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

Resolution

No. 2019-007

**A resolution conditionally approving Variance Application  
No. 2019-043, Summit Property Group, LLC Applicant;  
Assessor Parcel Number 006-080-0110.**

WHEREAS, an application for Variance No. 2019-043 was received on April 2<sup>nd</sup> 2019 from Summit Property Group, LLC for a property located at 7265 Yosemite Parkway, Yosemite West, California, also known as Assessor Parcel Number 006-080-0110; and

WHEREAS, the variance proposes to reduce the front property line set back from the required twenty-five (25) to ten (10) feet from the front property line and from the required fifty-five (55) feet from the center line of public right-of-way to thirty-seven and a half (37.5) feet from the center line of the public 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 May 24<sup>th</sup> 2019; 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.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Variance No. 2019-043.

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.

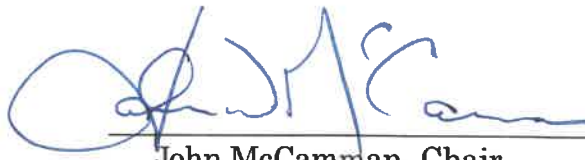
ON MOTION BY Commissioner Harris, seconded by Commissioner Walls, this resolution is duly passed and adopted this May 24<sup>th</sup> 2019 by the following vote:

**AYES:** McCamman, Harris, Herman, Becker, Walls

**NOES:** None

**EXCUSED:** None

**ABSTAIN:** None



**John McCamman, Chair**  
**Mariposa County Planning Commission**

**Attest:**



**Danielle Wardle, Secretary**  
**Mariposa County Planning Commission**

**EXHIBIT 1**  
**PROJECT FINDINGS**  
**FOR**  
**Variance No. 2019-043**

- 1. FINDING (Exceptional Circumstances):** 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:**

Unlike most properties in Yosemite West, the right-of-way (ROW) fronting the project site is a variable width ROW (68 feet to 75 feet). The wide ROW encompasses significant fill slopes for Yosemite Parkway (indicative of steep terrain in the area of the project site). The residence is required to be 25 feet from the front property line, due to the unusual lot shape, the distance between the edge of pavement and the front property line varies from 30 feet to 52 feet in width, with an additional 10 foot wide Public Utility Easement (PUE) along the front property line, placing the proposed residence further down the hill at 62 feet from the edge of the blacktop. This is an exceptional circumstance applicable to this property. The applicant is requesting a 10 foot setback from the front property line for the residence.

- 2. FINDING (Material Detriment):** 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 granting of a 10 feet front yard setback would still result in a practical setback of 62 feet to the proposed residence from the downslope edge of Yosemite Parkway. This is similar to front yard setbacks for nearby homes on Yosemite Parkway, where the ROW is not as wide.

- 3. FINDING (General Plan):** 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 located within the Residential Land Use Classification. The applicant is proposing residential development consistent with the land use. The Variance is a process that is permitted by county code and state law, if appropriate as determined by special physical characteristics of the site. The granting of this Variance would allow construction of a single-family residence as desired by the

property owner on a lot with a challenging downslope compounded by a property line that is set back 52 feet from the edge of Yosemite Parkway.

4. **FINDING (Special Circumstances):** 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 location of the front property line combined with the unusual parcel shape places parcel boundary lines 30 feet to 52 feet from the edge of Yosemite Parkway. Added to this distance is the existing 10 foot public utility easement, which forces the proposed residence further downslope than a typical Yosemite West residence. As a result this residence will be located further away from Yosemite Parkway than most nearby residences creating further disparity between both the distance from Yosemite Parkway and increased structure height. This house has been designed as a conventional a two-story, 1988 square foot, 3 bedrooms, and 2 bath home with a 557 square foot deck. The house is proposed to use a foundation designed for use on steeply sloped buildings.

5. **FINDING (Special Privilege):** 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:** Most lots in Yosemite West are on steep slopes and as a result the residences use stepped foundations and are built fairly tall from the downhill side of the access road. Rather than using a stepped foundation this home is being constructed with pinning foundation posts on concrete piers. This design style has impacted the way height is measured. This parcel has a distance of 52 feet from the edge of pavement from Yosemite Parkway to the front property line. By granting this Variance, the applicant's residence will be receiving privileges already enjoyed by those of the neighboring properties. If other parcels do have similar circumstance then they could apply for a Variance to determine if deviation from the standards is appropriate.

**Project Conditions for Variance No. 2019-043**

**Project Name: Summit Property Group File Number: Variance No. 2019-043**

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.

Sign-Off Checklist for Conditions of Approval		
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
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 May 24, 2019. A building permit shall be issued prior to the project expiration date. This approval shall expire on May 24, 2022. A one and a half year (18 month) 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 variance approval is for the construction of a residence located no closer than 10 feet from the front property line in substantial compliance with the plans on file with the Mariposa Building Department dated March 12, 2019 and approved by the Planning Commission on May 24, 2019. No portion of the structure may be closer than 10 feet from the front property line, to be verified by the Building Department or Planning Department. A walkway not to exceed 6 feet in width is permitted within the front yard setback.	Mariposa Planning	
4. Prior to 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 to be no closer than 10 feet. A wet stamped letter by the surveyor verifying this requirement has been met shall be submitted to the Building and Planning Departments.	Mariposa Planning	
5. Applicant will be required to apply for an encroachment permit for driveway improvements and utilities. This will be verified by Public Works prior to issuance of Certificate of Occupancy.	Public Works	