

ATTACHMENT 3A

Variance Justification Statement



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Trevor Estlow
c/o County of Humboldt
3015 H Street
Eureka, CA 95501



Re: Callahan Variance Request (APN 513-181-010)
Driver Road, Westhaven CA

Dear Trevor:

Pursuant to Humboldt County Code (HCC) § 312-17, we are respectfully requesting a variance to minimum setback standards for structures located on parcels with a minimum lot size of 2.5 acres or greater as set forth in HCC § 314-17.1, such that a new residence can be constructed within the above-described property's 30-foot side yard setback.

As we understand it, a variance from the strict application of the terms of the zoning regulations may be granted upon the finding that:

- 1) there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of use in the same zone in the vicinity,
- 2) the strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district,
- 3) granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district, and
- 4) granting the variance or its modification will not be materially detrimental to the public health, safety, or welfare.

The site's existing improvements are numerous and preclude the possibility of constructing a new residence without demolishing existing structures or removing established redwood trees, hence the reason for this variance request. Current site improvements include a 230-foot long driveway, water storage, an orchard and large garden area, a small office building, a workshop, two (2) storage structures, a yurt, a Wisconsin mound and a pond (for water supply) with associated pump houses (refer to the attached Plot Plan). All areas not utilized by current site improvements, with the exception of the location proposed for the new residence, are not suited for development.

Sometime in the early 1940's a residence was constructed at the same location as the residence currently being proposed, well within the now-current 30-foot side yard setback. Because this residence had fallen into disrepair and was no longer habitable it was dismantled in 2020, with the exception of one corner which remains due to the electrical drop to the residence at this location. The remaining corner of the residence will be dismantled at the time the new residence is constructed.

In order to maintain State Responsibility Area (SRA) Fire Safe standards around the proposed new residence, the applicant is proposing to be granted an easement across a portion of APN 513-111-041 in order to gain access for brush clearing and other necessary fuel reduction activities. The current owner of this neighboring property, a forested 40-acre parcel with some development in the center of it, has verbally agreed to the granting of an easement for vegetation management. Given that the current development on APN 513-111-041 is greater than ± 800 feet from the proposed fuel reduction activities, granting of this variance will not impact the development of this parcel in any way.

APN 513-181-010 is zoned RS-B-5(2.5) with an assessed lot area of 2.78 acres. For parcels with a minimum lot size of 2.5 acres or more the side yard building setback is set at 30-feet per HCC § 314-17.1, while the side yard setback is 5-feet for parcels less than 2.5 acres in size. Surrounding parcels are of similar zoning and minimum lot sizes, yet in some cases are less than the minimum lot size. As the property in question is only 0.28 acres greater than that parcel size which would be allowed a 5-foot side yard setback per zoning, we are respectfully requesting that this lesser setback be considered, and the variance be granted.

In conclusion, we believe this variance request can be supported, and granted, based on the following:

- the proposed residence location is the only suitable site given the existing development on the parcel,
- until 2020, an early 1940s-era residence previously occupied the exact location of the proposed residence,
- a vegetation management easement will be granted to allow for the maintenance of defensible space per SRA Fire Safe standards, with said maintenance not interfere with the existing development on the neighboring parcel, and
- the size of the parcel in question is so near the minimum lot size for its zoning that a strict and literal interpretation of HCC § 314-17.1 would result in practical difficulty or unnecessary physical hardship, and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

In accordance with HCC § 312-17, outlined in 1 through 4, above, we believe the findings to support this variance request can be made based on the information provided herein. All proposed development on the parcel will be maintained within the parcel's boundaries, consistent with the principally permitted uses per zoning and will not have a negative impact on the health, safety or welfare of the public. As such, we are respectfully requesting this variance request be granted.

Sincerely,

OMSBERG & PRESTON



Tyler Martin, EIT
Project Manager