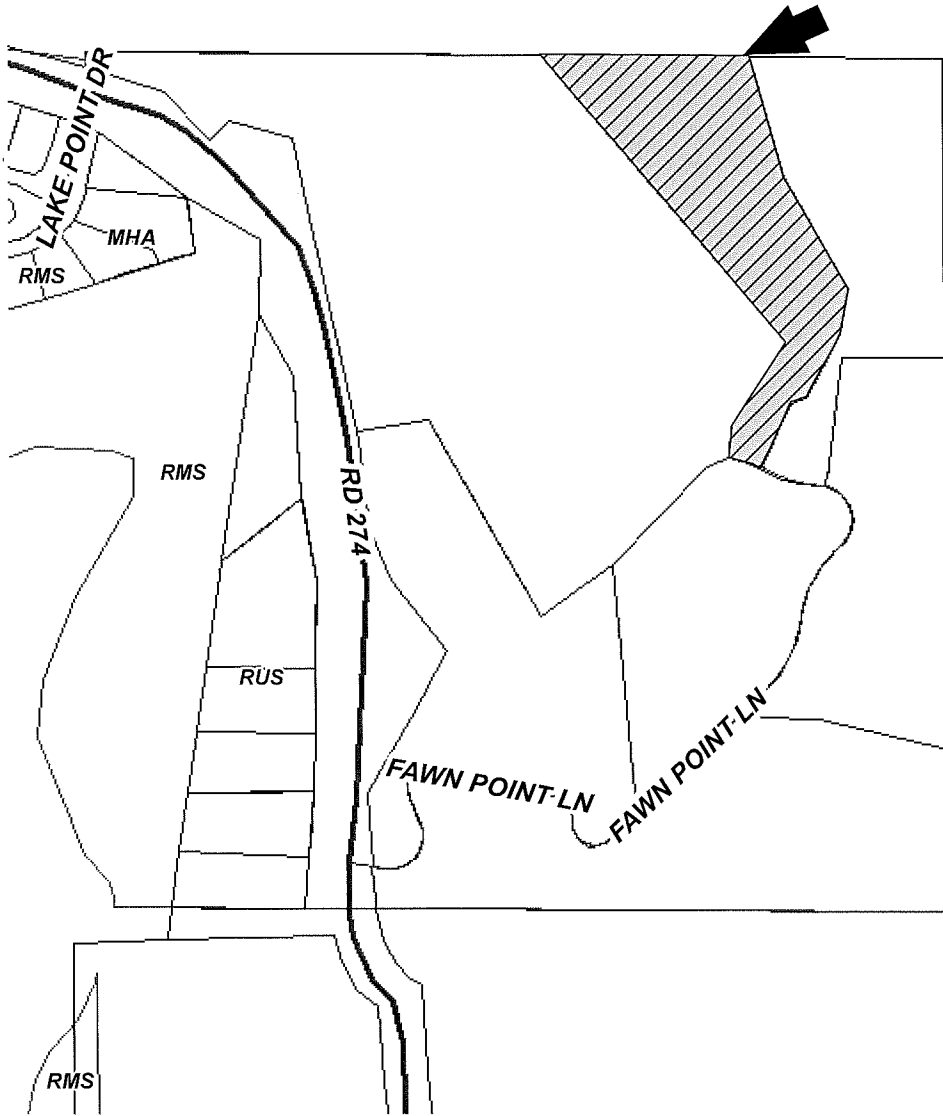
No.	Condition	Department/ Agency	Verification of Compliance		
			Initials	Date	Remarks
Engineering					
	None				
Environmental Health					
	None				
Fire					
	None				
Planning					
1	Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission.	Planning			
2	Both stories of the proposed structure must be unconditioned space.	Planning			
3	The proposed structure may only be used for storage only.	Planning			
4	If the property owner wishes to utilize the structure as a guesthouse, a zoning permit must be obtained and the proper water and sewer units must be obtained prior to approval of that entitlement.	Planning			
Road					
	None				

OS



GENERAL PLAN MAP

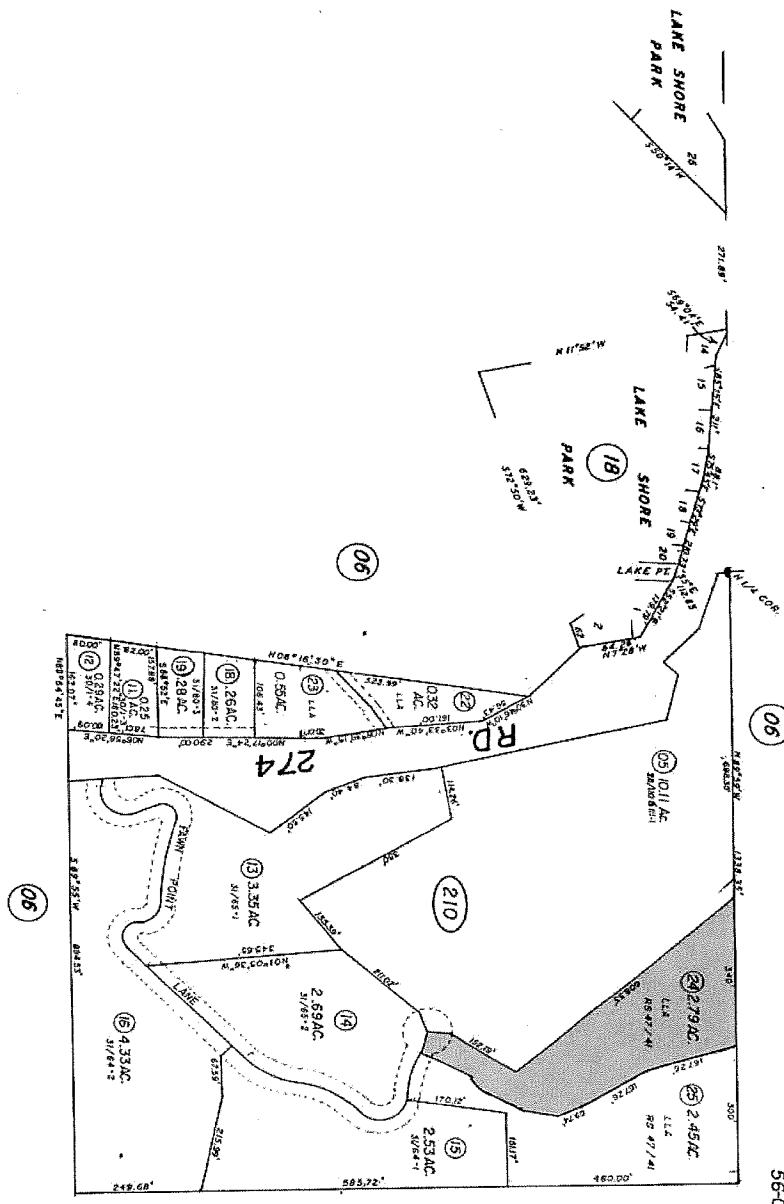
POS



ZONING MAP

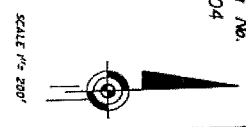
EXHIBIT C

SEC. 23 T. 7 S. R. 22 E.



Map Area No. 56-004

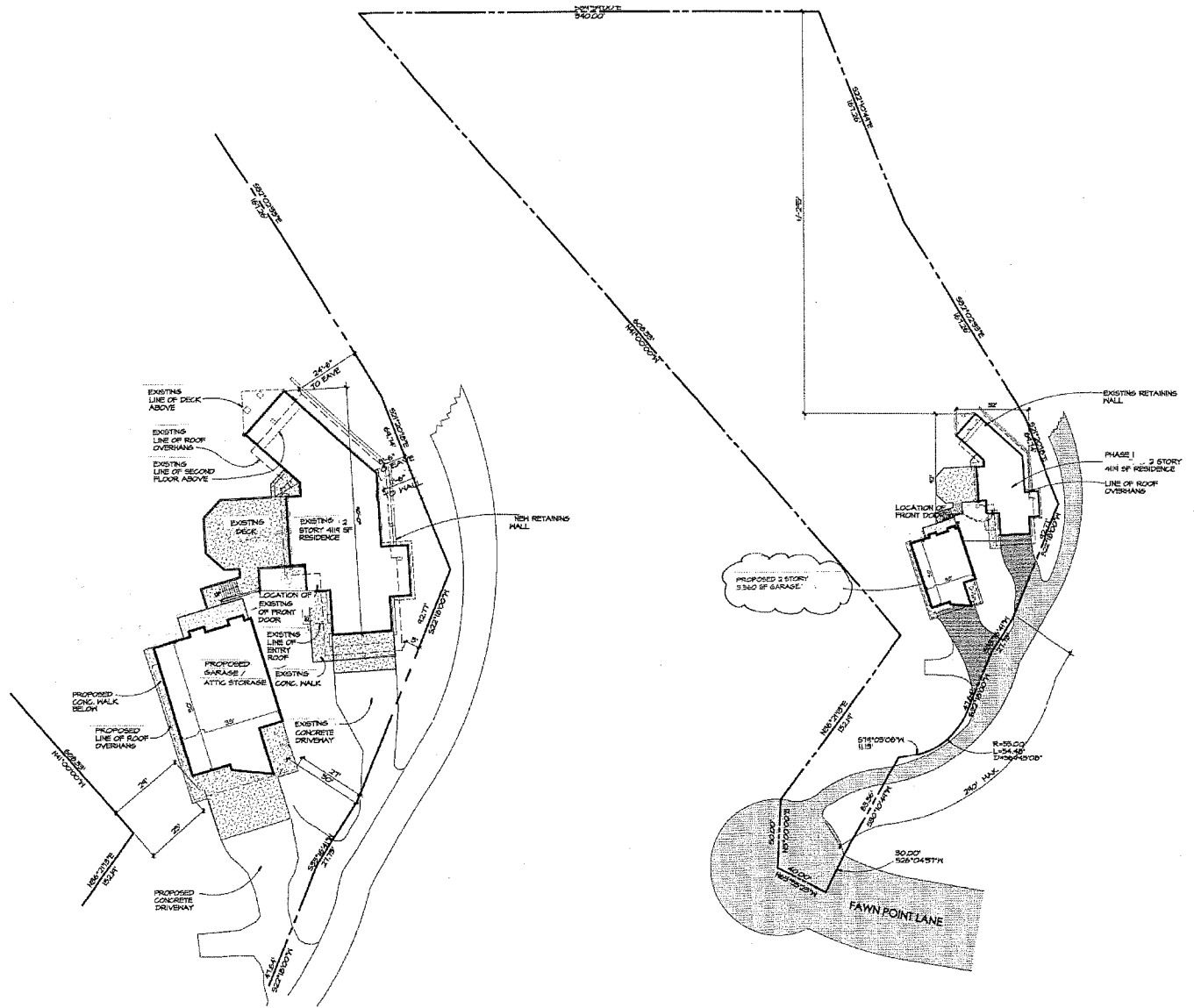
59-21



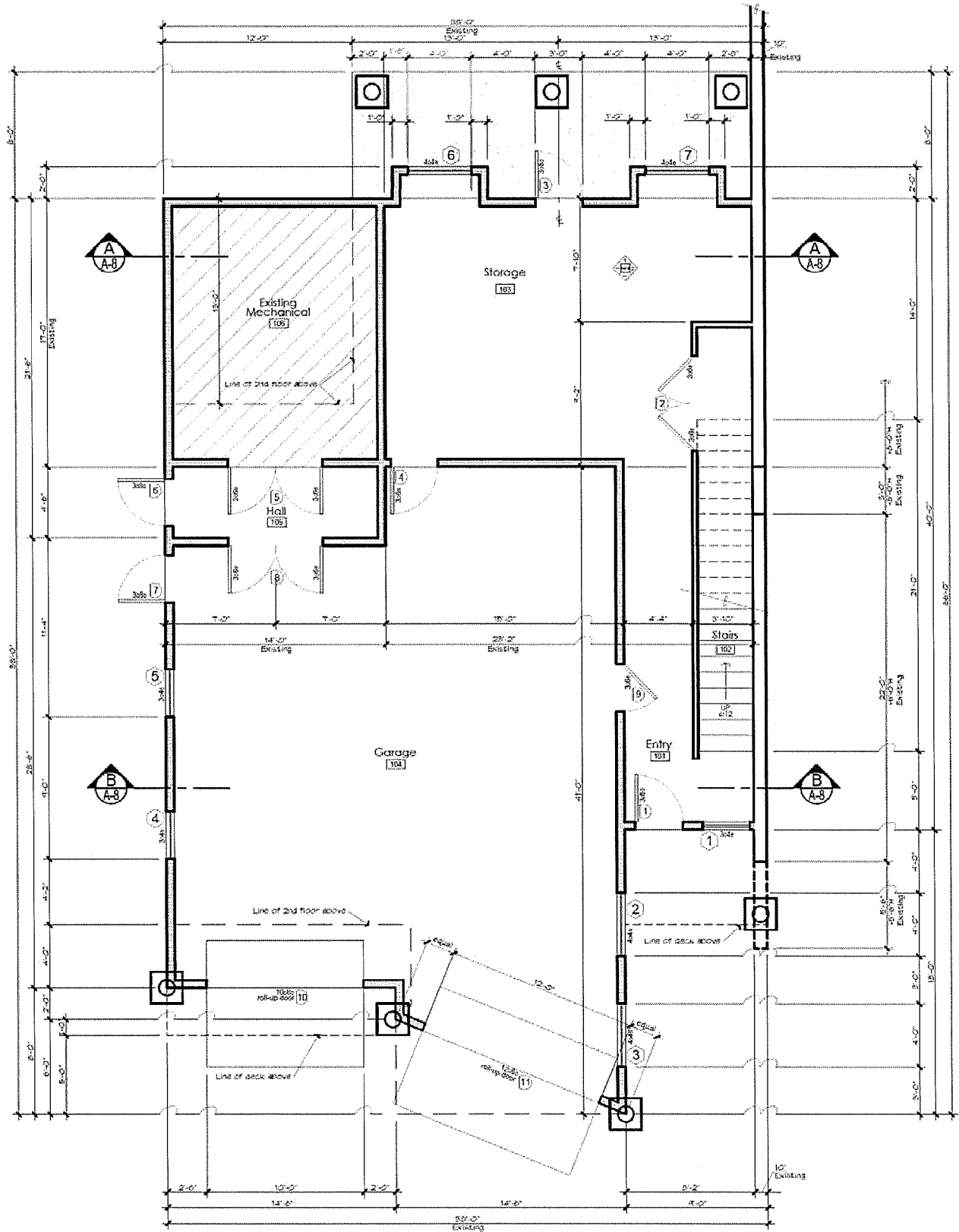
59149 - 25 H.C.

Assessor's Map No. 59-21
 Bass Lake
 County of Madera, Calif.

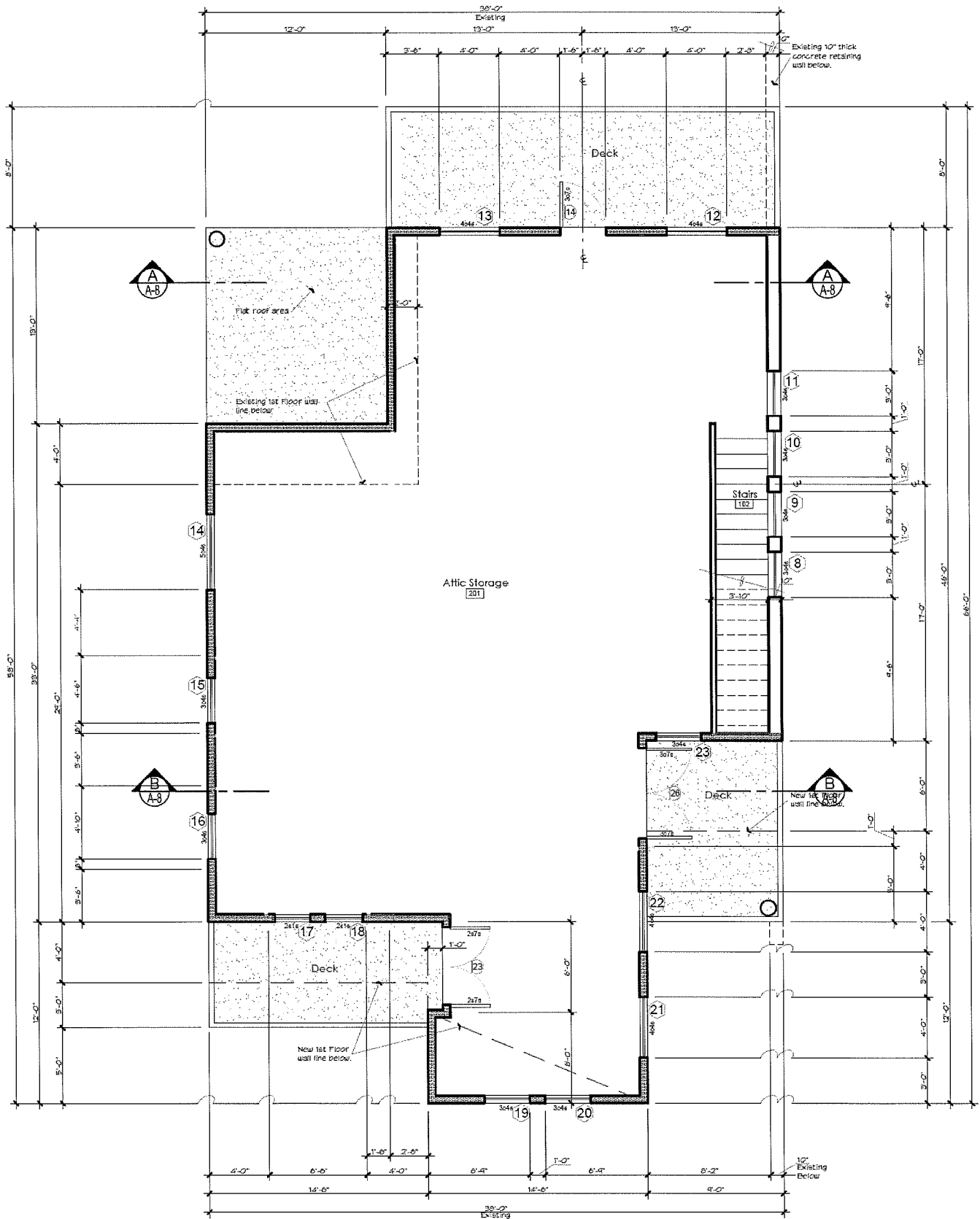
ASSESSORS MAP



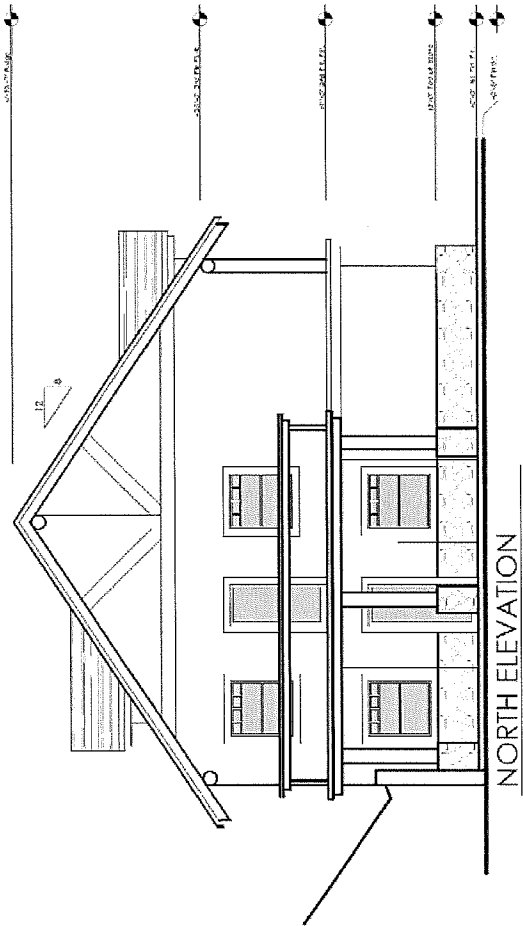
SITE PLAN



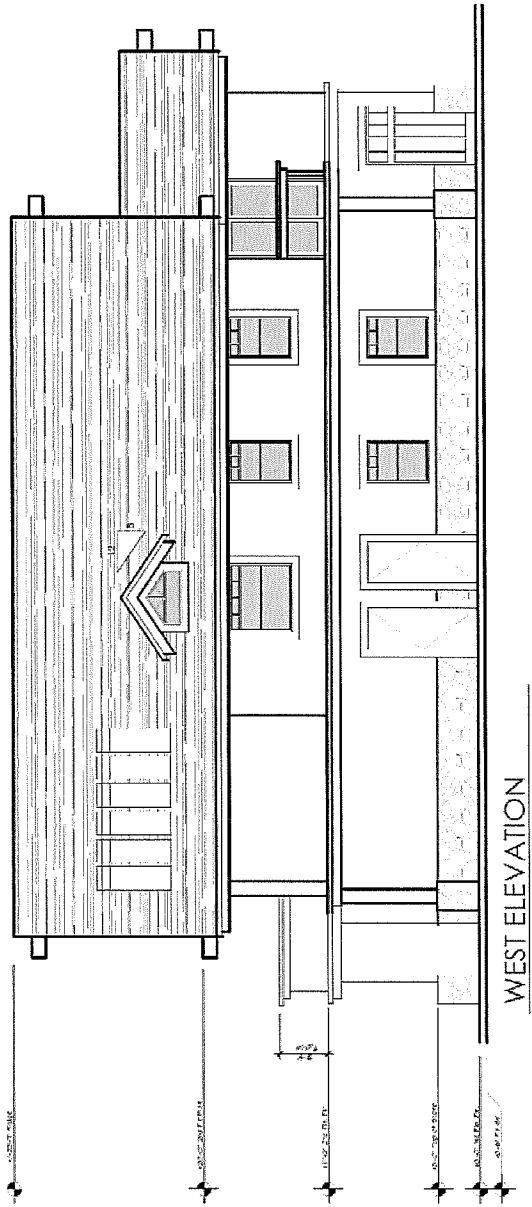
FLOOR PLAN



FLOOR PLAN

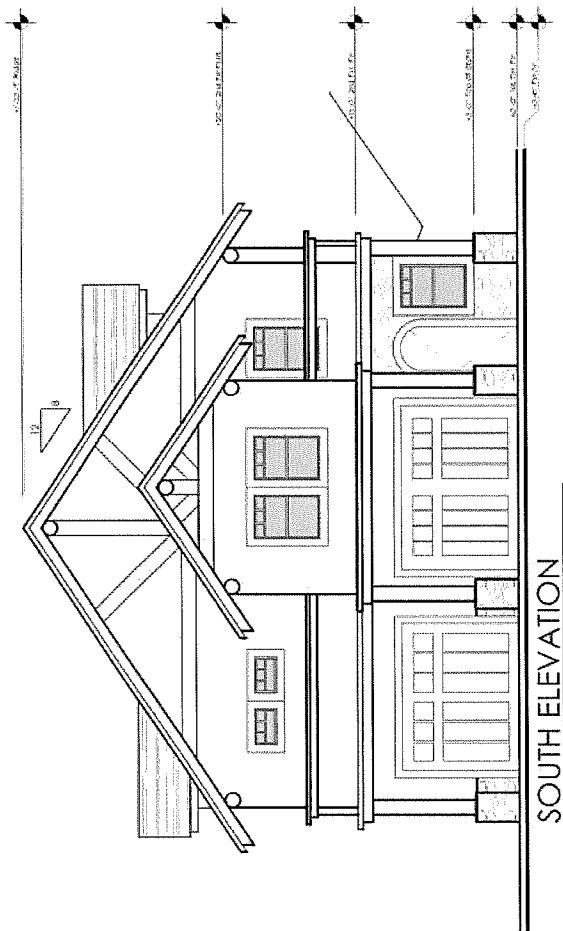


NORTH ELEVATION

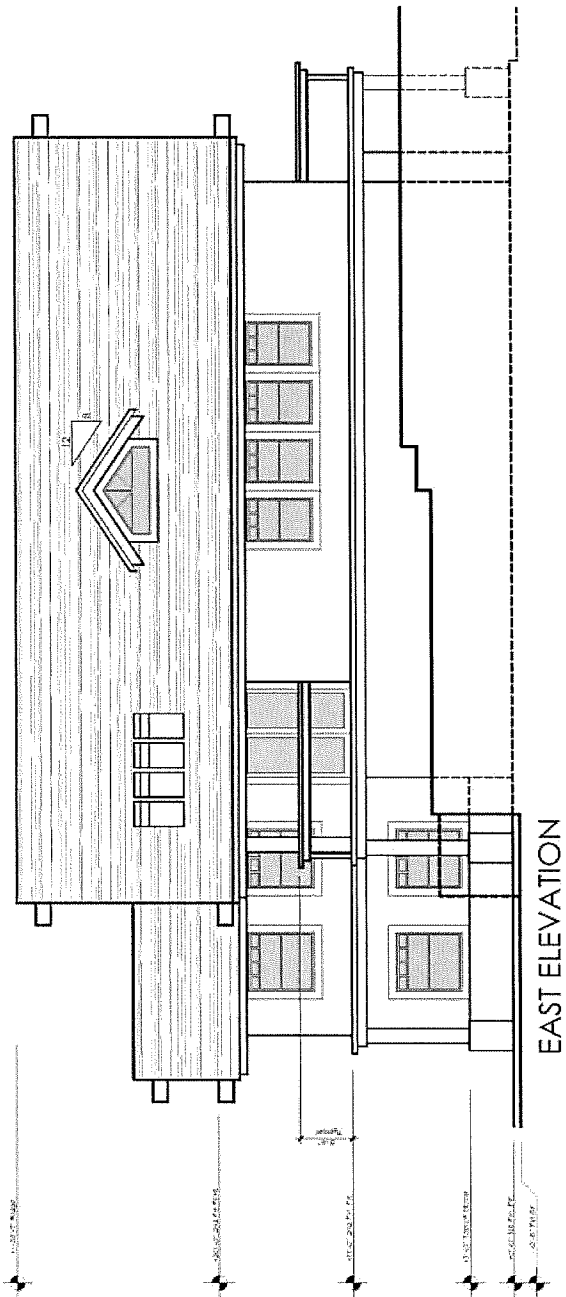


WEST ELEVATION

ELEVATIONS



SOUTH ELEVATION

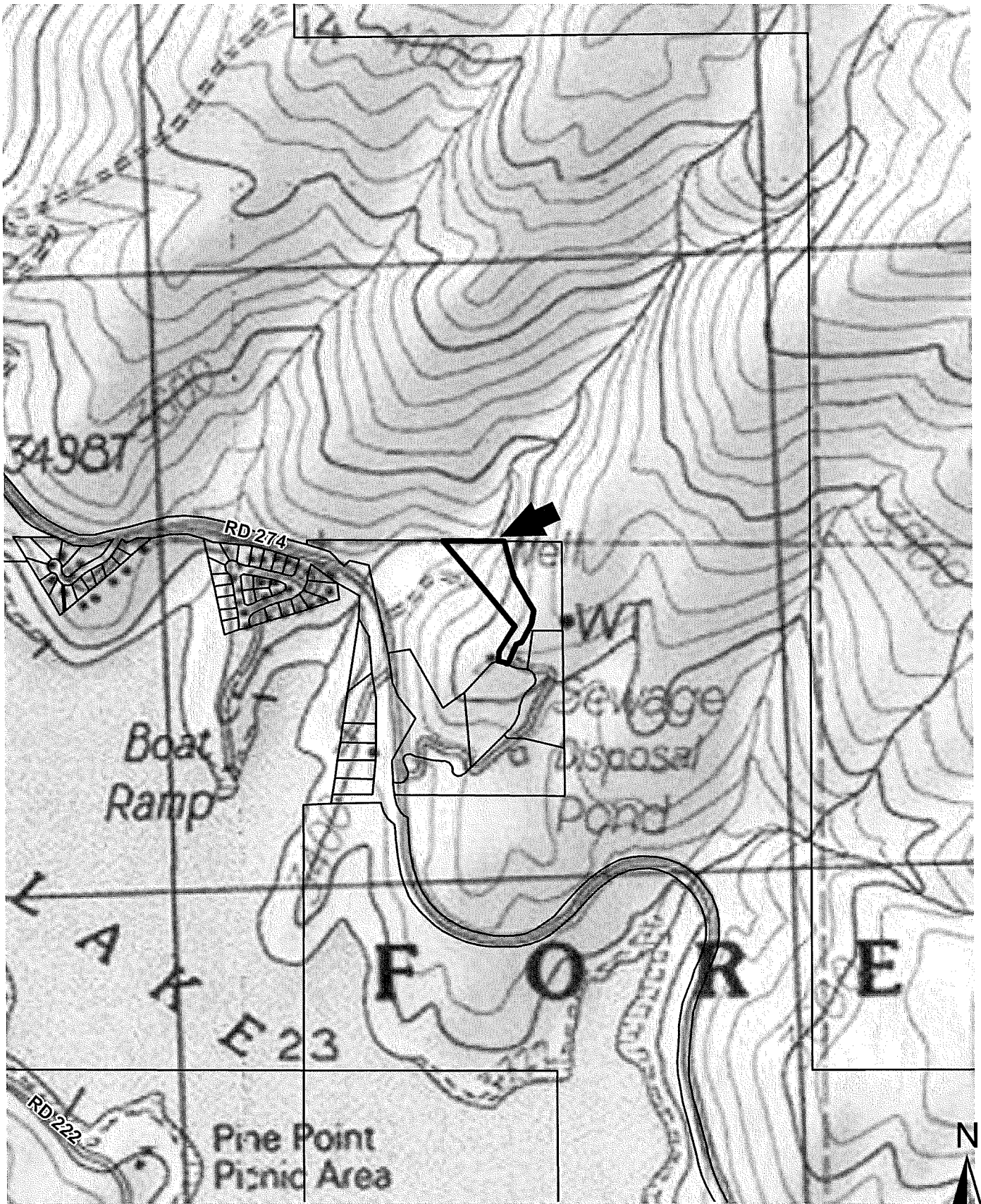


EAST ELEVATION

ELEVATIONS



AERIAL MAP



TOPOGRAPHICAL MAP

21 June 2013

County of Madera
Planning Department
Attention: Brenton Gibbons

Re:
FINDINGS OF FACT, HOLLIDAY BOATHOUSE BASS LAKE, HEIGHT VARIANCE

1) The subject property is nearly five acres in size as opposed to the typical six or seven thousand square foot Bass Lake lot. Although the property is large and well screened from any adjacent properties or homes, the buildable area of the lot is quite small. The proposed Boathouse will, therefore, be in very close proximity to the existing high end Residence that we designed and that was built in the last few years. Photos of the existing residence are attached under separate cover for your review.

2) In order to maintain the Architectural theme of the property, especially since the buildings are in such close proximity to each other, we have designed the Boathouse as a companion piece to the existing Residence. The design carries through details found on the existing Residence such as log accent trusses and columns, similar siding materials and color palette, and a similar roof pitch. To reduce the pitch from the designed 5:12 down to 2:12 or 3:12 simply to reduce the height of a building that no neighbor will see from their own property will seriously affect the look and value of the property from the perspective of my Clients. My Clients are, in fact, the only people who will see the buildings on a regular basis.

3) Again, the only people who will regularly see the Boathouse will be my Clients, due to the remoteness and scale of their property. It will not affect the health or safety of anyone living in the neighborhood, as this is only a request for a height variance so that the pitch of the Boathouse will match that of the existing Residence. The steeper pitch does not in any way affect the footprint, location, or square

footage of the proposed Boathouse, or otherwise affect the neighbors in any way.

4) If the Boathouse could be placed elsewhere on the Site, and away from its visual proximity to the existing Residence, it might not be necessary for us to request this variance. But the only buildable location on property is adjacent to, and downslope from, the existing residence. It is also the only location that will allow access from the driveway for a boat and trailer.

5) As described previously, the subject property (although large) has only one practical and buildable location for the proposed Boathouse. As this location is in very close proximity to the existing high end custom Residence, we would like the Boathouse to match, as nearly as possible, the Architectural theme of the residence. One critical element of that theme are the log trussed, gable ends of both the Residence and the Boathouse. To have different pitches on two roofs in such close proximity to each other would confuse and degrade the intended Architectural theme, and would thereby lower the curb appeal and value of the property.

Sincerely,



Michael E. Karby AIA/ MCRP