

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

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2013-010

**A resolution conditionally approving Variance No. 2013-044 Ron & Lorelei Stapp / Miners Roadhouse; Applicant, Assessor Parcel Number 013-240-003 and 013-240-004**

WHEREAS an application for Variance No. 2013-044 was received on March 7, 2013 from Ron & Lorelei Stapp / Miners Roadhouse for a property located at 5159 Highway 140 also known as Assessor Parcel Number, 013-240-003 and 013-240-004; and

WHEREAS Variance No. 2013-044 proposes to allow an additional 34.09 square feet of signage in addition to the permitted 64 square feet of signage 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 the June 21, 2013 and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; 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 Notice of Exemption 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 from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Variance No. 2013-044.

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 Harter seconded by Commissioner Harris, this resolution is duly passed and adopted this 21<sup>st</sup> day of June 2013 by the following vote:

AYES: Commissioners Marsden, Becker, Harris and Harter

NOES: None

EXCUSED: Rudzik

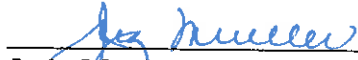
ABSTAIN: None



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Les Marsden, Chair  
Mariposa County Planning Commission

Attest:



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Judy Mueller, Secretary to the  
Mariposa County Planning Commission

***EXHIBIT 1***  
***PROJECT FINDINGS***  
***FOR***  
***Variance No. 2011-064***

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 it is located at the rear of the property, which makes visibility from the Hwy 49N entrance to the commercial center difficult. The Miner's Inn Restaurant and Motel was developed as one complex with multiple buildings owned by the same property owner. The ability to advertise both the Motel and Restaurant on combined signage provided an advantage to the Restaurant as the Motel is located at the Hwy 49N entrance to the development.

On December 28, 2012 Ronald Stapp closed escrow and took possession of the Restaurant while the Motel maintained ownership by a second party. The Restaurant is located toward the back end of the complex making visibility upon entering the Hwy 49N entrance difficult; additionally, the business is located at the top of a bank on the Hwy 140 facing side above the line-of-site to traveling motorists. Adequately advertising the business has been a challenge.

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:** This project will not be materially detrimental to the public welfare or injurious to the property or surrounding improvements. No agency has expressed concerns over the proposed additional signage for the project. The proposed additional signage will provide on-site advertising visible to traveling motorists along the Hwy 140 corridor.

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

**EVIDENCE:** This property is located within the Mariposa Town Planning Area Specific Plan and is zoned General Commercial in Design Review Overlay. The applicant is proposing a variance that would allow signage in line with what businesses 10,000 square feet and larger are out-right permitted by code. The Variance is a process that is permitted by the county code and state law, if appropriate as determined by specific physical characteristics of the site. The General Plan specifically addresses Economic Development and states that the "long-range plan is for strengthening and diversifying the County's economy". The ability for a business to adequately advertise their business contributes to their ability to be successful; therefore, the granting of this variance is consistent with the General 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:** This business sits at the back end of a developed complex and is not visible from the Hwy 49N entrance to the complex. Although the east side of the building does face Hwy 140 the building is situated at the top of a bank, which is above the line-of-site of traveling motorists. The additional square footage is intended to identify the business to traveling motorists along the Hwy 140 corridor.

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:** Based on the project and site characteristics, the granting of this variance is not a grant of special privilege. The Restaurant and Motel had previously been one combined business owned by a single individual and enjoyed the benefits of combined business signage. It is now a stand alone business located at the back end of the complex, which makes visibility upon entering the Hwy 49N entrance difficult; additionally, the visibility from the Hwy 140 corridor is equally challenging as the building is located at the top of a bank above the line-of-sight to traveling motorists. The two approved advertising signs are required to adequately identify the business from the interior of the complex. The additional sign is to be installed on the east side of the restaurant facing Hwy 140.

By granting this variance, the applicant will be able to adequately advertise his business to through traffic as well as those entering the development. If other parcels have similar circumstances, they could also apply for a variance to determine if a deviation from the standards is appropriate.

6. **FINDING:** This variance is categorically exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, Article 19, § 15305(a).

**EVIDENCE:** Approval of additional signage for a business through the variance process is a minor alteration in applicable land use limitations. The project parcel has an average slope of less than 20%. The approval of the additional signage does not change land use or density for the project site and does not result in the creation of a new parcel.

**EXHIBIT 2**  
**CONDITIONS OF APPROVAL AND MITIGATION MEASURES**  
**FOR**  
**Variance No. 2013-044**

**Project Name: Ron & Lorelei Stapp / Miners Roadhouse File Number: Variance No. 2013-044**

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 including but not limited to electrical installation.	Building Department	
2. Project approval is valid for a period of three years from July 21, 2013. This approval shall expire on July 21, 2016. 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 date.	Mariposa Planning	
3. This approved variance is for an additional 34.09 square feet of signage over and above the current 64 square feet of allowable signage.	Mariposa Planning	
4. Applicant shall remove the existing non-conforming pole sign (including the pole) located on the south-east corner.	Mariposa Planning	