



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, MAY 15, 2019

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

Jason Lamoreaux, Chairman
Bruce Kallen, Vice-Chairman
B. R. "Bob" Tinsley, Commissioner
Joel Harrison, Commissioner
Mike Arias Jr., Commissioner

PLANNING DIVISION OFFICE: (760) 240-7000 Ext. 7200
www.AVPlanning.org

Monday - Thursday 7:30 a.m. to 5:30 p.m.
Alternating Fridays 7:30 a.m. to 4:30 p.m.



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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY MAY 15, 2019 – 6:00 P.M.**

PUBLIC PARTICIPATION IS INVITED. Planning Commission meetings are held in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley, California. If you wish to be heard on any item on the agenda during the Commission's consideration of that item, or earlier if determined by the Commission, please so indicate by filling out a "REQUEST TO SPEAK" form at the Commission meeting. Place the request in the Speaker Request Box on the table near the Secretary, or hand it to the Secretary at the Commission meeting. (G.C. 54954.3 {a}).

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at www.applevalley.org subject to staff's ability to post the documents before the meeting.

The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.

REGULAR MEETING

The Regular meeting is open to the public and will begin at 6:00 p.m.

CALL TO ORDER

ROLL CALL

Commissioners: Tinsley _____; Arias _____; Harrison _____
Vice-Chairman Kallen _____ and Chairman Lamoreaux _____

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda, except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

PUBLIC HEARING ITEMS

- 2. Variance No. 2019-001** A request for approval of a Variance to allow a swimming pool to encroach thirty (30) feet into the required fifty (50)-foot front yard setback. The project site

is 0.49-acre in size and is located within the Single-Family Residential (R-SF) zoning designation

APPELLANT: Landau Pools, representing Mr. Douglas Verral

LOCATION: 17786 Siskiyou Road; APN 0473-312-05

ENVIRONMENTAL

DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15305, Class 5, the proposed request is Exempt from further environmental review.

CASE PLANNER: Pam Cupp, Associate Planner

RECOMMENDATION: Denial

OTHER BUSINESS

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on June 5, 2019.



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE:	May 15, 2019
CASE NUMBER:	Variance No. 2019-001
APPLICANT:	Landau Pools, representing Mr. Douglas Verral
PROPOSAL:	A request for approval of a Variance to allow a swimming pool to encroach thirty (30) feet into the required fifty (50)-foot front yard setback. The project site is 0.49-acre in size and is located within the Single-Family Residential (R-SF) zoning designation.
LOCATION:	17786 Siskiyou Road; APN 0473-312-05
ENVIRONMENTAL DETERMINATION:	Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15305, Class 5, the proposed request is Exempt from further environmental review.
CASE PLANNER:	Pam Cupp, Associate Planner
RECOMMENDATION:	Denial

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The project site is 0.49 acres in size
- B. General Plan Designations:
Project Site - Single-Family Residential (R-SF)
North - Single-Family Residential (R-SF)
South - Single-Family Residential (R-SF)
East - Medium Density Residential (R-M)
West - Single-Family Residential (R-SF)
- C. Surrounding Zoning and Land Use:
Project Site- Single-Family Residential (R-SF), Single-family residence

North - Single-Family Residential (R-SF), Single-family residence
 South - Single-Family Residential (R-SF), Single-family residence
 East - Multi-Family Residential, (R-M) Multi-family residences
 West - Single-Family Residential (R-SF), Single-family residence

D. <u>Setback Analysis:</u>	Required	Proposed
Front Yard	50 ft.	20 ft.
Street Side	25 ft.	25 ft.
Side Yard	5 ft.	+10 ft.
Rear Yard	6 ft.	+10 ft.

ANALYSIS

A. **General:**

The applicant is requesting review and approval of a Variance for relief from Development Code Section 9.28.040, Site Development Standards. Specifically, the applicant is seeking a Variance to allow a swimming pool to be constructed with a minimum front-yard setback of twenty (20) feet where a minimum front yard setback of fifty (50) feet is required.

The Town realizes that under certain circumstances the strict or literal interpretation and enforcement of the provisions of the zoning regulations may deprive a property of development potential enjoyed by other properties in the vicinity under the identical zoning classification. The Variance process provides a mechanism to waive or modify the application of applicable zoning standards under special circumstances.

B. **Site Analysis:**

The project site is 21,370 square feet in size and contains a 2,576 square foot single-family residence with an attached three (3)-car garage, covered rear patio and a porte-cochere facing Siskiyou Road. The site also has a 550 square foot detached garage for a total building area of approximately 4,700 square feet which equates to a twenty-two (22) percent lot coverage. The maximum lot coverage within the Single-family Residential (R-SF) zone is forty (40) percent.

The project site is a rectangular shaped lot at the northeast corner of Tude and Siskiyou Roads. The property has approximately 190 feet of frontage along Siskiyou Road and approximately 110 feet of frontage along Tude Road. There is a fairly significant slope on the property fronting Tude Road. There is also a fairly significant slope within the easement along the east property.

The subject site is located within recorded Tract 7802, which is within the Ranchos Residential Overlay District with recorded setbacks of fifty (50) feet along Tude Road and twenty-five (25) feet along Siskiyou Road. The single-family home is located on the center of the property and fronts along Siskiyou Road with a setback of twenty-five (25) feet along Siskiyou Road and a approximately fifty (50) feet along Tude Road which meets the minimum setbacks required by Tract 7802.

The applicant proposes a thirty (30)-foot encroachment into the required fifty (50)-foot setback along Tude Road. The Development Code prohibits pools within the front or street sideyard setbacks; however, pools and pool equipment may be located up to five (5) feet from the interior side and rear property lines. The applicant contends that due to existing slopes, the

only place available for a pool is within the setback along Tude Road. It should be noted that, based upon a site visit, the area proposed for the pool also contains a slope. The applicant has the ability to improve the site with grading and retaining walls in order to fit the swimming pool in a manner consistent with the required setbacks.

Pursuant to the Development Code, a Variance may only be approved when, because of special circumstances applicable to the property in question, strict application of the Code would deprive the property of a privilege enjoyed by other properties in the vicinity and under an identical zoning classification. Approval of the proposed Variance would result in awarding a privilege not currently enjoyed by other properties within the vicinity. The property is consistent with others within the vicinity and there are no unusual circumstances applicable to this property creating a hardship. The desired design and placement of a pool does not constitute a hardship because an alternate design and placement for a pool are available.

C. Environmental Assessment:

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15305, Class 5, the proposed request is Exempt from further environmental review.

D. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper and notices were mailed to all property owners within a 300-foot radius on May 3, 2019.

E. Findings:

In considering any Variance, the Commission is required by the Development Code to make specific Findings. The following are the Findings required to grant a Variance, as required under Section 9.24.070 of the Development Code, and a comment to address each:

1. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Code deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

Comment: The property is a rectangular shaped lot similar to the other properties in the area. There are slopes on the property, including the area fronting Tude Road. Approving a Variance would appear as granting special privilege and may set a precedent allowing others to apply with similar requests for swimming pool encroachments into the front and/or street side yard setbacks.

2. That granting the Variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

Comment: Development Code Section 9.28.040, Site Development Standards does not permit accessory structures, including swimming pools, to be located within the required front or street side yard setback. Granting a Variance will not be consistent with the provisions of the Development Code.

3. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zoning district and denied to the property for which the Variance is sought;

Comment: Allowing the construction of a swimming pool within the required front yard setback is not an enjoyment possessed by other properties within the vicinity of the site. Granting this request is not necessary to allow a development right, as no such property right, as that requested is being enjoyed by others in the vicinity.

4. That granting the Variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;

Comment: Granting the requested Variance may set a precedent that other property owners with generally similar circumstances could cite to justify their own requests for a Variance. The cumulative impact of additional Variance requests and approvals would nullify the intent and meaning of the current Development Code and may have a negative impact upon the adjoining properties.

5. That granting of the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located; and

Comment: Granting a Variance to allow the construction of a swimming pool within the required front yard setback constitutes a special privilege. Granting the requested Variance for this parcel may set a precedent that other property owners with generally similar circumstances could cite to justify their own requests for variances.

6. That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Comment: The proposed Variance is a request for a reduced front-yard setback for the construction of a swimming pool, which is a permitted use within the Single-family Residential (R-SF) zoning designation.

RECOMMENDATION

Based upon the information contained within this report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to:

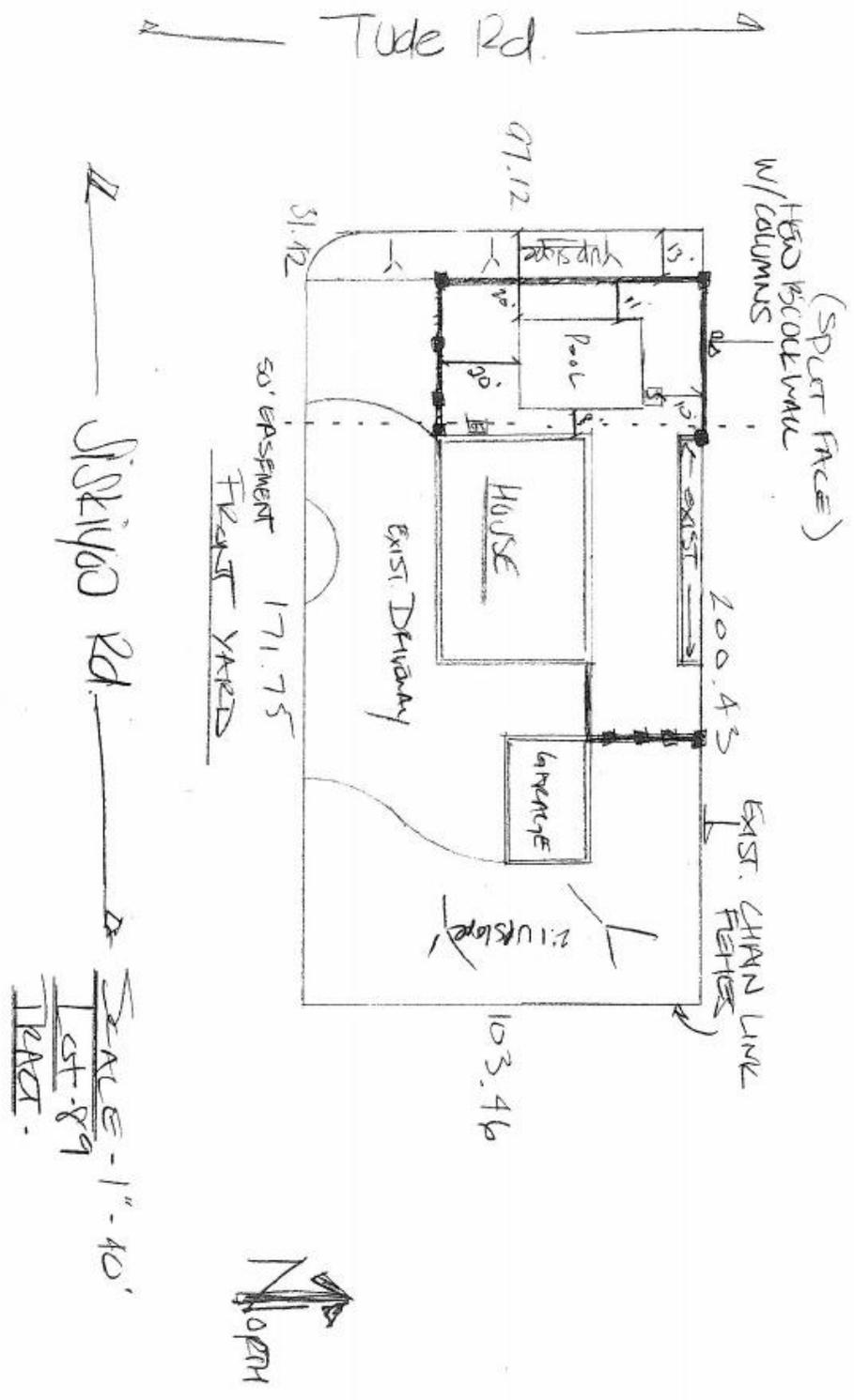
1. Find that the facts do not support the required Findings for approval and deny Variance No. 2019-001.

Variance No. 2019-001
May 15, 2019 Planning Commission Meeting

ATTACHMENTS:

1. Site Plan
2. Applicant's Variance Statement
3. Zoning/Location Map

VERPAL RESIDENCE
 17786 SISKIYOU RD
 APPLE VALLEY CA 923007



SUPPLEMENTAL VARIANCE STATEMENT

The applicant must provide detailed answers to the questions listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Specific Development Code Section for which relief is being sought:

Variance - pool standards

2. Explain the hardship or practical difficulty that would result from the strict interpretation and enforcement of this Code.

Home owner's side property is being recognized as the front yard.

3. What is the alternative means of compliance being proposed?

There are none, all other sides are not buildable.

4. What are the special circumstances that apply only to the property to which the application pertains, and do not apply generally to the other properties in the vicinity?

The house sits on a corner lot. Although, the building code considers, to be the front yard. The front of the house faces Siskiyoun.

5. Explain how, if the Variance is approved, it will not constitute a granting of special privilege which will not be available to other properties in the vicinity?

No special privileges. The pool will be behind a block wall.

Signed

Bobby Landau

Date

April 8, 2019

Print Name

Bobby Landau



FINDINGS REQUIRED TO GRANT A VARIANCE

The applicant must provide specific justification for each of the findings listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Town Development Code deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

This is the only buildable area, on the lot. All other areas have signs.

2. Granting the variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

view will be obscured from Jude, following the Siskiyou, set backs.

3. Granting of the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district and denied to the property for which the Variance is sought.

Cornice lot requesting pool, for property owner. Jude is only buildable area on the property.

4. Granting of the variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

Pool is protected by block wall.

5. Granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located.

Special privilege for Cornice lot, not all other interior lots.

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6. Granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.
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-
-

Please read and initial the following statement:

I understand that in lieu of a Variance I have the option of altering my plan and requesting a Deviation Permit in conformance with Section 9.03.0500 of the Town of Apple Valley Development Code. _____

FINDING REQUIRED TO GRANT A DEVIATION

1. Granting the deviation will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.
-
-
-
-

Signed _____ Date _____

Print Name _____

DEVIATION PERMIT FINDINGS FOR A WIRELESS TELECOMMUNICATION FACILITY

1. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner;
-
-
-
-

2. That there are unique circumstances associated with the proposed location necessitating the requested Deviations;
-
-
-
-

Variance No. 2019-001

17786 Siskiyou Road

APN 0473-312-05



Legend	
	Project Location
	(R-SF) Single Family Residential (1 to 0.4 to 0.9 net acre)
	(R-M) Multi-Family Residential (2 to 20 duplex units)
	(PRD) Planned Residential Development
	(C-G) General Commercial
	(O-PP) Office Professional
	(OS-C) Open Space Conservation

Date: 5/6/2019

ZONING/LOCATION MAP

