

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2011-004

A resolution conditionally approving Variance No. 2011-008, 7TH Street Properties, applicant. APNs 013-143-010 and 013-143-015.

WHEREAS an application for Variance No. 2011-008 was received on January 5, 2011 from 7th Street Properties, applicant, Larry Laity and Ron Iudice, agents, which requests a variance to the parking standards contained in the Mariposa Town Planning Area Town Plan; and

WHEREAS the purpose of the variance is to not be required to provide one (1) on-site parking space; and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS a duly noticed public hearing was scheduled for the 4th day of March, 2011; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report and draft Notice of Exemption were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and the comments of the applicant,

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby find that the project is exempt from environmental review; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Variance No. 2011-008; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 with the terms and conditions set forth in Exhibit 2.

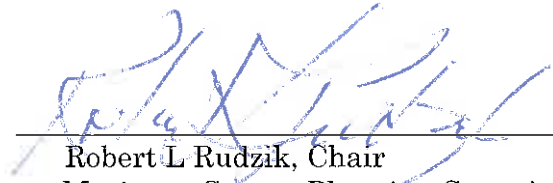
ON MOTION BY Commissioner Francisco, seconded by Commissioner Marsden, this resolution is duly passed and adopted this 4th day of March 2011 by the following vote:

AYES: ROSS, TUCKER, RUDZIK, FRANCISCO, MARSDEN

NOES: NONE

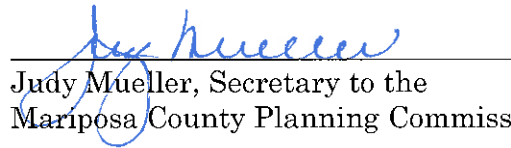
EXCUSED: NONE

ABSTAIN: NONE



Robert L Rudzik, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1

**Project Findings For Variance Application No.
2011-008**

1. **FINDING:** 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 or vicinity. (§17.120.050.A, Mariposa County Zoning Code)

EVIDENCE: The parking district line runs through the middle of the building and does not encompass the entire building. In addition, there is no other case within the town of Mariposa of the parking district boundary line bisecting a building. Both of these create exceptional and extraordinary circumstances or conditions that are applicable to the property involved and which do not apply generally to properties in the same zone or vicinity.

2. **FINDING:** The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the property is located. (§17.120.050.B, Mariposa County Zoning Code)

EVIDENCE: Public welfare will benefit from the improvements being made as a result of the project. Nor will properties in the zone or vicinity be injured as a result of this variance. Rather, properties in the zone and in the vicinity will benefit from this project because the project won't be required to disturb the area near the creek which is located on the subject parcel. In addition, the improvements being made to the building and its immediate use upon granting of this variance will increase the overall aesthetics of the area. Further, the Public Works Department has commented stating they have no concerns over the proposed project. Therefore, it can be found that this project will not be materially detrimental to the public welfare or injurious to the property or surrounding improvements.

3. **FINDING:** The granting of such variance will not adversely affect the comprehensive general plan. (§17.120.050.C, Mariposa County Zoning Code)

EVIDENCE: This property is located within, and is consistent with, the Commercial Zone and Land Use within the Mariposa Town Planning Area Town Plan. The applicants are still required to comply with the Historic Design Review Overlay standards and the requirements contained in the Mariposa Town Planning Area Town Plan regarding all other aspects related to the use of their parcel. The granting of this variance will not adversely

affect the General Plan if the Planning Commission finds that the individual project conditions warrant a deviation from the parking standards.

4. **FINDING:** There are special circumstances applicable to the property in which the strict application of zoning ordinance regulations will deprive the property of privileges enjoyed by other property in the vicinity and under the identical zone. (§17.120.050.D, Mariposa County Zoning Code)

EVIDENCE: The property owners have been paying into the parking district through their taxes since the formation of the district. In addition, as this building is the only building in the parking district that is bisected by the parking district boundary line, the granting of this variance is not a grant of special privilege. Rather, if the request for a variance is denied, the applicants will be deprived of the same privileges enjoyed by other property owners in the vicinity and within the same zone, despite having paid into the parking district for the very purpose of not having to provide on-site parking.

5. **FINDING:** The granting of such variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. (§17.120.050.E, Mariposa County Zoning Code)

EVIDENCE: The granting of this variance will allow the applicants to enjoy the same privileges that properties in the vicinity and zone currently enjoy. Denial of the variance will keep the applicants at a relative disadvantage. The applicants have been paying into the parking district for the purpose of not having to provide on-site parking. The granting of this request for a variance will therefore not constitute any special privilege that others in the vicinity don't already enjoy.

EXHIBIT 2

Project Conditions for Variance No. 2011-008

Applicant: 7th Street Properties / Larry Laity and Ron Iudice

The following conditions were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented.

Sign-Off Checklist for Conditions of Approval		
CONDITIONS OF APPROVAL	<i>MONITORING DEPARTMENT</i>	<i>VERIFIED IMPLEMENTED</i>
1. The applicant will comply with all of the building code and Building Department requirements. (Planning Department Recommendation)	Building Department	
2. Project approval is valid for a period of three (3) years from March 4, 2011. A building permit shall be issued prior to the project expiration date. This approval shall expire on March 4, 2014. A one and a half year (1.5) time extension may be granted for the project if a complete time extension application is submitted prior to the expiration of approval. (Section 17.140.010, Mariposa County Zoning Ordinance)	Mariposa Planning	
3. Applicants shall remain in continuous compliance with the approved Historic Design Review application for this project location. (Planning Department Recommendation)	Planning Department	