



COUNTY OF HUMBOLDT

For the meeting of: 9/19/2024

File #: 24-1297

To: Zoning Administrator
From: Planning and Building Department
Agenda Section: Consent

SUBJECT:

McCracken Variance
Assessor Parcel Numbers (APN) 308-141-017
Record No.: PLN-2021-17543
Loleta area

A Variance to facilitate a reduction of a side setback from 5 feet to 3 feet. The existing residence was built in 1970 without the proper building permits. There has also been an addition of a deck and barn which did not receive the proper building permits. The barn encroaches into the side setback. The parcel has been developed with a single-family residence and barn, and both structures are three feet from the northern property line. It is pertinent to the structural integrity of the barn to maintain the reduced setback.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution (Resolution 24-___). (Attachment 1) which does the following:
 - a. Finds the Zoning Administrator has considered the CEQA Categorical Exemption 15305 (a), Minor Alterations in Land Use Limitations; and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Variance subject to the recommended conditions of approval (Attachment 1)

DISCUSSION:

Project Location: The project is located in the Loleta area, on the East side of Copenhagen Road, approximately 2.5 miles from the intersection of Copenhagen Road and Hawks Hill Road, on the property known as 2111 Copenhagen Road.

Present General Plan Land Use Designation: Agriculture Exclusive/Agriculture Grazing-160 acres (AEG

(160)), Eel River Area Plan; Density: 160 acres/unit; Slope Stability: Moderate Stability (2).

Present Zoning: Agriculture Exclusive (AE-160/T,A,W)

Environmental Review: CEQA Exemption Section: 15305(a), Minor Alterations in Land Use Limitations, of the State CEQA Guidelines.

State Appeal: Project is NOT appealable to the California Coastal Commission. The property is located within an area of the County where the Coastal Commission has categorically excluded agriculture related development from the requirement to obtain a Coastal Development Permit.

Major Concerns: None

Executive Summary:

The applicant requests a variance for a 2-foot reduction of the 5-foot side yard setback as required for substandard lots in the Agriculture Exclusive (AE) Zone. The purpose of the setback reduction is to bring the accessory barn into conformance with the current zone. The existing residence was built in 1970 and the barn was built in 2007. The barn was built without the proper approvals for the reduced setback, although it was built within the same setback as the existing residence. Through the review of aerial imagery, it appears that the reduced setback would not impede neighboring uses and properties with similar zoning in the area have structures within the setbacks as well.

The proposed Variance is in conformance with Section 312-17.2, and the required findings can be made. The property is of an exceptionally small size compared to similarly zoned properties in the vicinity, a strict enforcement of the 5-foot setback would result in an unnecessary hardship due to the need for structural engineering and an offset wall that would be aesthetically and functionally unpleasing. Other properties in the same zoning district do not comply with setbacks as they also pre-date zoning regulations.

The parcel has been developed with a single-family residence and barn, and both structures are three feet from the northern property line. It is pertinent to the structural integrity of the barn to maintain the reduced setback. Structural engineering would be required to configure the barn to meet the standard setback. The residence on the property is within the same distance of the property boundary and similar properties in the same zoning district also have reduced setbacks for barns and residences.

The Department has determined that the proposed project is Categorically Exempt from environmental review pursuant to Section 15305(a), Minor Alterations in Land Use Limitations, of the Guidelines for the Implementation of the California Environmental Quality Act because it involves a minor adjustment to building setbacks to allow the reduction of the side setback of the accessory barn to be consistent with the zoning requirements.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval. (Attachment 3)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Zoning Administrator could elect not to hear this item and forward this application to the Planning Commission.
2. The Zoning Administrator could elect to add or delete conditions of approval.
3. The Zoning Administrator could deny approval of the requested permits if unable to make all of the required findings.

ATTACHMENTS:

1. Resolution
 - A. Conditions of Approval
2. Referral Agency Comments and Recommendations
3. Site Plan

Applicant:

Tim McCracken
2111 Copenhagen Rd
Loleta, CA 95551

Owner:

Tim and Amy McCracken
2333 2nd St
Eureka, CA 95501

Agent:

N/A

Please contact Cliff Johnson, Planning Manager at cjohnson@co.humboldt.ca.us or 707-445-7541 if you have questions about this item.