

---

**STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION**

Resolution

No. 2015-009

**A resolution conditionally approving Variance 2015-062, Drew Ratzloff Applicant, Sandra and Julie Boulton, Property Owner; Assessor Parcel Number 010-140-002.**

WHEREAS, an application for Variance 2015-062 was received on April 3, 2015 from Drew Ratzloff for a property located at 8154 Chilnualna Falls Road, Wawona, California, also known as Assessor Parcel Number 010-140-002; and

WHEREAS, Variance 2015-062 proposes to replace an existing structure within the required twenty (20) foot setback from the edge of a right of way of a county road, five (5) feet from the property line/edge of right of way for an existing 20 foot unnamed right of way; 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 Planning Commission public hearing was scheduled for September 11, 2015; and

WHEREAS, a Staff Report and Notice of Exemption were 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 Staff Report, Notice of Exemption, 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 find that the project is exempt from environmental review and approve a Notice of Exemption.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Variance 2015-062.

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

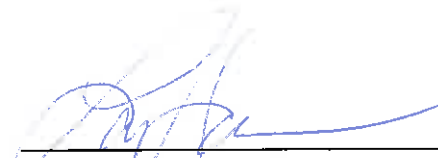
ON MOTION BY Commissioner Harter, seconded by Commissioner Kennec, this resolution is duly passed and adopted this September 11, 2015 by the following vote:

AYES: Harter, Kennec, Bernikoff, Becker, and Harris

NOES: None

EXCUSED: None

ABSTAIN: None



---

Larry Harris, Chair  
Mariposa County Planning Commission

Attest:



---

Susan Hunter, Secretary to the  
Mariposa County Planning Commission

***EXHIBIT 1***  
***PROJECT FINDINGS***  
***FOR***  
***Variance No. 2015-062***

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:**

The subject property might be considered to have exceptional circumstances due to the fact that there are two property lines affected by a right of way, Chilnualna Falls Road and an unnamed 20 foot right of way dedicated for public use. In most cases parcels only have to meet one 20 foot setback from one property line, but this parcel has two, the front yard setback along Chilnualna Falls Road and the 20 foot yard setback from edge of right of way of county road (20 foot unnamed right of way). This limits the ability to add to the house, due to the fact that approximately half the house, including the attached travel trailer, are already located within the required 20 foot setbacks.

The property is also subject to steeper slopes and large boulders that limit the ability to add to the house in areas that are outside of the required setback cost effectively.

Furthermore, the 20 foot unnamed right of way only provides access to three properties (all National Park Service owned), and for the most part serves minimal traffic, if any. The only parcel that appears to be developed that could access the right-of-way is Park Service owned and has an address off of River Road and appears to take access from River Road based on aerial imagery.

The addition would be located at least 5 feet from the edge of the right of way of the unnamed right of way, which is the minimum required setback for side yards if there was not a right of way located along that property line.

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:**

The project will not be materially detrimental to the public welfare or the surrounding properties or surrounding improvements. Granting the variance would not affect public access to any road or right of way, nor would it affect adjacent property improvements.

The minimum parcel size of the Mountain Residential Land Use is 1.5 acres, so this property could not be further subdivided as it is only 0.23 acres. The Wawona Specific Plan prohibits the construction of a second residence on this parcel, so the parcel cannot be further developed.

The purpose of setbacks is to provide separation between structures on adjacent parcels. Setbacks also serve as a buffer between residences and roads that keep the impacts from traffic, such as noise and dust, low. The proposed addition will replace existing improvements attached to the home. Setbacks serve the purpose of maintaining safety for traffic using the roads. The unnamed right of way only has the ability to be used by a maximum of 3 parcels and that is not likely to increase as none of the parcels served by this unnamed road are able or likely to subdivide, so the addition encroaching (replaces an existing encroachment) into the edge of right of way setback will create minimum impacts to traffic safety.

Open space and community character are also affected by setbacks. The proposed variances are not likely to be materially detrimental to these aspects as the parcels in the area tend to be around a quarter of an acre and are only allowed forty percent lot coverage, which keeps development levels regulated. Other aspects such as no secondary dwelling units and the front yard setback standards keep these characteristics of the area protected.

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 Wawona Town Planning Area Specific Plan, and will not adversely affect the Mariposa County comprehensive General Plan. Under the Wawona TPA Specific Plan, the property is zoned for single-family residential use. The granting of this variance will not adversely affect the Wawona Town Planning Specific Plan, as the proposed residence will still comply with lot coverage standards, and the Plan makes provisions for variances of this nature.

The purpose of the proposed variance is to allow the replacement of an existing travel trailer attached to the home to be replaced with a stick built structure that is consistent with the uses designated in the Mountain Residential 2 District of the Wawona Specific Plan. The Wawona Specific Plan has lot coverage standards, wherein the maximum coverage for principal and accessory uses is 40% for a parcel of this size. The existing home, with the addition, will cover less than 25% of the lot, under the maximum 40% lot coverage

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 subject property is one of a small number of parcels in Wawona that are affected by a front yard setback and a setback from the edge of a right of way of a county road. Therefore, given the size, the location of the existing improvements and the reduced area available for development, the strict application of the zoning and land use regulations would deprive them of privileges enjoyed by other properties in the area.

This parcel is also oddly shaped which makes the buildable area more of a triangle, which creates challenges as opposed to a typical rectangular buildable area. The variances from

the edge of right of way setbacks help ease some of the difficulties posed by this configuration.

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 not 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. By granting this variance, the applicant's home, will be receiving privileges already enjoyed by other properties in Wawona. Many homes do not meet the required setback standards and some homes have been granted variances for these same reasons. If other parcels do have similar circumstance then they could apply for a variance to determine if deviation from the standards is appropriate.

Due to limited lot sizes, steep parcels that accompany higher elevations, and the general nature of the setback standards it becomes difficult to build a structure that meet all regulations, therefore many homes do not meet setback standards, including some that have been granted a variance to construct a home within the front yard setbacks. Therefore, granting this variance would not constitute a grant of special privilege as others have enjoyed these types of variances as well.

***Project Conditions for Variance No. 2015-062***

**Project Name: Boulton**

**File Number: Variance No. 2015-062**

The following conditions 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.

<b>Sign-Off Checklist for Conditions of Approval</b>		
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT	<i>MONITORING DEPARTMENT</i>	<i>VERIFIED IMPLEMENTED</i>
1. The applicant will comply with all of the building code requirements and permitting requirements.	Building Department	
2. Project approval is valid for a period of three years from September 11, 2015. A building permit shall be issued prior to the project expiration date. This approval shall expire on September 11, 2018. A one and a half year (1.5) time extension may be granted for the project if a complete time extension application is submitted prior to the expiration of approval.	Mariposa Planning	
3. This approved variance is for the construction of an addition (replacement of existing trailer attached to home) to an existing residence 5 feet away from the edge of the 20 foot wide unnamed right of way in substantial compliance with the plans on file with the Mariposa Planning Department dated January 22, 2015 and approved by the Planning Commission on September 11, 2015. No portion of the addition may be closer to the property line/edge of right of way than five (5) feet.	Mariposa Planning	

<p>4. Prior to any construction, a licensed land surveyor will post the property corners and lines in the area of construction, and will provide project layout staking for the structure. The surveyor shall verify the location of the footing forms prior to placing concrete. A wet stamped letter by the surveyor verifying this requirement has been met shall be submitted to the Building and Planning Departments.</p>	<p>Mariposa Planning</p>	
---	------------------------------	--