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AGENDA ITEM NO.: 10 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: March 29, 2019

SUBJECT: Variance #2019-01/Starrenburg

EXECUTIVE SUMMARY

An application for a variance for a single-family dwelling to encroach 9-feet into the required 20-foot side yard setback for a property zoned Rural Residential (RR) that is located at 557 Sunset Drive, in the Alabama Hills, Lone Pine.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Joost van Starrenburg, 557 Sunset Drive, Lone Pine

Property Owner: Joost van Starrenburg, 557 Sunset Drive, Lone Pine

Site Address/

Community: 557 Sunset Drive, Lone Pine

A.P.N.: 026-320-04

General Plan: Residential Rural Medium Density (RRM)

Zoning: Rural Residential, Two and a Half Acre Minimum (RR-2.5)

Size of Parcel: Approximately 2-Acres

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Vacant/open	Rural Residential Medium Density (RRM)	Rural Residential 2.5 – acre minimum (RR-2.5)
North	Vacant/open	Rural Residential Medium Density (RRM)	Rural Residential 2.5 – acre minimum (RR-2.5)
East	Vacant/open	Rural Residential Medium Density (RRM)	Rural Residential 2.5 – acre minimum (RR-2.5)
South	Developed - Single family residence	Rural Residential High Density (RRH), 1 du/acre	Rural Residential (RR), 1-acre minimum lot size
West	Vacant/open	Rural Residential Medium Density (RRM)	Rural Residential 2.5 – acre minimum (RR-2.5)

Staff Recommended Action:

1.) Approve Variance 2019-01/Starrenburg with the Findings and Conditions as provided for in the staff report and certify that it is Exempt under California Environmental Quality Act (CEQA).

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

STAFF ANALYSIS

Variance Request & Site Characteristics

Joost van Starrenburg owns a 2-acre parcel located at 557 Sunset Drive in the Alabama Hills community. The available building area of this parcel is constrained by unique rock formations found in the Alabama Hills as well as large areas of underground rocks. The project site has been designed to build around the rocks necessitating the variance. The proposed parcel is currently undeveloped and under the 2.5-acre minimum required in the RR-2.5 Zone. Substandard parcel sizes do not prohibit development as long as setback requirements can be met. Development surrounding the parcel is intermittent and there is no development located to the north, east or west of the proposed project. There is one single family dwelling across the street (Sunset Drive) to the southeast.

All of the parcels surrounding the proposed project parcel are zoned RR-2.5 and all of those that are located to the east do not meet the 2.5-acre requirement. The RR zone requires the following setbacks:

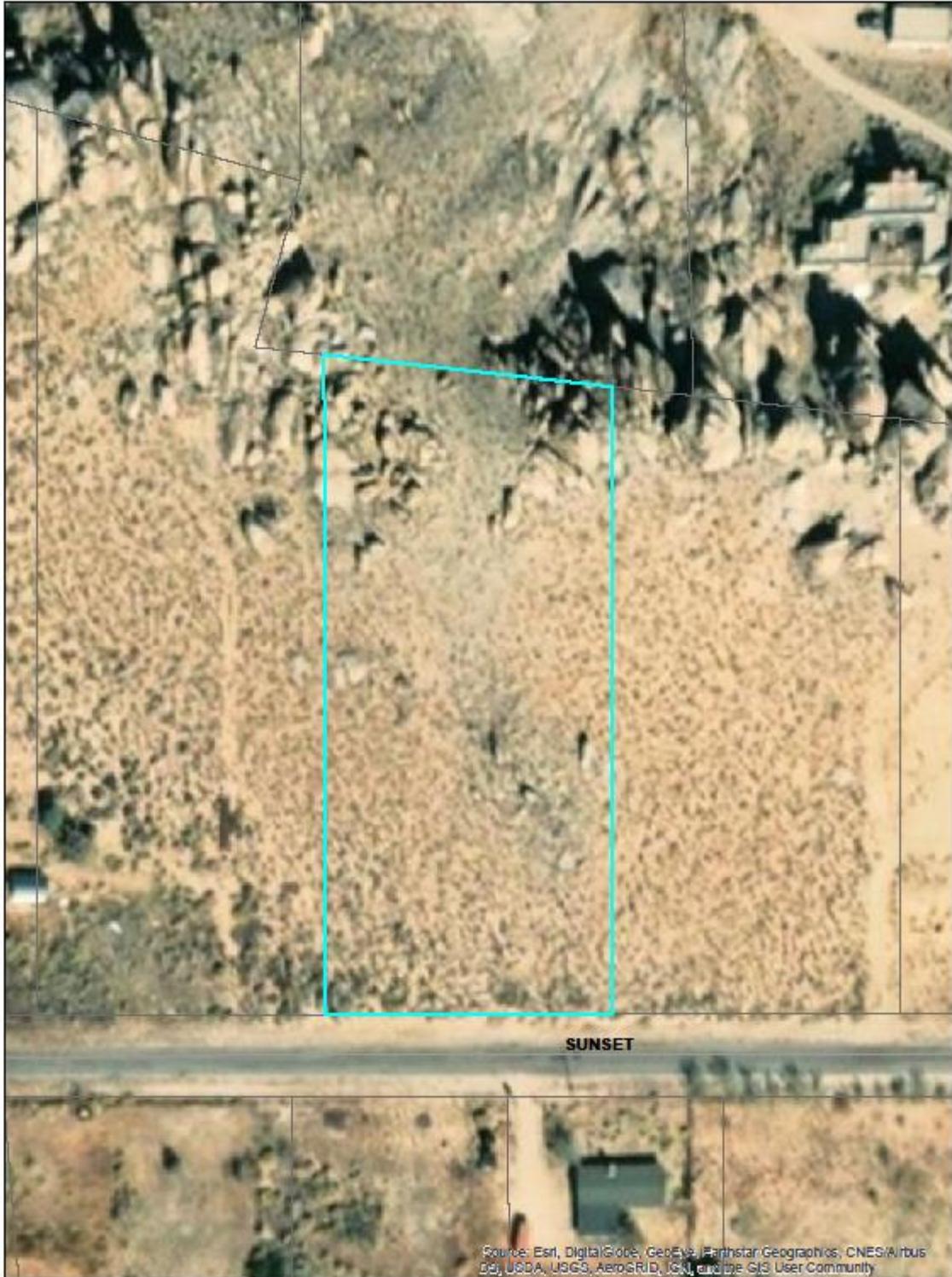
- Front: 50 feet
- Rear: 30 feet
- Side: 20 feet

in addition, the RR zoning requires a minimum lot width of 125-feet. The project parcel easily meets 125-foot requirement with a lot width of 200-feet. The parcel slopes up to the north at about an 11% grade and there are large rock formations at the south center that runs east to west and another formation covering the north quarter of the property. There is also an area of smaller rocks on the surface and below ground that spread between the two larger formations that covers the area between the proposed single-family dwelling and office sites. These areas of rock and rock formations limit the building area. A high water table, along with septic tank and leech field area requirements, also eliminates the flat south end of the parcel for building as it is the only location on the property free enough of rock to site the septic system. The building area selected by the applicant is the most logical place on the parcel where the building can occur without the removal of large iconic rock formations or a sizable area of underground rocks. The proposed single-family dwelling encroaching into the side yard set back by approx. 9-feet results in an 11-foot side yard setback. An accessory building (office) is also proposed for the parcel, it meets all setback requirements (site plan attached).

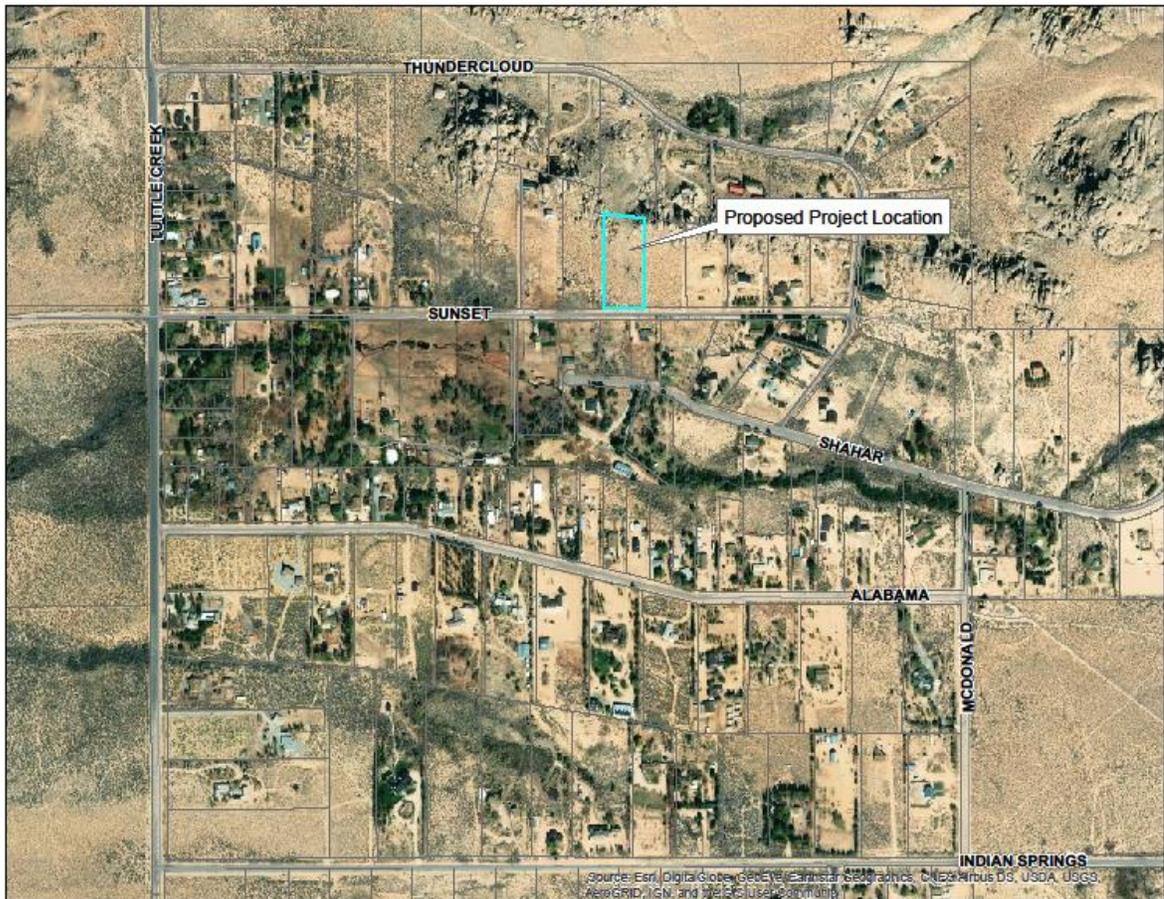
Picture of property looking south to north



Map of Parcel with aerial photo



Vicinity Map



Previous Variance History

No prior variances have been applied for regarding this property.

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 3 exemption, 15303 "New Construction or Conversion of Small Structures (a) One single-family residence, or a second dwelling unit in a residential zone."

NOTICING REQUIREMENTS

The project was noticed for a Public Hearing in the Inyo Register ten days in advance, on May 18, 2019 and notices were mailed to all property owners within 300-ft of the proposed project. No comments have been received by staff as of the date of this staff report.

RECOMMENDATIONS

Approve Variance 2019-01/Starrenburg with the Findings and Conditions as provided for in this staff report and certify that it is Exempt under CEQA.

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 Rural Residential (RR), which requires a 2.5-acre minimum; a minimum width of 125-feet; and, a front yard setback of 50-feet, rear yard of 30-feet and side yards of 20-feet. The loss of buildable area on this parcel is due to iconic rock formations and large areas of underground rocks that reduce the buildable area by about 1/3. This along with the logistics of siting the septic system and leech field in the flat area at the front of the property at a higher elevation than the well has made it difficult for the owner to design the site in relation to the RR setback requirements. The other properties in the area have the same type rock formations, but they are less spread out and cover less of the overall area than the rocks on the proposed project parcel. Finding a way to configure the single-family home and accessory structure posed exceptional circumstances that made developing the property nearly impossible without an encroachment into one of the setbacks.)

2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.

(Affirmative – Evidence: Approving this variance will allow for a single-family dwelling to encroach into a side yard setback by 9-feet. Currently there is no development on either side of the proposed parcel and the side setback encroachment would not affect the ability of the surrounding parcels to be developed. It will also not affect the views from the developed parcels located to the east. The encroachment also will not cause a situation that could be considered detrimental to the public welfare as any development subsequent to the variance approval will be required to follow all building and safety, waste disposal and water regulations per the State and County. The variance request to encroach into the side yard setback is also not allowing for activities that are unusual to the surrounding neighborhood since all existing development in the area is made up of single-family dwellings.)

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 proposed project site area is constricted by iconic rock formations and large areas of underground rocks common to the Alabama Hills causing its buildable area to be severely limited with regard to development. These factors create difficulties/hardships in meeting the required setback requirements for the RR zone. Granting a variance to encroach 9-feet into the side yard setback would still allow the general purposes of Title 18.21 of the Zoning Code to be fulfilled, as the encroachment would not change the low-density, single-family, rural, 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 is non-conforming with respect to area and its buildable space is severely limited by large iconic rock formations. The applicant has designed the site so as not to disrupt the rock formations and avoid areas where highly disruptive rock removal would be necessary or where the required septic and leech fields must be located. All of the parcels located to the east of the proposed variance also do not meet the 2.5-acre minimum lot requirement and those that are developed do not have the extent of area covered by rock as the proposed project parcel does. For all of these reasons, the requested variance to encroach into the side yard setback cannot be said to constitute a grant of special privileges. It would, instead, allow the property owner the ability to use the property in the same manner as the other properties in the vicinity.)

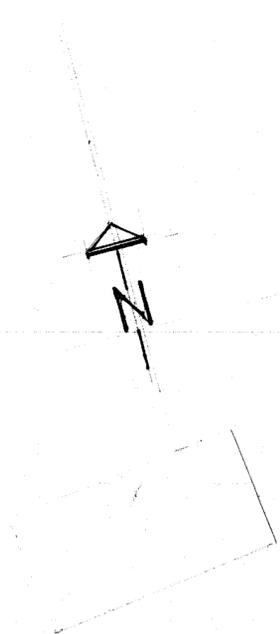
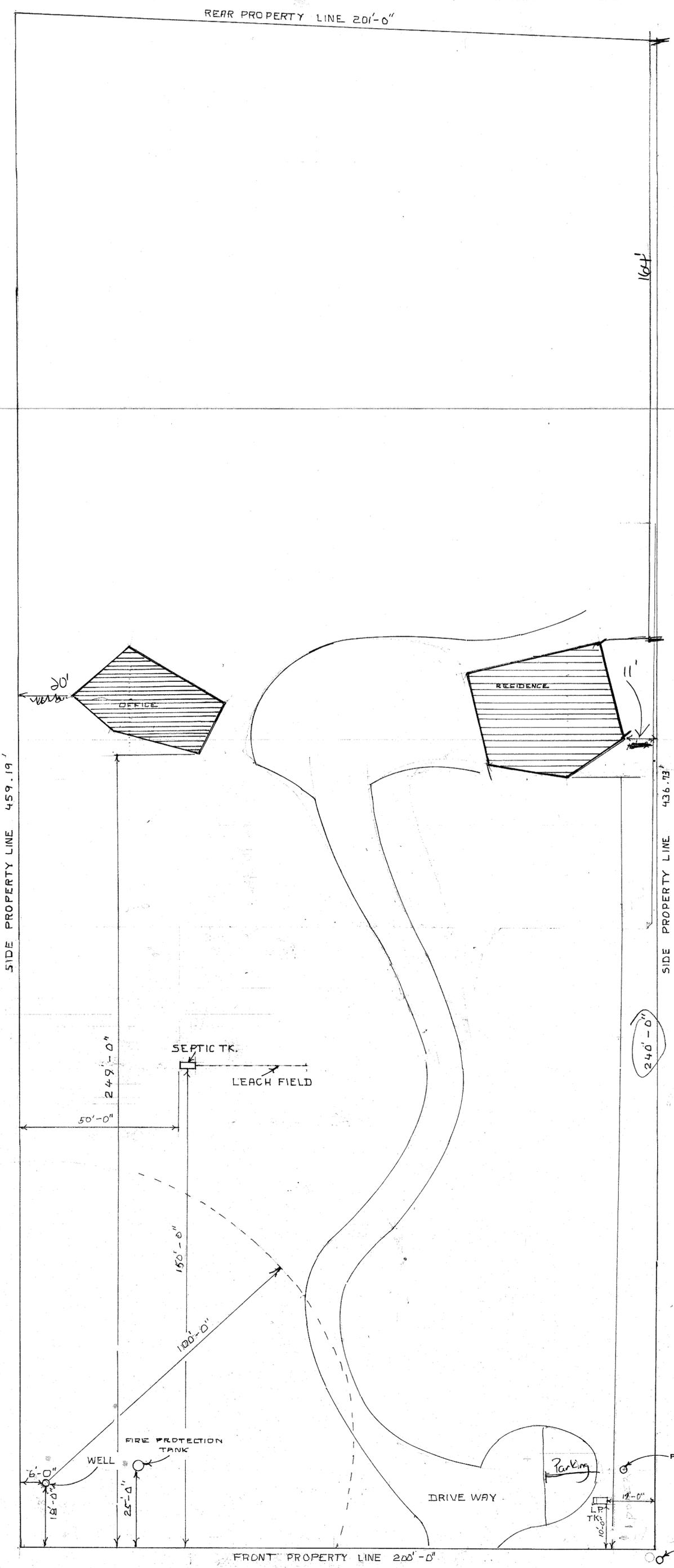
5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
(Affirmative – Evidence: The proposed variance applies to side yard setback requirements. The proposed low-density residential use and accessory structure are permitted out right in the RR 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 Rural Residential Medium Density (RRM) a single-family landuse designation.

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 3 15303(a).)

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 #2019-01/Starrenburg or applicant's failure to comply with conditions of approval.
- 2.) The applicant/developer shall conform to all applicable provisions of Inyo County Code including the Building and Safety Code and the Health and Safety Code.



JOOST VAN STARRENBURG
 557 SUNSET DR. ALABAMA HILLS
 CA.
 LOT - 4
 APN 026-320-04
 SCALE 3/64 = ONE FOOT

PLOT PLAN