

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: March 14, 2023**

ITEM 3 Request for a variance (V-23;2-1 Gonzales) from the rear and side yard setback requirement, to allow construction of a new metal building. The request is for a reduction from the required rear setback of 15' to 2' and the required side setback of 5' to 2' for APN: 033-520-017.

Applicant: Carly and Paul Gonzales

Supervisorial District: 3

Location: 26324 Meadow Drive, Pioneer, CA 95666

A. General Plan Designation: RR, Rural Residential

B. Present Zoning: R1, Single Family Residential

C. Acreage Involved: .28 acres

D. Description: The applicant has requested a variance from Amador County Code §19.24.040 (R1 district regulations--generally.), which requires a fifteen (15) foot rear setback and a five (5) foot side setback, to allow for the construction of a ±432 square foot detached metal building within two (2) feet of the rear and side property lines. Due to the location of the existing dwelling, septic system, and the size of the lot, placing the proposed structure in the farthest rear corner of the lot ensures there is adequate space from the septic system. The location of the metal building, as proposed, requires a variance from County Code §19.24.040, R1 district regulations-generally which requires a 15-foot rear and 5-foot side setback.

E. Staff Review and Recommendation: This variance request was distributed to Building, Public Works and Transportation, and the Environmental Health Departments on February 22, 2023 for comments. Staff has no technical objections to the Planning Commission recommending to the Board of Supervisors, approval of this variance request subject to the conditions and findings as set forth below.

F. Planning Commission Action: If the Planning Commission moves to recommend approval of the variance to the Board of Supervisors, the following conditions and findings are recommended for adoption:

Conditions:

1. All necessary building permits shall be obtained from the Building Department for construction of the proposed structure;
2. A minimum 2 feet from the rear and side property lines shall be maintained;
3. The project shall be substantially the same as that which has been submitted and approved (see attached plot plan);
4. If the variance has not been used within one year after a date of granting thereof, then without further action by the Planning Commission or Board of Supervisors, the variance granted shall be null and void.

Findings:

1. This variance does not constitute the granting of a special privilege inconsistent with the limitations to which other lots in the vicinity with like zoning are subject; and
2. Due to the location of the existing dwelling, septic system, and the size of the lot, the strict application of the building setbacks is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications; and
3. This variance will not have a significant adverse effect on the environment and is categorically exempt according to Section 15305, Class 5 (minor setback variance not resulting in the creation of any new parcel) of the State CEQA Guidelines and a Notice of Exemption will be filed with the County Recorder.

Notice of Exemption

NOTICE OF EXEMPTION

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: Amador County Planning Commission
810 Court Street
Jackson, CA 95642

County Clerk - County of Amador
810 Court Street
Jackson, CA 95642

Project Title: V-23;2-1 Gonzales

Project Applicant/Address/Phone Number: Carly D. and Paul D. Gonzales, 26324 Meadow Drive, Pioneer, CA 95666; 209-295-1850

Project Location - Specific: 26324 Meadow Drive, Pioneer, CA 95666 (APN: 033-520-017).

Project Location - County: Amador

Project Location - City: N/A

Description of Nature, Purpose and Beneficiaries of Project: Request for a variance (V-23;2-1 Gonzales) from the rear and side yard setback requirement, to allow construction of a new metal building. The request is for a reduction from the required rear setback of 15' to 2' and the required side setback of 5' to 2' for APN: 033-520-017.

Name of Public Agency Approving Project: Amador County Board of Supervisors

Name of Person or Agency Carrying Out Project: Carly D. and Paul D. Gonzales

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Section 15305 of State CEQA Guidelines
- Statutory Exemptions. State code number:

Reasons why project is exempt: The granting of the Variance is sanctioned by County Code Section 19.52 and is consistent with County Code Section 19.52.020 in that the project will not be detrimental to the health, safety, peace, morals, comfort and general welfare of the persons residing or working in the neighborhood or the general welfare of the County; and 2) A review of the Variance was conducted by staff and found the project will not have a significant effect on the environment and is Categorical Exempt according Section 15305, Class 5 (*minor setback variance not resulting in the creation of any new parcel*) of the State CEQA Guidelines, and a Notice of Exemption will be filed with the County Recorder.

Lead Agency Contact Person: Ruslan Bratan, Planner II

Telephone: 209-223-6380

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes No

Signature: _____

Date: _____

Title: Planner II

Signed by Lead Agency

Revised 2011

File No. _____

Posted On _____

Posting Removed _____

APPLICATION



AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

PHONE: (209) 223-6380
FAX: (209) 257-5002
WEBSITE: www.amadorgov.org
E-MAIL: planning@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

PRE-APPLICATION INFORMATION AND CHECKLIST FOR A VARIANCE REQUEST

Application for a Variance request shall include the following:

1. Letter of application explaining purpose of request, description of variance, and other pertinent information.
2. Letter of authorization if landowner is being represented by another party.
3. Submit a plot plan (max 11"x17") of parcel showing location of project in relation to property lines and any other structures that are on the property. NOTE: An Assessor Plat Map can be obtained from the Surveying and Engineering Department for the purpose of aiding in drawing of the plot plan; **see plot plan guidelines attached.**
4. Copy of deed(s) to property.
5. Completed Environmental Assessment Form.
6. Filing fee of \$ 774 (Variance \$724 Recording Admin fee \$50)
7. Application Form to be signed at the time of project presentation in the Planning Department.

NOTE: IT IS TO YOUR BENEFIT TO BE AS SPECIFIC AS POSSIBLE WITH YOUR APPLICATION INFORMATION.

NOTE: Pursuant to County Code Section 19.52.060 B., "In any case, where a variance has not been used within one year after a date of granting thereof, then without further action by the planning commission or board of supervisors, the variance granted shall be null and void."

January 31, 2023

To Whom it May Concern:

Attached, please find our application for a variance request. Our home is on .25 of an acre lot in Mace Meadows. We are located off the busy road off of Meadow Drive, and I have had a few people wreck into our front yard which is another subject. We are requesting to put up a metal storage shed/carport in our back yard. We are needing the extra storage and space for our side by side, Jeep and motorcycles. Our home is 2316 square feet, and the proposed metal building shall be a 24X18 enclosed metal carport. Due to the size of our lot and the location of our Septic and Leach lines, placing this building furthest to the left and back of our lot to assure we are not near the Septic system. Our source of water is public water through First Mace Water Association. We are on a standard septic system. We are requesting that the setbacks be reduced to 2 feet on the back side of the proposed building and 2 ft on the left side of the proposed building. I have spoken with my neighbors, and they are okay with this approval. I see two homes down, the previous owner placed a metal carport directly on his fence line, I am assuming he was granted a variance. We would greatly appreciate this approval as I love my home, and this is the only way we will be able to stay as my husband needs a place for storage and room to work etc. as it creates a hardship for our family that he is currently renting a shop space in Jackson for storage of his Jeep, tools and work supplies. We have looked into selling our home and buying one with a shop, but the reality is with the cost of homes compared to what we owe on ours this seems to make more sense for our budget and our family at this time, plus I really love my home, so happy wife usually means happy life, BUT I would like to make my husband happy and have a place for him to work on his projects and be able to be at his own home while doing so. Please let us know if you have any additional questions or need any further information, thank you for the consideration.

Sincerely,

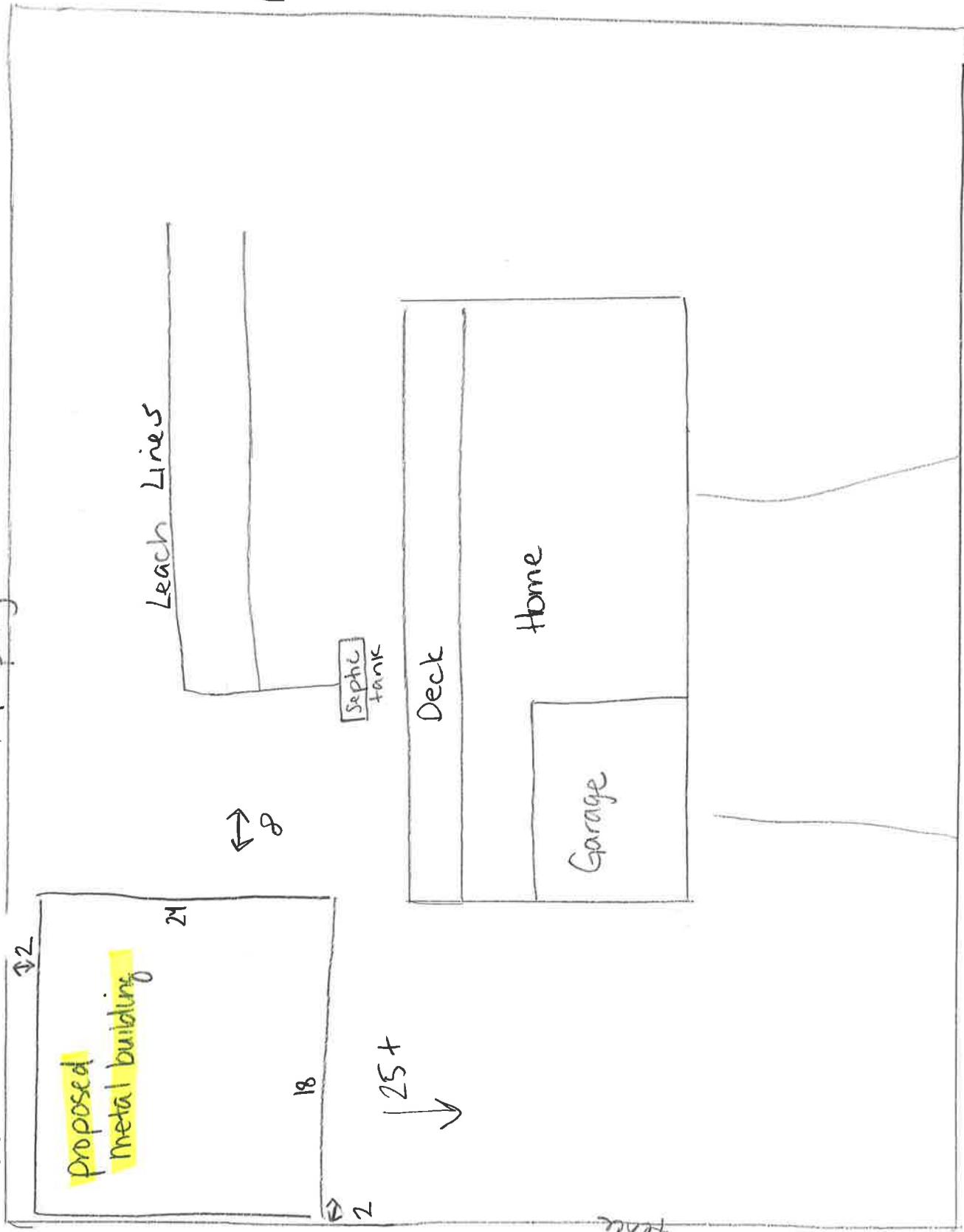
A handwritten signature in black ink that reads "Carly Gonzales". The signature is written in a cursive, flowing style.

Carly Gonzales

• 25 acre lot

Back of Property

fence



Right Side

left side

Paul & Carly Gonzales
26324 Meadow Dr.
Pioneer, CA 95666

Front

ENVIRONMENTAL INFORMATION FORM

To be completed by applicant; use additional sheets as necessary.
Attach plans, diagrams, etc. as appropriate.

GENERAL INFORMATION

Project Name: 26324 Meadow Dr - Metal Storage Shed/garage

Date Filed: _____ File No. _____

Applicant/ _____

Developer _____ Landowner Carly Gonzales

Address _____ Address 26324 Meadow Dr.

Phone No. _____ Phone No. 209 295-1850

Assessor Parcel Number(s) 033-520-017-000

Existing Zoning District R1

Existing General Plan _____

List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state, and federal agencies _____

WRITTEN PROJECT DESCRIPTION (Include the following information where applicable, as well as any other pertinent information to describe the proposed project):

1. Site Size
2. Square Footage of Existing/Proposed Structures
3. Number of Floors of Construction
4. Amount of Off-street Parking Provided (provide accurate detailed parking plan)
5. Source of Water
6. Method of Sewage Disposal
7. Attach Plans
8. Proposed Scheduling of Project Construction
9. If project to be developed in phases, describe anticipated incremental development.
10. Associated Projects
11. Subdivision/Land Division Projects: Tentative map will be sufficient unless you feel additional information is needed or the County requests further details.
12. Residential Projects: Include the number of units, schedule of unit sizes, range of sale prices or rents and type of household size expected.
13. Commercial Projects: Indicate the type of business, number of employees, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.
14. Industrial Projects: Indicate type, estimated employment per shift, and loading facilities.
15. Institutional Projects: Indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
16. If the project involves a variance, conditional use permit, or rezoning application, state this and indicate clearly why the application is required.

ADDITIONAL INFORMATION: Are the following items applicable to the project or its effects? Discuss below all items checked "yes" (attach additional sheets as necessary).

YES NO

- 17. Change in existing features or any lakes or hills, or substantial alteration of ground contours.
- 18. Change in scenic views or vistas from existing residential areas, public lands, or roads.
- 19. Change in pattern, scale, or character of general area of project.
- 20. Significant amounts of solid waste or litter.
- 21. Change in dust, ash, smoke, fumes, or odors in the vicinity.
- 22. Change in lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns.
- 23. Substantial change in existing noise or vibration levels in the vicinity.
- 24. Site on filled land or has slopes of 10 percent or more.
- 25. Use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives.
- 26. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).
- 27. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).
- 28. Does this project have a relationship to a larger project or series of projects?

ENVIRONMENTAL SETTING

- 29. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site (cannot be returned).
- 30. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the vicinity (cannot be returned).
- 31. Describe any known mine shafts, tunnels, air shafts, open hazardous excavations, etc. Attach photographs of any of these known features (cannot be returned).

Certification: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date 1/31/2023

Carly Gonzales
(Signature)
For Carly Gonzales

INDEMNIFICATION

Project: 26324 Meadow Dr.

In consideration of the County's processing and consideration of the application for the discretionary land use approval identified above (the "Project") the Owner and Applicant, jointly and severally, agree to defend, indemnify, and hold harmless the County of Amador from any claim, action, or proceeding against the County to attack, set aside, void or annul the Project approval, or any action relating related to the Project approvals as follows:

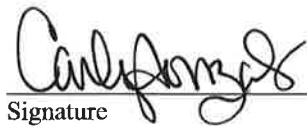
1. Owner and Applicant shall defend, indemnify, and hold harmless the County and its agents, officers or employees from any claim, action, or proceeding against the County or its agents, officers or employees (the "County") to attack, set aside, void or annul the Project approval, or any prior or subsequent determination regarding the Project, including but not limited to determinations related to the California Environmental Quality Act, or Project condition imposed by the County. The Indemnification includes, but is not limited to, damages, fees, and or costs, including attorneys' fees, awarded against County. The County in its sole discretion may hire outside counsel to handle its defense or may handle the matter internally. Indemnification also includes paying for the County's defense if it elects to hire outside counsel. Indemnification also includes compensating the County for staff time associated with the litigation. The obligations under this Indemnification shall apply regardless of whether any permits or entitlements are issued.

2. The County may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the County defends the claim, action, or proceeding in good faith.

3. The Owner and Applicant shall not be required to pay or perform any settlement by the County of such claim, action, or proceeding unless the settlement is approved in writing by Owner and Applicant, which approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, by their signature below, Owner and Applicant hereby acknowledge that they have read, understand, and agree to perform the obligations under this Indemnification.

Applicant:


Signature

Owner (if different than Applicant):

Signature



AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

PHONE: (209) 223-6380
FAX: (209) 257-5002
WEBSITE: www.amadorgov.org
E-MAIL: planning@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

**Chapter 19.52
VARIANCES**

Sections:

- 19.52.010 When permitted.
- 19.52.020 Application.
- 19.52.030 Public hearings.
- 19.52.040 Action by planning commission.
- 19.52.050 Action by board of supervisors.
- 19.52.060 Revocation.
- 19.52.070 Effect.

19.52.010 When permitted.

Where practical difficulties, unnecessary hardships or results inconsistent with the purpose and intent of this title may result from the strict application of certain provisions thereof, variance may be granted as provided in this chapter, but in no case shall a variance be approved to allow a change in the use of land or buildings. (Ord. 351 §13(part), 1962).

19.52.020 Application.

Application for variance shall be made in writing on a form prescribed by the planning commission and shall be accompanied by the required fee, no part of which shall be returnable to the applicant and by statement, plans and other evidence showing:

- A. That any variance granted shall be subject to such conditions as will assure that the adjustment thereof authorized 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 situate;
- B. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. (Ord. 898 §3, 1982).

19.52.030 Public hearings.

A public hearing shall be held on any application for a variance. The planning commission shall give notice thereof as required by California Government Code Section 65090 et seq., as may be amended or renumbered. (Ord. 1701 §2, 2010; Ord. 351 §13.2, 1962).

19.52.040 Action by planning commission.

After conclusion of the public hearing, the planning commission shall make a written finding of facts whether the qualifications under Section 19.52.020 apply to the land, building or use for which variance is sought and whether such variance shall be in harmony with the general purposes of this title. Such written finding of facts shall be submitted to the board of supervisors. (Ord. 351 §13.3, 1962).

19.52.050 Action by board of supervisors.

The board of supervisors shall consider the variance application within sixty days after receipt of the planning commission report and if the board of supervisors finds that the qualifications under Section 19.52.020 apply to the land, building or use for which variance is sought, and that such variance is in harmony with the general purposes of this title, said board shall grant such variance. The board may designate such conditions in connection with the variance as it may deem necessary to secure the purposes of this title and may require guarantees and evidence. (Ord. 351 §13.4, 1962).

19.52.060 Revocation.

A. In any case, where the conditions of granting of a variance have not or are not complied with, the planning commission shall give notice to the permittee (of intention to revoke such variance) at least ten days prior to a hearing thereon. After conclusion of the hearing, the planning commission may revoke such variance. Such revocation shall be subject to confirmation by the board of supervisors.

B. In any case, where a variance has not been used within one year after a date of granting thereof, then without further action by the planning commission or board of supervisors, the variance granted shall be null and void. (Ord. 351 §13.5, 1962).

19.52.070 Effect.

No building or zoning permit shall be issued unless in accordance with the conditions and terms of the variance granted. (Ord. 351 §13.6, 1962).

OFFICIAL RECEIPT

COUNTY OF AMADOR
Jackson, California

Date February 1 2023

RECEIVED FROM Curly Gonzales

ADDRESS 26324 Meadow Dr. Pioneer, CA 95666

Seven Hundred Seventy Four ⁰⁰/₁₀₀ — DOLLARS (\$ 774.00)

For Variance Request (\$724) and Recorder fee (\$50)

APN 033-520-017

ACCOUNT		How Paid ✓	
Amount Due	774 00	Cash	
Amount Paid	774 00	Check	6123
		Money Order	
		Credit Card	

Planning Department

By Thish Shul Deputy

96881

AFFIDAVIT

- | | |
|---|--------------------------------|
| 1. Notice of Intent (NOI). | Initial
<u>N/A (exempt)</u> |
| 2. GIS List. <u>300</u> ft. Plus _____
(Distance) (Special Instructions: e.g. to end of access road) | <u>RB</u> |
| 3. Checked <u>all</u> APN pages of those parcels from the GIS list for "NOTES" or
a. "SPECIAL INSTRUCTIONS." | <u>RB</u> |
| 4. Project Applicant and Representative(s), if applicable. | <u>RB</u> |
| 5. Checked Project file cover for agency distribution. | <u>RB</u> |
| 6. Checked inside file for special requests for notification. | <u>RB</u> |
| 7. Checked old notification list for additional notification. | <u>RB</u> |
| 8. Other - Specify:
<u>+ email public notice</u> | |

AFFIDAVIT OF SERVICE BY MAIL

I am a citizen of the United States, over eighteen years of age, employed in Amador County, and not a party to the within action; my business address is 810 Court Street, City of Jackson, State of California. I hereby declare I served a copy of the attached public hearing notice regarding V-23j2-1 Gonzales by placing copies in 28 envelopes addressed to: (see attached list).

Said envelopes were then sealed and postage fully paid thereon and were deposited in the United States Mail on 2-22-23 at Jackson, California.

I declare under penalty of perjury the foregoing is true and correct.

Executed at Jackson, California on 2-22-23

Signed _____

Witness _____



AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

PHONE: (209) 223-6380
FAX: (209) 257-5002
WEBSITE: www.amadorgov.org
E-MAIL: planning@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

NOTICE OF PUBLIC HEARING

Notice is hereby given the Planning Commission of the County of Amador, State of California, has received an application for the project described in this notice.

PROJECT NAME AND DESCRIPTION: Request for a variance (V-23;2-1 Gonzales) from the rear and side yard setback requirement, to allow construction of a new metal building. The request is for a reduction from the required rear setback of 15' to 2' and the required side setback of 5' to 2' for APN: 033-520-017

PROPERTY OWNERS: Carly and Paul Gonzales
SUPERVISORIAL DISTRICT: 3
LOCATION: 26324 Meadow Drive, Pioneer, CA 95666

NOTE: SEE MAP ON REVERSE. *The Staff Report will be available online (typically the Tuesday prior to the meeting) for viewing at <http://www.amadorgov.org> in the "Agendas and Minutes" section.*

ENVIRONMENTAL REVIEW PROCESS: In accordance with the California Environmental Quality Act (CEQA), the lead agency, Amador County, intends to consider a Notice of Exemption pursuant to Section 15305(a) of State CEQA Guidelines for setback variances not resulting in the creation of any new parcel.

PUBLIC HEARING: Notice is hereby given said Planning Commission will hold a public hearing on this project at the County Administration Center, Board of Supervisors Chambers, 810 Court Street, Jackson, California, on **March 14, 2023** at **7:00 p.m.** or as soon thereafter as can be heard. Anyone having comments on the project may attend and be heard.

THE AMADOR COUNTY PLANNING COMMISSION WILL BE CONDUCTING ITS MEETING VIA TELECONFERENCE. WHILE THIS MEETING WILL STILL BE CONDUCTED IN-PERSON AT THE ABOVE ADDRESS, **WE STRONGLY ENCOURAGE THE PUBLIC TO PARTICIPATE FROM HOME BY CALLING IN USING ANY OF THE FOLLOWING NUMBERS:**

+1 669 900 6833 US
+1 346 248 7799 US

+1 301 715 8592 US
+1 312 626 6799 US

+1 929 205 6099 US
+1 253 215 8782 US

Meeting ID: 537 512 8983

YOU MAY ALSO VIEW AND PARTICIPATE IN THE MEETING USING THIS LINK:

<https://us02web.zoom.us/j/5375128983>

The Chairperson will invite the public to comment via phone/online. Public comment will also be accepted by email at planning@amadorgov.org. All emails must be received prior to the start of the meeting and will be included in the record of the meeting. Emails received after those already included in the meeting materials will be printed and distributed to the Commissioners and available to the public, and shall be subject to the same rules as would otherwise govern speaker comments at the Commission meeting.

Letters of comment regarding this matter received by the County prior to the publication of the Staff Report will be sent to each Planning Commissioner as part of the agenda packet (generally the Tuesday prior to the meeting). Letters received after the Staff Report has been published will be copied and circulated to each Commissioner just prior to the public hearing. Be advised that due to time constraints, the Commissioners may not be able to give letters submitted after the Staff Report is published, as detailed a review as those received earlier. Therefore, it may be to your benefit to attend the hearing and summarize your concerns orally. Letters will not be read aloud at the public hearing. If you have any questions or desire more information, please contact this office.

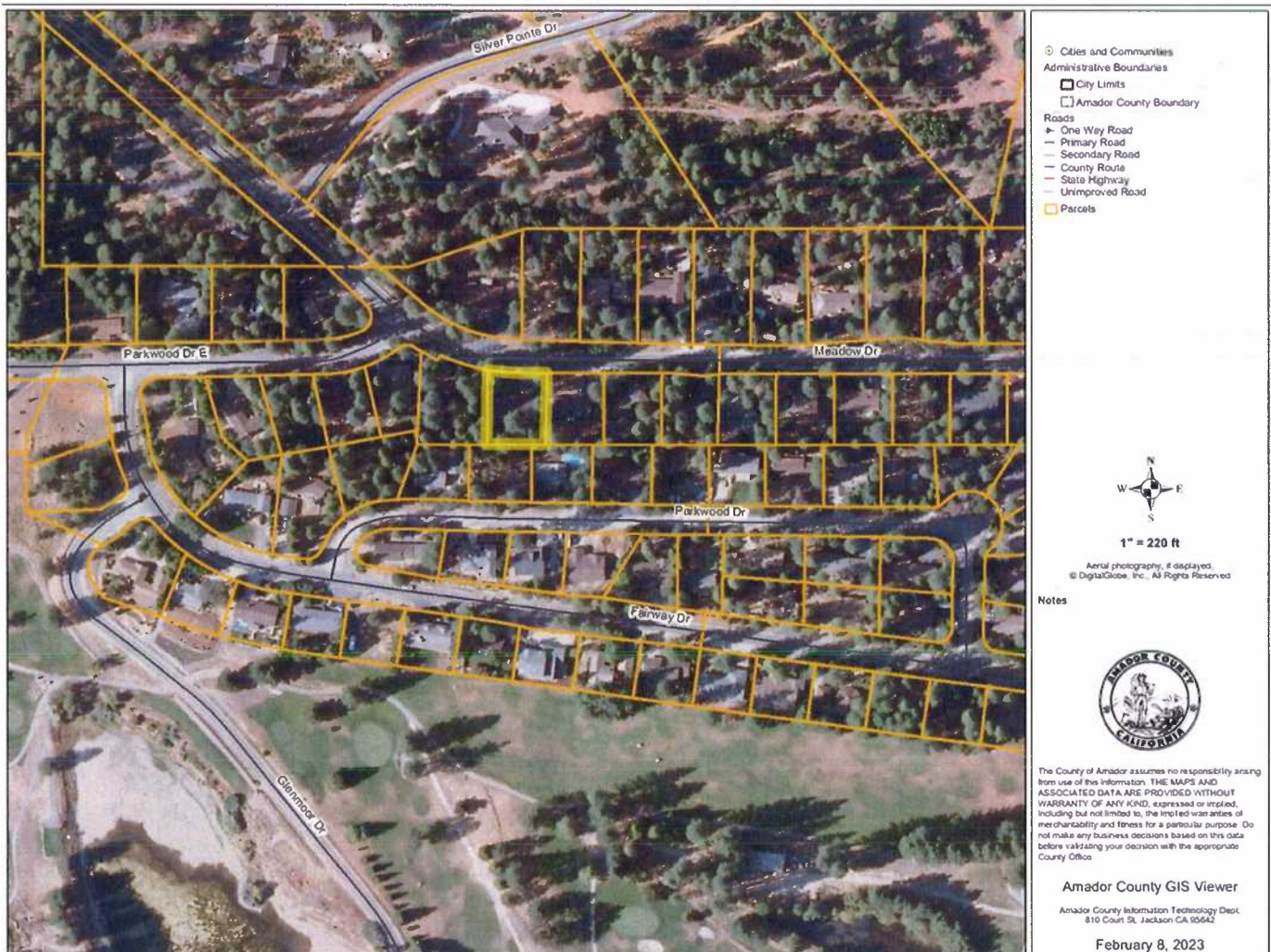
In compliance with the Americans with Disabilities Act, if you are a person with a disability and require special modification or accommodation to participate in this meeting, please contact the Amador County Planning Department, at (209) 223-6380, by email to planning@amadorgov.org. Requests must be made as early as possible, and at least two business days before the start of the meeting.

NOTE: If you do not comment at the public hearing or send in written comments and later decide to challenge the nature of this proposed action in court, you may be limited to raising only those issues you raised at the public hearing or have given in written correspondence delivered to the public entity conducting the hearing at, or prior to, the Public Hearing.

AMADOR COUNTY PLANNING COMMISSION

Date of this notice: February 22, 2023

SUBJECT AREA HIGHLIGHTED IN YELLOW



COMMENTS



Request for a Variance (V-23;2-1 Gonzales)

James Hough <hough.james@sbcglobal.net>
To: planning@amadorgov.org

Mon, Mar 6, 2023 at 10:57 AM

Attn: Planning Commission Chairperson,

The following is submitted for the planning commission meeting on March 14, 2023.

This is in response to a letter received concerning a request by Mr. and Mrs. Gonzales for a variance, V-23;2-1 to their property, APN: 033-520-017 to allow for construction of a new metal building on said property. My property is the parcel on the immediate left of their property as faced from Meadow Dr.

For the record I have no issue concerning their request and recommend the variance be approved as requested.

Respectfully,

James H. Hough

James and Susan Hough
26344 Meadow Drive
Pioneer, CA. 95666