



**#12-07 – SPENCE VARIANCE REQUEST  
5471 GRANITE DELL COURT, APN: 044-162-025**

**STAFF REPORT  
PLANNING COMMISSION MEETING OF AUGUST 7, 2012**

**RECOMMENDATION:** Hear staff report, take public comment, discuss the draft findings and amend if necessary and approve Resolution 12-04 per the draft findings in Exhibit A and the conditions of approval Exhibit B.

**REQUEST**

Diane Spence, the owner, requests a Variance (VAR) approval on a 0.155-acre parcel (6,751 sq.ft.) located at 5471 Granite Dell Court, north of King Road and west of Humphrey Road, APN: 044-162-025. The request is to allow a proposed addition to the existing home to encroach 10-feet into the east side-yard setback as well as a 1-foot encroachment into the rear setback. The property is zoned Single-Family Residential-10,000 sq.ft. lot minimum (RS-10) and designated "Residential-Medium Density" in the General Plan. The proposed project, if granted a Variance, can be found to be consistent with the General Plan and the Zoning Ordinance. The project is Categorically Exempt under CEQA Section 15305.

**BACKGROUND**

The property located at 5471 Granite Dell Court was created in 1977 (Granite Dell Subdivision – Book M of Maps, Page 36 – specifically lot 3). This subdivision was approved by Placer County prior to the Town incorporating.

The Granite Dell Subdivision Final Map requires differing front-setbacks for the parcels within the subdivision (these setbacks are shown on the attached Final Map- Book M, Page 36, which has been attached with this report). The Town has no records on file indicating that the side-yard setbacks are 5-feet minimum on each side (10-feet total) as has been expressed by the project applicant in her submitted letter (see attachment 2). With that being stated, the Placer County Zoning Ordinance in-effect in 1977 may have allowed such side setbacks to be 5-feet on each side. Furthermore, looking at the aerial (attached), it appears that the majority of the homes located within this subdivision have their homes located  $\pm$ 5-feet from side property lines.

However, the parcel is now under the jurisdiction of the Town of Loomis and must comply with the Town's current setbacks standards. For the RS-10 zoning district, side setbacks are the following: (per §13.24.040, Table 2-4) - "Both interior side setbacks shall total a minimum of 20-feet, with neither side less than 5-feet."

## PROJECT DESCRIPTION

**Site:** 5471 Granite Dell Court, APN: 044-162-025, 0.155-acres (6,751 sq.ft.), RS-10 zone

### Surrounding Uses and Zoning:

**North** – Residential parcels, RS-10 zoning

**East** – Residential parcels, RS-10 zoning

**South** – Residential parcels, RS-10 and RR (1-acre minimum) zoning

**West** – Residential parcels, RS-10, RR, and RA (4.6-acre minimum) zoning

### Existing Setbacks: Legal non-conforming with existing setback standards.

<b>Side (west)</b> –	5 feet	
<b>Side (east)</b> –	12.5 feet	<u>17.5-foot total side setbacks</u>
<b>Front (south)</b> –	20 feet	
<b>Rear (north)</b> –	20 feet	

### New Setbacks if Variance is Approved:

<b>Side (west)</b> –	5 feet	
<b>Side (east)</b> –	5 feet	<u>10-foot total side setbacks</u>
<b>Front (south)</b> –	20 feet	
<b>Rear (north)</b> –	19 feet	

### Improvements/Utilities/Service Systems:

**Sewer** - SPMUD

**Water** - PCWA

**Gas/Electric** - PG&E

**Trash** - Recology Auburn Placer

## ISSUES

**Required Findings:** Required findings must be made by the Planning Commission if the variance is to be approved. The required findings are listed below:

### ***13.62.060 - Variance and minor variance.***

(See attachment 6 for the full text of section 13.62.060)

**Findings and Decision.** The review authority may approve a variance or minor variance, with or without conditions, only after first making all of the following findings, as applicable.

#### 1. **General Findings.**

**a.** There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict

application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;

**b.** Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought; and

**c.** The variance is consistent with the general plan and any applicable specific plan.

**Staff's Draft Findings:**

- a. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district; Other property/home owners located in the Granite Dell Subdivision have homes that currently sit 5-feet from each side property line (10-foot total).
- b. Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought; Granting the variance gives the property owner the same standards that neighbors developed their residences to.
- c. The variance is consistent with the general plan and any applicable specific plan. Yes.

**Environmental Review:**

This project is proposed for approval through the issuance of a Notice of Exemption under provisions of the California Environmental Quality Act, Section 15305.

**RECOMMENDATION:** Hear staff report, take public comment, discuss the draft findings and amend if necessary and approve Resolution 12-04 per the draft findings in Exhibit A and the conditions of approval Exhibit B.

**ATTACHMENTS:**

1. Application #12-07
2. Letter from the property owner (Diane Spence) explaining her request
3. Draft resolution, findings, and conditions of approval
4. Site plan and building elevations showing the proposed addition
5. Aerial photo, Granite Dell Subdivision Final Map, and Assessor's Parcel Map of project site and surrounding properties
6. Section 13.62.060 (Variance and Minor Variance) of the Loomis Municipal Code

NOTE: Notice published in paper 7/5/12 and mailed to neighbors 7/5/12

916-652-6480  
home

916-759-8561  
(cell)

Att. 1



# TOWN OF LOOMIS

6140 Horseshoe Bar Rd, Suite K  
Loomis, CA 95650  
(916) 652-1840 FAX (916) 652-1847

For Town Use

File Number #12-07

Application Fee(s) \$1507

Receipt # \_\_\_\_\_ Date 5/2/12

Date Received 5/12/12

Paid \$ 1507

## PLANNING DEPARTMENT

## Planning Application

1. Project Title: Remodel/addition to the existing Spence Residence - VARIANCE (SETBACK)

2. Street Address/ Location: 5471 Granite Dell Ct., Loomis, CA 95650

3. APN(s): 044-162-025 Acreage: .155 Acres

Zoning: RS-10 General Plan Designation: SINGLE FAMILY RES. - 10,000 sq. ft. maximum

Current Site Use: Single Family Residential

Surrounding Land Use(s): Single Family Residential

4. Property Owner: Diane Spence

Address: 5471 Granite Dell Ct., Loomis, CA 95650  
City State Zip

Telephone: 916-652-6480 email: \_\_\_\_\_

5. Project Applicant: Diane Spence

Address: Same as above.  
City State Zip

Telephone: \_\_\_\_\_ email: \_\_\_\_\_

6. Project Engineer/Architect: J. Lee Buckingham, Architect

Address: 13620 Lincoln Way, Ste 200, Auburn, CA 95603  
City State Zip

Telephone: (530) 886-0750 email: leebeck@inreach.com

7. What actions, approvals or permits by the Town of Loomis does the proposed project require?

- |                          |                             |                                     |                           |
|--------------------------|-----------------------------|-------------------------------------|---------------------------|
| <input type="checkbox"/> | Appeal                      | <input type="checkbox"/>            | Miscellaneous Permit      |
| <input type="checkbox"/> | Certificate of Compliance   | <input type="checkbox"/>            | Planned Development       |
| <input type="checkbox"/> | Conditional Use Permit      | <input type="checkbox"/>            | Second Unit Permit        |
| <input type="checkbox"/> | Design Review               | <input type="checkbox"/>            | Sign Review               |
| <input type="checkbox"/> | Development Agreement       | <input type="checkbox"/>            | Tentative Review          |
| <input type="checkbox"/> | Environmental Review        | <input type="checkbox"/>            | Minor Land Division       |
| <input type="checkbox"/> | General Plan Amendment      | <input type="checkbox"/>            | Subdivision               |
| <input type="checkbox"/> | Hardship Mobile Home Permit | <input checked="" type="checkbox"/> | Variance                  |
| <input type="checkbox"/> | Lot Line Adjustment         | <input type="checkbox"/>            | Zoning Amendment (Rezone) |
| <input type="checkbox"/> | Other _____                 |                                     |                           |

8. Does the proposed project need approval by other governmental agencies?

Yes  no if yes, which agencies? Building Department

9. Which agencies/utilities provide the following services to the project? (Please note if not hooked up to sewer or water)

Electricity	<u>Pacific Gas &amp; Electric</u>	Natural Gas	<u>Pacific Gas &amp; Electric</u>
Fire Protection	<u>Loomis Fire District</u>	Water/Well	_____
Sewer/Septic	_____	Telephone	<u>AT&amp;T</u>

High School Placer Union High School District. Elem. School Loomis Union Elem Sch. Dist.  
Other \_\_\_\_\_

10. **The Town had informed me of my responsibilities pursuant to California Government Code, Section 65962.5(f), regarding notifying the Town of hazardous waste and/or hazardous substance sites on the project site. I have consulted the lists consolidated by the State Environmental Protection Agency dated \_\_\_\_\_ and find:** Regulatory identification number \_\_\_\_\_

Date of list \_\_\_\_\_ No problems identified \_\_\_\_\_

Type of problem \_\_\_\_\_

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Dated \_\_\_\_\_ Applicant \_\_\_\_\_

11. **Project Description (Describe the project so that a person unfamiliar with the project would understand the purpose, size, phasing, duration, required improvements, duration of construction activities, surrounding land uses, etc. associated with the project. Attach additional pages as necessary.)** Owner is attempting to put an addition on to her existing residence but is

being restricted by the existing side yard setback of a total of 20' with a minimum of 5' on a side. On the original map for the subdivision, the side yard setbacks are 5' on each side. Looking around the neighborhood, it is obvious that many of the other residences were built with 5' side yard setbacks. Owner is requesting a variance to the setbacks to allow her addition and conformance with other residences.

12. **Owner Authorization:**

I hereby authorize Virginia Diane Spence, the above-listed applicant, to make applications for project approvals by the Town of Loomis, regarding the above-described project and to receive all notices, correspondence, etc., from the Town regarding this project. I also hereby authorize the town staff to place a noticing board (approximately 4' x 3') on my property, visible from the street, at least ten (10) days prior to the first hearing on my project, and for subsequent hearings as determined necessary by the Planning Director.

Signature(s) of Owner(s)

Printed Name(s)

\* Virginia Virginia Diane Spence \_\_\_\_\_  
Date 6/5/12

13. **Applicant and/or Owner Hold Harmless:**

Owner, and Applicant (if different from Owner), agrees to hold Town harmless from all injuries, damages, costs and expenses, including attorney's fees resulting from the negligence of owner, and Applicant (if different from Owner), and their employees, contractors, subcontractors and agents, in connection with any proceeding brought in any State or Federal court with respect to the applicant's project.

Signature(s) of Owner(s)

Printed Name(s)

\* Virginia Diane Spence Virginia Diane Spence \_\_\_\_\_  
Date 6/5/12

14. **Applicant and/or Owner Acknowledgment:**

Owner/Applicant expressly agree they are solely responsible for assuring compliance with all applicable laws, rules, regulations, and practices required to implement this development, and that Town staff's errors or omissions in explaining what is required, whether on this application form or otherwise, do not establish a basis for Owner/Applicant failing to comply with all such laws, rules, regulations and practices.

Signature(s) of Owner(s) and/or Applicant

Printed Name(s)

Virginia Diane Spence Virginia Diane Spence \_\_\_\_\_  
Date 5-2-12

ATT. 2  
RECEIVED

APR 04 2012

TOWN OF LOOMIS

REQUEST FOR VARIANCE

VIRGINIA DIANE SPENCE

LOT 3, GRANITE DELL SUBDIVISION

I am writing this statement to clarify why I believe you should grant me a variance for the above described property commonly known as 5471 Granite Dell Court, Loomis, CA 95650. I am the original owner of this property and was one of the partners that originally developed this property when it was in the unincorporated area of Placer County. At the time I took ownership of the lot the setback lines were discussed with each buyer of every lot. They were as follows: 25' at the front, 5' at the side yards, and 20' from the back property line. The shape of my lot would allow me to make the small home addition I need to have a more enjoyable living space for my grandson and me who I am raising. Even with the variance I would have more than 5' at most of my side yard lines. I cannot accommodate your 20' side yard ordinance because of the shape and size of my lot. At this time I would like to point out that many of my neighbors are enjoying the full use of their properties and are not meeting the 20' ordinance for side setback lines. Therefore if I do not receive the variance I cannot enjoy the same quality of life that my neighbors are enjoying. I would like to tell you why I chose to move to this property in your town 5 years ago. I was in a terrible position having to end my marriage and raise my grandson or give my grandson up and continue in my marriage. I chose to keep my grandson and investigated your town and the schools and compared them with Rocklin and Roseville where I also own properties. I was so impressed with your schools and the general sense of well-being I felt in your town that I decided to move into my property at Granite Dell Court. I have saved for 5 years in order to make the additions to this property that will allow my grandson and me to have friends and family over for BBQ and fellowship. This is not a lot of space but it is crucial to expand our living room to accommodate more than 4 people. I have worked diligently on my yard to finally bring it into a much more attractive condition than when I moved in, as well as, painted all of the rooms in my house, and put in more attractive window coverings. I plan on staying in Loomis until I cannot live on my own any longer. Your community has been a blessing on both my grandson and me. He has done extremely well in your local school and will be graduating with honors on June 12<sup>th</sup> from the 8<sup>th</sup> grade. He is scheduled to attend Del Oro in the fall. I participate in the school as much as I can and buy everything I can from the local merchants, in this way I feel I am participating in community with the town. Please grant my request for a variance, so my grandson and I can continue to grow and prosper in your fine town of Loomis.

Very truly yours,

  
Virginia Diane Spence

**RESOLUTION NO. 12-04**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING A VARIANCE FOR VIRGINIA DIANE SPENCE TO ALLOW A HOME ADDITION TO ENCROACH 10-FEET INTO THE EAST SIDE-YARD SETBACK AND 1-FOOT INTO THE REAR SETBACK AT 5471 GRANITE DELL COURT, ASSESSOR'S PARCEL NUMBER 044-162-025.

**WHEREAS**, Virginia Diane Spence, the owner, has requested a variance approval at 5471 Granite Dell Court, Assessor's Parcel Number 044-162-025, such application being identified as #12-07; and

**WHEREAS**, on August 7, 2012, the Planning Commission conducted a public hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

**WHEREAS**, the Planning Commission reviewed and considered the staff report relating to said application, the plans, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

**WHEREAS**, the Planning Commission of the Town of Loomis hereby makes the findings attached herein as Exhibit A in connection with the conditions set forth in Exhibit B.

**NOW THEREFORE**, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of August 7, 2012, did resolve as follows:

1. The project is Categorically exempt under CEQA section 15305.
2. The proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
3. The project application #12-07 is hereby approved per the findings set forth in Exhibit A and the conditions set forth in Exhibit B.

ADOPTED this 7th day of August, 2012, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

\_\_\_\_\_  
Mike Hogan, Chairman

\_\_\_\_\_  
Matt Lopez, Assistant Planner

**DRAFT EXHIBIT A**  
**FINDINGS**  
**8/7/2012**

VARIANCE:

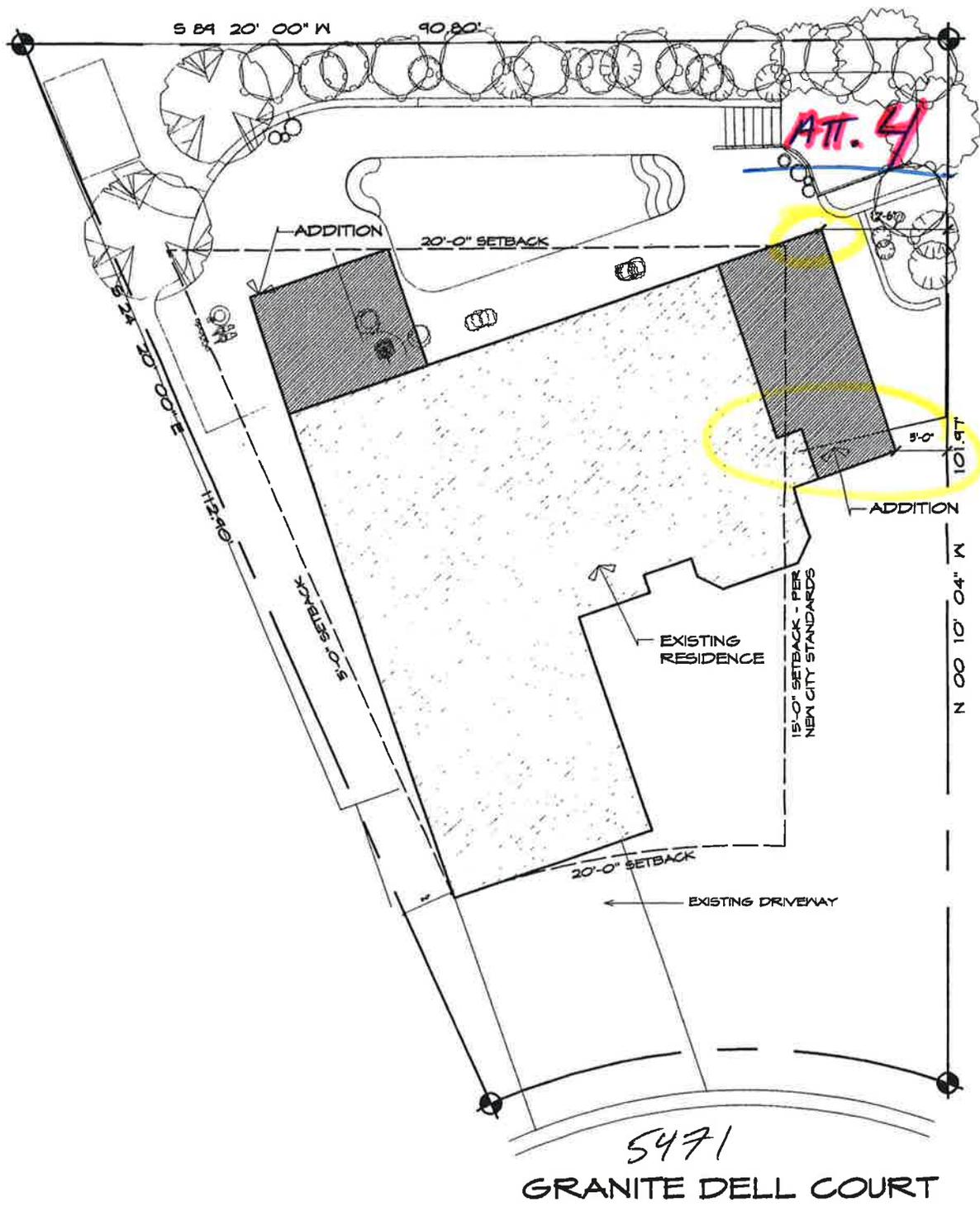
- a. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district; Other property/home owners located in the Granite Dell Subdivision have homes that currently sit 5-feet from each side property line (10-foot total).
- b. Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought; Granting the variance gives the property owner the same standards that neighbors developed their residences to.
- c. The variance is consistent with the general plan and any applicable specific plan.  
Yes.

**EXHIBIT B**  
**RECOMMENDED CONDITIONS OF APPROVAL**  
**PLANNING COMMISSION**  
8/7/12

This Variance request is approved for Virginia Diane Spence to allow additional living area (addition to house) to encroach 10-feet into the east side-yard setback and 1-foot into the rear setback at 5471 Granite Dell Court, Assessor's Parcel Number 044-162-025, per the following conditions. This approval expires on August 7, 2014, unless extended by the Planning Commission.

**GENERAL CONDITIONS**

1. \_\_\_\_\_ Owner shall comply with all applicable provisions of the Town of Loomis Municipal Code. **[ADVISORY]**
2. \_\_\_\_\_ The owner shall indemnify, exonerate and hold harmless the Town of Loomis and all officers and employees thereof against all claims, demands and causes of action arising out of improvements constructed within this project. **[ADVISORY]**
3. \_\_\_\_\_ The conditions of approval of the application shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, which may or may not be shown on the map or improvement plans. **[ADVISORY]**
4. \_\_\_\_\_ A building permit for the proposed addition must be approved by the Town prior to any construction activity on the property. The proposed addition will not be permitted to be located any closer than 5-feet from the east-side property line and 19-feet from the rear property line.



**ATT. 4**

**SITE PLAN**

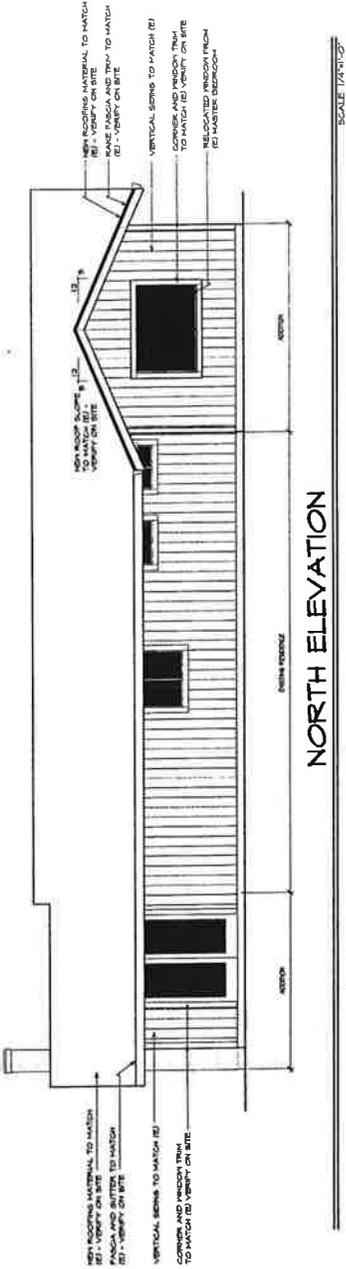


RECEIVED

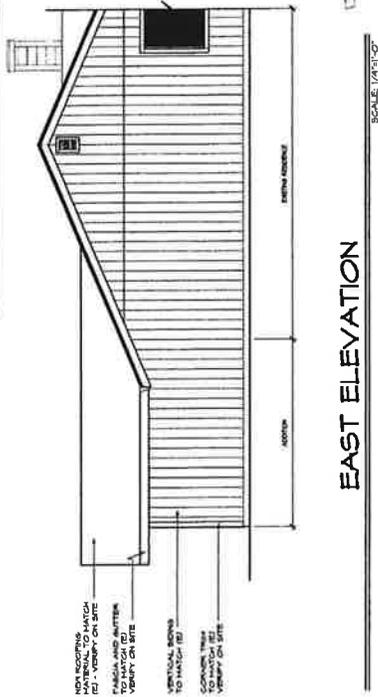
APR 04 2012

TOWN OF LOOMIS

*NOT TO SCALE*



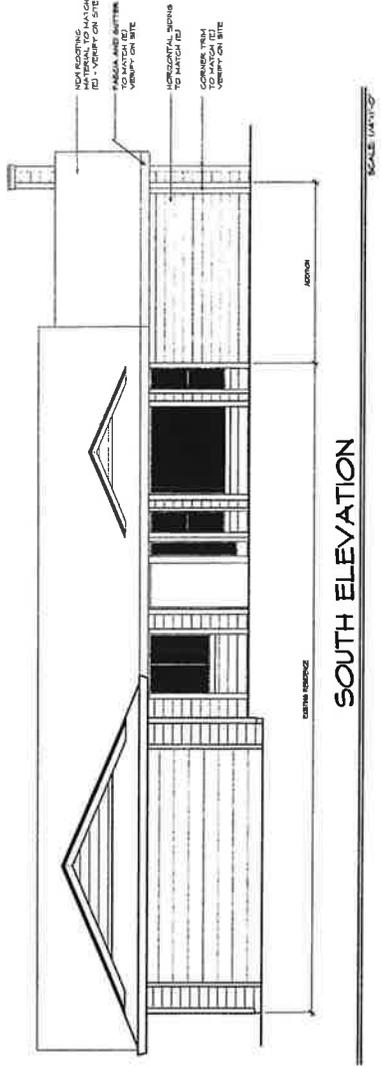
NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



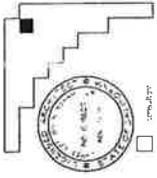
SOUTH ELEVATION

RECEIVED

APR 04 2012

TOWN OF LOOMIS

Not To Scale



J. Lee Buckingham, AIA  
 13620 Lincoln way, suite 200  
 Auburn California 95603  
 530 228 0750  
 5 9627

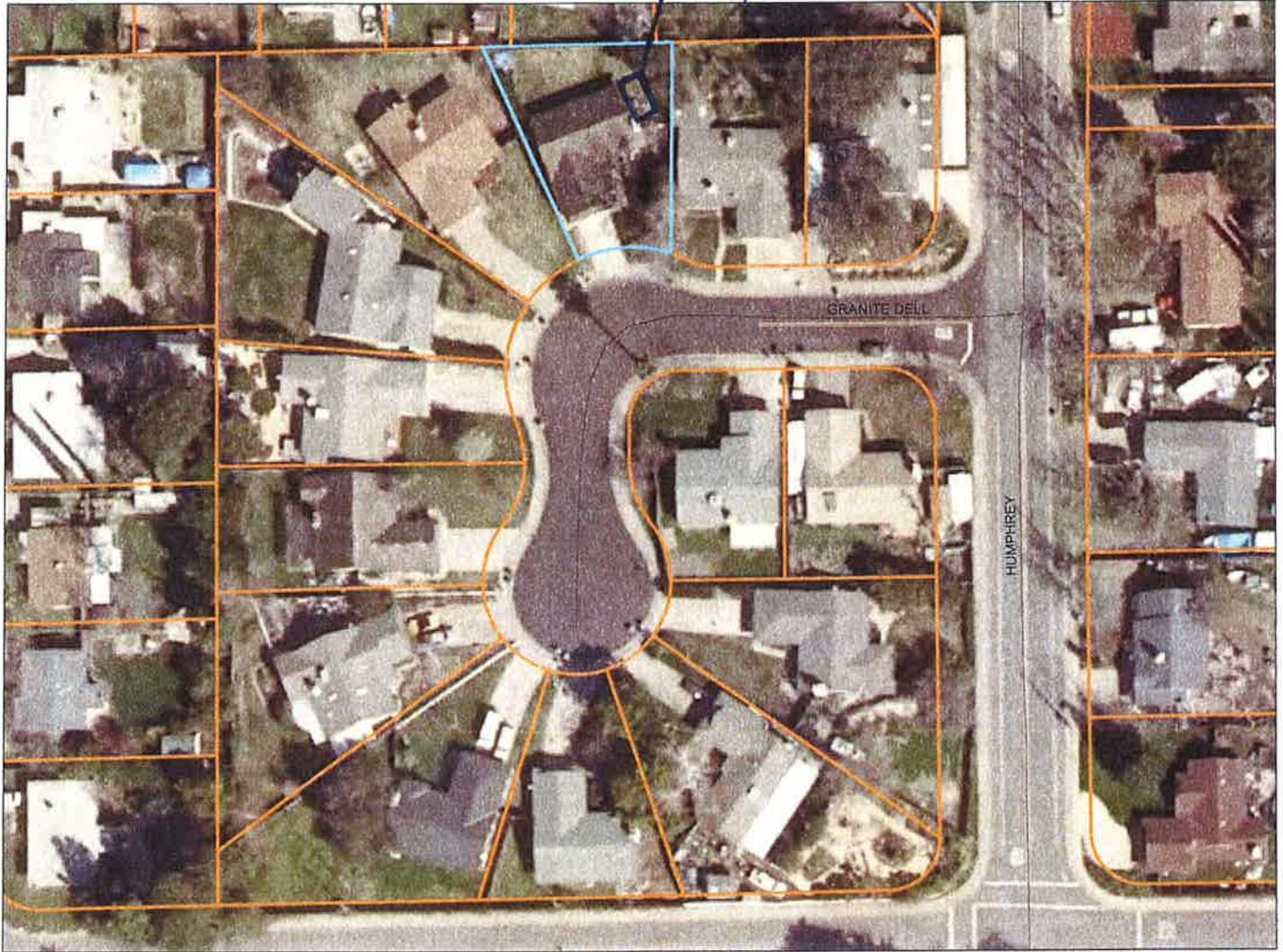
DIANE SPENCE  
 PROJECT: REMODEL AND ADDITION FOR

- 30' x 11'
- 08' x 15'
- 04' x 11'

A2

Sheet 1 of 1

Proposed  
ADDITION  
REQUIRING  
A VARIANCE  
\* (NOT TO SCALE)



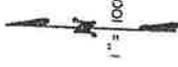
# AERIAL OF GRANITE DELL SUBDIVISION

NOTE: PROPERTY LINES SHOWN ARE NOT EXACT.

# Assessor's MAP

POR. S.W. 1/4 SEC. 4 T.11N. R.7E M.D.B. & M.  
 RIDGEVIEW SUBDIVISION UNIT I M.O.R. Bk. H Pg. 4  
 Parcel Map M.O.R. Vol. 2, Pg. 129  
 Parcel Map M.O.R. Bk. 7, Pg. 46  
 Parcel Map O.R. Bk. 7, Pg. 123  
 Parcel Map M.O.R. Bk. 8, Pg. 65  
 GRANITE DELL SUBDIVISION M.O.R. Bk. M, Pg. 36  
 Parcel Map M.O.R. Bk. 28, 138

44-16



TRACT NO. 407

# GRANITE DELL SUBDIVISION

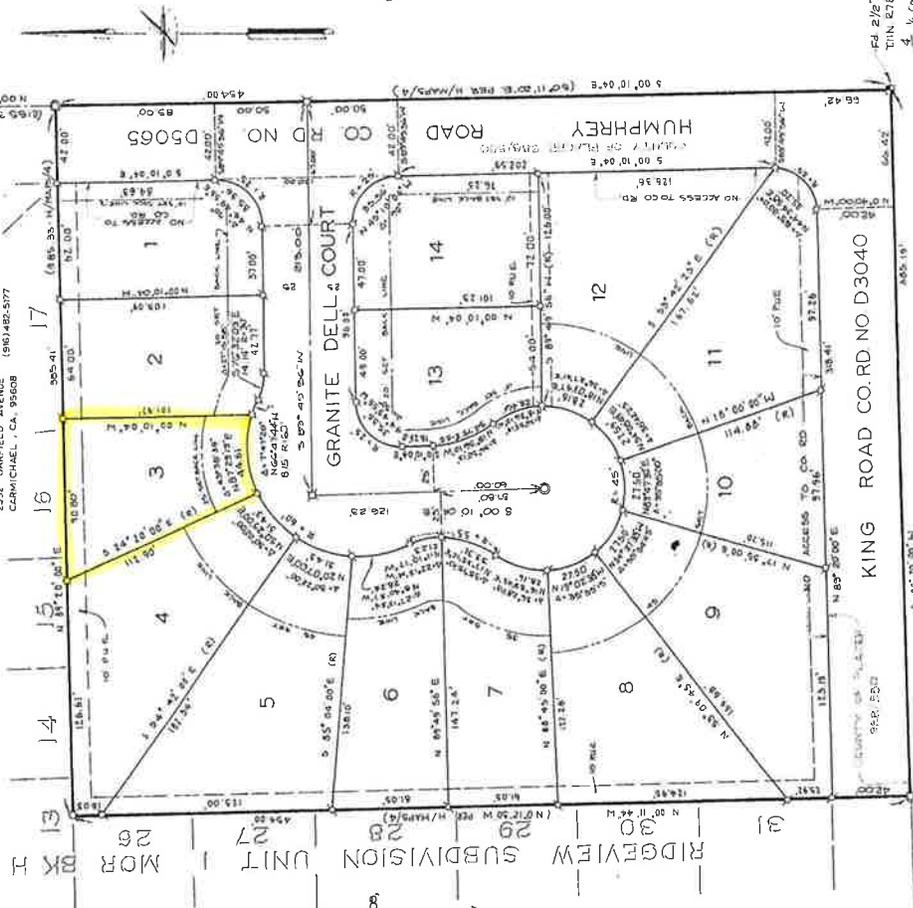
PORTION OF THE E. 1/2 OF THE SE. 1/4 OF THE SW. 1/4 OF SEC. 4 T. 11 N., R. 7 E., M. D. B. & M.

COUNTY OF PLACER, CALIFORNIA  
 JULY 1977 • SHEET 2 OF 2 • SCALE: 1" = 40'

LAND PLANNING AND SURVEYING  
 GARDNER ASSOCIATES  
 2532 GARFIELD AVENUE  
 CARMICHUEL, CA. 95608  
 (916) 482-5177

Center of Section Per 6/19417  
 Bears N 1° 45' 14" W, Not Accepted  
 Pl. 2' Brass Cap Stamped  
 T.I.N.R.T.E. 2 1/4" Dia. Sec. 4  
 L.S. 95336 1972

MOR BK H PG 4  
 UNIT 1  
 RIDGEVIEW SUBDIVISION  
 UNIT 27  
 UNIT 28



**BASIS OF BEARING**

THE BASIS OF BEARING OF THIS SURVEY IS IDENTICAL WITH PARCEL MAP NO. 70057 RECORDED IN BK 2 OF PARCEL MAPS AT PG. 77 OFFICIAL RECORD, PLACER COUNTY AND WAS BASED ON THE MONUMENTS SHOWN AS FOUND.

NOTE:  
 1) THE DEED TO THIS LAND IS RECORDED IN VOL. 1495 PAGE 694.  
 2) MONUMENTS ALONG BOUNDARY OF RIDGEVIEW SUBDIVISION SEARCHED NONE FOUND.

- LEGEND**
- SET 3/4" REBAR TAGGED L.S. 2901 FOUND POINT AS NOTED
  - DIMENSION POINT
  - RADIAL
  - SET MONUMENT 3/8" COPPER WELD MARKED L.S. 2901
  - SET 2" BRASS DISC IN MONUMENT BOX MARKED L.S. 2901

Pl. 2 1/2" Brass Cap Stamped  
 T.I.N.R.T.E. 2 1/4" Dia.  
 L.S. 95336 1972

Pl. 2 1/2" Brass Cap Stamped  
 T.I.N.R.T.E. 2 1/4" Dia.  
 L.S. 95336 1972



**Loomis Municipal Code****Up****Previous****Next****Main****Search****Print****No Frames**Title 13 ZONINGDivision 6 PLANNING PERMIT PROCEDURESChapter 13.62 - PERMIT APPROVAL OR DISAPPROVAL

Att: 6

**13.62.060 - Variance and minor variance.**

A. **Purpose.** This section allows variances from the development standards of this title only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical conditions, the strict application of the standards denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district.

B. **Applicability.** A variance may be granted to waive or modify any requirement of this title except: allowed land uses; residential density; specific prohibitions (for example, prohibited signs), or procedural requirements.

C. **Review Authority.** A variance application shall be reviewed, and approved or disapproved by the commission, except that the director may grant a minor variance to reduce any of the following requirements of this title up to a maximum of twenty-five percent.

1. Distance between structures;
2. Parcel dimensions (not area);
3. Setbacks;
4. Structure height;
5. On-site parking, loading, and landscaping; or
6. Sign regulations (other than prohibited signs).

The director may choose to refer any minor variance application to the commission for hearing and decision.

D. **Application Filing and Processing.** An application shall be filed in compliance with Chapter 13.60. It is the responsibility of the applicant to provide evidence in support of the findings, as required by subsection F.

E. **Project Review, Notice and Hearing.** Each application shall be reviewed by the director to ensure that the proposal complies with this section, and all other applicable requirements of this title.

1. **Variance.** The commission shall conduct a public hearing on an application for a variance prior to a decision. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 13.78.

2. **Minor Variance.** Prior to a decision on a minor variance, the town shall provide notice of a public hearing in compliance with Chapter 13.78. The notice shall state that the director will decide whether to approve or disapprove the minor variance application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person prior to the specified date for the decision. When a hearing is requested, notice of the hearing shall be provided in compliance with Chapter 13.78, and the director shall conduct the public hearing prior to a decision on the application in compliance with Chapter 13.78.

F. **Findings and Decision.** The review authority may approve a variance or minor variance, with or without conditions, only after first making all of the following findings, as applicable.

1. **General Findings.**

- a. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this title denies the



property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;

b. Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought; and

c. The variance is consistent with the general plan and any applicable specific plan.

2. **Findings for Off-Street Parking Variances.** For a nonresidential development project proposing to locate a portion of the required parking at an off-site location, or provide in-lieu fees or facilities instead of the required on-site parking spaces, the review authority shall first make both of the following findings, as required by Government Code Section 65906.5, instead of those required by subsection (D)(1) above.

a. The variance would be an incentive to, and a benefit for, the subject nonresidential development; and

b. The variance would facilitate access to the subject nonresidential development by patrons of public transit facilities.

3. **Finding for Reasonable Accommodation.** The review authority may also grant a variance to the site planning or development standards of this title in compliance with this section, based on the finding that the variance is necessary to accomplish a reasonable accommodation of the needs of a disabled person in compliance with the Americans with Disabilities Act (ADA).

**G. Conditions of Approval.** In approving a variance, the review authority:

1. Shall impose conditions to ensure that the variance does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located; and

2. May impose any reasonable conditions (e.g., the placement, height, nature and extent of the use; buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, etc.) to ensure that the approval complies with the findings required by subsection F.

**H. Post Approval Procedures.** The procedures and requirements in Chapter 13.64, and those related to appeals and revocation in Division 7, shall apply following the decision on an application for a variance or minor variance. (Ord. 205 § 1 (Exh. A), 2003)