

TRINITY COUNTY PLANNING COMMISSION STAFF REPORT

PLANNER: Lisa Lozier, Deputy Director of Planning

LOCATION: 101 Lakeview Drive, Trinity Center

APPLICANT/OWNER: Tim and Karen Lorenzo

APN: 007-510-014

PROJECT DESCRIPTION: The project applicant has requested approval for a variance to reduce the required 20-foot rear set back to a zero-foot setback in order to accommodate the construction of an airplane hangar for direct access to the Trinity Center Airport.

PROJECT INFORMATION:

Planning Area: Trinity Center

Existing General Plan Designation: Single-Family Residential (High Density)

Existing Zone District: R1

Existing Land Use: Currently vacant

Adjacent Land Use:

	Land Use	Zoning	General Plan
North	residential	R1 (Single Family)	Community Residential
South	Residential	R1 (Single Family)	Community Residential
East	Trinity Center Airport	Public Facility	Public Facility
West	Residential	R1 (Single Family)	Community Residential

BACKGROUND:

The project applicant has requested approval for a variance to reduce the required 20-foot rear set back to a zero-foot setback in order to accommodate the construction of a residence with attached garage and airplane hangar for direct access to the Trinity Center Airport. (Attachment 5) The door of the hangar is proposed to be at the rear setback (zero lot line set back) and would be built-in ground with the top of the hangar at grade level (floor to ceiling approximately 13'). (Attachment 6) The proposed two-story residence with attached garage, built above grade, is within the required setbacks for the zone district.

Minimum Required Sets Backs for R-1 Zone Districts:

- Front Yard – 20 feet
- Side Yard – Interior Line 5 feet / exterior line 10 feet
- Rear Yard – 20 feet

Previous Variances on Lakeview Drive

NUMBER	DATE	LOT	DESCRIPTION	DECISION
V-1	April 1968	007-560-15 (lot 5)	Request for a zero-line rear setback for hangar (inground)	Approved
V-43	July 1975	007-570-26 (lot 12)	Request to encroach 14 feet into rear yard for deck with hangar underneath (above ground)	Denied
P-89-62	September 1989	007-560-17 (lot 7)	Request for a 5-foot rear setback for hangar (inground)	Approved
P-93-32	September 1993	007-560-13 (lot3)	Request to encroach 10' into front yard setback for carport	Denied
P-01-93	July 2001	007-570-27 (lot 13)	Request for a zero-line rear setback for hangar (inground)	Approved
P-06-45	August 2006	007-570-31 (lot17)	Request for a 1.5-foot rear setback for deck above ground	Denied

VARIANCE:

A variance is granted to modify some requirement of zoning regulations. The Variance is justified by unique hardship, because a parcel is unique in size, shape or topography or that they would be denied a benefit allowed to neighboring properties. Variances are granted only to authorize a change in development standards with would not otherwise be allowed by the zoning regulations.

A Variance may be granted at the discretion of the Planning Commission, with such conditions as may be necessary to carry out the intent and purpose of title 17.31.020 of the Trinity County Zoning Code.

In considering a variance, the following guidelines shall be observed:

- A. No Special Privilege.** A variance cannot be a special privilege extended to one individual property owner. The circumstances must be such that the same variance would be appropriate for any property owner facing similar circumstances.

- a. In this case, as indicated by the table above. The applicant is not asking for a "Special Privilege" to be granted as there are several similar examples of variances granted for the same zero-line setback as the applicant is requesting. The property directly to the south, 121 Lakeview Dr. was granted a zero-line variance for a hangar. (Attachment 7) The property adjacent to the project site at 91 Lakeview Dr. also has a hangar, which was built to meet the 20-foot rear setback.

B. Use Variance Prohibited. The consideration of "use variances" is specifically prohibited. These are variances which request approval to locate a use in a zone from which it is prohibited by ordinance.

- a. The applicant's request is not for a variance for the use of the property. The current zone district is Single-Family Residential. The intent is to build a residence, garage and an airplane hangar.

C. Disservice Not Permitted. A variance must not be injurious to the public welfare, nor to adjacent properties.

- a. Staff received a letter of concern from the neighboring property to the north, APN 007-560-013 (lot 3). The neighboring property is developed with a single-family residence, attached garage and airplane hangar. The current development of the property conforms to the required setbacks for the district. The neighboring property owner is concerned if the project applicant is granted the variance for a zero-line reduced setback, he will lose the view from his property and privacy (Attachment 7). The applicants project is proposed to be constructed inground due to the sloping topography at the rear of the lot for access to the Trinity Center Airport taxiway (Attachment 6).
- b. The request would not be injurious to general public welfare. The applicant would be required to meet all required development standards including adherence to Building Code, Environmental Health requirements, necessary encroachments for Department of Transportation for access to the Trinity Center Airport property and would be required to be consistent with Compatibility Zone Factor criteria consistent with the Compatibility Map for the Trinity Center Airport.

D. Not Adverse to General or Specific Plan. A variance must be in harmony with the general purpose and intent of the zoning ordinance and cannot adversely affect the general plan or specific plans of the county.

- a. The variance complies with the goals, objectives and policies of the General Plan as it pertains to the North Lake area with an emphasis on recreational uses.

E. RD-1 Overlay Zone. Prior to approval of a variance for property within the RD-1 overlay zone, permission must be granted or deemed not necessary by the Secretary of Agriculture.

- a. The project site is not located in an RD-1 overlay zone.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA) under the General Rule exemption 15061(b)(3) which exempts activities where it can be seen with certainty that there is no possibility of causing a significant effect on the environment.

ISSUES: A letter of opposition was received by staff in regard to the proposed project.

ALTERNATIVES: The following alternatives are available:

1. Continue the public hearing to request additional information.
2. Modify the Conditions of approval of the variance.
3. Deny the request for a variance. The Commission would need to make findings that the variance is inconsistent with the required findings of Section 17.31. specific to the findings as specified in Chapter 17.31.010 General Descriptions. of the Trinity County Zoning Code.

CONCLUSION: Based on the information supplied by the applicant and data available to the Planning staff and recommended development conditions, staff is of the opinion that the project is consistent with the general plan policies and zoning standards for the area, and meets the findings required for approval of the variance.

RECOMMENDATION: That the Planning Commission:

1. Conduct a public hearing.
2. Close the public hearing.
3. Adopt a resolution to:
 - a) find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15061(b)(3) and 15303;
 - b) adopt the recommended findings listed in PC Resolution 2021-04; and
 - c) approve Variance VAR-20-01, based on the recommended findings and subject to the conditions of approval set forth in Exhibit A to Resolution 2021-04.

ATTACHEMENTS:

1. Draft Resolution 2021-04
2. Location Map
3. Zone District Map
4. General Plan Map
5. Site Plan - Exhibit A
6. Hangar Elevation

7. Photo: Hangar Door Lots 13 and 15
8. Photo: Hangar Door lot 15
9. Email in support of the variance
10. Letter in opposition of the variance

ATTACHMENT 1

DRAFT RESOLUTION NO. PC-2021-04

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF TRINITY**

WHEREAS, the Planning Commission of the County of Trinity has considered Variance VAR-20-01, filed by Tim and Karen Lorenzo, to reduce the required 20-foot minimum rear yard setback requirement applicable in the Single-Family (R1) zone district to a zero-line set back for the construction of an airplane hangar on Assessor's Parcel Number 007-560-014, in accordance with Section 17.31.010 of the Trinity County Zoning Code; and

WHEREAS, said variance was referred to various affected public and private agencies, County departments, and referral agencies for review and comments; and

WHEREAS, a duly noticed public hearing was held on March 11, 2021; and

WHEREAS, the Planning Commission of the County of Trinity has considered public comments and a report from the Planning Department.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the County of Trinity:

1. Finds this variance is exempt the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) since there is no possibility the activity in question may have a significant effect on the environment. Additionally, the Commission finds the project to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303 (Class 3, New Construction or Conversion of Small Structures). Each exemption stands as a separate and independent basis for determining that the project is exempt from CEQA.
2. Makes the following findings for the variance:
 - a. The applicant will not be granted a special privilege. Other zero-line rear setbacks have been granted to parcels similar to the applicant's parcel.
 - b. The applicant's request is not for a variance for the use of the property. The current zone district is Single-Family Residential. The intent is to build a residence, garage and an airplane hangar.
 - c. The request would not be injurious to general public welfare. The applicant would be required to meet all required development standards including adherence to Building Code, Environmental Health Department requirements, necessary encroachments for Department of Transportation for access to the Trinity Center Airport property and would be required to be consistent with Compatibility Zone Factor criteria consistent with the Compatibility Map for the Trinity Center Airport. The adjacent property owner at 91 Lakeview Dr. expressed concern that

allowing the zero-line setback would block the view from his property and disturb his property. However, the hanger is proposed to be built in-ground and will not block views of the neighboring properties.

- d. The variance complies with the goals, objectives and policies of the General Plan as it pertains to the North Lake area with an emphasis on recreational uses.
 - e. The project site is not located in an RD-1 overlay zone.
3. Approves VAR-20-01, subject to the conditions set forth in Exhibit A to this resolution and incorporated herein.

DULY PASSED AND ADOPTED this 11th day of March, 2021 by the Planning Commission of the County of Trinity by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:
RECUSE:

DIANA STEWART, CHAIRMAN
Planning Commission
County of Trinity
State of California

ATTEST:

Kim Hunter
Secretary of the Planning Commission

By: _____
Deputy

Exhibit A to Resolution 2021-04

STATEMENT OF CONDITIONS

Variance VAR-20-01 (Lorenzo)

PLANNING DIVISION:

1. The requirements of all concerned governmental agencies having jurisdiction by law, including but not limited to the issuance of appropriate permits, shall be met.

2. This variance is granted for the following:

A Variance from the 20-foot rear yard setback of the Trinity County Zoning Code for a zero-line rear yard setback, for the construction of an airplane hangar. The proposed structure is to be located as shown on approved Site Plan Exhibit "A" to the staff report.

3. All grading shall conform to the Trinity County Grading Ordinance.

4. All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location such that constitutes a hazard to vehicular traffic, either on private property or on abutting streets.

5. Contractor to provide stringline for County inspector to verify proper setbacks.

TRINITY CENTER AIRPORT CONDITIONS:

6. A permit for encroachment onto the Trinity Center Airport shall be obtained from the Airport Manager prior to submittal of building permits.

7. If any portion of the proposed buildings on the property encroach into airspace protected by FAR Part 77, the applicant shall notify the F.F.A. prior to construction. The applicant shall be bound to by all procedures outlined in FAR Part 77 for protection of airspace.

8. Building materials shall not create glare to the adjacent airport or planes using the adjacent airport.

9. Any lighting at the project site shall be shielded and directed downward to minimize impact to the adjacent airport, and to aircraft using the adjacent airport.

10. Dedication of an Aviation Easement will be required prior to issuance of building permits as required in the Primary Compatibility Table 2-3 of the Trinity County Airport Land Use Compatibility Plan, Adopted November 12, 2009.

11. Verification of a maximum 45dB CNEL in residential buildings prior to final of building permits.

12. Airspace review is required for objects over 35 feet in height.

BUILDING DIVISION:

13. Permits will be required for all structural improvements.

TRINITY COUNTY FIRE REGULATIONS:

14. Prior to construction the applicant will provide evidence to the Building Department that all applicable standards have been met in regard to the

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE:

15. The applicant shall pay the Trinity County Clerk (payable to the Trinity County Planning Department) a documentary handling fee for posting a Notice of Exemption for this project pursuant to the California Environmental Quality Act (CEQA), section 15075. Said fees shall be paid within five (5) days following the end of any final appeal period, or in the event of a timely appeal within five (5) days following any final decision on the appeal, before the project approval will be considered final. Failure to pay the required fees will render this contingent project approval null and void. The fees are collected at the Trinity County Planning Department located at 61 Airport Road, Weaverville, CA.

ADVISORY NOTES:

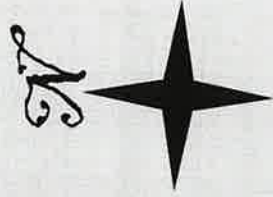
Any variance granted shall expire at the end of one year unless a building permit or other county permit is obtained within the variance term. Upon show of good cause by the applicant, the planning commission may grant an extension of time not to exceed one year. A public hearing shall not be required unless specified by the planning commission. A request for extension of time shall be subject to a filing fee as specified by the board of supervisors.



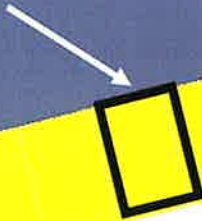
PROJECT SITE

Attachment 2
Location Map
VAR-20-01 (Lorenzo)
101 Lakeview Dr.
Trinity Center





Project Site

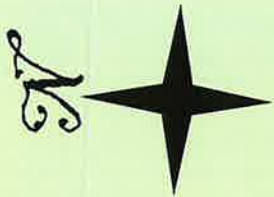


Public Facility (PF)

Single-Family
Residential (R1)

Unclassified (UNC)

Attachment 3
Zone District Map
VAR 20-01 – Lorenzo
Trinity Center Area



Resource

Public Facility

Project Site

Attachment 4
General Plan Map
VAR 20-01 – Lorenzo
Trinity Center Area

Commercial

Community Residential

Alpen Rd

Lakeview Dr

Marble Dr

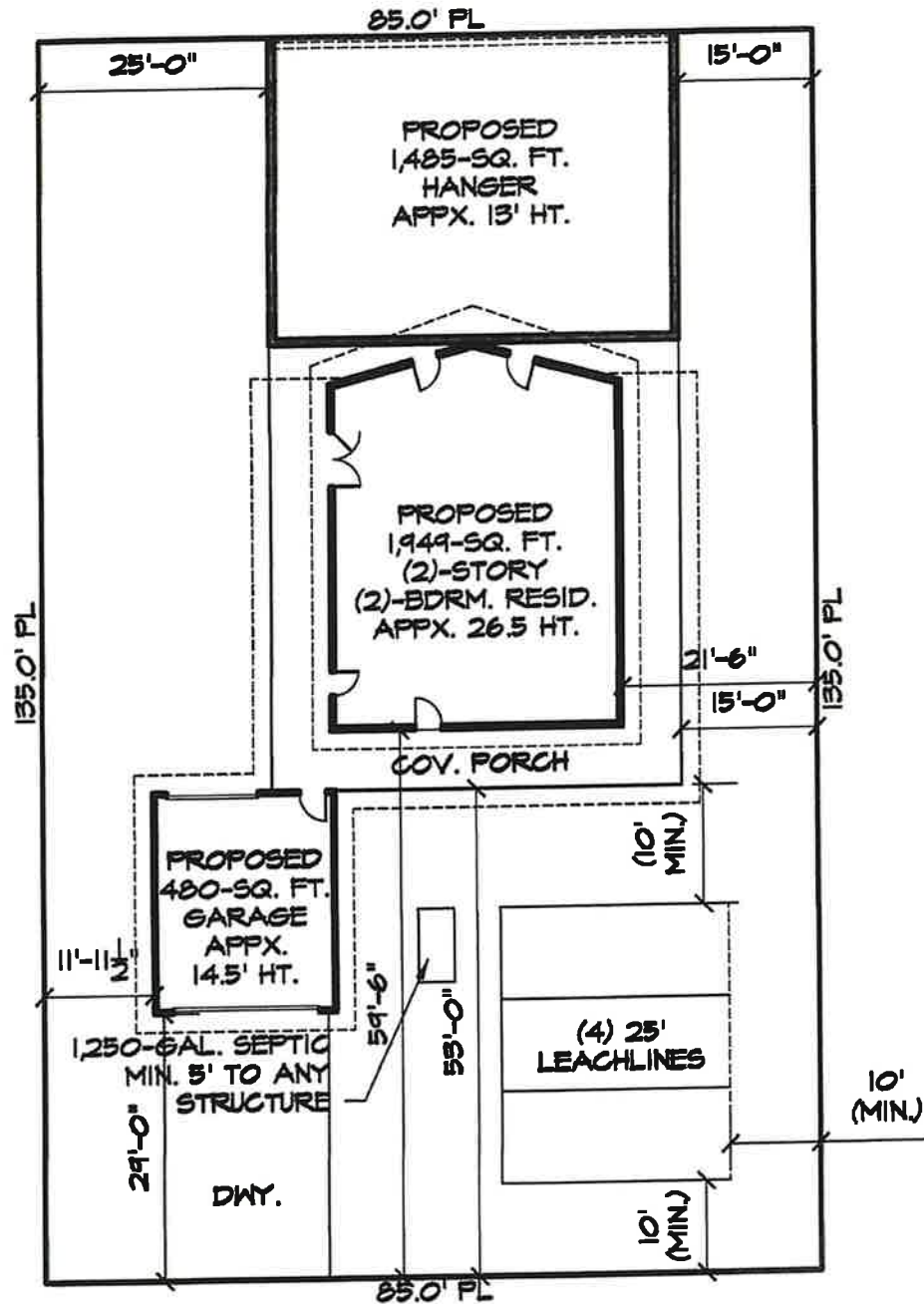
Alpen Ave

Pineview

Scott Blvd

Marble Ave

EXISTING RUNWAY



----- LAKEVIEW DRIVE -----

Attachment 5
Site Plan -Exhibit "A"
VAR 20-01 - Lorenzo
Trinity Center Area

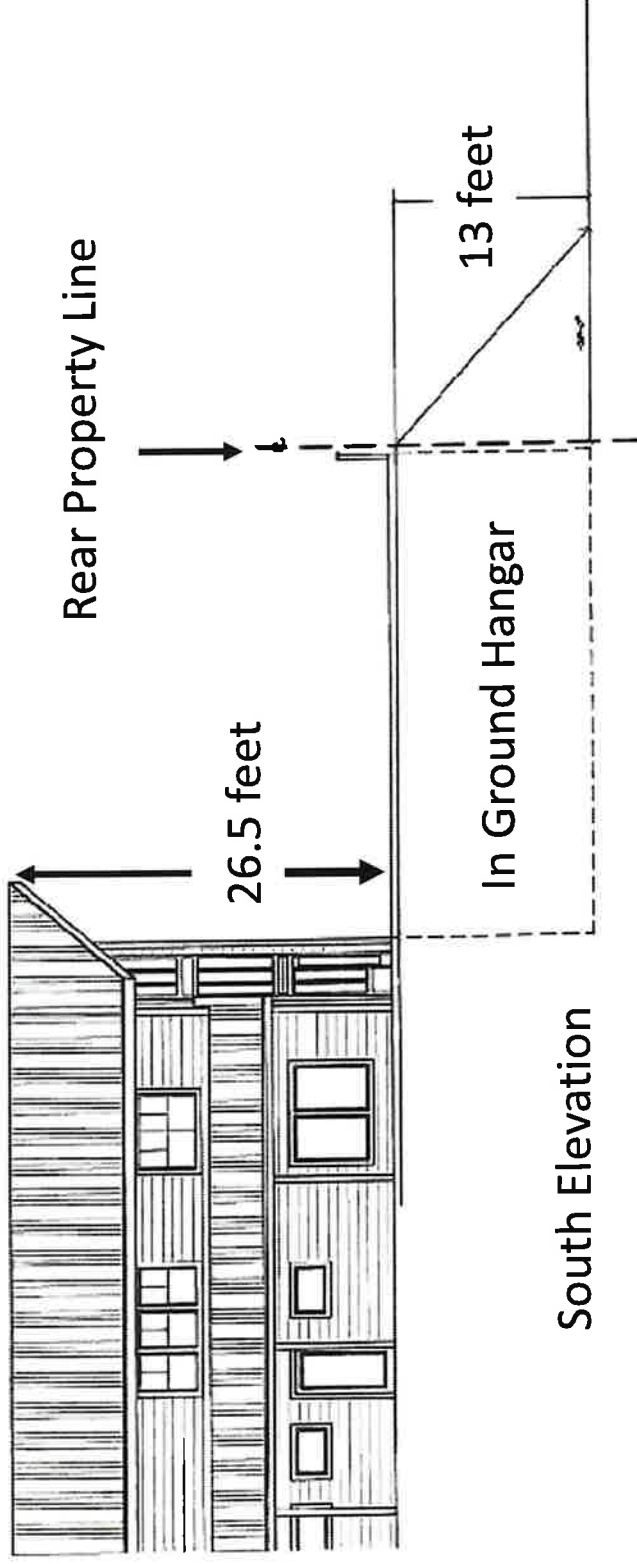
SITE PLAN

1"=20'-0"

APN 007-560-14



Residence



South Elevation

Attachment 6
Hangar Elevation
VAR 20-01 – Lorenzo
Trinity Center Area



007-560-013
91 Lakeview Dr.

Project Site
007-560-014
101 Lakeview Dr.

007-560-015
121 Lakeview Dr.
V-1 (first variance)

Attachment 7
VAR-20-01 (Lorenzo)
101 Lakeview Dr.
Trinity Center



Slope on the rear portion of the lot

View looking north
121 Lakeview Dr.

Attachment 8
VAR-20-01 (Lorenzo)
101 Lakeview Dr.
Trinity Center

Lisa Lozier

From:
Sent: Saturday, January 30, 2021 1:38 PM
To: Info.Planning
Subject: Variance(VAR-20-01)

We are looking forward to having lorenzo's as neighbors, so would like to see them get an approved variance.
Jack and mary lou razzeto

Trinity center,ca
96091

Attachment 9

Trinity County Planning Department
Attn: Lisa Lozier, Deputy Director
61 Airport Road
P.O. Box 2819
Weaverville, CA 96093
Phone: 530-623-1351
Fax: 530-623-1353
Email: info.planning@trinitycounty.org

Dear Ms. Lozier,

I write to you on behalf of Mr. and Mrs. Joseph concerning a variance application (No. VAR 20-01) for 101 Lakeview Drive, Trinity Center, CA 96091 (the "Variance") currently pending before your department submitted by Mr. and Mrs. Lorenzo (the "Applicant"). The Josephs own an immediately adjacent property located at 91 Lakeview Dr., Trinity Center, CA 96091. The Josephs recently purchased their property and are currently renovating the home with the hope of soon spending a lot of quality time in Trinity with their family and friends upon completion.

It has come to our attention that the Variance before you seeks to dispense with the required twenty (20) foot setback on the rear property line of the Applicant's parcel in order to build a structure with direct runway access. As you can imagine, the possibility of such a structure being constructed in that location has caused the Josephs significant concern. Below, I shall layout the specific grounds which necessitate denial of the Variance at issue; but suffice it to say, the Josephs would suffer significant diminution in the value and enjoyment of their property if the Variance were granted.

Section 17.31.010 of Trinity County's Code of Ordinances provides, in relevant part:

The statutory justification for a variance is that the owner would otherwise suffer unique hardship under general zoning regulations because his or her particular parcel is different from others to which the regulation applies due to size, shape, or topography. Variances may be granted only to authorize a change in development standards which is not otherwise authorized by the zoning regulations.

First and foremost, the Applicant has failed to establish any unique hardship in the application. There is simply no showing that their particular parcel is any different from others which comply with the existing legally required setbacks. This should come as no surprise since a simple review of aerial images of the neighborhood establishes that nearly every property abutting the air strip is substantially similar in size, shape and topography. Based upon this fact alone, the variance must be denied without the need for additional analysis.

Section 17.31.010 goes on to state:

In considering a variance, the following guidelines shall be observed:

A. No Special Privilege. A variance cannot be a special privilege extended to one individual property owner. The circumstances must be such that the same variance would be appropriate for any property owner facing similar circumstances.

...

C. Disservice Not Permitted. A variance must not be injurious to the public welfare, nor to adjacent properties.

Should the commission proceed to consider the underlying guidelines to be observed in rendering a Variance decision, despite the absence of the necessary statutory justification, denial would be still be required for the following two reasons: (1) the Variance would grant the Applicant a special privilege and (2) the Variance would be injurious to adjacent properties.

A decision granting the Variance in this instance would provide the Applicant a special privilege because nearly every home adjacent to the airstrip complies with the current setback requirements. The Applicant's claim that other property owners have received similar treatment. But that assertion is belied by the facts. Only a few of the similarly situated properties have enclosed hangers and the majority (if not all) of those appear to follow current zoning requirements. Importantly, the Joseph's adjacent property has an enclosed hanger which abides by the existing setback requirements. Most of the comparable homes do not have enclosed hangers and comply with the generally applicable zoning rules. As nearly every one of the approximately seventeen homes located along the runway do not possess the special rights the Applicant seeks, granting of the Variance would constitute an impermissible special privilege.

Last, but certainly not least, it is quite clear that the Variance would be injurious to the Joseph's adjacent parcel. It should be no surprise that the Josephs selected their particular lot for its expansive water views, the absence of any neighbors to the rear of their property and direct access to the airstrip. Allowing construction of the proposed structure on the rear boundary of the immediately adjacent property line would unnecessarily infringe upon the Joseph's pristine view to the southeast and severely reduce any occupant's privacy. The structure proposed in the Variance would have direct views back toward the Josephs' deck and directly into the main areas of the residence which would negatively impact the private use and enjoyment of the vacation home. This is the exact opposite of what the Joseph's expected when they recently purchased their Trinity property. Ultimately, the potential injury to the Joseph's and their ability to use and enjoy their property cannot be understated here.

In light of the foregoing, we respectfully request that the Variance be denied. Should the commission choose to grant the Variance, we will have no choice to proceed with a mandamus action to reverse such decision. Of course, the Josephs hope to avoid any litigation and only seek to ensure that all similarly situated property owners are treated fairly and equally. Thank you for your consideration of this Variance opposition.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Hamilton', followed by a long horizontal line extending to the right.

Stephen R. Hamilton, Esq.