



Planning Department
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AGENDA ITEM NO.: 9 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: January 22, 2019

SUBJECT: Conditional Use Permit (CUP) 2019-12/Lackner

EXECUTIVE SUMMARY

The applicants, Tom and Diana Lackner, have submitted an application for a CUP to allow the construction of an addition to an existing nonconforming residence located 1327 Birchim Lane, in the community of Wright's 40 Acres (see attached Vicinity Map). The applicants surveyed the property, and provided a site plan to the Planning Department with the application for the CUP based on Inyo County Code Section 18.78.240

PROJECT INFORMATION.

Supervisory District: 1

Project Applicant: Tom and Diana Lackner

Property Owner: Tom and Diana Lackner

Site Address/ 1327 Birchim Lane, Bishop, CA 93514

Community: Wright 40 Acres Bishop, CA

A.P.N.: 009-130-31

General Plan: Rural Residential High Density (RRH)

Zoning: Rural Residential 1.0-acre Minimum Mobilehome Overlay (RR-1.0-MH)

Size of Parcel: Approximately 1.05-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Single-family Residence	Residential Rural High Density (RRH)	Rural Residential, 1-acre minimum, Mobilehome Overlay (RR-1.0-MH)
North	Ranchland	Agriculture	Open Space 40-acre minimum (OS-40)
East	Single-family Residence	Residential Rural High Density (RRH)	Rural Residential, 1-acre minimum, Mobilehome Overlay (RR-1.0-MH)
South	Single-family Residence	Residential Rural High Density (RRH)	Rural Residential, 1-acre minimum, Mobilehome Overlay (RR-1.0-MH)
West	Single-family Residence	Residential Rural High Density (RRH)	Rural Residential, 1-acre minimum, Mobilehome Overlay (RR-1.0-MH)

Staff Recommended Action:

1.) Approve the Conditional Use Permit (CUP) 2019-12/Lackner and find the project is exempt under CEQA.

Alternatives:

- 1.) Deny the CUP.
- 2.) Approve the CUP 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:

Ryan Standridge, Assistant Planner

STAFF ANALYSIS

Background and Overview

The applicants are proposing to construct an addition to a historic home that includes a 198 square foot loft and 378 Square foot deck. The applicants Grandparents hand carved the fascia with the history of Owens Valley while building the dwelling in 1940 and the property has been in the family since. The dwelling is located at 1327 Birchim Lane in the community of Wright's 40 Acres. The dwelling predates the Zoning Code and the applicant is proposing to restore and add to their family's severely declining home. It is non-conforming with regard to the front yard setback requirements of the Rural Residential district in which it is located. The Rural residential zone requires 50-foot front, rear 30-foot, and 20-foot side yard setbacks. The foundation of the foundation of the existing, old building dwelling is 3-feet, 6-inches from the northern front property line. The applicant proposes to build the addition on the south side of the building which is still within the 50-foot front yard setback but not closer to the property line. This make a conditional use permit necessary for the building to continue as a nonconforming structure and be enlarged. Inyo County Code Section 18.78.250 - Nonconforming buildings—Changes states:

"A nonconforming building shall not be enlarged, extended or structurally altered without submission of, and approval by, the Planning Commission of a conditional use permit application. . . ."

This building restoration and addition falls under the provision of 18.78.250, and therefore, a conditional use permit approved by the Planning Commission is required.

The general project area is in a location surrounded to the South, East and West by Single-family dwellings on rural residential land. The property north of the project site is vacant.

General Plan Consistency

The goal of this project is to allow for an established nonconforming building on the site, to continue in compliance with County's zoning ordinance and be enlarged. The project is consistent with the General Plan designation of Rural Residential High (RRH); as a large-lot single-family home in a rural residential neighborhood, the residential densities shall be a maximum of 1 dwelling unit per acre, with a minimum parcel size of 1.0 acre. The restoration and addition will not change the density and remains consistent with the General Plan land use.

Zoning Ordinance Consistency

The Property is zoned Rural Residential, 1-acre minimum, Mobilehome Overlay (RR-1.0-MH). The Inyo County Code requires that any changes to a non-conforming building be approved by the Planning Commission. By acquiring the CUP, the applicant is creating consistency with the code.

ENVIRONMENTAL REVIEW

This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) (Class 3 exemption, "New Construction or Conversion of Small Structures"), pursuant to Section 15303 of the CEQA Guidelines. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; and lists as an example "One single-family residence or a second dwelling unit in a residential zone." The addition may be constructed or converted under this exemption with the required CUP.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2019-13/Lackner, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15301, Existing Facilities – Class 1; (15303)(a), Small Structures – Class 3; and, the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Class 3 Exemptions include construction and location of limited numbers of new, small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. It includes the construction of single family

residences.” The addition to the nonconforming building is a minor modification to the exterior structure therefore exempt.]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Rural Residential High Density (RRH). Residential densities shall be a maximum of 1 dwelling unit per acre, with a minimum parcel size of 1.0 acre.

[Evidence: The proposed Conditional Use Permit will not result in the creation of any new parcels, or increase density, and is consistent with the Inyo County General Plan Land Use designation for the property.]

3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance.*[Evidence: the proposed use permit is consistent with the Inyo County Zoning designation of RR-1.0-MH (One family Residence – 1-acre minimum) for the property, as conditioned and Inyo County Zoning Code 18.21.020.]*

4. The proposed Conditional Use Permit is necessary or desirable.

[Evidence: This use is necessary and desirable because the historic family home is deteriorating on this residential site, and the small addition will provide for more efficient utilization of the property as a residence in conformance with zoning for the area.]

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.

[Evidence: The proposed conditional use permit is to make an existing use and building compliant with the County’s Zoning Code. It will not change or increase the current level or type of use; and therefore, will have no impact on transportation or service facilities in the vicinity.]

6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.

[Evidence: The conditional use permit is being proposed to make an existing use and building compliant the County’s Zoning Code. It will not change or increase the current level or type of use; and therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]

7. Operating requirements necessitate the Conditional Use Permit for the site.

[Evidence: The addition to the existing non-conforming building requires a conditional use permit per 18.78.250. Therefore, the conditional use permit is necessary for building the addition at the site.]

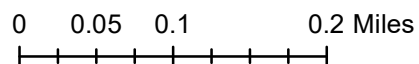
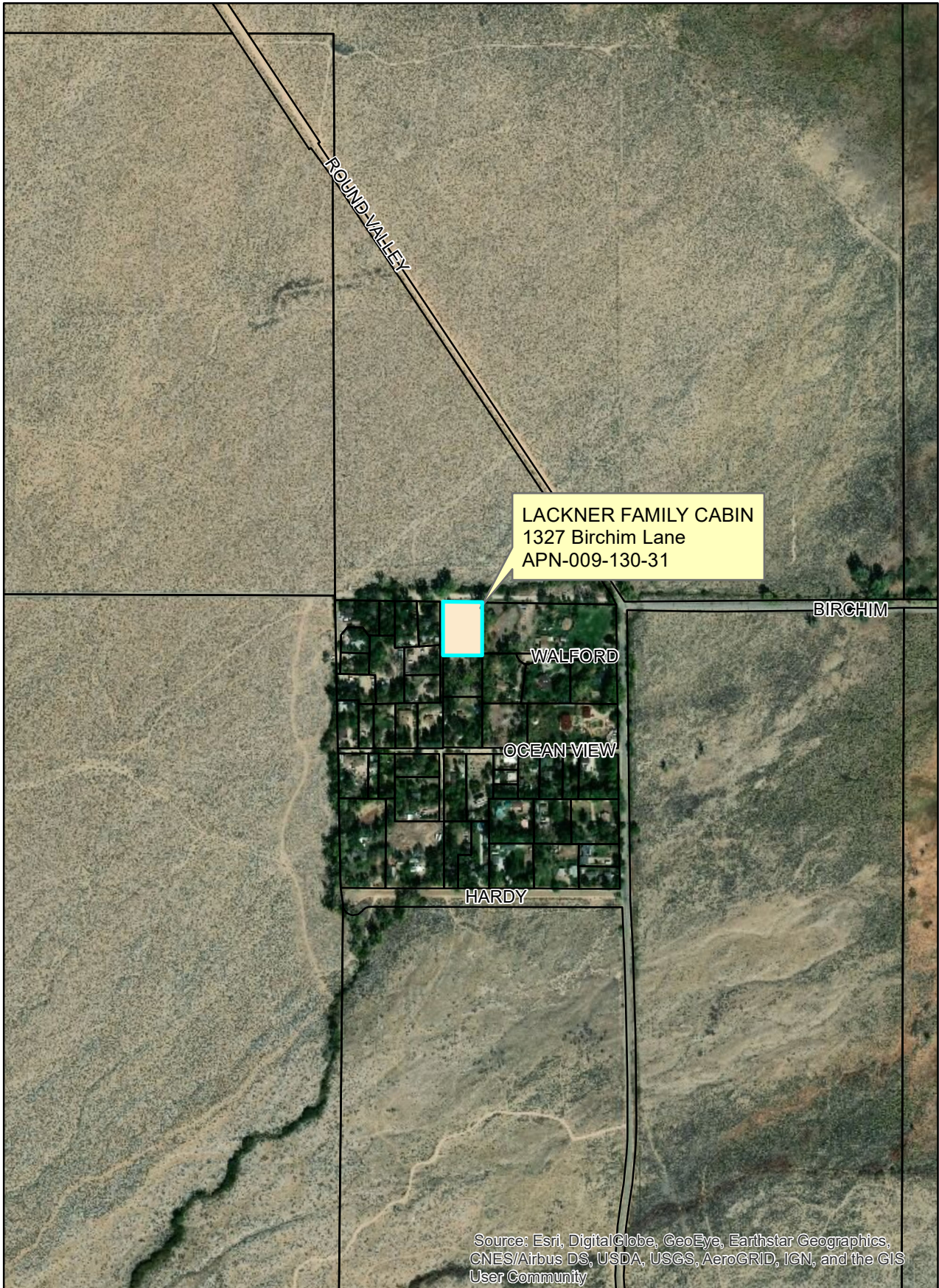
CONDITIONS OF APPROVAL

1. **Conformance with California Building Code**
The applicant/developer shall obtain a Building Permit from the Inyo County Building Department and shall conform to all applicable provisions of the California Building Code.
2. **Conformance with Environmental Health Requirements**
 - The applicant developer shall obtain a septic system permit from the Inyo County Department of Environmental Health conforming to all the applicable provisions contained in Chapter 7.12 of the Inyo County code and the Inyo County Local Area Management Plan.
 - The applicant shall obtain a well permit from the Inyo County Department of Environmental Health and shall conform to all applicable provisions of Chapter 14.28 of the Inyo County Code and the California Well Standards.
3. **Hold Harmless**
The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. 2019-12/Lackner. The County reserves the right to prepare its own defense.
4. **Compliance with County Code**
The applicant/developer shall conform to all applicable provisions of Inyo County Code. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

ATTACHMENTS

- A. Vicinity map
- B. Site Plan
- C. Site Pictures

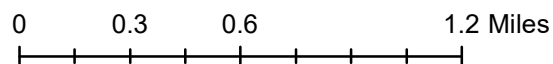
CUP2018-12 Lackner Exhibit A

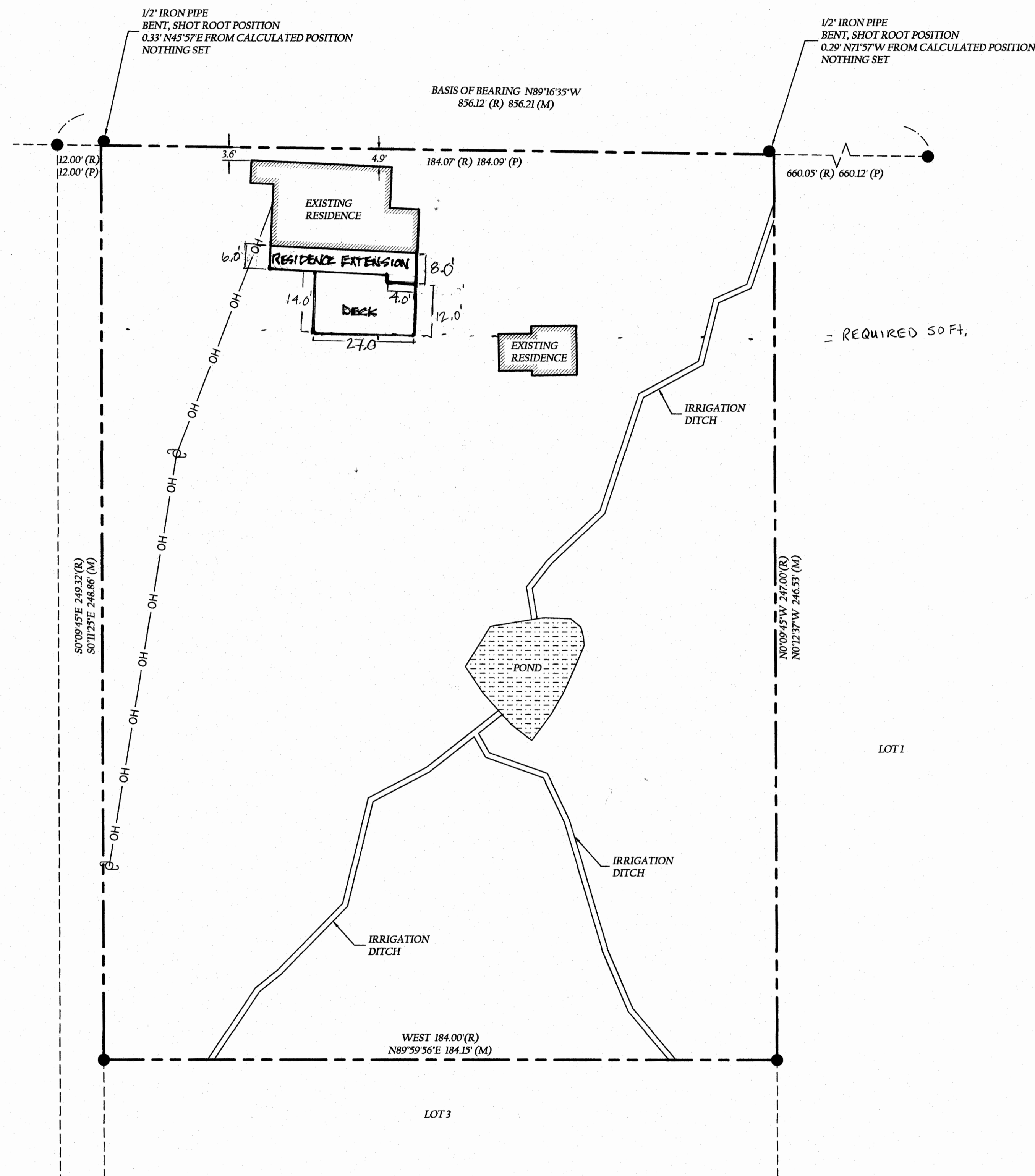


CUP2018-12 Lackner Exhibit A (2)



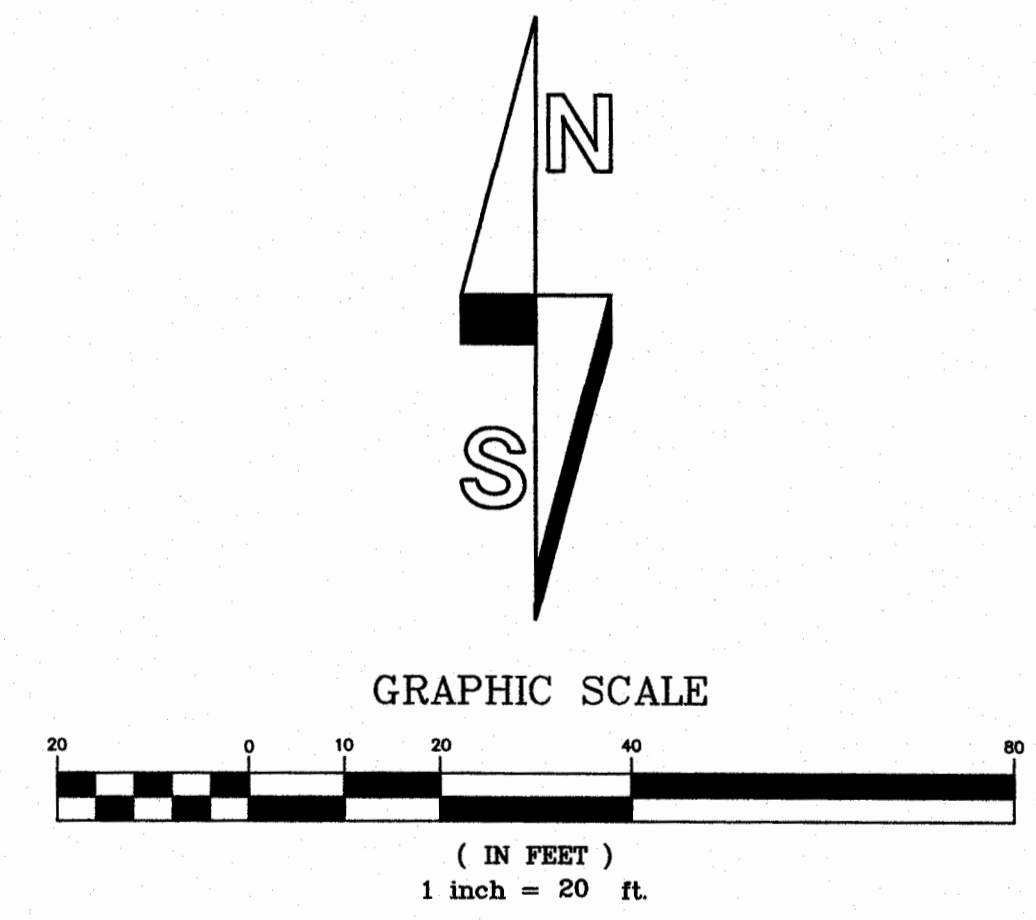
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





ABBREVIATIONS
AC ACRES

LEGEND
 ——— PROPERTY LINE
 - - - - - ADJACENT PROPERTY LINE
 — OH — OVERHEAD POWER LINE
 ——— IRRIGATION DITCH BANK
 ⊙ UTILITY POWER POLE



THE MONUMENTS SET PER RSMB 10/17 ARE TREATED AS ORIGINAL MONUMENTS WITH REGARD TO LEGAL PROPERTIES ACCORDED SUCH MONUMENTS AND ARE PRIMA FACIE EVIDENCE OF THE TRUE BOUNDARIES OF THE PROPERTIES MONUMENTED.

BASIS OF BEARING

THE NORTHERLY BOUNDARY LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, T.6S., R.31 E., M.D.B.M BETWEEN TWO FOUND MONUMENTS SHOWN HERON AS N89°16'35\"/>

RECORD INFORMATION

- FOUND 1/2\"/>

SITE INFORMATION

LOT 4
RSMB 10/17
45,603+ SQ. FT., 1.05+ AC.

I HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA, THIS MAP REPRESENTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN MAY, 2019. RECORD INFORMATION IS FROM RSMB 10/17. THIS MAP DOES NOT INCLUDE EASEMENTS EXCEPT THOSE SPECIFICALLY DELINEATED HEREON.

BOUNDARY SURVEY AND SITE PLAN
LOT 4, RSMB 10/17
 DIANA LACKNER

Eastern Sierra Land Surveys, inc.
19 Shiloma Circle
 95977 Lake Ca
 95946

Date:	05/21/2019
Job No.:	19-008
Drawing:	19-008 B-T
Scale:	1"=20'
Draftsman:	GBN
Sheet:	1 of 1 Sheets

ELEVATION PHOTOS OF LACKNER PROPERTY: 1327 Birchim Lane, Bishop, CA 93514



East Side of cabin at driveway entry .



South Side of Cabin facing into property.



North Side of Cabin on Birchim Lane.



West Side of Cabin facing nearest neighbor.

EAST SIDE NEIGHBORING BORDER



Looking at neighboring property to our east, belonging to Donna Mason. The pasture directly bordering ours is being used as a pasture for a few horses & maybe 15 goats.

Looking S/E. Our pond w/neighboring property home just visable on left

South Side Border



 Southeast corner of property



West side neighborhood border

Attachment C





1327 BIRCHIM LANE

DRIVEWAY ENTRY



**NORTH EAST SIDE OF
HOUSE OFF OF BIRCHIM
LANE.**

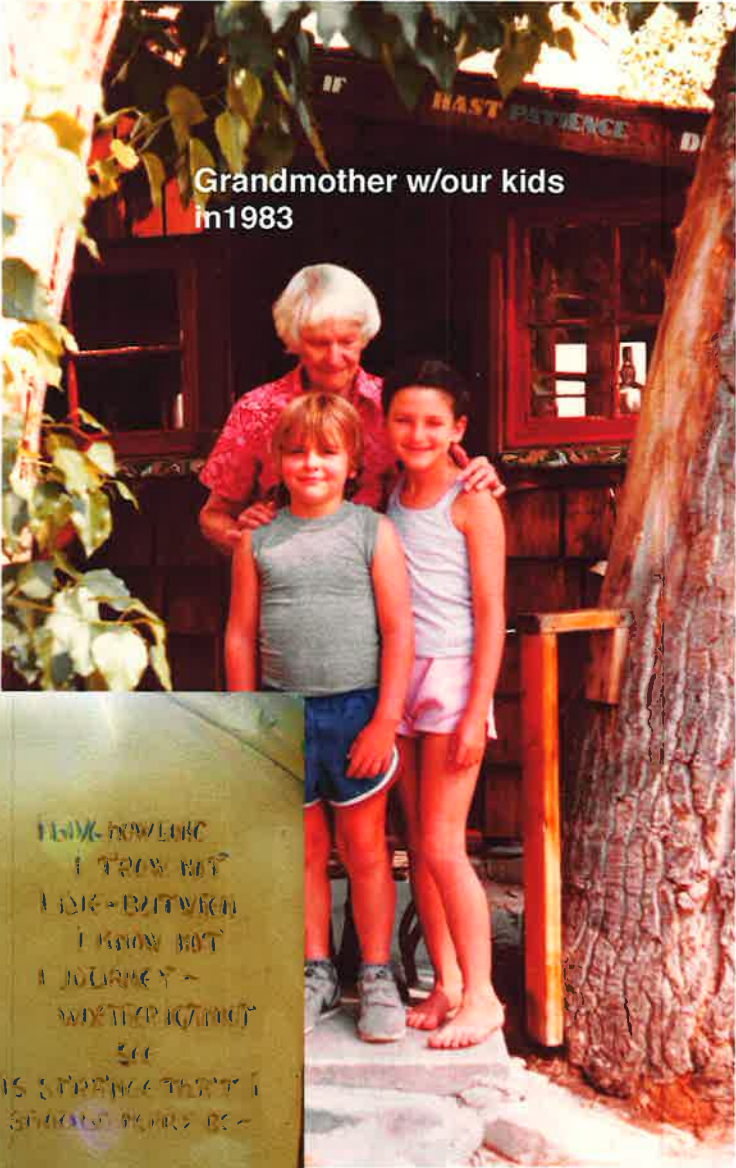


**NORTH WEST CORNER OF
PROPERTY LOOKING
SOUTH. OLD PLAYHOUSE
ON RIGHT.**

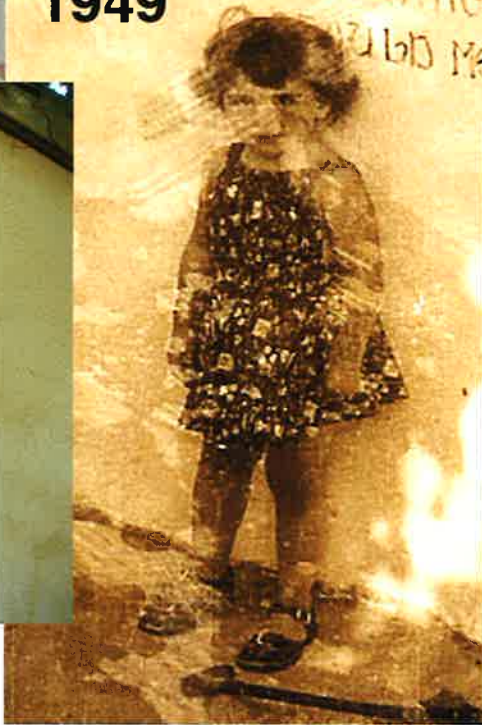
Examples of my grandmother's wall painting & carved fascia w/history of Owen's Valley & carved welcoming words above entry door.



1949 THIS STRANGE THING IS HAPPENING MERRY



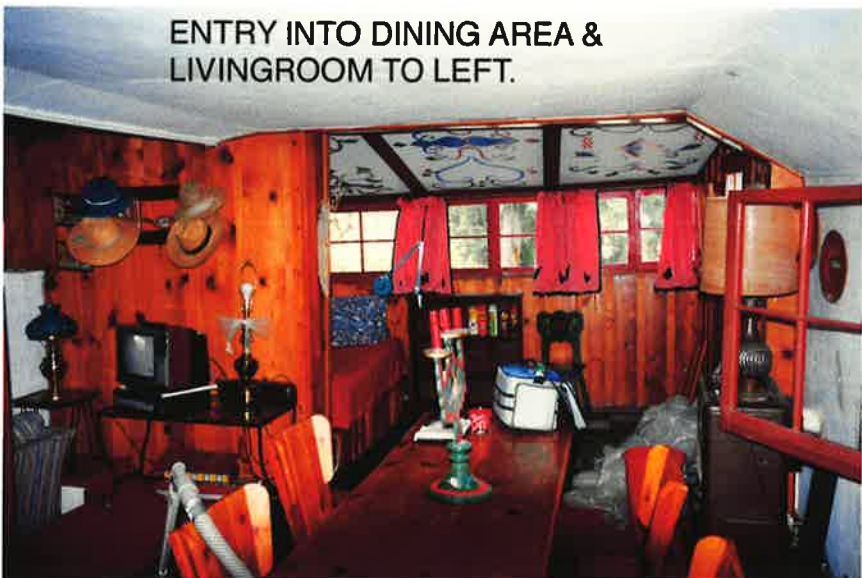
Grandmother w/our kids in 1983



THINK HOW LONG I TROW NOT
LIVE - BUT WITH I KNOW NOT
A JOURNEY - WHETHER I GO
SEE
THIS STRANGE THING IS HAPPENING MERRY



ENTRY DOOR





AROUND 2010
ENTRY INTO DINING AREA.



DINING AREA LOOKING INTO
BEDROOM THROUGH
BATHROOM.



DINING AREA TO LEFT BATH TO
RIGHT LIVINGROOM.



Upper left: Livingroom 2015.
Upper right: Livingroom 1948 Grandfather,
Frank Wymond w/Diana Lackner
Pictured to the left of fireplace in December
1947.



Bottom left: Livingroom Curtain Bed
(used to have curtains) in 2015.
Bottom right: Diana Lackner in same
Curtain Bed in December 1947.

LIVINGROOM INTO KITCHEN

Attachment C



KITCHEN DOOR TO LIVINGROOM



KITCHEN DOOR ON RIGHT LEADING INTO EXISTING BEDROOM.



SAME WALL

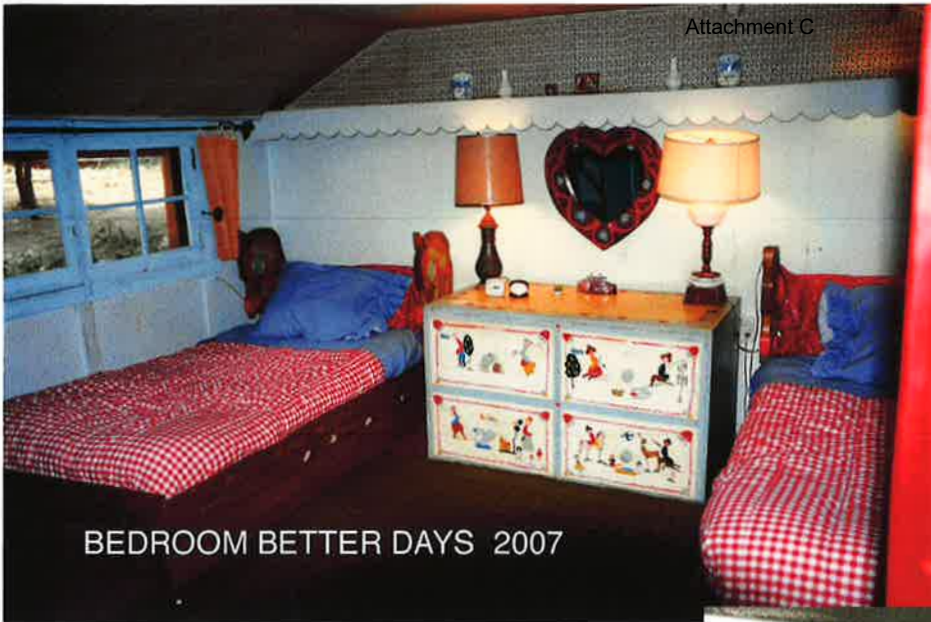


DIANA (WHITNEY)LACKNER & BROTHER BOB WHITNEY. SUMMER 1954

KITCHEN

Attachment C





BEDROOM BETTER DAYS 2007

2015 Roof leaking on south side bedroom ceiling. Walls continuous on south side deteriorating. Below are photos of fireplace in bedroom. Shows deterioration of walls.

