



**Planning Department
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AGENDA ITEM NO.: 6 (Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE: February 23, 2022
SUBJECT: Variance #2022-01/Cassell

EXECUTIVE SUMMARY

An application for a variance to encroach approximately 5-feet into the required 20-foot side yard setback for a property zoned Rural Residential (RR) that is located at 1520 Indian Springs Drive, in the Alabama Hills neighborhood of Lone Pine. The applicant, Aaron Cassell, is proposing to convert an existing building on the property into an approximate 1,125-square-foot single-family home. This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 5 exemption.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Aaron Cassell, 1520 Indian Springs Drive, Lone Pine, CA 93545

Property Owner: Alexis Holzer, 1520 Indian Springs Drive, Lone Pine, CA 93545

Site Address/

Community: 1520 Indian Springs Drive, Lone Pine, CA 93545

A.P.N.: 026-340-17

General Plan: Residential Rural Medium Density (RRM) – 1 unit/2.5-acre

Zoning: Rural Residential with a 2.5- minimum (RR-2.5)

Size of Parcel: Approximately 2-acres

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Previously developed - Single family residence	Residential Rural Medium Density (RRM), 1unit/2.5-acres	Rural Residential (RR), 2.5-acre minimum lot size
North	Indian Springs Road Single family home/vacant land	Residential Rural Medium Density (RRM), 1unit/2.5-acres	Rural Residential (RR), 2.5-acre minimum lot size
East	Single family homes	Residential Rural High Density (RRH), 2.0 du/acre	One-Family Residential (R1), 1-acre minimum lot size
South	Single family homes	Residential Rural High Density (RRH), 2.0 du/acre	One-Family Residential (R1), 1-acre minimum lot size
West	Single family homes	Residential Rural Medium Density (RRM), 1unit/2.5-acres	Rural Residential (RR), 2.5-acre minimum lot size

Staff Recommended Action:

1.) Approve the Variance.

Alternatives:

- 1.) Deny the Variance.
- 2.) Approve the Variance with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner:

Cathreen Richards

STAFF ANALYSIS

Variance Request & Site Characteristics

The applicant owns an approximate 2-acre parcel at 1520 Indian Springs Drive (vicinity map attached). This parcel, until very recently, had a burned out manufactured home on it that had been condemned. The previous owner had been living in a small travel trailer on the property for several years after the fire that destroyed the home, in violation of the zoning code. The current owner has removed the burned out building and wants convert an accessory building on the property into a dwelling unit. This building is approximately 1,125-square-feet. There is also a garage still on the property located about 25-feet from the proposed accessory building conversion.

The parcel is zoned RR, it requires the following setbacks for the principal permitted use (in this case a single family dwelling):

- Front: 50-feet
- Rear: 30-feet
- Side: 20-feet.

Accessory buildings in the RR zone have the setback requirements of:

- Front: 50-feet
- Rear: 5-feet
- Side: 5-feet.

The building proposed for the conversion currently meets the required setbacks as an accessory building, but does not has a principal permitted, single family dwelling. As it stands it is about 14'10" from the west side yard parcel boundary, making it about 5' 2" shy of the required setback. The applicant is asking for a variance from the 20-foot side yard setback requirement on the west side of the property to encroach 5' 2", so this building can be repurposed into a dwelling unit (attached - site and proposed dwelling unit plans).

Provision for Variances

The Inyo County Zoning Ordinance states that any variance to the terms of the Zoning Ordinance may be granted if such a variance would "*not be contrary to its general intent or the public interest, where due to special conditions or exceptional characteristics of the property or its location or surroundings, a literal enforcement would result in practical difficulties or unnecessary hardships*" (Section 18.81.040).

Further, the Zoning Ordinance states that the following three Findings must be affirmed in order for any variance to be granted:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.
2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.
3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.

In addition to the above Findings specified in the Inyo County Zoning Ordinance, California State Government Code requires the following Findings for any variance:

4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. The proposed variance is consistent with the General Plan.
7. The requirements of the California Environmental Quality Act have been met.

Affirmative variance Findings must describe the special circumstances that act to physically differentiate the project site from its neighbors and make it unique, and thus uniquely justified for a variance; alternatively, negative findings must describe how the project's physical characteristics are not unique or exceptional, and therefore do not justify a variance.

ALL seven of the Findings must be affirmed in order for a variance to be approved.

ENVIRONMENTAL REVIEW

This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 5 exemption, "Minor alterations to land use limitations, such as lot line adjustments, variances, and encroachment permits on land with a slope of less than 20%, which do not result in changes in land use or density."

NOTICING AND REVIEW

The application for VAR 2022-01/Cassell has been reviewed by the appropriate county departments. No issues were reported by County staff. The VAR is being conditioned, however, with meeting all County and State regulations for building, water and sanitary services.

The hearing for VAR 2022-01/Cassell was noticed on February 12, 2022 in the Inyo Register and mailed to property owners within 300-feet of the project location on February 9, 2022, as required by the Inyo County Code. No comments have been received to date.

RECOMMENDATIONS

Findings

Staff has reviewed this application and can find that all seven of the required Findings can be affirmed:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.
(Affirmative – Evidence: The property is zoned RR, which requires a front yard setback of 50-feet, rear yard setback of 30-feet and side yards of 20-feet. There is a pre-existing structure that the owner is proposing to use to convert to a single family dwelling. In its current state this building meets the accessory building setback requirements and it is perfectly suited for the conversion. The original single family dwelling also met the required setbacks. It burned down, however, and had to be removed. This created an expense that has made building a whole

new home from the ground up impossible for the owner. There are other properties in the RR zone in the neighborhood and in the rest of the County that also do not meet setback requirements. This parcel and situation are unique as the original single family home built there burned down and the reuse of the existing structure is the most viable option for the owner.)

2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.

(Affirmative – Evidence: This variance request to encroach into a side yard setback and will not result in allowing for activities that are unusual to the surrounding neighborhood and it would not be detrimental or injurious to either public welfare or other properties in the vicinity as it is a single family residence in a residentially zoned neighborhood. The shorter side yard will also not create privacy or encroachment issues with the adjoining property on the west as it is about 63-feet from the neighboring house. This gives more distance than the required setback distance if both properties met the 20-foot side yard requirement.)

3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.

(Affirmative – Evidence: The project site has suffered a fire that destroyed the original single family dwelling. This factor creates difficulties/hardships in meeting the required setback requirements for the RR zone with regard to using an existing structure to replace the one that burned down. Granting a variance to encroach approximately 5-feet into the side yard setback would still allow the general purposes of Title 18.21 of the Zoning Code to be fulfilled, as the encroachment would not change the low-density, single-family, residential character or use of the property.)

4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

(Affirmative – Evidence: The project site has suffered a fire that destroyed the single family dwelling that was built there, but it left an accessory building that is perfectly suited for conversion. There are several other homes located along Indian Springs Drive that also do not meet setback requirements, but do not share this same history. For these reasons, the requested variance to encroach into the side yard setback cannot be said to constitute a grant of special privileges. It would, instead, allow the property owners the ability to use their property in the same manner as the other properties in the vicinity.)

5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.

(Affirmative – Evidence: The proposed variance applies to side yard setback requirements. The proposed residential use is permitted in the RR Zone.)

6. The proposed variance is consistent with the Inyo County General Plan
(Affirmative – Evidence: The requested variance presents no inconsistencies with the General Plan land use designation of the project site, which is Residential Rural Medium Density (RRM) 1unit/2.5-acre.)

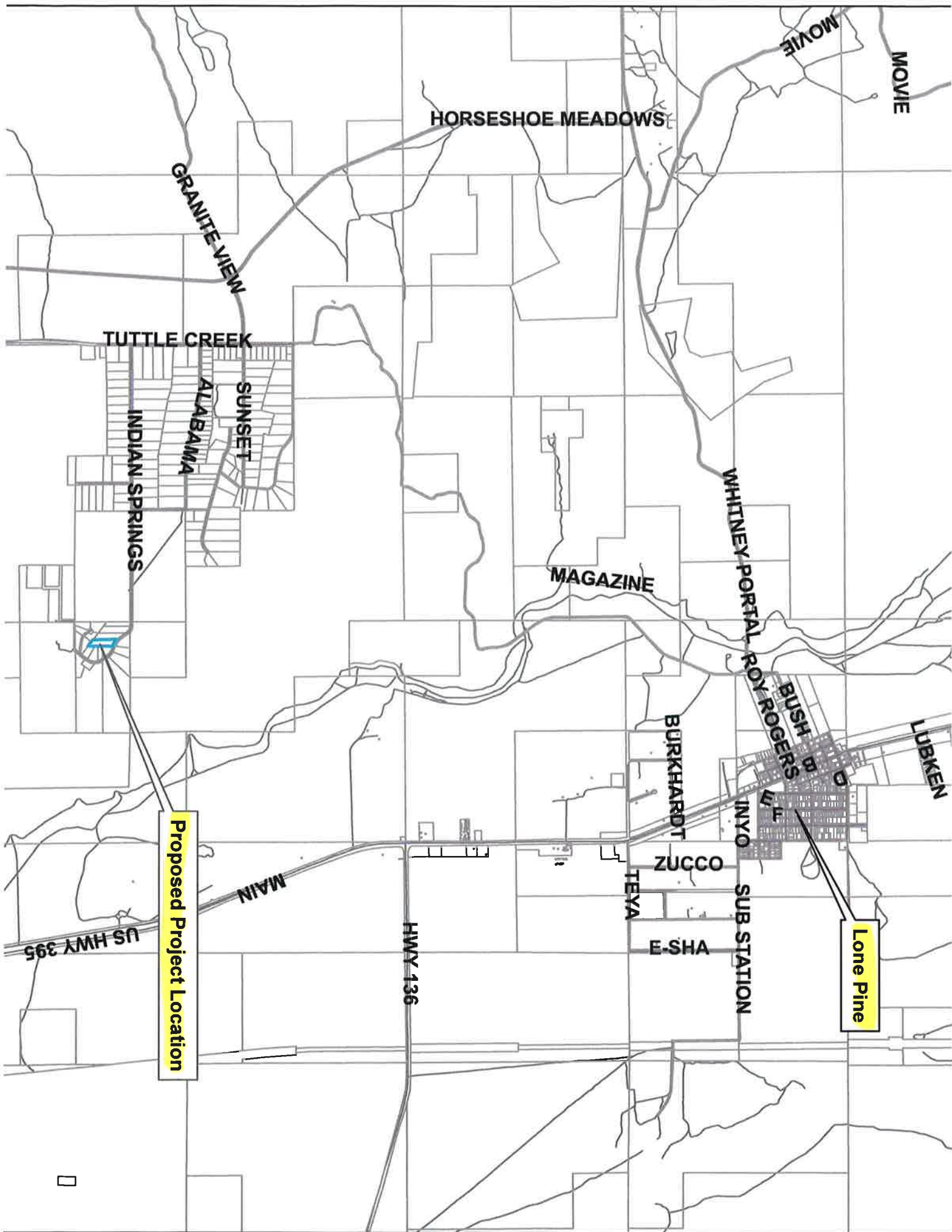
7. The requirements of the California Environmental Quality Act have been met.
(Affirmative – Evidence: The requested variance is not subject to the provisions of CEQA, being categorically exempt under Class 5.)

Conditions of Approval

- 1.) Hold Harmless: the applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action, or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning Variance #2022-01/Cassell, or the applicant's failure to comply with conditions of approval.
- 2.) The applicant shall obtain all required County and State permits regarding water, waste water and the building code. Failure to do so may result in the revocation of the Variance.

ATTACHMENTS

- Site Map/General Vicinity Map
- Site Plan
- Building Plans



Proposed Project Location

Lone Pine

HORSESHOE MEADOWS

GRANITE VIEW

TUTTLE CREEK

INDIAN SPRINGS

ALABAMA

SUNSET

MAGAZINE

WHITNEY PORTAL

ROY ROGERS

BURKHARDT

ZUCCO

TEYA

E. SHA

MAIN

HWY 136

INYO

SUB STATION

BUSH

LUBKEN

MOVIE

MOVIE

US HWY 395

□



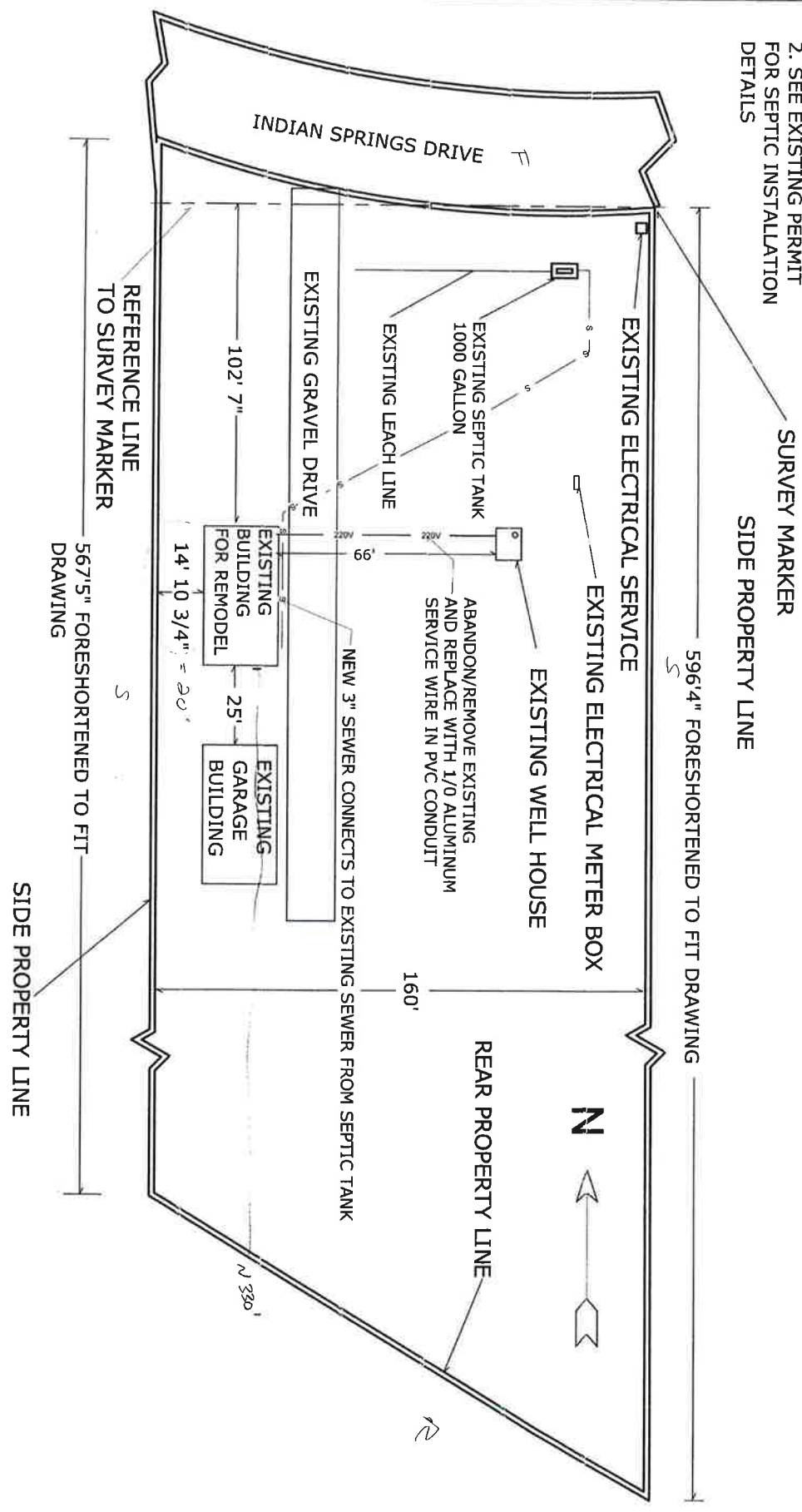
Building Proposed for Conversion

INDIAN SPRINGS

DOMINY

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

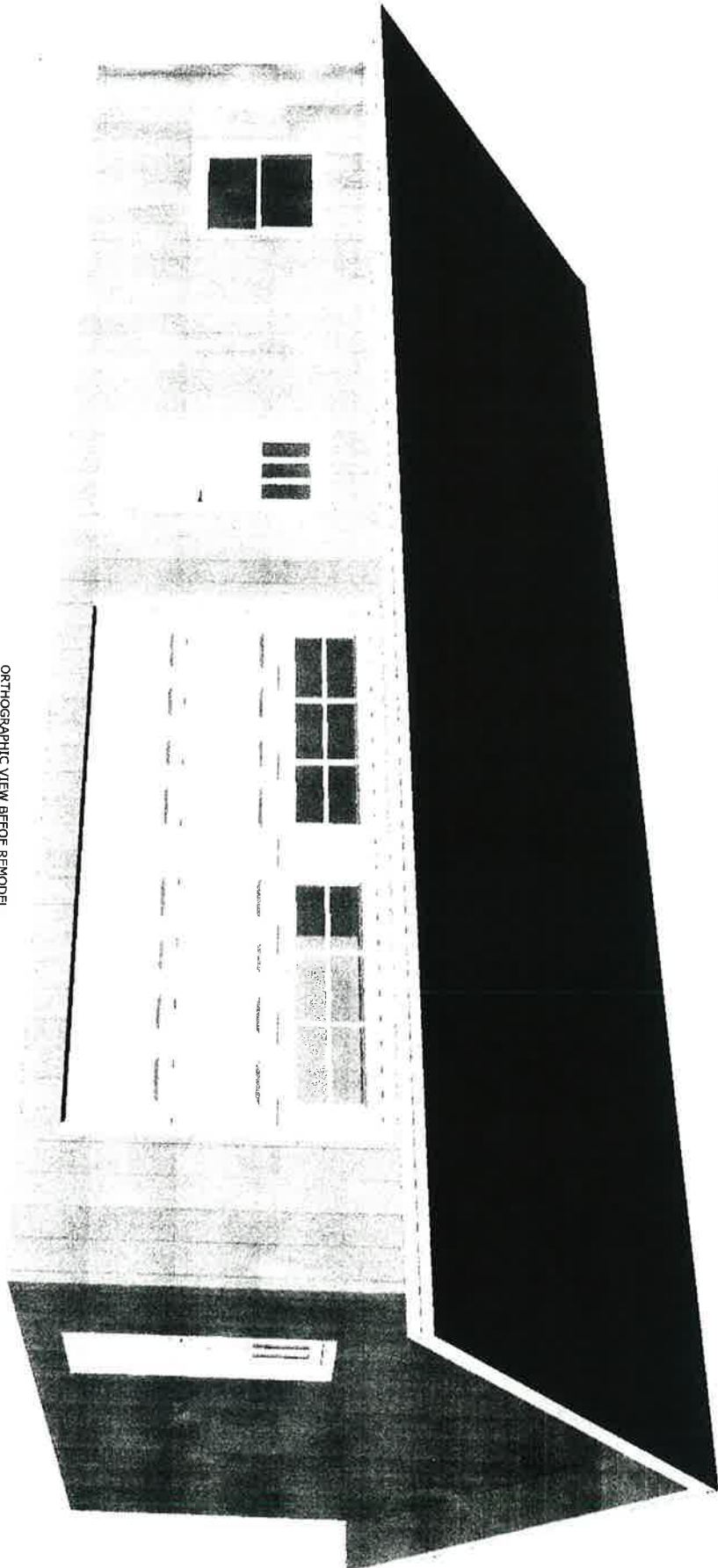
- NOTES:
1. AP# 26-340-17
 2. SEE EXISTING PERMIT FOR SEPTIC INSTALLATION DETAILS



SITE PLAN

SHEET: -4-	DATE: 6/22/2021	DRAWINGS PROVIDED BY: TIMOTHY M CASSELL <small>17733 ROCKWOOD DR. SARATOGA, CA 95070 (775) 482-4076</small>	PROJECT DESCRIPTION: AP#26-340-17 Aaron Cassell & Alexis Holzer 1520 Indian Springs Drive Lone Pine, CA 93545	SHEET TITLE: SITE PLAN	NO. DESCRIPTION BY DATE
	SCALE:				

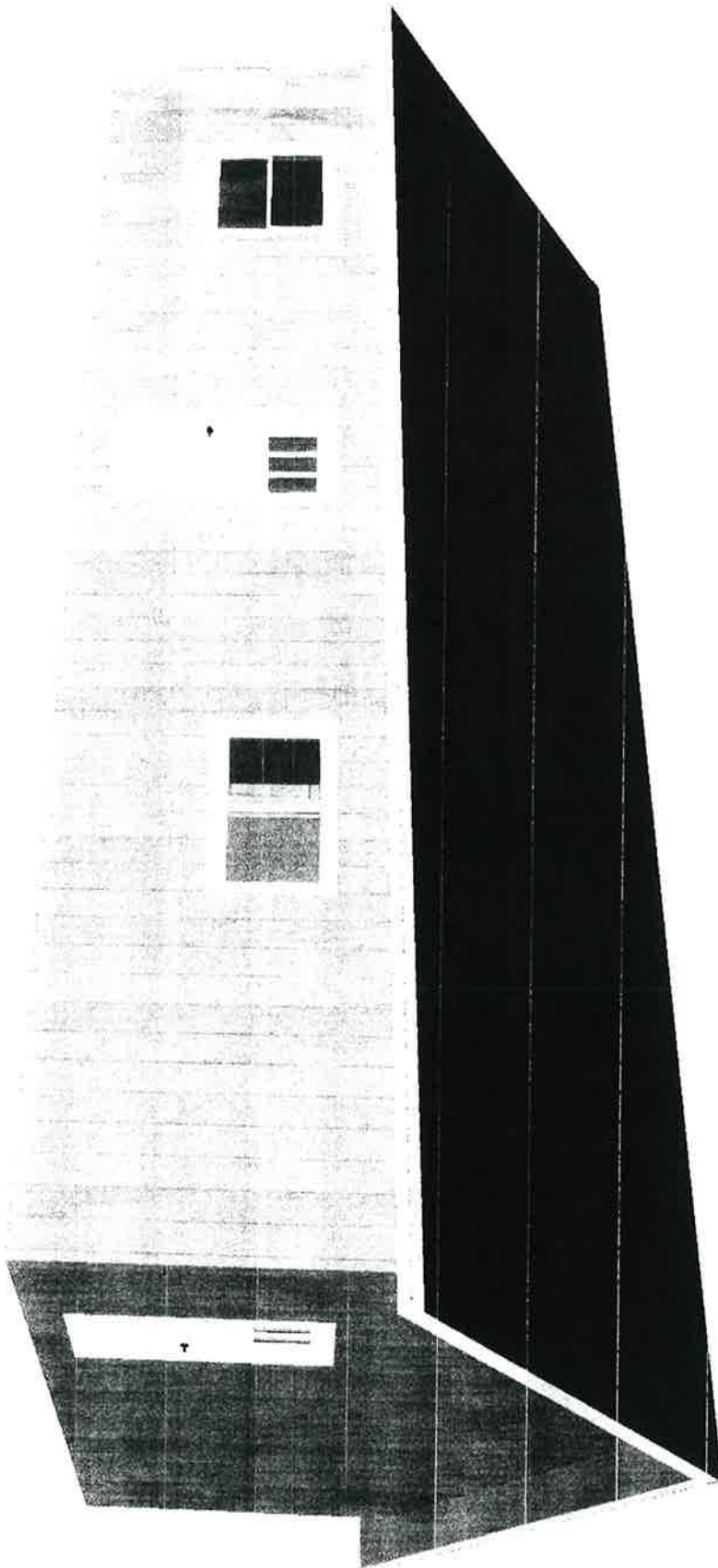
**AARON AND ALEXIS' HOUSE BEFORE
REMODEL**



ORTHOGRAPHIC VIEW BEFORE REMODEL
(ARTIST'S CONCEPTION)

SHEET: - 1 -	SCALE:	DATE: 6/22/2021	DRAWINGS PROVIDED BY: TIMOTHY M CASSELL 17771 HICKINSON DR. SARATOGA, CA 95070 (725) 482-4076	PROJECT DESCRIPTION: AP#26-340-17 Aaron Cassell & Alexis Holzer 1520 Indian Springs Drive Lone Pine, CA 93545	SHEET TITLE: BEFORE FRONT VIEW	NO.	DESCRIPTION	BY	DATE

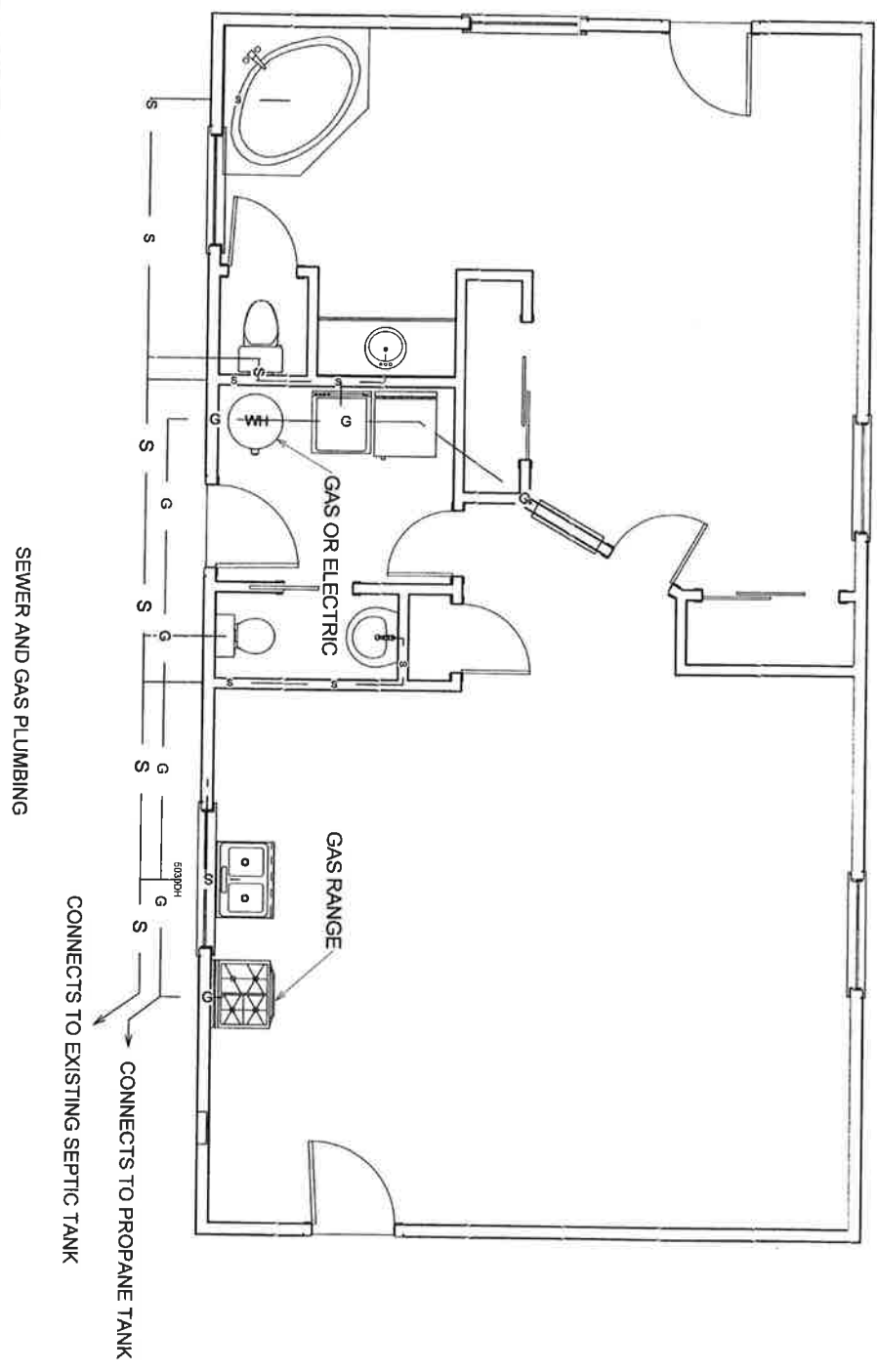
**AARON AND ALEXIS' HOUSE AFTER
REMODEL**



ORTHOGRAHIC VIEW OF COMPLETED REMODEL
(ARTIST'S CONCEPTION)

SHEET: -2-	DATE: 6/22/2021	DRAWINGS PROVIDED BY: TIMOTHY M CASSELL	PROJECT DESCRIPTION: AP#26-340-17 Aaron Cassell & Alexis Holzer 1520 Indian Springs Drive Lone Pine, CA 93545	SHEET TITLE: FRONT VIEW AFTER REMODEL	<table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DESCRIPTION	BY	DATE																
	NO.	DESCRIPTION	BY	DATE																					
SCALE:		17771 MCKINNON DR. SARATOGA, CA 95070 (775) 482-4076																							

- NOTES:
1. UNDERGROUND GAS PIPE SHALL BE 3/4" DR 11 UNDERGROUND YELLOW POLYETHYLENE GAS PIPE
 2. ABOVE GROUND GAS PIPE SHALL BE 3/4IN Steel Wrapped Pipe
 3. SEWER PIPE SHALL BE ABS IN THE FOLLOWING SIZES:
 MAIN DRAIN TO SEPTIC TANK - 3"
 TUB AND/OR SHOWER DRAIN 2"
 BATHROOM SINK 1 1/2" TWO PLACES
 KITCHEN SINK DRAIN 2"
 TOILET DRAIN 3", TWO PLACES
 SINK AND TUB VENT 1 1/2", 4 PLACES
 TOILET VENT 2", 2 PLACES
 4. SEE SHEET 9 FOR DETAILED DRAIN DIAGRAMS
 5. WATER HEATER CAN BE GAS OR ELECTRIC



DRAWINGS PROVIDED BY: LIC# XE083689 TIMOTHY M CASSELL 17721 MCKINNON DRIVE SARATOGA, CA 95070 (773) 482-4076	PROJECT DESCRIPTION: AARON CASSELL & ALEXIS HOLZER REMODEL OF EXISTING BUILDING	SHEET TITLE: SEWER & GAS PLUMBING	NO.	DESCRIPTION	BY	DATE

DATE: 6/22/2021
SCALE: 1/8" = 1'-0"

SHEET: **-13-**