

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2005-28

A resolution conditionally approving Variance Application No. 2005-107, Elfie Munday, applicants. Assessor Parcel Number 006-030-069.

WHEREAS an application for Variance No. 2005-107 was received on June 13, 2005 from Elfie Munday for a property located in Yosemite West on Yosemite Park Way approximately 400 feet south of the intersection with Black Oak Road. The address is 7260 Yosemite Park Way, Assessor Parcel Number 006-030-069; and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS a duly noticed public hearing was scheduled for September 9, 2005; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS the Planning Department did find that the project is categorically exempt from the review procedures established by the California Environmental Quality Act; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant,

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve a Notice of Exemption; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Variance Application No. 2005-107; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 with the terms and conditions set forth in Exhibit 2.

ON MOTION BY Commissioner Ross, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this September 9, 2005 by the following vote:

AYES: Commissioners Ludington, Rudzik, Ross, Skyrud, and De Santis

NOES: None

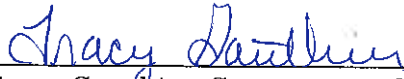
EXCUSED: None

ABSTAIN: None



Bob Rudzik, Chair
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
VARIANCE APPLICATION #2005-107

1. **FINDING:** There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity. (§17.120.050.A, Mariposa County Zoning Code)

EVIDENCE: This parcel is unique in that the first 30 feet from the front parcel boundary is extremely steep with an approximate slope of 46%. The majority of the parcel is flat on top where there is an existing house, but there is a sudden drop-off near the front of the parcel down to Yosemite Park Way. This type of topography makes grading for a driveway to reach further back onto the parcel only possible with a significant amount of disturbance to the land and environment. Other parcels in the immediate vicinity may have similar average slopes, but they are more gradual and uniform throughout the parcel. In addition, with many trees lining the front property line, relocation to any other location on the parcel would require the removal of many mature pine trees.

2. **FINDING:** The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the property is located. (§17.120.050.B, Mariposa County Zoning Code)

EVIDENCE: Public Works has not expressed any concerns with hazards associated with sight distance for this project as it does not add any new traffic and it will be located within a dug-out area. During the site visit, staff noticed eroding dirt within this area due to the extreme slope; this erosion has potential to displace large amounts of sediment during bad weather. The proposed carport would serve as a retaining wall to keep the sediment from eroding and damaging the road surface below and structures and trees above. Public safety is also a concern when driveways encroach onto main roads such as this. Snow can accumulate on parked cars and compromise visibility when pulling out onto the street. Garages and carports improve the situation by preventing initial snow buildup.

3. **FINDING:** The granting of such variance will not adversely affect the comprehensive general plan. (§17.120.050.C, Mariposa County Zoning Code)

EVIDENCE: The granting of a variance and the building of a carport are acceptable within Mariposa County and do not adversely affect the general plan. Accessory buildings and structures are permitted for residentially zoned parcels such as this if incidental to the primary use. Garages and carports are considered incidental structures to residential development. The variance process is permitted by the general plan, county code, and state law, if appropriate as determined by specific

physical characteristics of the site. The granting of a variance to build a carport will not adversely affect the general plan if the Planning Commission finds that the individual conditions warrant a deviation from the setback standards.

4. **FINDING:** There are special circumstances applicable to the property in which the strict application of zoning ordinance regulations will deprive the property of privileges enjoyed by other property in the vicinity and under the identical zone. (§17.120.050.D, Mariposa County Zoning Code)

EVIDENCE: If setback standards were strictly applied to this parcel, a carport would not be feasible. As previously stated, the slope on the front 30 feet of the property is 46%; a significant amount of dirt would need to be removed to put a standard driveway in to reach further back onto the property next to the house. The location of the existing trees also makes this the only location on the property that would not require the removal of trees. The applicant is proposing to locate the carport in an existing dugout area between mature trees. The location as proposed will require the least amount of disturbance to trees and soil as a result of grading.

5. **FINDING:** The granting of such variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. (§17.120.050.E, Mariposa County Zoning Code)

EVIDENCE: As this property is the only one in the immediate vicinity that faces these particular development challenges, the granting of this variance is not a grant of special privilege. If other parcels do have similar circumstances then they would be subject to the variance process to determine if deviation from the standards is appropriate.

EXHIBIT 2
CONDITIONS OF APPROVAL AND MITIGATION MEASURES
FOR
VARIANCE APPLICATION #2005-107.

The following conditions of approval and mitigation measures were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented, and fulfills the County of Mariposa's Monitoring requirements.

Sign-Off Checklist for List of Conditions of Approval		
	Monitoring Dept.	Verified Implemented
CONDITIONS OF APPROVAL / PLANNING DEPARTMENT		
1. Prior to the issuance of a building permit the applicant shall contact all affected utility companies regarding the encroachment into the existing public utility easement along the front property line. The applicant shall provide evidence to the Planning Department that all affected utility companies concur with the encroachment.	Planning	