



**PLANNING COMMISSION
STAFF REPORT
April 18, 2023**

Prepared by: Alena Loomis, Community Services Analyst
Reviewed by: Lance E. Lowe, AICP, Principal Planner

DATA SUMMARY

Application Number: 23PLN-08
Subject: Variance Application to construct a new deck within the 5-foot rear yard setback.
Location/APN: 114 Mallard Dr/035-580-062 (**Attachment 1 - Location Map**)
Applicant: Leo Granucci
Representative: CSF Construction
Zoning/General Plan: Residential Single Family/Planned Development (R-1/PD) Zone/ING – Institutional Non-Govt
Environmental Status: Categorical Exemption Section 15305

RECOMMENDATION:

Staff recommends the Planning Commission approve the project, which includes the following actions:

1. Determine the project Categorically Exempt as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
2. Adopt Findings of Fact for approval of the Variance as presented in the Staff Report; and,
3. Approve the Variance in accordance with the Conditions of Approval, as presented in this Staff Report.

PROJECT DESCRIPTION:

The applicant is requesting approval of a variance to allow a new deck to be constructed in the rear yard within the 5-foot rear setback. The new construction would be a rebuild and expand the existing 60-square-foot deck by approximately 144 square feet. Adjacent to the rear property line is Community Open Space owned and maintained by the Home Owners' Association. The applicant argues that due to the shallow parcel and limited rear yard space, the existing deck and any deck that is built meeting the current setback standards would be too small to be utilized as functional space.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The parcel is in a built-out residential neighborhood with small single-family dwellings on ±3,000 to ±6,000 square foot lots. Many surrounding homes have similar decks built on

the rear of the residences. The subject parcel is one of the smaller lots, approximately ±3,920 square feet and contains a ±1,592 square foot single-family residence, ±420 square foot garage, and an existing ±60 square foot deck. The site is bordered on the rear by Open Space and on either side by residences.

ENVIRONMENTAL DETERMINATION:

The project qualifies for an exemption under Section 15305, "Minor Alterations in Existing Land Use Limitations" (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel. The proposal for a deck to encroach within the rear yard setbacks complies with this exemption.

GENERAL PLAN AND ZONING ANALYSIS:

General Plan: The Grass Valley 2020 General Plan identifies the site as Institutional, Non-governmental (ING). ING is used to identify areas in non-governmental institutional ownership/control. It is intended to accommodate facilities and services to meet community needs. Ownership and control may vary: non-profit organizations, medical and related healthcare institutions, religious institutions, private academic institutions, public service clubs, and the like.

Zoning: The R-1, Single Family District Zoning designation applies to areas appropriate for neighborhoods of single-family dwellings on standard urban lots. However, this location is also part of a Planned Unit Development which consists of setback standards that deviate from normal R-1 zoning. The existing deck is allowed on site; however the PUD code requires a setback of at least five (5) feet from the rear and side property lines, and if the deck were to be expanded it would be within the rear setback.

Section 17.72.070 of the Development Code requires the Planning Commission to make specific findings before it acts on a Variance. The following is a list of those findings followed by the staff's response in italics:

1. There are special circumstances applicable to the property, including locations, shape, and size, so that the strict application of this Development Code deprives the property of privileges enjoyed by other property in the vicinity and within the same zone. *The parcel is smaller than adjoining parcels and has a unique shape with a slant in the rear lot line which limits the usable rear yard area that other properties in the area do not have.*
2. The approval of the Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone. *Property owners within the neighborhood have more of a standard rectangular-shaped lot, or deeper lots and rear yards which allow them to have more room for larger decks that comply with setbacks in their backyards. Many of the surrounding neighbors have attached decks in the rear yards which have been expanded. There is also a dedicated open space area behind the rear fence, so the*

expansion of the deck to the rear will not encroach on any neighboring residential properties.

3. The granting of the application will not authorize an activity or use which is not otherwise expressly authorized by the zone governing the parcel of property for which the application is made. *The R-1 zone allows single-family residential homes which often include decks as an attached structure. There is no size limit on the square footage of a deck by municipal code or building code, only that they must comply with the zones setbacks. The structure will be constructed to blend in with the existing single-family dwelling.*

ANALYSIS:

The existing deck that was built during the original construction of the single-family home is objectively small and therefore does not serve as functional space in the opinion of the homeowner and applicant. This property is smaller than most neighboring properties and is uniquely shaped with a rear property line that slants towards the home. The proposed expansion of the deck into the rear setback would allow for more efficient use of space and a functional, usable area for the homeowners to enjoy. Extending the deck into the rear setback by two feet would not affect any homes to the rear, as there is a designated Common Area Open Space behind this property on which no development will occur. The proposed deck would not project into the side setbacks and therefore would not affect the properties that are adjacent to the sides. There are also surrounding properties that have been able to expand their decks, and nearby properties that have enough space in the rear yard to construct a larger deck like this one within the existing setbacks if they so choose, so the variance would not grant special privileges. Properties on Mallard Dr that have been permitted in the past to expand their decks:

Address	Deck Expansion Allowed
249 Mallard Dr	60 sqft
208 Mallard Dr	84 sqft
225 Mallard Dr	60 sqft
118 Mallard Dr	154 sqft
241 Mallard Dr	56 sqft
245 Mallard Dr	126 sqft
126 Mallard Dr	63 sqft
221 Mallard Dr	40 sqft

FINDINGS: (Variance approval shall require that the review authority first make all of the following findings in the affirmative):

1. The City received a complete Variance Application (23PLN-08).
2. On April 18, 2023, the Planning Commission reviewed and considered the Variance Application.
3. The application is considered a Class 15305 exemption from the California Environmental Quality Act.
4. That the granting of the Variance for the reduction in the rear setback will not adversely affect the health or safety of persons residing or working in the neighborhood or the property and will not be materially detrimental to the public welfare or injurious to property or improvements of the environment in the neighborhood.
5. There are special circumstances applicable to the property, including location, shape size, and surroundings, so that the strict application of this Development Code deprives the property of privileges enjoyed by other properties in the vicinity and within the same zone.
6. The approval of the Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone. and,
7. The granting of the application will not authorize an activity or use which is not otherwise expressly authorized by the zone governing the parcel of property for which the application is made.

A. GENERAL CONDITIONS OF APPROVAL:

1. The approval date for this project is April 18, 2023. This project is approved for a period of one (1) year and shall expire on April 18, 2024, unless a building permit has been obtained or the applicant requests a time extension that is approved by the Grass Valley Planning Commission pursuant to the Development Code.
2. The project shall be constructed in accordance with the plans approved by the Planning Commission for 23PLN-08 unless changes are approved by the Planning Commission prior to commencing such changes. Minor design changes may be approved by the Community Development Department as determined appropriate by the Community Development Director.
3. The applicant shall obtain the required building permits from the Building Division for the construction of the new deck.

4. The applicant agrees to defend, indemnify, and hold harmless the City in any action or proceeding brought against the City to void or annul this discretionary land use approval.

ATTACHMENTS:

1. Location Map
2. Original Plot Plan
3. Proposed Plot Plan
4. Deck Plans
5. Request Letters
6. Photos



ATTACHMENTS

Location Map – Variance Application for Leo Granucci to construct a new deck within the rear and side setbacks located at 114 Mallard Dr (APN 035-580-062) in the R-1 (Single Family Residence) Zoning District.



City of Grass Valley Notification Map

Regarding: Variance Application (23PLN-08)

April 3, 2023



Property Owners Notified



300' Owner Notification Zone

ATTACHMENT 1

114 Mallard Dr Plot Plan

Showing only 8.1 ft from
back of structure to rear
property line

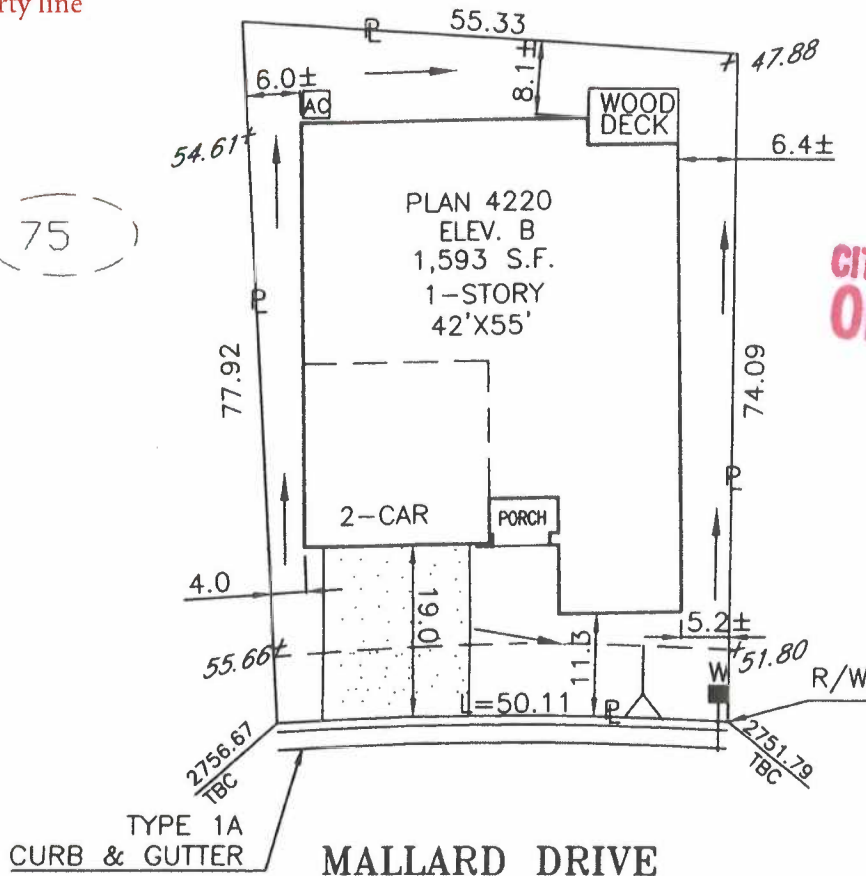
GRASS VALLEY

NOV 19 2002

Community Dev. Dept.

**CITY OF GRASS VALLEY
OFFICE COPY**

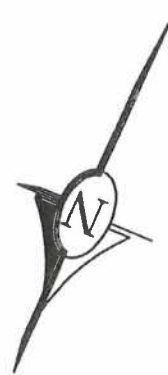
F020504



ANY OTHER NOTES NOTED ON THE
PLANS. THE PLANS CHECK
THESE ARE TO FIELD
COMPLIANCE
WITH THE CITY OF ANY
OTHER CITY.

GP Bayles
SIGNED

01/2/02
DATE



DIMENSIONS SHOWN ARE APPROXIMATE EXCEPT FOR MINIMUMS REQUIRED BY ORDINANCE.
THIS PLOT DOES NOT REFLECT AS BUILT CONDITIONS AND MAY VARY FROM THIS PLAN.

PLOT PLAN

TREASURE

Homes

A DIVISION OF
PRODUCTION HOMES CORP.

601 COMMERCE DRIVE, SUITE 140, ROSEVILLE, CA. 95678
PHONE (916) 773-5581 FAX (916) 773-5940

Project name and address

ESKATON VILLAGE

GRASS VALLEY, CALIFORNIA

NOTES:

ADDRESS: 114 MALLARD DRIVE

LOT COV: 50.8% APN: 35-58 -62

PLAN NO.: 4220-B LOT SQ. FT.: 3,968

REAR YARD COVERAGE: %

DRAWN BY: R.P. APPROVED BY:

DATE: 10/28/02 SCALE: 1"=20'

LOT 76

ATTACHMENT 2

SITE PLAN

Proposed Deck Site Plan



VICINITY MAP
NOT TO SCALE

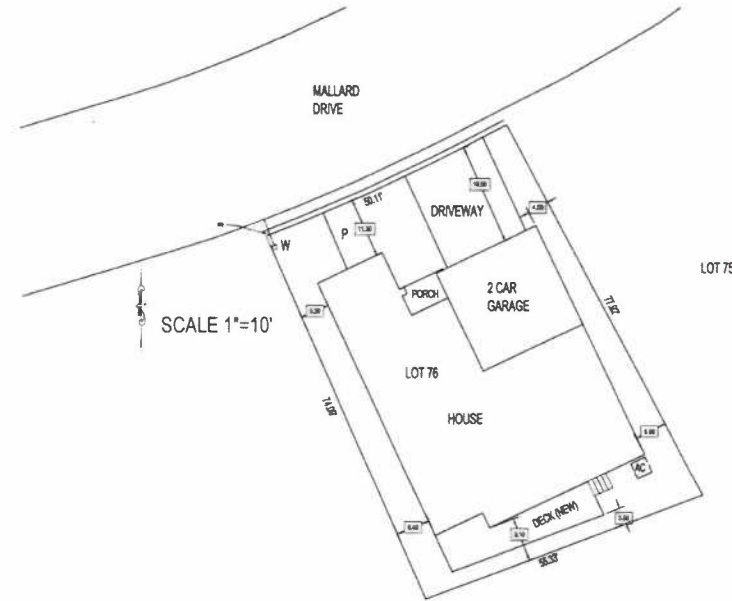
PERMANENT EROSION & SEDIMENT CONTROL NOTES

SEEDING MIXTURES FOR TEMPORARY COVER		
Footcill Areas		
	Lbs./1000 SF	Lbs./Acres (Standard)
1) Annual Ryegrass	1	24
2) Ryegrass	4	180
Mountain Crest Areas		
	Lbs./1000 SF	Lbs./Acres (Standard)
1) Coastal Ryegrass	2	90
2) Ryegrass	4	180
SEEDING MIXTURES FOR PERMANENT COVER		
Footcill Areas		
	Lbs./1000 SF	Lbs./Acres (Standard)
1) Zoysia Turfgrass	0.2	8
2) Zoysia Turfgrass	0.2	9
3) Zoysia Turfgrass	0.3	12
4) Zoysia Turfgrass	0.2	9
5) Zoysia Turfgrass	0.3	12
6) Zoysia Turfgrass	0.4	15
Mountain Crest Areas		
	Lbs./1000 SF	Lbs./Acres (Standard)
1) Zoysia Turfgrass	0.6	24
2) Zoysia Turfgrass	0.2	8
3) Zoysia Turfgrass	0.2	8
4) Zoysia Turfgrass	0.2	8

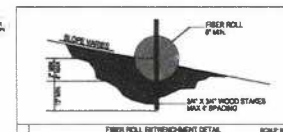
- FERTILIZER - MULCH**
Anhydrous Ammonia: 16-20-0 - Wetland Areas if Hydroponically - Check State
- General Notes**
- 1) Seed & Fertilizer shall be applied using broadcast or hydroponic method. If hydroponic, seed rate shall be increased by 25% and nitrogen shall be properly mixed to prevent burn. If broadcast, nitrogen rate shall be an additional 1,000 lbs. on slopes greater than 3.5%. Other nutrients such as potash or sulfur shall be applied to soil materials in place and nitrogen is established. These methods shall be used as required by site conditions.
 - 2) All establishment techniques except seeding shall be limited within thirty days of the grading work. Seed fertilizer & mulch shall be applied between September 15 and October 15.
 - 3) Once seed and mulch are applied, it shall be provided at all times including evenings, weekends and holidays. At least one mobile unit with a minimum capacity of 1,000 gallons shall be available for applying water on the project area, as required by site conditions.
 - 4) All erosion control shall be in place prior to start of work.
 - 5) All erosion control shall be performed during excavation.
 - 6) All berms 3:1 (or steeper) will be seeded & mulched during access activity, applicable between October 15 & May 1 only.
 - 7) Severe erosion is not recommended for steep slopes w/ 3:1 or steeper.
 - 8) Slope facing is recommended for bottom end steep slopes.
 - 9) Severe erosion is not recommended for steep slopes w/ 3:1 or steeper.
 - 10) Erosion control blankets are recommended for steep slopes w/ 3:1 or steeper.
 - 11) Land disturbance greater than 1 acre (43,560 SF) requires filing of a NOI report.
 - 12) The application of mulch is necessary to reduce the impact of rainfall, help hold soil in place, and provide a water and nutrient source for seed germination. The mulch should be applied in such a manner that 80-100% of the surface is covered to a depth of 1-2 inches. The more summer mulch used in clean green areas, it should be applied at the rate of 2 tons per acre. This rate is equivalent to:

AREAS OF DISTURBANCE		
1) EXISTING DRIVEWAY: 304 S.F.		
2) EXISTING HOUSE: 15935 S.F.		
3) EXISTING PORCH: 35 S.F.		
4) NEW DECK AND WALKWAY: 240 S.F.		
TOTAL AREAS OF DISTURBANCE: 160 S.F.		
TOTAL IMPERVIOUS AREAS: 0 S.F.		
TOTAL LOT SIZE: 3968 SF		
TOTAL % OF LOT DISTURBED: 4%		

PROJECT SCOPE:
1. REPLACES OLD DECK WITH NEW AND CONSTRUCT 1/2" OF NEW ADDITIONAL DECK.



DETAILS



Deck Elevation

SCALE 1/4" = 1'

The diagram illustrates the side elevation of a deck structure. Key components labeled include:

- RAILINGS WITH 1" HORIZONTAL SPACES OF BALUSTS**: Points to the railing system.
- POSTS (TYP)**: Indicates typical vertical support posts.
- STRINGER**: Labels the horizontal beam supporting the deck boards.
- JOIST**: Labels the structural members beneath the stringer.
- FINISHED GRADE**: Shows the ground level at both ends of the deck.
- DOWN SLOPE**: A note indicating the direction of water runoff from the deck surface.

[illegible]

KITUS ADDRESS

035-480-062

THIS PROJECT SHALL CONFORM TO THE 2019 CBC, CBC, CFC, CFC, CPC, IZ4
SCALE
AS NOTED
RELEASE DATE
3/20/2023
SHEET #
S1

11-11-2022 - INITIAL RELEASE

DF = DOUGLAS FIR LARCH NORTH
P7 = PRESSURE TREATED

January 17, 2023

Lance Lowe
Principal Planner
Community Development Department
City of Grass Valley, California

125 East Main Street
Grass Valley, CA 95945

RE: 114 Mallard Drive
Grass Valley, CA 95945
Eskaton Village

Dear Mr. Lowe,

I am the contractor of the above captioned property and, as such, am requesting a set-back variance on the back property line.

This property is unique in that it is smaller than many of its neighbors and as such is depriving the property of the ability to construct a decent, usable back deck. The HOA has previously mailed you the Plot Plans on several nearby properties that were allowed to increase the size of their decks. The Plan on 122 Mallard was submitted simply to show that it is clearly large enough to modify its deck should the homeowner want to do so. With the exception of 126 Mallard, all of the lots back up to the Common Area Open Space on which no development will occur.

You have plans before you to increase this deck by approximately 144 square feet. I am asking for permission to build the new deck as deep into the set-back line as possible. Allowing this minor variance will cause no interference with neighboring properties and will put this property on an equal footing with its neighbors.

I thank you in advance for your consideration.

Conor Farrell
CSF Construction
CSL#796799
875 Idaho Maryland Road
Grass Valley, CA 95945
(530) 913-0117

ATTACHMENT 4

March 30, 2023

Lance Lowe
Principal Planner
Community Development Department
City of Grass Valley, California

125 East Main Street
Grass Valley, CA 95945

RE: 114 Mallard Drive
Grass Valley, CA 95945
Eskaton Village

Dear Mr. Lowe,

I am the President of the Homeowner's Association in Eskaton Village, and, as such, am requesting a set-back variance on a resident's back property line.

This property is unique in that it is smaller than many of its neighbors and as such is depriving the property of the ability to construct a decent, usable back deck. The HOA has previously mailed you the Plot Plans on several nearby properties that were allowed to increase the size of their decks. The Plan on 122 Mallard was submitted simply to show that it is clearly large enough to modify its deck should the homeowner want to do so. With the exception of 126 Mallard, all of the lots back up to the Common Area Open Space on which no development will occur.

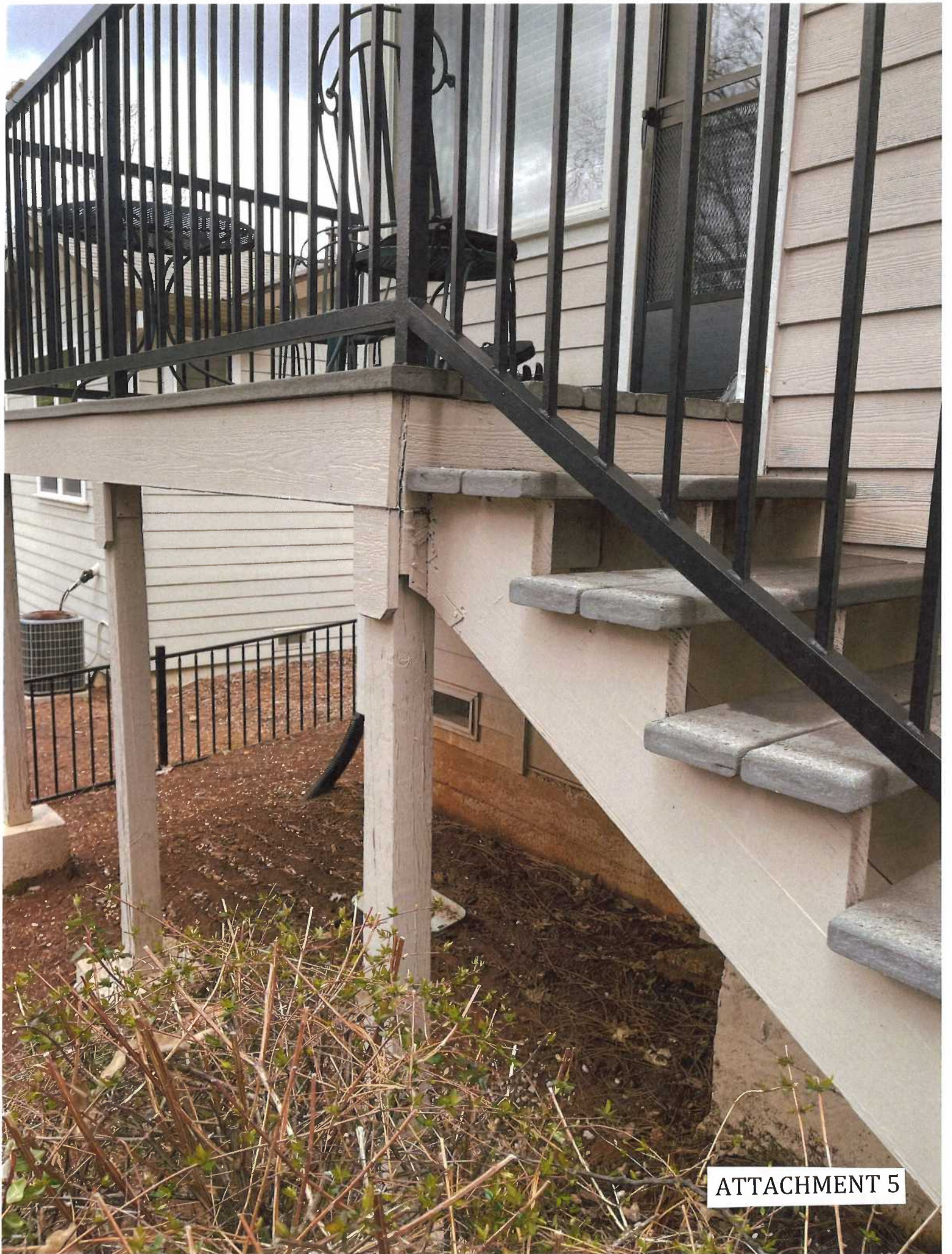
You have plans before you to increase this deck by approximately 144 square feet. I am asking for permission to build the new deck as deep into the set-back line as possible. Allowing this minor variance will cause no interference with neighboring properties and will put this property on an equal footing with its neighbors.

I thank you in advance for your consideration.

Liz Coots
President, 
Eskaton Village Grass Valley Homeowner's Association

505 Eskaton Circle
Grass Valley, CA 95945

530-802-6097



ATTACHMENT 5

