

**FINDINGS FOR COUNTY FILE CDVR25-01004; KIMBERLY SOWERS (APPLICANT),
MICHAEL AND CHERYL LADOUCEUR (OWNER)**

FINDINGS FOR DENIAL

A. Variance Findings

County Code Section 26-2.2006 states that all of the following findings must be made to approve the Variance permit application.

1. *That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.*

Project Finding: The subject parcel is located in the R-20 Single-Family Residential District wherein a minimum front yard setback of 25 feet is required, and a minimum secondary front yard setback of 20 feet is required. The 26,040 square-foot parcel is similar to other properties in the vicinity along Valley Oaks Drive, where most lots exceed the 20,000 square feet in area. The parcel is currently developed with an existing 2,686 square-foot single-family residence, an approximately 450 square-foot pool, and a 300 square-foot accessory structure. The accessory structure was built in the AE Special Flood Hazard Area without first obtaining the required Elevation Certificate, Floodplain Permit, and building permit. The location of the accessory structure is set back from the Valley Oak Drive secondary frontage a distance of 7 feet 3-inches and is well within the required 20-foot secondary front yard setback. The accessory structure was built without first obtaining the required Variance Permit.

In this neighborhood, accessory structures have been constructed in compliance with the yard setback restrictions in the County Code. There appears to be no precedent in the vicinity for permitting an accessory building at a reduced secondary front yard setback and within the AE flood zone. Allowing the reduced setback from Valley Oaks Drive for the accessory building, when other properties in the vicinity and same land use district are not allowed such privilege, and allowing construction in the AE Special Flood Hazard Area without the required Elevation Certificate and Floodplain Permit, is a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district.

2. *That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: The subject property is a 26,040 square-foot lot that is constrained by a large drainage easement that covers approximately a third of the northern portion of the property, and the AE Special Flood Hazard Area that encumbers the northern and eastern areas of the parcel. While these conditions constitute special circumstances that restrict development on the property, they do not deprive the subject property of the rights enjoyed by other properties in the vicinity and within the R-20 Single-Family Residential District because the accessory structure can be accommodated on another area of the parcel outside of the drainage easement and the AE flood zone, such as just north of the pool or south of the pool. While placement of the accessory structure south of the pool may require approval of a variance to allow a substandard primary front yard setback along the access and utility easement, the drainage easement and AE flood zone are special circumstances applicable to the parcel that can be found to deprive the parcel of rights enjoyed by other properties in the vicinity and within the R-20 District if the variance is not granted. Though the applicant does not prefer this area, a finding can be made to support a variance at the south of pool location that provides the desired poolside amenity. However, placing the accessory structure within the AE flood zone negates any special circumstance that applies to the location of the accessory structure.

3. *That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the property is located.*

Project Finding: The intent and purpose of the R-20 District is to facilitate orderly development and maintenance of a low-density single-family residential neighborhood, including single-family residences and accessory structures. The setbacks established for the R-20 District, including the secondary front yard setback, are intended to facilitate low-density residential development, maintain a this residential character in the neighborhood, and to provide open space for air and light. These setbacks are applicable to all properties within the subject zoning district. Allowing the accessory structure to be located at a reduced secondary front yard setback along Valley Oaks Drive would be contrary to all other properties

along Valley Oaks Drive, as these properties meet the yard setback requirements along the roadway. Accordingly, allowing the accessory structure in its current location disrupts the uniformity of the placement of buildings and structures in this neighborhood in relation to the roadway. The current location of the accessory structure is an uncommon location for a residential amenity and as such does not meet the intent and purpose of the R-20 District.

B. Environmental Findings

The Variance under County File CDVR25-01004 is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(4), Review for Exemption, which provides an exemption for projects that will be rejected or disapproved by a public agency.