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AGENDA ITEM NO.: 6 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: December 11, 2024

SUBJECT: Variance #2024-02/Otremba

EXECUTIVE SUMMARY

An application for a variance for a single-family dwelling to encroach 5-feet into the required 20-foot rear yard setback for a property zoned One-family residence (R1) that is located at 570 W. Bush St. Lone Pine. This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under 15303 – New Construction or conversion of Small Structures.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Stan Otremba

Property Owner: Stan Otremba

Site Address: 570 W. Bush St., Lone Pine

Community: Lone Pine

A.P.N.: 005-082-17

General Plan: Residential Low Density (RL)

Zoning: One-family Residence (R1-10,000) 10,000 sq. ft. minimum

Size of Parcel: Approximately 0.34 acres or 14,927 sq. ft.

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Vacant/open	Residential Low Density (RL)	One-family Residence (R1-10,000)
North	Single Family Residence	Residential Low Density (RL)	Open Space (OS-40)
East	Mobile home and Mobile home	Residential Low Density (RL)	One-family Residence (R1-10,000)
South	DWP Land Commercial	Agriculture (A)	Open Space (OS-40)
West	Single Family Residence	Residential Low Density (RL)	One-family Residence (R1-10,000)

Staff Recommended Action:

1.) Approve Variance 2024/02 Otremba with the Findings and Conditions as provided for in the staff report and certify that it is Exempt under California Environmental Quality Act (CEQA).

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:

Cynthia Draper

STAFF ANALYSIS

The applicant, Stan Otremba, owns a 14,927 sq. ft. parcel at 570 W. Bush Street in Lone Pine, California. The site has a 6-foot elevation drop on the western side, limiting construction options. The proposed project involves placing a double-wide mobile home, designed to adapt to this elevation change.

The project meets the required 25-foot front and 5-foot side yard setbacks. However, due to the steep slope on the west side, placing the mobile home horizontally is not feasible. As a result, the applicant proposes to place the mobile home vertically in the only level area, which requires a 5-foot encroachment into the rear yard setback, reducing it to 15-feet.

The parcel is undeveloped and exceeds the minimum 10,000sq. ft. requirement for the R1-10,000 Zone. The surrounding area consists of single-family residences and DWP agricultural land. The parcel is zoned R-1, with the following setback requirements:

Front: 25 feet

Rear: 20 feet

Side: 5 feet

Previous Variance History

No prior variances have been applied for regarding this property.

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 3 exemption, 15303 “New Construction or Conversion of Small Structures (a) One single-family residence, or a second dwelling unit in a residential zone.”

NOTICING REQUIREMENTS

The application for VAR 2024-02/Otremba has been reviewed by the appropriate county departments. No issues were reported by County staff.

The project was noticed for a Public Hearing in the Inyo Register ten days in advance, on November 30, 2024 and notices were mailed to all property owners within 300-ft of the proposed project. No comments have been received by staff as of the date of this staff report.

RECOMMENDATIONS

Approve Variance 2024-02/Otremba with the Findings and Conditions as provided for in this staff report and certify that it is Exempt under CEQA.

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 One-Family Residence (R1), which requires a 10,000 sq. ft. minimum; a minimum width of 50-feet; and, a front yard setback of 25-feet, rear yard of 20-feet and side yards of 5-feet. The loss of buildable area on this parcel is due to its 6-ft. drop in elevation on the west portion of the parcel and reduces the buildable area by about 1/2 . Finding a way to configure the single-family home posed exceptional circumstances that made developing the property nearly impossible without an encroachment into one of the setbacks.)
2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.
(Affirmative – Evidence: Approving this variance will allow for a single-family dwelling to encroach into a rear yard setback by 5-feet. Currently there is no development on the rear portion of the parcel and the rear setback encroachment would not affect the ability of the surrounding parcels to be developed. The encroachment also will not cause a situation that could be considered detrimental to the public welfare as any development subsequent to the variance approval will be required to follow all building and safety, waste disposal and water regulations per the State and County. The variance request to encroach into the rear yard setback is also not allowing for activities that are unusual to the surrounding neighborhood since all existing development in the area is made up of single-family dwellings.)

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 proposed project site area is constricted by a 6ft drop in elevation on the west portion of the property causing its buildable area to be severely limited with regard to development. These factors create difficulties/hardships in meeting the required setback requirements for the R-1 zone. Granting a variance to encroach 5-feet into the rear 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 does not conform in terms of area, and its buildable space is significantly restricted due to a substantial drop in elevation on the western portion of the parcel. The applicant has designed the site to avoid this area, where the elevation changes by 6 feet. Additionally, several parcels to the east of the proposed variance also fail to meet their setback requirements. For these reasons, the requested variance to encroach into the rear yard setback should not be viewed as a grant of special privileges. Instead, it would enable the property owner to utilize the property similarly to other nearby properties.)

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 rear yard setback requirements. The proposed low-density residential use and primary structure are permitted out right in the R1 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 Low Density (RL) a single-family land use designation.)

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 3 15303(a).)

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 #2024-02/Otremba or applicant's failure to comply with conditions of approval.

2.) The applicant/developer shall conform to all applicable provisions of Inyo County Code including the Building and Safety Code and the Health and Safety Code.

Attachments:

Vicinity Map

Plot Plan

Topo Map

VICINITY MAP

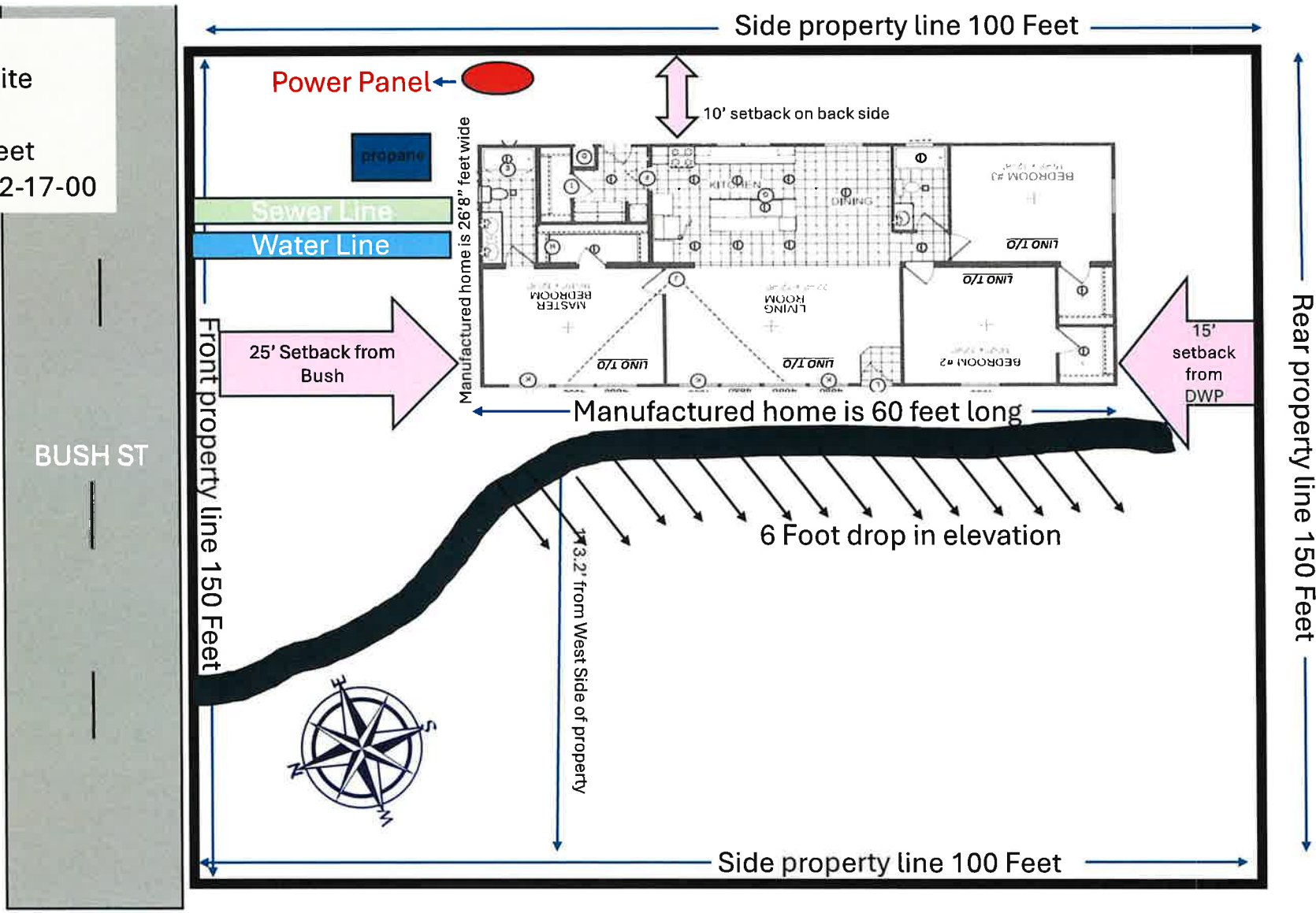
VARIANCE 2024-02/OTREMB
570 W. BUSH ST. LONE PINE

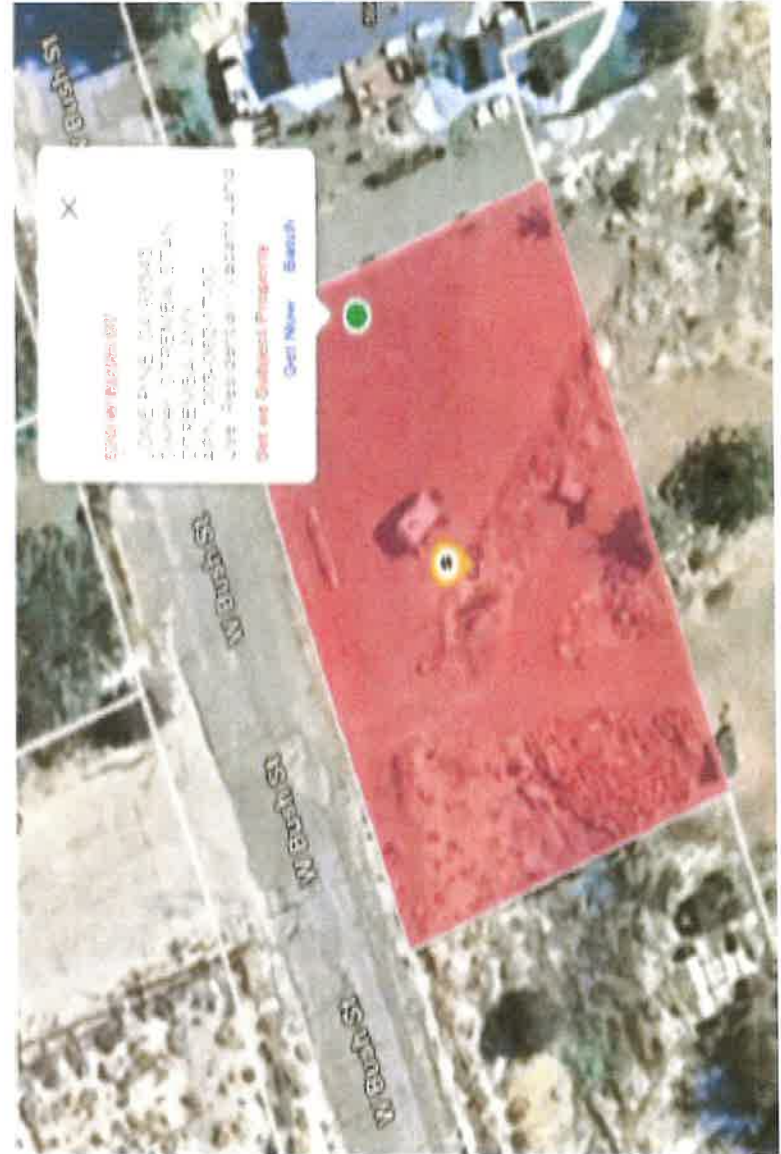
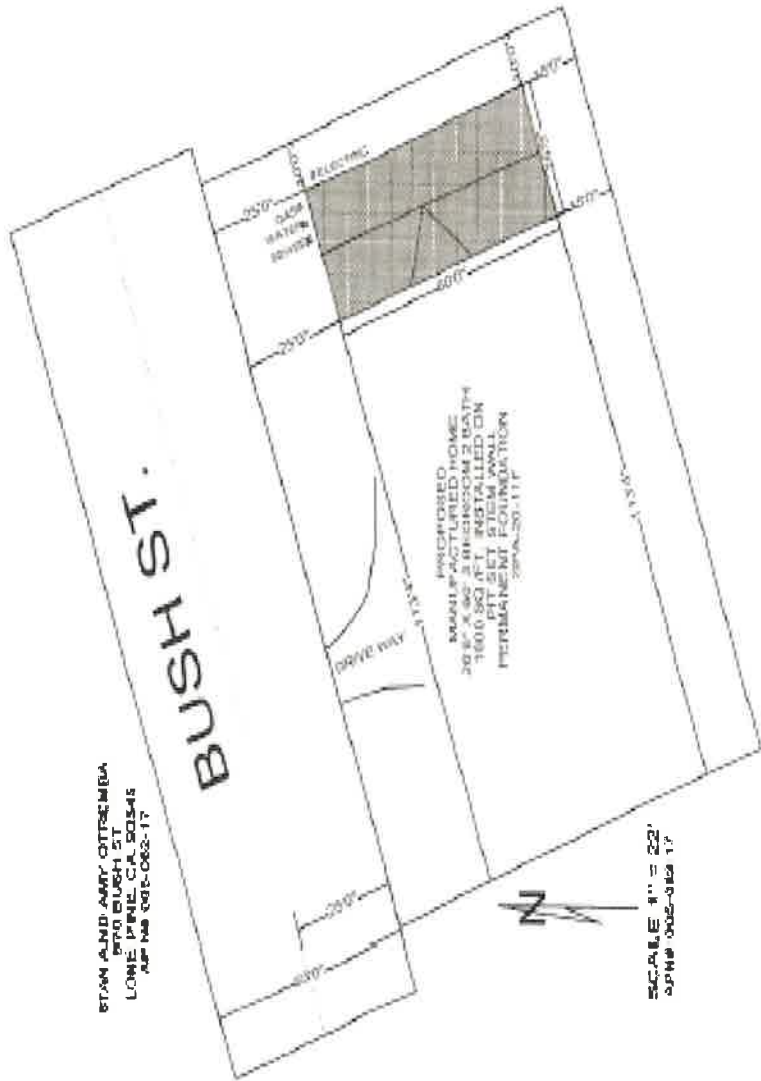
Legend

- 📍 570 W Bush St
- 🍷 Alabama Hills Cafe & Bakery
- 📖 Lone Pine Library
- 🍽️ Lone Star Bistro
- 🏨 Motel
- 🚉 Mt Whitney Pack Station



Proposed
Manufactured site
Stan Otremba
570 W Bush Street
Parcel # 005-082-17-00





This TOPO shows the drop in property