

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. 2006-38

**A resolution conditionally approving Variance No. 2005-233/Parcel Merger 2006-160; John & Mary Pike, applicants. Assessor Parcel Number 002-060-004.**

WHEREAS an application for Variance No. 2005-233 was received on November 16, 2005 and the Parcel Merger was received on April 20, 2006 from John & Mary Pike for a property located at 5068 Madison Ave., Coulterville CA 95311, also known as Assessor Parcel Number 002-060-004; and

WHEREAS the applicants propose to build a 30 foot by 40 foot garage within the front yard setback for Madison Avenue 25 feet from the centerline of Madison Avenue; 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 July 21, 2006; 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 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 No. 2005-233/Parcel Merger 2006-160; 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 Skyrud, seconded by Commissioner Ross, this resolution is duly passed and adopted this 21<sup>st</sup> of July, 2006 by the following vote:

AYES: Commissioners, Ross, Rudzik, Skyrud, and DeSantis

NOES: None

EXCUSED: None

ABSTAIN: None



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Robert L. Rudzik, Chair  
Mariposa County Planning Commission

Attest:



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Carol Suggs, Secretary to the  
Mariposa County Planning Commission

***EXHIBIT 1***  
***PROJECT FINDINGS***  
***FOR***  
***Variance No. 2005-233/Parcel Merger 2006-160***

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 has exceptional circumstances due to site topography characteristics. Adequate locations for a garage on this parcel are limited due to the front yard setback 50 feet from the centerline of Hillside Avenue and Madison Avenue. These setbacks only leave 15 feet in the middle of the parcel for development. There is no way to construct a garage of comparable size on the parcel. There is a previously graded area at the proposed location of the garage. Staff is supporting the proposal to locate the garage in the graded area within the front yard setback of Madison Avenue due to the limited space available for development.

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 nearest offsite structure is approximately 80 feet to the south on the other side of Madison Avenue. The applicant already uses the area for parking and access; this variance will not change the access conditions of the parcel. Public Works has not expressed any concerns with sight distance for this project as it does not add any new traffic. There will still be adequate open space between the garage and Madison Avenue.

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 Coulterville Town Planning Area Specific Plan, and therefore will not adversely affect the Mariposa County comprehensive General Plan. Under the Coulterville TPA Specific Plan, the property is zoned for Medium density residential use. The granting of this variance will not adversely affect the Coulterville Town Planning Specific Plan. The applicant is proposing development consistent with the surrounding zone. The variance is a process that 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 this variance to build a garage in the front yard setback will not adversely affect the General Plan if the Planning Commission finds that the individual condition warrant a deviating 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: There are special circumstances associated with the parcel that would not allow the benefits enjoyed by surrounding property owners. The applicant is proposing to locate the garage in an existing dugout area. In this specific situation the front yard setback requirement is more restrictive than the rest of the County. In areas not governed by specific plans, front yard setbacks are 55 feet from the centerline of the fronting street and 25 feet from the edge of the right-of-way; whichever is greater. As right-of-ways are often 60 feet in width, structures will generally be 25 feet from the edge of the right-of-way. For residential parcels within the Coulterville Town Planning Area, the standards are 50 feet from the centerline of the fronting street. Madison Avenue is very narrow at approximately 10 feet in width; therefore structures must be 45 feet from the edge of the right-of-way, 20 feet more than what is required for most structures in the rest of the county under common circumstances. In addition, in this specific circumstance, the parcel has 2 front yard setbacks resulting in a buildable area of only 15 feet.

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: Many of the parcels in the immediate vicinity share similar problems of being relatively narrow in width and having 2 front yard setbacks. However, the majority of the parcels in Coulterville that are governed by the residential setback requirements will not have the same issues. If other parcels do have similar circumstance then they would be subject to the variance process to determine if deviation from the standards is appropriate.

#### Parcel Merger Findings

1. FINDING: The project is found to support, accomplish, or have no effect on the goals, policies, and standards of the County's General Plan as a whole and will not obstruct the achievement of the Plan's purpose.

2. FINDING: The parcel merger, upon compliance with the required conditions, will comply with all standards of the Subdivision Map Act and the County Subdivision Ordinance.

3. FINDING: There are no dedications or offers of dedication to be vacated or abandoned and the requirement for a parcel map is hereby waived in accordance with Section 16.12.420 of the Subdivision Ordinance.

4. FINDING: An instrument evidencing the merger and extinguishing any underlying historic parcels shall be recorded in accordance with Section 16.12.420 of the Subdivision Ordinance.

5. FINDING: The parcel merger is a minor alteration in land use limitations which does not result in any changes in land use or density, and is exempt from the California Environmental Quality Act in accordance with Section 15305(c), CEQA Guidelines.

**EXHIBIT 2**  
**CONDITIONS OF APPROVAL AND MITIGATION MEASURES**  
**FOR**  
**Variance No. 2005-233/Parcel Merger 2006-160**

The following conditions of approval and/or 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/mitigation measures have been complied with and implemented.

<b>Sign-Off Checklist for Conditions of Approval</b>		
Project Description		
<p>The applicant is requesting a variance from the required front-yard setback standards as specified in the Coulterville Town Planning Area Specific Plan. The front yard setback in the Coulterville TPA for a residentially zoned parcel is 50 feet from the centerline of the fronting street. Approving this application would allow the construction of a garage in the front yard setback 25 feet from the centerline of Madison Avenue. The subject property is in the Medium Density Residential Land Use of the Specific Plan. In addition, the subject parcel APN 002-060-004 consists of 5 historic parcels that the applicants are requesting to merge.</p>		
CONDITION OF APPROVAL	<i>MONITORING DEPARTMENT</i>	<i>VERIFIED IMPLEMENTED</i>
<p>1. A Certificate of Compliance shall be recorded in accordance with Section 16.12.420 of the Subdivision Ordinance. A typed, stamped, and signed legal description, prepared by a licensed surveyor that describes the merged parcels shall be submitted. The legal description shall include the merged acreage and shall be reviewed and approved by the County Surveyor.</p> <p>Parcel Merger Requirement</p>	<p>PUBLIC WORKS</p>	

<p>2. A "Declaration" shall be recorded concurrently with the Certificate of Compliance and shall be made appurtenant to the merged parcels stating that the applicants and any current and future owners of the merged parcels abandon all recognition or claim to previous parcel configurations and any underlying historic parcels and waive their rights to any future claim of the existence of any additional historic parcels within the affected property. The declaration shall cause the parcels to be merged and is the instrument which technically completes the parcel merger process. The content and format of the declaration shall be approved by the Planning Director and County Counsel prior to recordation. All costs associated with preparing and executing the declaration shall be the responsibility of the applicant.</p> <p>Parcel Merger Requirement</p>	<p>MARIPOSA                  PLANNING</p>	
<p>3. As required by the Tax Collectors Office and the County Assessors Office, taxes on all subject parcels must be paid in advance for the next tax year. A verification of taxes paid shall be provided to the Planning Department indicating this has been done.</p> <p>Parcel Merger Requirement</p>	<p>MARIPOSA                  PLANNING</p>	
<p>4. Prior to finalizing the parcel merger, all fees associated with the County's processing of the parcel merger and filing of associated documents shall be paid. Recording fees for the recordation of the Certificate of Compliance shall be paid by the applicant. The recording fee is based upon the number of total pages of the document. The check must be made payable to the Mariposa County Recorders Office. The recording fee schedule is \$7.00 for the first page and \$3.00 for every page thereafter.</p> <p>Parcel Merger Requirement</p>	<p>MARIPOSA                  PLANNING</p>	
<p>5. Project approval is valid for a period of three years from July 21, 2006. This approval shall expire on July 21, 2009.</p> <p>[MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430]</p> <p>Parcel Merger and Variance Requirement</p>	<p>MARIPOSA                  PLANNING</p>	

<p>6. Prior to issuance of the building permit, the applicant shall have a licensed surveyor survey the property and mark the property lines as well as the front corners of the proposed garage 25 feet from the centerline of Madison Avenue. The property line shall be maintained so that they are easily visible for the life of the construction project.</p>	<p>MARIPOSA                  PLANNING</p>	
<p><b>7. Optional:</b></p> <p>The applicant may elect to file a Notice of Exemption with the County Clerks office. By filing the NOE the statute of limitations on appeals is shortened from 180 days to 35 days. The County Clerks Office requires a fee of \$25.00 for the filing of the Notice of Exemption. Please submit cash or a money order made payable to the Mariposa County Clerks Office to our office within 5 working days of approval of the application</p>	<p>MARIPOSA                  PLANNING</p>	

<b>Agency Contact List</b>				
AGENCY	CONTACT	PHONE NUMBER  EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Wes McCullough	209-742-1218  wmccullough@mariposacounty.org	5100 Bullion Street  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 Street Mariposa CA 95338	P.O. Box 35  Mariposa CA 95338
County Fire	Blaine Shultz	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162  Mariposa CA 95338
Cal. Dept of Forestry	Paul Alvarez	209-966-3622	5366 Highway 49 North  Mariposa CA 95338	Same as site

**Certificate of Completion:**

By signing below, the project planner/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*.

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Project Planner/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.