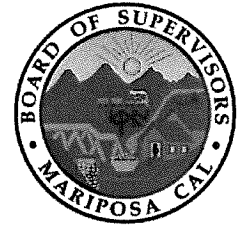




MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2015-412

MEETING: August 18, 2015
TO: The Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: Agreement Between County and Property Owner; 7312 Black Oak Lane

RECOMMENDATION AND JUSTIFICATION:

Approve an Agreement with Robert H. Ganem and Nancy M. Ganem, Co-Trustees of the Ganem Family Trust, Dated September 3, 2009, to Allow a Structure Erroneously Built in the Zoning Ordinance Required Front Yard Setback Area to Remain Within the Setback Area; 7312 Black Oak Lane, Yosemite West; APN 006-080-059.

Staff recommends that the Board approve an agreement with Robert H. Ganem and Nancy M. Ganem, co-trustees of The Ganem Family Trust, Property owner ("owner"), to allow a residence erroneously built within the Zoning Ordinance front yard setback area ("structure") to remain within the setback area. In consideration of the County not requiring the owner to move the structure outside of the front yard setback area, owner agrees that in the event of the structure being destroyed or torn down that the structure cannot be rebuilt within the front yard setback and that no additions or expansions of the structure can be built within the front yard setback.

Additional information is contained in the memorandum to the Board, included as an attachment.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Background:

Building Permit #30947 was issued on 9/11/2014 for a Dwelling, Single Family located at 7312 Black Oak Lane, APN 006-080-059. The site plan submitted showed the structure meeting all required setbacks including the front yard setback (25' from property line, 55' from centerline of the road / access easement). The initial inspection, "footings" was completed on 10/23/2014 by the Building Department. Several additional inspections by the Building Department have subsequently been completed and the construction project is nearing completion. The structure's encroachment into the setback area was not noted.

Resolution - Action Requested 2015-412

On 6/15/2015 the applicant applied for a Variance to the on-site parking standards for transient rentals. As part of the variance application process, a surveyed site plan of the lot, the structure and the proposed parking site was required. Jones Snyder & Associates (Licensed Land Surveyors) was engaged to provide the surveyed site plan.

On or about 6/30/2015, the surveyed site plan was received at the Planning Department. The site plan showed that the northwest corner of the structure (porch) was nineteen (19) feet from the property line and the northeast corner (porch) was twenty-one (21) feet from the property line.

History of Board Actions:

None related to this project. However, a similar situation occurred in 1998 on a parcel located off of Blackberry Creek Road. The Board adopted Resolution No. 98-398, approving an agreement with that property owner, similar to the agreement contained herein. That agreement was executed and recorded.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Modify the terms or conditions of the proposed agreement;
2. Deny the applicant's request and require that the structure be moved out of the setback area;
3. Postpone action on the request, and require the applicant to apply for a variance. Staff does not believe that the mandatory findings for a variance could be made for this project and did not recommend that the applicant pursue this option.

FINANCIAL IMPACT:

None.

ATTACHMENTS:

150818 Memo to the Board (DOC)

150811 Agreement (DOCX)

Notice of Exemption (DOC)

Site Plan (PDF)

Applicants Letter Addressing Setback Issue (DOC)

Contractors Letter Addressing Setback Issue (DOC)

Picture of Porch in Setback Area (JPG)

Email from Moose Mutlow regarding Ganem variance (PDF)

Email from Barbara Carlson regarding Ganem variance (PDF)

CAO RECOMMENDATION

Requested Action Recommended



MARIPOSA COUNTY

Planning • 209-966-5151



RESOLUTION - ACTION REQUESTED 2015-412

Mary Hoatson

Mary Hoatson, CAO

8/11/2015

RESULT: ADOPTED [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Smallcombe, Jones, Long, Cann, Carrier