

WHEN RECORDED PLEASE MAIL TO:

THIS SPACE FOR RECORDER'S USE:

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2004-42

A resolution conditionally approving Variance Application No. 2004-143, George and Nancy Strathearn, applicants. Assessor Parcel Number 013-062-008.

WHEREAS an application for Variance No. 2004-143 was received on July 26, 2004 from George and Nancy Strathearn for a property located at the southwest corner of the intersection of Campbell Way and Bullion Street Extension in the Campbell Tract subdivision of the Mariposa Town Planning Area , 5177 Bullion Street, also known as Assessor Parcel Number 013-062-008; 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 November 5, 2004; 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. 2004-143; 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 Ludington, seconded by Commissioner Rudzik, this resolution is duly passed and adopted this November 5, 2004 by the following vote:

AYES: Commissioners Ludington, Rudzik, Crain, Skyrud, and Turpin

NOES: None

EXCUSED: None

ABSTAIN: None



Susan Taber Crain, Chair
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

Project Findings – Exhibit 1

**VARIANCE NO. 2004-143
RECOMMENDED FINDINGS**

Pursuant to the Mariposa County Zoning Ordinance, Section 17.120.050, and based on the evidence presented in the staff report and comments provided at the public hearings, the following Findings are recommended:

- 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: Most of the property in the immediate vicinity (known as the Campbell Tract) was developed prior to the adoption of the Zoning Code and prior to the adoption of the Mariposa Town Planning Area Specific Plan, which established current setbacks for residential areas. Therefore most of the existing development doesn't meet the current setbacks as established by the Specific Plan. The parcels in the Campbell Tract are small and designed for higher density single-family residences, but only three are as narrow as or narrower than this parcel. In addition, this is a corner parcel, subject to the front-yard setback standard on both the north and east property lines. This is the only property in the Campbell Tract that is not currently developed, is subject to two front-yard setbacks, and is only fifty-five feet in width, constituting exceptional or extraordinary circumstances.

- 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: The granting of the variance will allow the construction of a standard stick-built single-family residence in keeping with the scale and appearance of the residences located on surrounding properties. The property is currently zoned for single-family residential use as proposed by the applicant and therefore cannot be considered materially detrimental to the public welfare. The granting of the variance will allow the applicant to locate the new residence farther from the property line shared between the subject property and the parcel immediately to the south and farther from the existing residence on the parcel to the south, which is located very close to the shared property line.

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 property is subject to the Mariposa Town Planning Area Specific Plan, and therefore will not adversely affect the comprehensive general plan. Under the Mariposa TPA Specific Plan, the property is zoned for single-family residential use. The variance is proposed by the applicant so that a single-family residence can be constructed on the property in keeping with the Specific Plan.

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: The property, although currently zoned Single Family Residential 9000, is only 7,865 square feet. Without the setback variance, the size of the property precludes the construction of a stick-built three-bedroom, two-bath house as is typical for the neighborhood. The applicants would have to build a smaller residence, build closer to the south property line, and be deprived of the use and enjoyment of a good portion of the property, as they would no longer have much of a side or rear yard. Most other properties in the immediate vicinity are developed with single family residences built to the above standard.

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: The other properties in the immediate vicinity have not been subjected to the limitations placed on this property because they were developed prior to the adoption of the Mariposa County Zoning Code and the Mariposa Town Planning Area Specific Plan. Staff recommends approval of this variance based on the physical limitations of this parcel (narrow width, substandard parcel size, two front yards, and steep side slopes on the north and south property lines) and the fact that the applicant's development proposal is consistent with the zoning designation of the property and the use, scale, and appearance of the properties in the immediate vicinity.

Project Conditions for Variance No. 2004-

Project Name: George and Nancy Strathearn File Number: Variance No. 2004-143
Project Approval Date: November 5, 2004

The following conditions of approval were approved for this project in order to ensure compliance with county codes and policies, and to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist indicates that the conditions have been complied with and implemented, and fulfills the County of Mariposa's Mitigation Monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6)

Draft conditions of approval were prepared and included in the Staff Report to the Planning Commission; these conditions were modified by the Planning Commission at their public hearing and the changes are indicated below. Language that was removed by the Commissioners is indicated in ~~struckthrough~~ text; additions to the draft language are indicated in *italicized and underlined* text.

Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures		
	Monitoring Dept.	Verified Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
1. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Bullion Street Extension. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. (Mariposa County Road Improvement and Circulation Policy)	Public Works	
CONDITION OF APPROVAL / MARIPOSA PLANNING		
<u>2. This project is approved based on the following setbacks:</u> <u>a) North side: 38 feet from centerline of Campbell Way; 5 feet from property line.</u> <u>b) East side: 37 feet from centerline of Bullion Street; 10 feet from property line.</u> <u>c) South side: subject to side setback; 5 feet from property line.</u> <u>d) West side: subject to rear setback for property with two front yards; 5 feet from property line.</u> (§ 17.336.010.A, Mariposa County Code)	Mariposa Planning	

<p><u>3. This project as approved includes a 2-vehicle garage, which meets the onsite parking requirements. Alternative proposals to comply with the onsite parking requirements may also be considered by the Planning Director.</u></p> <p><u>(§ 17.336.030.A.1.b, Mariposa County Code)</u></p>	<p>Mariposa Planning</p>	
<p>24. Project approval is valid for a period of three years from November 5, 2004. This approval shall expire on November 5, 2007.</p>	<p>Mariposa Planning</p>	

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Megan Tennermann	209-742-1219 mtennermann@mariposacounty.org	5100 Bullion St Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Jerry Freeman	209-966-5356	4639 Ben Hur Road Mariposa CA 95338	Same as site
Health Department	Dave Conway	209-966-2220	5100 Bullion Street Mariposa CA 95338	P.O. Box 5 Mariposa CA 95338
Mariposa County Resource Conservation District	Jerry Progner	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Eddie Ellis	966-2332	4982 10th St Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Blaine Shultz	209-966-4330	5082 Bullion St Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal. Dept of Forestry	Dennis Townsend	209-966-3622	5366 Hwy 49 N Mariposa CA 95338	Same as site

Certificate of Completion:

By signing below, the environmental coordinator confirms that the required conditions of approval and mitigation measures have been implemented as evidenced by the "Schedule of Tasks and Sign-Off Checklist", and that all direct and indirect costs have been paid. This act constitutes the issuance of a *Certificate of Completion*.

 Environmental Coordinator

 Date

Explanation of Headings:

Monitoring Dept: Department or Agency responsible for monitoring a particular mitigation measure.

Verified Implemented: When a mitigation measure has been implemented, this column will be initialed and dated.