



# City of Nevada City

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**TO:** Planning Commission

**FROM:** Cindy Siegfried, City Planner

**DATE:** July 30, 2010

**RE:** Architectural Review Application – 540 North Pine Street  
Owners Evans Phelps and Dieter King are proposing construction of a new home and garage on the property known as 540 North Pine Street. To do this, several applications are required as follows:

1. Lot line adjustment between the two parcels (taking away 0.14 acre from 550 North Pine and adding that to 540 North Pine. The lot line adjustment will preserve tree coverage and provide new access off of School Street. The 550 North Pine Street parcel contains a home. The 540 North Pine Street contains a permitted swimming pool and shed.
2. Variance application to allow construction of the home and garage and the garage will be located in the new front 30-foot setback from School Street.
3. Architectural Review application for the new home and garage.
4. Tree Removal application to remove 12 trees and the owner has submitted a detailed landscaping plan.

<b>ZONING:</b>	R1 – Single family Residential
<b>SETBACKS:</b>	30 feet front, 25 feet rear, 5 feet interior street side
<b>TREE REMOVAL:</b>	12 trees are proposed to be removed including a 48-inch Chestnut tree
<b>PARKING:</b>	Two off-street spaces are required; four are proposed
<b>OTHER:</b>	The permitted lot coverage is 50% of the site. The building height limit is 35 feet.
<b>PARCEL NOS.:</b>	05-075-12 = 550 North Pine = 0.94 acre 05-075-13 = 540 North Pine = 0.32 acre
<b>LOT COVERAGE:</b>	50% (the proposed impervious area is just under 50%)

**DESCRIPTION:** The owners of the property are proposing construction of a 1900 square foot new home, on a 0.32 acre parcel located at 540 North Pine Street. The property has a pool area consisting of a 70-foot lap pool, an extensive concrete pool patio area, an existing shed and landscaping. The construction will require 12 trees to be removed and the owner has submitted a landscaping plan. Access to the site is proposed to be taken from School Street by a new driveway and this access will become the front yard and a resulting building setback of 30 feet. As the new garage is proposed 12 feet from the property line, a variance is being requested due to the topography of the site. Finally, a boundary line adjustment between the two parcels is proposed in order to include all improvements on one parcel and to create an enhanced building site.

The property owner resides at the existing residence at 550 North Pine Street and no improvements or tree removal is proposed to occur at this site.

An architectural review application is included with elevations and building materials for the new home.

### **Variance Application**

The variance application is required as the proposed garage will encroach into the new front yard setback off School Street. The garage will be 24 feet by 28 feet which totals 672 square feet. The owner has submitted an exhibit indicating several garages along School Street, North Pine or Main Street that encroach into the setback. Access from North Pine Street to this parcel cannot be obtained due to existing retaining walls.

The property was created by a Parcel Map recorded in 1983 and the City required a 12-foot dedication for public utility and road purposes along the property line along School Street. The City Engineer has stated that the City has no current or future plans to widen School Street.

The proposed house will meet the setbacks but due to the existing pool and patio areas, the garage can be located on the site only if it encroaches 12 feet into the front yard setback.

The City's zoning ordinance, Section 16.30, provides findings that allow for granting of a variance, which include:

1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, where the strict application of the Ordinance deprives such property of privileges enjoyed by other properties in the area and within the same zoning;
2. The variance would not grant special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district.

The owner cites several garages that were constructed into the setbacks along School Street, North Pine and Main Street. Due to the access and topographical constraints, the owner is requesting approval of the variance.

### **Lot Line Adjustment Application**

A lot line adjustment application is included in this project which would take a portion of the 550 North Pine Street property and add it to the 540 North Pine Street parcel, as illustrated below:

550 No. Pine Street currently is .94 acre and would become .80 acre.  
540 No. Pine Street currently is .32 acre and would become .40 acre.

The Subdivision Map Act provides standards for lot line adjustments and can be approved at staff level, however this will go before the Commission as it is a part of the whole project. The City Engineer and Director of Public Works have no concerns with the adjustment and the parcels will remain compliant with the R1 zoning district minimum lot size of 10,000 square feet.

Several conditions of approval would need to be met to finalize and record the lot line adjustment and proposed conditions are attached.

### **Architectural Review**

The proposed home is 1900 square feet and having 3 bedrooms and 2 baths, with a detached, 2-car garage containing 672 square feet. The proposed materials are listed in the application and include the following:

- Siding: 8-inch hardi-plank
- Windows: Marvin aluminum-clad finish wooden windows
- Garage doors: Classic carriage style doors and traditional cupola
- No decking is proposed due to the existing patio area

### **Tree Removal**

The owner is requesting approval to remove 12 trees on the property for the construction of the proposed home and garage. The lot has developed landscaping and vegetable gardens and a greenhouse, and in-ground solar panels. These areas serve the main home of the owner on the 550 North Pine Street parcel.

The access will come off of School Street and the driveway grading will lower the grade about three feet to the site. The grading will cut into the root structure of the pine trees on the north side of the lot and it is this area that is proposed for parking.

The main tree to be removed is a 48-inch chestnut which is directly in the way of the access to the front of the home and the owner states this is “the wrong tree in the wrong location.”

The owner has submitted a landscaping plan for review which proposes to replant 16 new trees to replace the 12 trees proposed to be removed. The owner has planted 5 Japanese maples, 2 pear trees and a sequoia redwood on the property and there is “the largest pecan tree in town” on the lot. The owner has indicated the existing tree cover on the plans as well.

### **ADVISORY REVIEW COMMITTEE MEETING**

The Advisory Review Committee (ARC) meeting was held July 12, 2010 where the project was reviewed. Several recommendations regarding the window treatment were suggested and the applicant has incorporated some into the submitted plans. The windows areas were:

1. Garage south face
2. East home elevation – all windows
3. West home window to break into four panels
4. South facing bathroom window to become taller, if possible.

The applicant reviewed these suggestions and has incorporated some into the revised drawings included in the packet. The owner will discuss the window treatment at the meeting.

The lot line adjustment was reviewed and the applicant provided the reasons for the proposed property line adjustment, which is mainly to obtain the existing vegetation/buffer.

The ARC voted to recommend approval of the project to the Planning Commission with the recommendation of architectural treatment changes (windows, roof overhang return treatment),

with a condition to indicate the existing tree coverage on the property and new elevations, and based on the findings and conditions included in the staff report.

***PROPOSED PROJECT FINDINGS AND MOTIONS:***

**Environmental Review**

The property is exempt from environmental review pursuant to Section 15303(a) of the CEQA Guidelines, being a Class 3 exemption for new construction of a single-family residence. No environmental action is necessary by the ARC, but can make a motion confirming the exempt determination.

Staff recommends the Planning Commission reaffirm the ARC recommendation and take the following actions:

1. Determine and reaffirm the application being exempt from environmental review, pursuant to Section 15303(a) of the CEQA Guidelines, being a Class 3 exemption for new residential construction.

**Variance Application** That the Planning Commission approves the variance, based on the following findings:

- a. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, where the strict application of the Ordinance deprives such property of privileges enjoyed by other properties in the area and within the same zoning; and due to the topography of the site and the location of the existing improvements;
- b. The variance would not grant special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district, as this variance application is consistent with several other residences in the area that have garages and accessory buildings constructed within the setbacks along School Street, North Pine Street and Main Street;

**Architectural Approval.** The Planning Commission finds that the project architecture is consistent with the General Plan and meets the requirements of the Zoning Ordinance site development standards and the “R1” Zoning District.

**Lot Line Adjustment** The Planning Commission approves the lot line adjustment between the two parcels for the purpose of preserving existing trees on site and to provide for new access off of School Street, finding the lot line adjustment is consistent with the Subdivision Map Act standards and subject to the proposed conditions of approval for the adjustment.

**CONDITIONS OF APPROVAL**

The ARC recommends the Planning Commission approve the construction of the residence and garage structures, the lot line adjustment application, the architectural review application, and the tree removal application, subject to the following conditions of approval:

**CITY PLANNER**

1. The applicant is advised that the project is subject to the provisions of the Municipal Code, including the following:

- a. As a condition of project occupancy and operation, project development must comply with all zoning standards unless otherwise noted by the conditions of approval.
  - b. Development of the site must be in strict compliance with approved plans. The approval will expire in two years, unless extended by the Planning Commission in one-year increments, up to a total of five years. In order to obtain an extension, the applicant must apply in writing prior to the expiration date of the approval.
  - c. The project approval consists of the variance application, lot line adjustment application, architectural review application and tree removal application, as submitted and as amended during Advisory Review Committee and Planning Commission review.
2. A Planning Commissioner has been appointed to serve as Liaison to assist in approving any minor changes to the approval and to provide the entire Commission with periodic project status update reports.

***Lot Line Adjustment – Conditions shall be met prior to building permit issuance***

1. The lot line adjustment is approved as stated in the application and subject to the following:
  - a. This boundary line adjustment is not effective until recorded in the Office of the County Recorder. Upon recordation of the boundary line adjustment all pre-existing lot lines are deemed erased by the newly recorded adjustment. Documents used to record the boundary line adjustment shall be submitted to the City Engineer for review and recordation and shall include the transfer deeds that reflect the new property descriptions, executed by all affected owners of record. Any existing deeds of trust shall be revised to reflect the new property descriptions and shall be approved by the beneficiaries of said deeds of trust. Boundary line adjustments shall be reflected in recorded documents in one of the following ways:
  - b. Where required by Business and Professions Code Section 8762, a record of survey shall be submitted to the County Recorder, to be prepared by a licensed land surveyor or civil engineer.
  - c. If a record of survey is not prepared for the boundary line adjustment, the document used to convey the property shall be submitted to the City Engineer and shall be accompanied by a sketch map depicting the adjusted boundaries. The sketch map shall be signed and sealed by a licensed land surveyor or civil engineer and shall include: 1) a statement that the record of survey is not required in conformance with Section 8762 of the Business and Professions Code; 2) the City File Number, LA10-001; and 3) the following statement:

Approved by Nevada City: \_\_\_\_\_  
Date

By: \_\_\_\_\_  
Title: \_\_\_\_\_

William J. Falconi, Nevada City City Engineer

2. The property description for the deed that transfers the property shall describe the entire resulting parcel. Where the entire parcel is not described, then the following wording shall be provided on the record of survey or sketch map and the deed:

“NOTE: The herein described land area has not been approved as a separate building site, and is created as an approved boundary line adjustment for the express purpose of being combined with, and used in conjunction with, adjoining lands.”

3. The following information shall appear on the Record of Survey or sketch map recorded for this boundary line adjustment:
  - (a) There is no guarantee of sewage disposal or water availability on any of the adjusted lots.
  - (b) All pre-existing lot lines shall be considered erased or merged by this boundary line adjustment.
4. A Tax Certificate from the Nevada County Tax Collector shall be provided to the City Engineer prior to recording the boundary line adjustment.
5. Documents used to complete the lot line shall ensure that:
  - (a) The grantor’s name (s) are the same as they currently hold title to the parcel; and
  - (b) The grantee’s name (s) and vesting are the same as for the parcel with which the lot line adjustment portion will be combined.

***Tree Removal:***

1. The Planning Commission approves tree removal application of 12 trees, and approves the landscaping plan as submitted.
2. No trees shall be removed until a building permit has been issued.

**CITY ENGINEER / DIRECTOR OF PUBLIC WORKS**

1. The applicant is advised that the project is subject to the provisions of the Municipal Code, including the following:
  - a. Prior to issuance of a grading permit for any site development, a detailed grading and drainage plan shall be prepared by a registered civil engineer and reviewed and approved by the City Engineer.
  - b. The grading plan shall include the time of year for construction activities. No construction shall occur after October 1 or before May 1 unless the City Engineer determines project soil conditions to be adequate to accommodate construction activities.
  - c. Erosion control measures shall be implemented to stabilize areas disturbed for road construction or other site improvements. Prior to any on-site disturbance the City Engineer shall determine if a grading permit is required. During construction, the developer shall provide adequate erosion control measures, as the City Engineer shall approve.

- d. The project shall incorporate specific recommendations of geotechnical investigation reports, or as approved by the City Engineer.
  - e. Fees for grading plan checking and grading inspection shall be subject to the latest City fee schedule (up to 4.5% of Engineer's estimate using prevailing unit prices or as updated by Uniform Building Code).
2. The access to the property shall be taken from School and that is determined to the front yard for setback purposes, not for addressing purposes. The address for the parcel shall remain at 540 North Pine Street, which is consistent with the North Pine and School Streets addressing..
  3. No parking shall be permitted on School Street in front of this property (how mark?)
  4. No curb and gutter is required for this project.
  5. The water service main line (6-inches) traverses through the property and must be protected. Therefore, the line must be located and no buildings can be built over the line, to the satisfaction of the City Engineer. The water service to the property exists and may need to be upgraded, depending on the age of pipe, to the satisfaction of the Public Works Director or City Engineer. A 1" (one-inch) water meter service shall be required to accommodate the service as well as for fire sprinklers
  6. The sewer line serving this site begins at 550 North Pine Street, traverses through this site and continues to Buckeye Ravine. This is a private lateral and is in very poor shape and upgrading will be required. Therefore, the line must be located and no buildings can be built over the line, to the satisfaction of the City Engineer.
  7. Both 550 and 540 North Pine Street parcels must have separate water and sewer services.
  8. If any hazardous materials are uncovered during grading or construction, the City Engineer shall be contacted immediately. Project construction shall occur only at the direction of the City Engineer until such time a remediation plan is implemented to the City Engineer's satisfaction.
  9. If subsurface cultural resources are encountered or suspected during grading or construction, the City Engineer shall be contacted immediately. A professional archaeologist shall be consulted to assess any discoveries and develop appropriate management recommendations. If bones are encountered and appear to be human, California law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted.
  10. Prior to issuance of building permits, the plans shall indicate back flow preventors on sewer lateral and water line.
  11. The sewer line will need to be inspected and an encroachment permit required and the \$175 fee paid. The street will need patching and inspection required by the Director of Public Works.

**FIRE DEPARTMENT:**

1. The installation of an NFPA 13R Compliant Residential Automatic Fire Suppression System will be required due to inadequate fire flow and the scope of the project. Plans for the sprinkler system must be submitted for approval prior to starting any work on the system.
2. All portions of the buildings shall remain within the 150-foot arc of the Fire Department Access.
3. The Fire Department requires 48-hours notice for all inspections that are required at the various steps of construction.
4. Addresses must be posted and provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

**CITY CLERK:**

1. Prior to issuance of a building permit or as allowed by state law, all applicable fees, including but not limited to AB1600 Public Facilities Development Impact Fee Program fees and regional transportation fees shall be paid to the City. Water and sewer hook-up fees are to be paid at the time of hook-up, to the satisfaction of the City Manager.
2. The applicant is advised that the project as conditioned is subject to the provisions of the Municipal Code, including the following:
  - a. Prior to the issuance of certificate of occupancy, additional fees for sewer service, if warranted, must be paid to City Hall under the then-current fee schedule.
  - b. Prior to commencing work, all contractors, vendors, and consultants providing services within the City limits of Nevada City must have a city business license.



# CITY OF NEVADA CITY

317 Broad Street • Nevada City, California 95959 • (530) 265-2496

OFFICE USE ONLY	
Filing Fees	
Chk	Cash
Bus. Lic.	

## APPLICATION FOR ARCHITECTURAL REVIEW

Applicant/Property Owner

EVANS PHELPS  
 Name  
550 N. PINE SR.  
 Address  
NEVADA CITY Ca  
 City, State  
265-2943  
 Phone

Check all that apply:

- A New Building
- Changes to Existing
- In the Historic District
- Other (Describe) \_\_\_\_\_
- Number of existing units \_\_\_\_\_
- Year of original construction \_\_\_\_\_

Supporting data must be attached:

- Color chips
- Material specs, i.e. roofing, windows, etc.
- Elevations/Site plans – 10 folded copies

Address and Assessor's parcel number of property where construction is proposed (also complete attached location key map):

540 N. Pine Sr.  
Street Address

05-075-130  
Assessor's Parcel Number

Nearest cross street cottage sr.

New floor area proposed 1900 S.F.

Briefly describe proposed project:

1900 sq ft. 3 bedroom 2 bath house with detached 2 car garage

Number of dwelling units on property 1

COMPLETE FOR ALTERATIONS TO EXISTING BUILDINGS:

Construction will involve (check all that apply):

- Foundation replacement
- Siding replacement -  All siding or  Repairs over \_\_\_\_\_ %
- Roof replacement
- Use of metal framed windows
- Removal of old materials. Describe: \_\_\_\_\_

DESCRIPTION OF NEW CONSTRUCTION OR ALTERATIONS: Attach architectural elevations or perspective drawing showing all materials, colors, finish, lighting, ornamental devices, and any signs. The Commission prefers color chips.

SUPPORTING DOCUMENTS: Read and complete the attached pages and include any other statements or attach supporting information to substantiate that the architecture is consistent with the Mother Lode Era, or is otherwise consistent with the surroundings. Attach **TEN FOLDED COPIES** of the elevations and/or supporting information, including a site plan showing the existing and proposed building setbacks from all property lines. **ALL BUILDING DIMENSIONS, INCLUDING BUILDING HEIGHTS, MUST BE SHOWN ON THE ELEVATIONS.**

I am the owner or authorized agent for the subject property.

Evans Phelps  
Signature

5/21/10  
Date

-----FOR OFFICE USE ONLY-----

Approved by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**PLEASE ATTEND THE PLANNING COMMISSION MEETING TO DISCUSS YOUR REQUEST, OR YOUR APPLICATION WILL BE CONTINUED TO THE NEXT MEETING**

**CITY OF NEVADA CITY  
ARCHITECTURAL REVIEW GUIDELINES  
AND SUPPORTING INFORMATION**

Please read this document and provide the information that applies to your application. The City also maintains some reference material regarding historical architecture. Ask the City Planner for details.

**POLICY DECLARATION:**

The City's goal in requiring architectural review is to implement the goals of the City's General Plan by preserving the character of Nevada City architecture in terms of historical value, sit coverage and planning, volume and massing, materials, color, general design and details. Historical District work must be in strict compliance with the Mother Lode Era. Preservation of historic materials is encouraged.

The Planning Commission will review each application on its own merit and in the context of the neighborhood of the project. For example, plywood siding might be acceptable in an area of modern, similar homes, but not in a neighborhood of old Victorian homes.

Generally, Nevada City architecture is characterized by many of these design features typical of the Mother Lode Era: Steep peak roofs with pitches between 6:12 & 12:12, overhanging roofs with gable ends, covered porches and entries; multi-pane, vertical, and by windows, and use of horizontal painted rustic siding. Alterations to older homes should match existing historic materials. Vinyl siding has been declared potentially hazardous by the City's Fire Department.

**SITE PLAN AND ENVIRONMENTAL CONSIDERATIONS:**

Provide a site plan of the property to scale, showing and proposed tree removal, setbacks, building coverage, fencing and landscaping concepts. Attach a tree removal application form if there will be any trees removed. Show off-street parking areas.

Is the coverage and setback of the new construction compatible with surrounding houses?  Yes  No

If no, please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VOLUME AND MASSING**

Lot Size \_\_\_\_\_ SF

Will the proposed building or changes	Yes	No
Have a larger floor plan than surrounding buildings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Be taller than surrounding buildings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Block views or sunshine from existing buildings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the site plan provide a private yard area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion, if needed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## MATERIALS

Generally, the City prefers horizontal wood siding, treated wood shingles, composition shingles, or metal roofing, true used brick, new brick, or mine rock veneers and accents, wood windows in older neighborhoods, and roof pitches in excess of 6:12.

Please list all materials that you will use and alterations proposed:

Roof: Armstrong composition roofing (charcoal) Pitch: 10/12  
Siding: 8" hardiplank horizontal siding  
Windows: Marvin extruded aluminum clad finish wooden windows  
Trim: wood trim  
Foundation/Pony walls: cement  
Decks, porches, railings: flagstone & cement patios

## COLORS (Please provide ten color chips per color)

Color brand, name, number

Roof: charcoal Armstrong composition  
Trim: Benj. Moore Blue Echo AF-505  
House color: Benj. Moore Spring Valley 438  
Accents: \_\_\_\_\_  
Railings/Decks: \_\_\_\_\_

## DETAILS

Please provide sufficient information to allow review of the building's details, including:

- Foundation, rock work or veneer accents
- Vents and flues
- Door and window materials, trim and design detail
- Porch and deck framing and railing details
- Garage door

## OTHER APPLICABLE INFORMATION

Please complete the attached location key, Use the space below to provide any additional information for the Planning Commission.

Garage doors will be classic carriage style doors. Amar Car. Doors  
Windows will be top of the line Marvin windows  
Siding will be horizontal shiplap hardiplank 8"  
No decks, but cement & flagstone patios by pool and  
terraced patios off back of house  
traditional cupola on garage, traditional venting  
cement foundation

LAND USE APPLICATION

Please print or type in black ink

Type of application(s) for which you are applying:

- Tentative Map, Use Permit, Development Permit, Administrative Dev. Permit, Boundary Line Adjustment, Other (specify):, Ordinance Amendment, Zone Change, General Plan Amendment, Variance, Setback Easement, Certificate of Compliance, Voluntary Merger, Home Business, Temporary Commercial Permit, Management Plan

PROJECT DESCRIPTION:

New construction of home & garage. Variance to front yard setback; lot line adjustment.

Assessor's Parcel No(s): 05-075-130

Applicant Name(s): EVANS PHELPS

Applicant Mailing Address: 550 N. Pine St.

Telephone #: 530 265-2943 E-Mail: evansphelps@yahoo.com FAX#: 265-4143

Property Owners Full Names: EVANS PHELPS

Property Owner Mailing Address: 550 N. Pine St.

Telephone #: 530 265-2943 E-Mail: evansphelps@yahoo.com FAX#:

Name of Representative (if applicable):

Address of Representative:

Telephone #: ( ) E-Mail: FAX#:

Site address(es): 540 N. Pine St. Acreage(s): .4 acres

Water Source: city water Method of Sewage Disposal: city sewer

I hereby acknowledge that I have read the instructions for filing this application and state under penalty of perjury that the information provided on all attached documents is correct.

Signature of (X) Property Owner(s) or ( ) Authorized Representative\*

Evans Phelps Date: 5/15/10

Date:

\*Representative may sign application if a Letter of Authorization from the owner(s) is provided.

CITY OF NEVADA CITY  
ENVIRONMENTAL INFORMATION FORM  
(To be Completed by Applicant)

DATE FILED: \_\_\_\_\_

FILE NO. \_\_\_\_\_

GENERAL INFORMATION

Name/Address of Developer/Project Sponsor: Evans Phelps

Address of Project: 540 N. Pine Sr. Parcel No. 05-075-13

Name/Address/Phone of Contact Person(s): Evans Phelps

550 N. Pine Sr. NC 265-2943

All Permit Application Descriptions & Numbers: \_\_\_\_\_

Existing Zoning: R-1 Proposed Use of Site: R-1

PROJECT DESCRIPTION

Site Size: .4 acres Sq.Ft.: 1920 No. Floors: 2

Amount of Off-street Parking Provided: 4 Proposed Scheduling: \_\_\_\_\_

Anticipated Incremental Development: \_\_\_\_\_

Associated Project, If Any: \_\_\_\_\_

IF RESIDENTIAL: No. of Units: 1 Unit Sizes: \_\_\_\_\_

Sale/Rent Price Range: \_\_\_\_\_ Type of Households: R-1

IF COMMERCIAL: Type: \_\_\_\_\_ Sq.Ft. Sales Area: \_\_\_\_\_

Loading Facilities: \_\_\_\_\_ Oriented To:  Neighborhood  City

Regional  Other: \_\_\_\_\_

IF INDUSTRIAL: Type: \_\_\_\_\_ Estimated Employment: \_\_\_\_\_

Loading Facilities: \_\_\_\_\_

IF INSTITUTIONAL: Major Function: \_\_\_\_\_ Estimated Occupancy: \_\_\_\_\_

Estimated Employment: \_\_\_\_\_ Loading Facilities: \_\_\_\_\_

Community Benefits, If Any: \_\_\_\_\_

If this project involves a variance, conditional use or rezoning application, tentative map, general plan amendment, or other application, state which and indicate clearly why application is required: variance required for garage set back within 25' of rear of property

Check all items applicable to project or its effects; discuss checked items on separate sheet(s).

- YES NO Change in existing features of any bays, tidelands, beaches, lakes, or any water-ways, hills, or substantial alteration of ground contours.
- Change in scenic views or vistas from existing residential or public lands.
- Change in pattern, scale or character of general area of project.
- Significant amounts of solid waste or litter.
- Change in dust, ash, smoke, fumes or odors in vicinity.
- Change in ocean, bay, lake, stream or groundwater quality or quantity or alteration of existing drainage patterns.
- Substantial change in existing noise or vibration levels in vicinity.
- Site on filled land or on slope of 10% or more.
- Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.
- Substantial change in demand for municipal services: police, fire, water, sewage, etc.
- Substantial increase in fossil fuel consumption: electricity, oil, natural gas, etc.
- Relationship to larger project or series of projects.

ENVIRONMENTAL SETTING

Describe project site as it exists before project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe existing structures on site and use of structures. Attach photographs of site.

Site has 70' by 9' swimming pool, 24 solar panels, greenhouse, and service equipment in shed for pool...

Describe surrounding properties, including information on plants and animals and any cultural, historical or scenic aspect. Indicate type of land use (residential, commercial etc), intensity of land use (one-family, apartments, shops, etc.), and scale of development (height, frontage, setbacks, etc.). Attach photograph of vicinity.

in town - R-1 density -

CERTIFICATION: I hereby certify that the statements furnished above and in attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

DATE: 5/19/10 SIGNATURE: Zeaus Polys FOR: \_\_\_\_\_

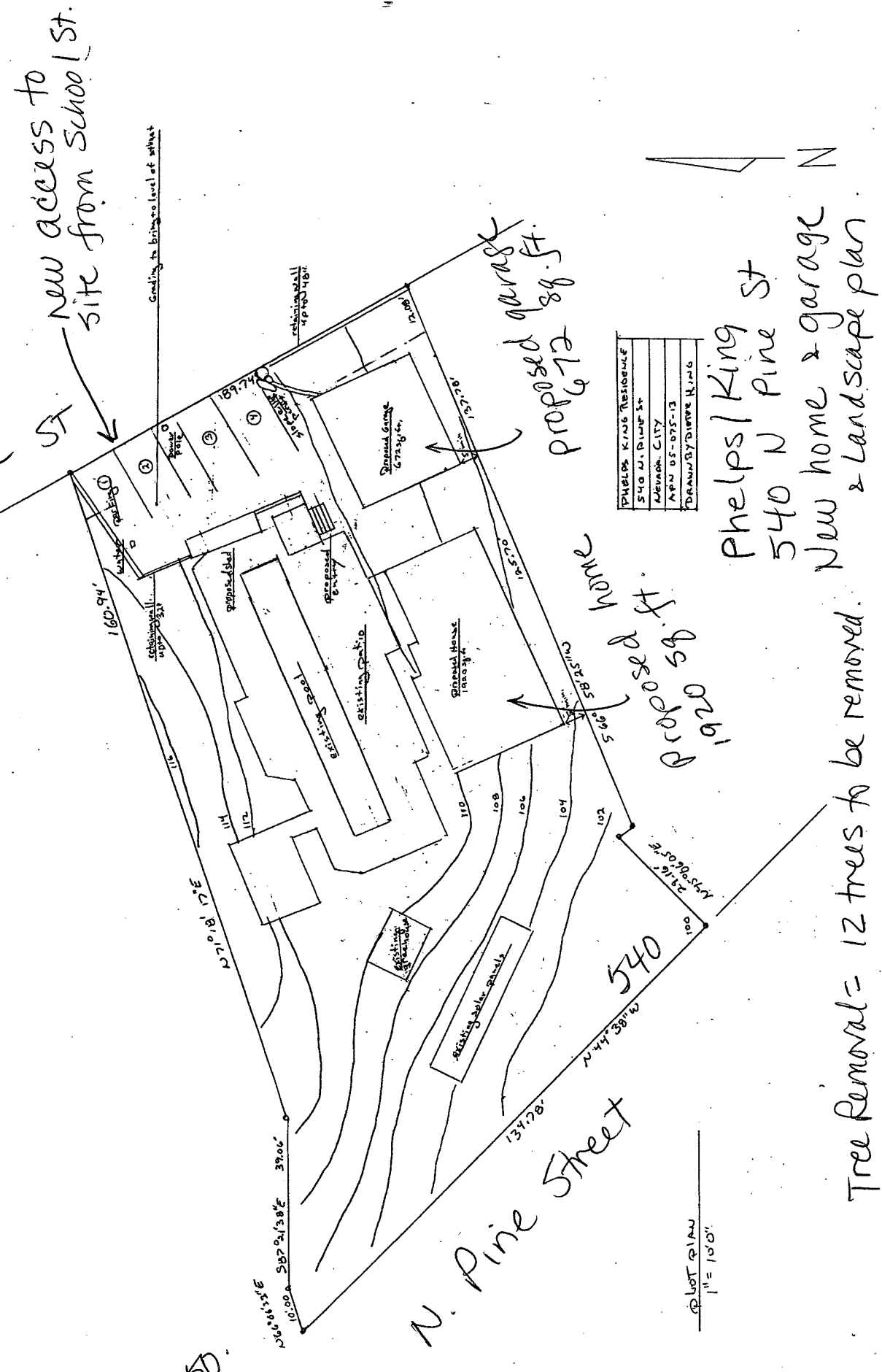


# SITE PLAN

SCHOOL ST  
 New access to site from School St.

Grading to bridge level at school

550



PHILIPS KING RESIDENCE
540 N. PINE ST
ALABAMA CITY
APN 05-075-13
DRAWN BY DIBBER H. JUNG

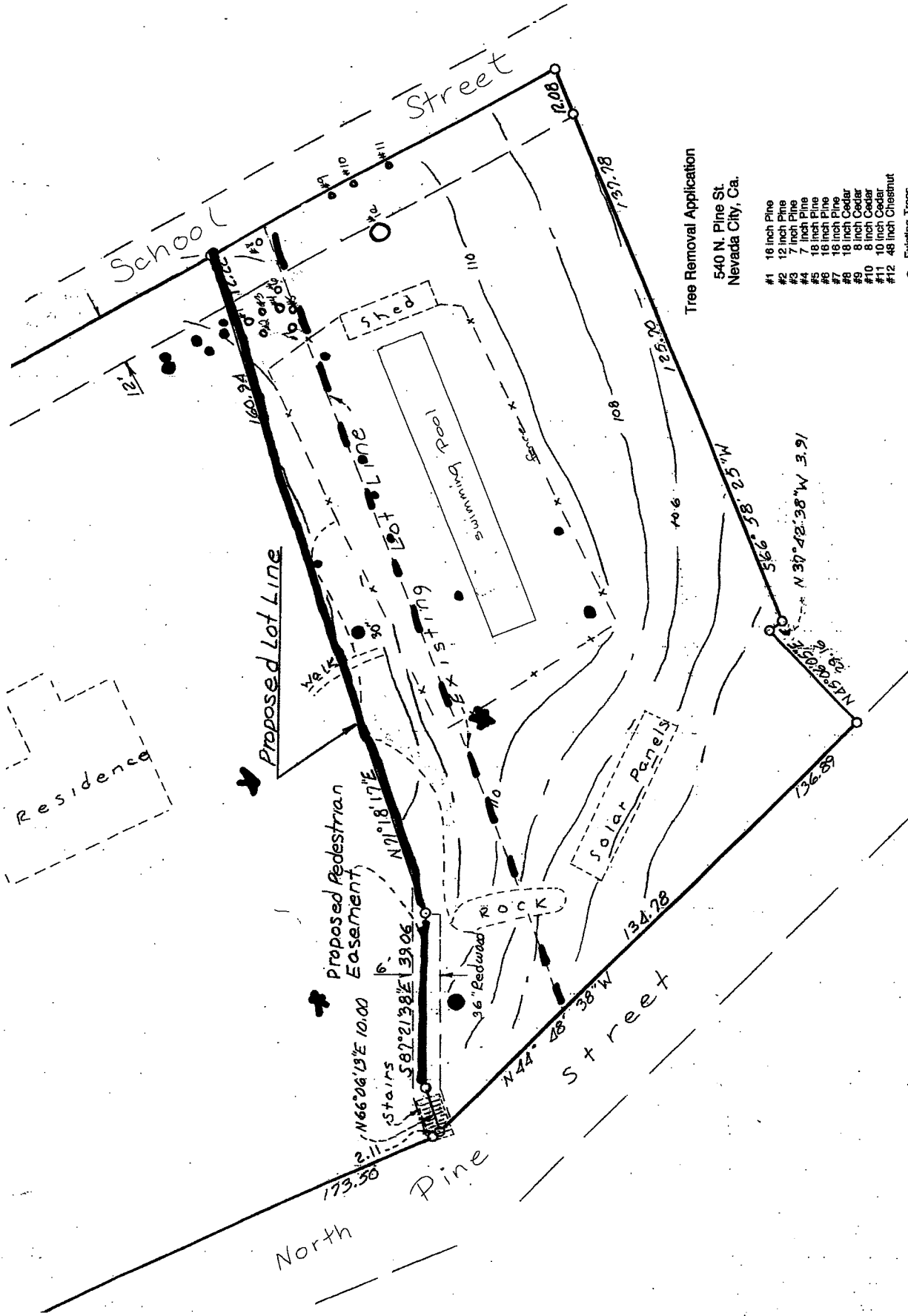
Phelps King St  
 540 N Pine St  
 New home & garage  
 & Landscape plan

Proposed Home  
 Proposed 89.5 ft.  
 Proposed 89.5 ft.

N. Pine Street

PLOT PLAN  
 1" = 100'

Tree Removal = 12 trees to be removed.



Tree Removal Application  
 540 N. Pine St.  
 Nevada City, Ca.

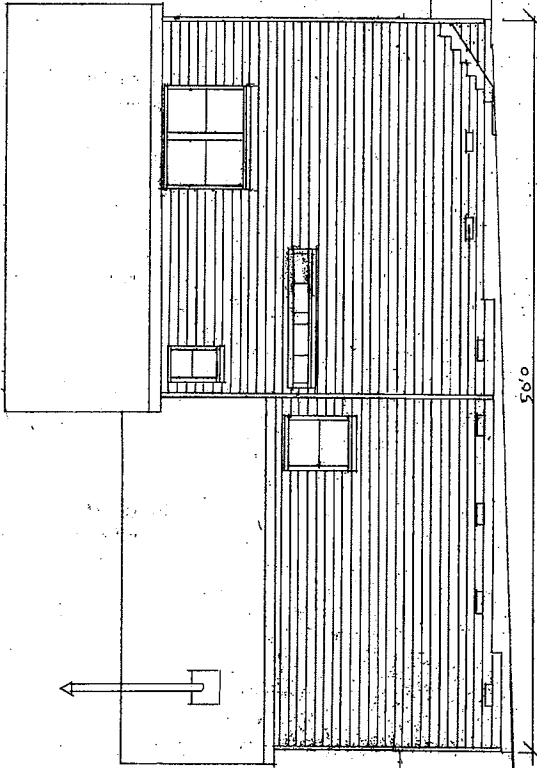
- #1 16 inch Pine
  - #2 12 inch Pine
  - #3 7 inch Pine
  - #4 7 inch Pine
  - #5 16 inch Pine
  - #6 16 inch Pine
  - #7 16 inch Pine
  - #8 8 inch Cedar
  - #9 8 inch Cedar
  - #10 8 inch Cedar
  - #11 10 inch Cedar
  - #12 48 inch Chestnut
- Existing Trees  
 ○ not to be removed

**LOT LINE ADJUSTMENT**



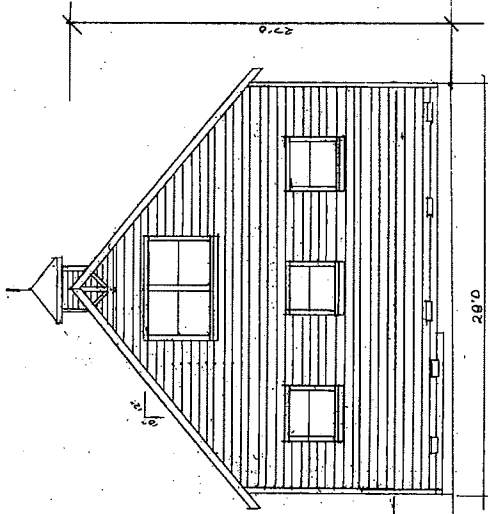
# ELEVATIONS

HOME - SOUTH



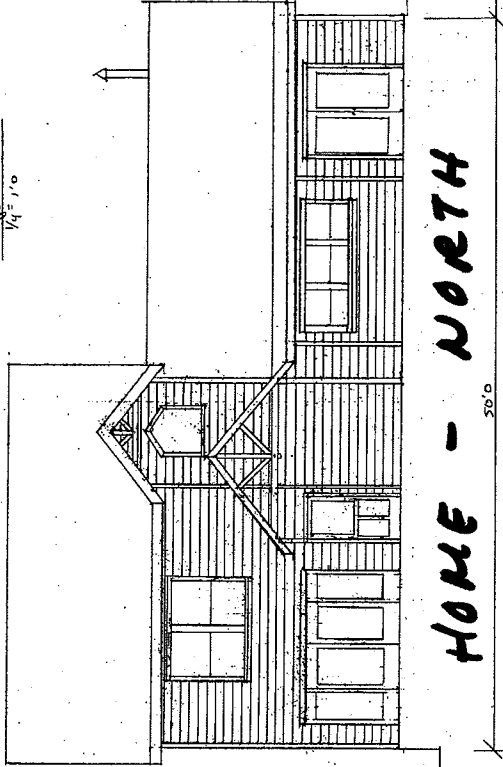
Residence South Face  
1/4" = 1'0"

GARAGE - SOUTH



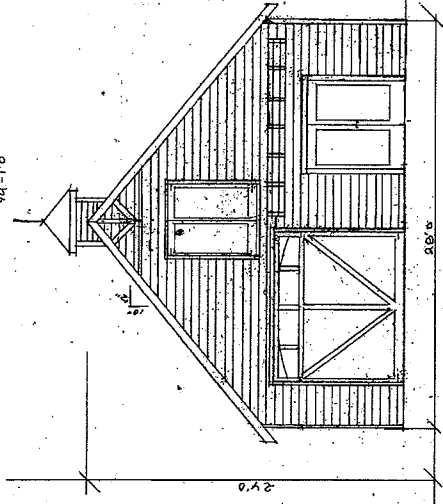
Garage South Face  
1/4" = 1'0"

HOME - NORTH



Residence North Face  
1/4" = 1'0"

GARAGE - NORTH

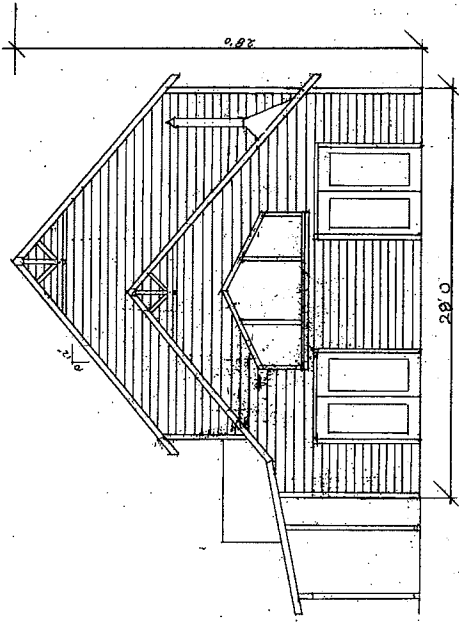


Garage North Face  
1/4" = 1'0"

K/106 PHELPS RESIDENCE
540 KIPING ST.
NEWARK, N.J.
APN 05-075-13
DRAWN BY DISTER K/106

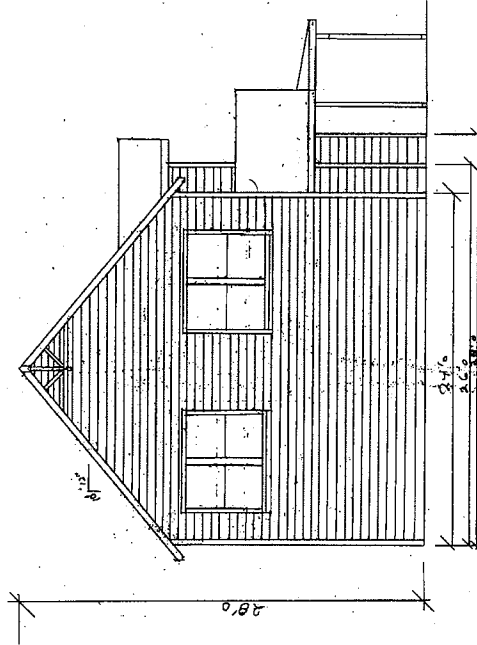
# ELEVATIONS

HOME - WEST



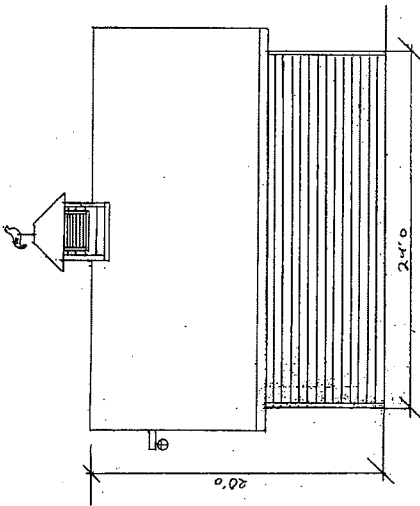
Residence West Face  
1/4" = 1'0"

HOME - EAST



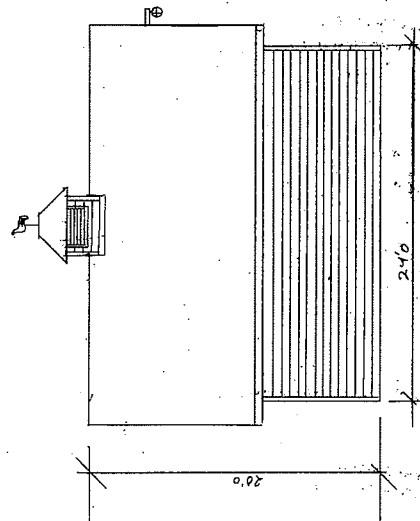
Residence East Face  
1/4" = 1'0"

GARAGE - WEST



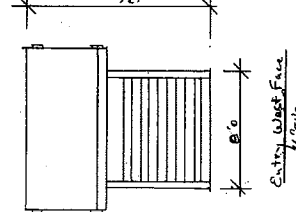
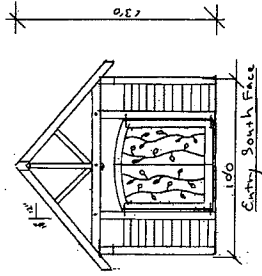
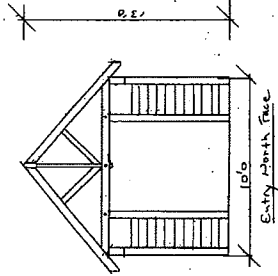
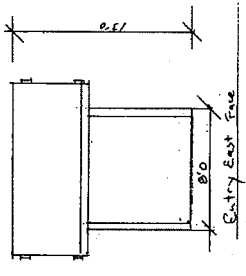
Garage West Face  
1/4" = 1'0"

GARAGE - EAST



Garage East Face  
1/4" = 1'0"

ENTRY

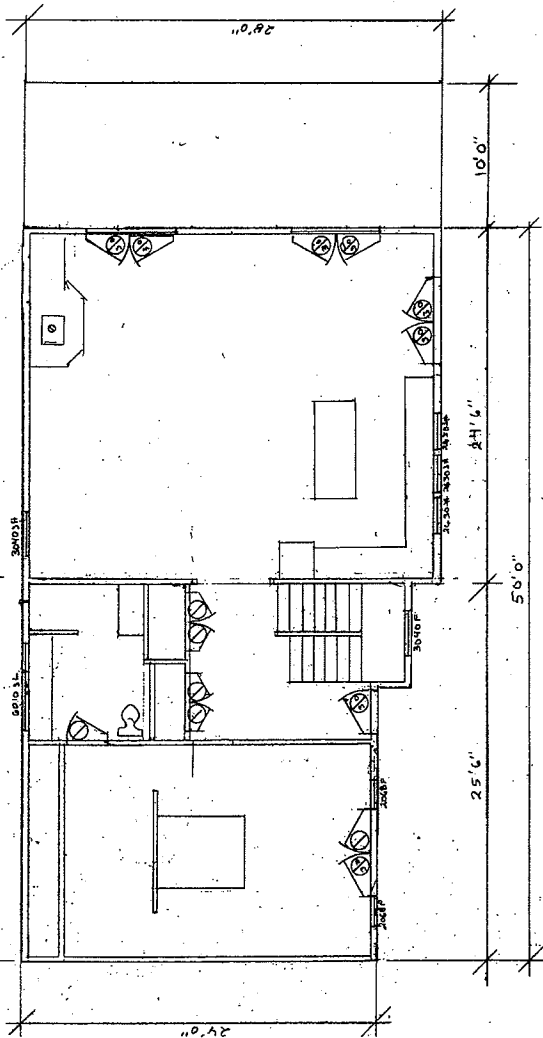
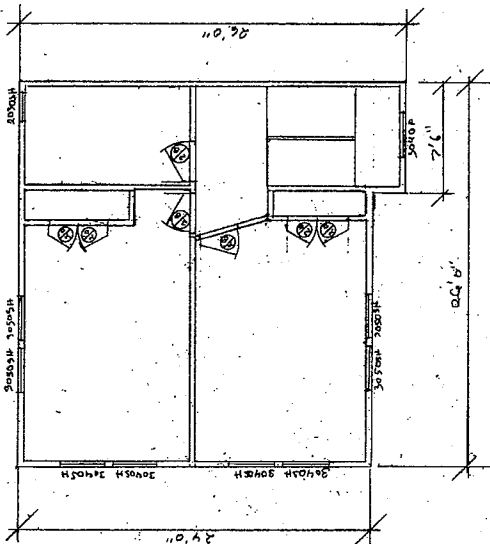


Entry West Face  
1/4" = 1'0"

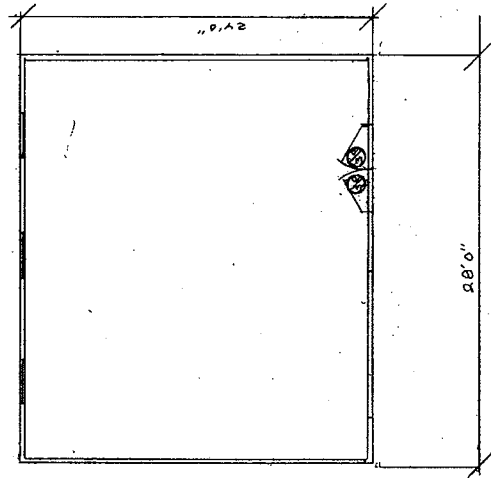
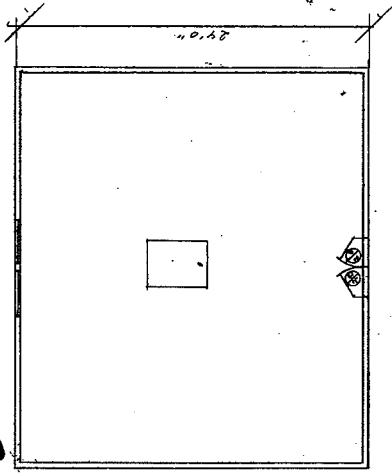
KING PHELPS RESIDENCE  
340 ALIQUA ST.  
MIDDLETOWN CT  
06455-0751  
DRAWN BY DIBTER KING

# FLOOR PLANS

## HOME



## GARAGE



KIM & PHELPS RESIDENCE  
 540 W. PINE ST.  
 BREVARD CITY  
 APN 05-075-13  
 DRAWN BY DIETZ & KIM

TENTATIVE LOT LINE ADJUSTMENT APPLICATION

PARCEL #1:

Property Owner: Evans Phelps  
(NAME)

Mailing Address: 550 N. Pine St. Nevada City

Assessor's Parcel #: 05-075-12 Acreage: .94 acre .80 acre  
(Current) (Proposed)

Street Address: 550 N. Pine St.

PARCEL #2:

Property Owner: Evans Phelps  
(NAME)

Mailing Address: 550 N. Pine St. Nevada City

Assessor's Parcel #: 05-075-13 Acreage: .32 acre .40 acre  
(Current) (Proposed)

Street Address: 540 N. Pine St.

**\* IF MORE THAN 2 PROPERTIES ARE INVOLVED, ATTACH AN ADDITIONAL PAGE LISTING REQUIRED INFORMATION.**

Representative (if any): \_\_\_\_\_  
(Name) (Telephone)

Mailing Address: \_\_\_\_\_

I hereby acknowledge that I have read this application and state that the information given is correct. I agree to comply with all County Ordinances and State laws regulating property development.

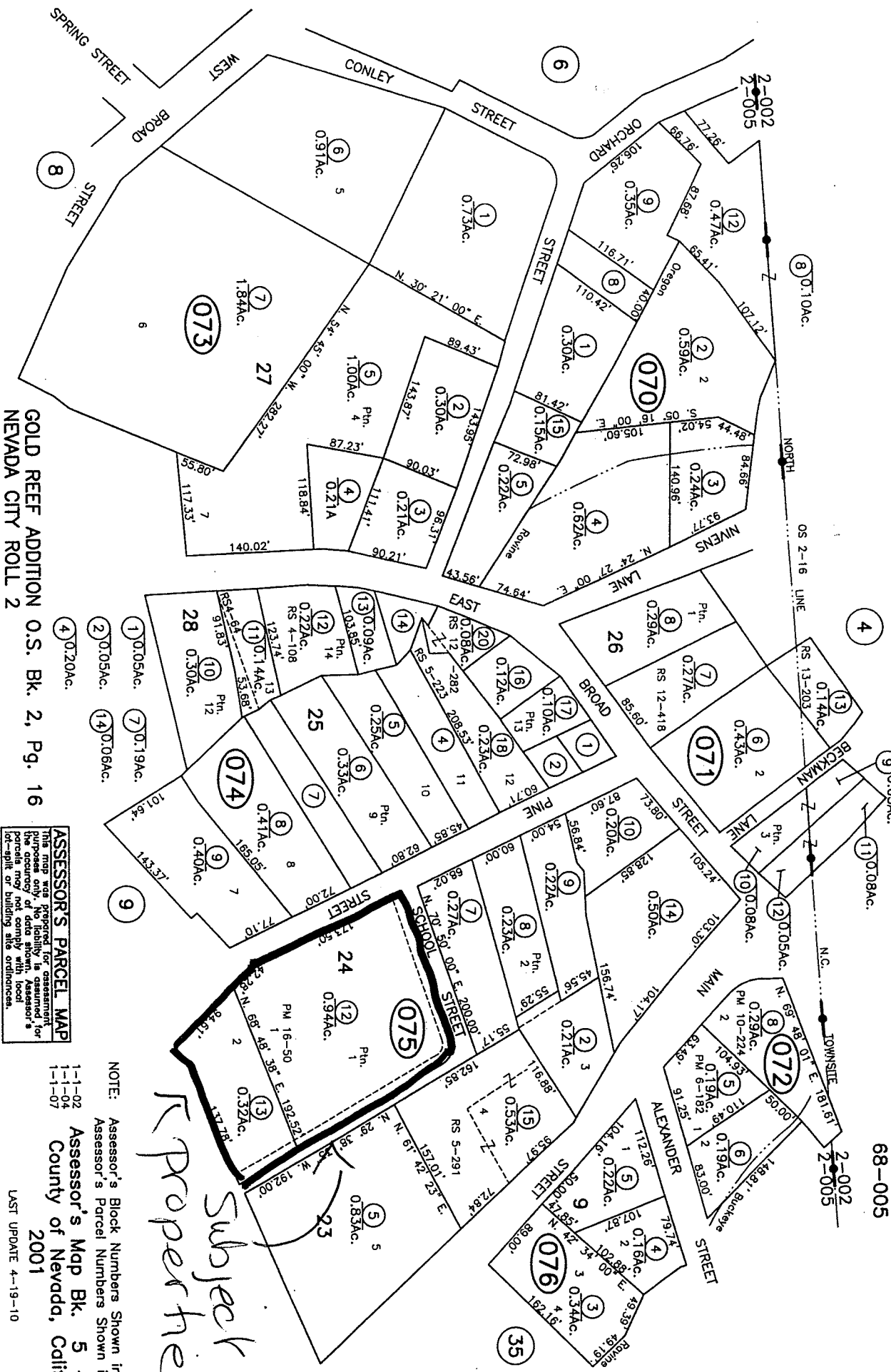
Signature of Property Owner: Evans Phelps  
(DATE)

Signature of Property Owner: \_\_\_\_\_  
(DATE)

PTN. N.E. 1/4 SEC. 12, T. 16 N., R. 8 E., M.D.B. & M.  
NEVADA CITY

Tax Area Code  
2-002  
2-005  
68-005

5-07

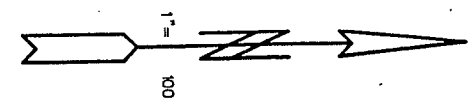


GOLD REEF ADDITION O.S. Bk. 2, Pg. 16  
NEVADA CITY ROLL 2

**ASSESSOR'S PARCEL MAP**  
This map was prepared for assessment purposes only. The accuracy of data shown, Assessor's liability for split or building site ordinances.

NOTE: Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles  
1-1-02 Assessor's Map Bk. 5 -Pg. 07  
1-1-04 County of Nevada, Calif.  
1-1-07 2001  
LAST UPDATE 4-19-10 NW 11/01

*Subject Properties*



NEVADA CITY PLANNING COMMISSION

APPLICATION FOR VARIANCE

The undersigned, requests that a VARIANCE from the provisions of Ordinance No. 361 be granted, pursuant to Section 16.20 of said Ordinance, and hereby certifies as follows:

OWNER'S NAME: EVANS PHELPS / Dieter King

ADDRESS: 500 N. Pine St. PHONE: 265-2943

LOCATION OF SUBJECT PROPERTY: 540 N. Pine St.

ASSESSOR'S PARCEL NO. 05-075-13 ZONE: R-1 PRESENT USE: R-1

NATURE OF REQUESTED VARIANCE: garage setback on rear of lot  
to be 12' from rear of property

STATEMENT OF HARDSHIP (Note: The Planning Commission is not authorized to grant a variance if the result would be to confer a special privilege inconsistent with the limitations placed upon other properties in the same zone):

(a) The following special circumstances or conditions applicable to subject property (including size, shape, topography, location or surroundings) do not generally apply to other properties in the same zone.

Looking at Exhibit A, B, C - every house that backs up to  
School St. has a garage that is inside the 25' setback.

We request the same privilege enjoyed by every homeown  
on the street. We need to put the garage near School St.

because of topography of lot and placement of existing  
improvements

(b) The granting of a variance would not be materially detrimental to the health, safety or welfare of other persons residing in the vicinity of the subject property, or to other property or improvements in the vicinity, for the following reasons:

School St. is a back service alley for lots on Pine & Main St.

No properties have driveway entrances off Main or Pine because  
of the steep walls.

ATTACH MAP or SKETCH showing boundary lines of subject property, adjacent streets, and other relevant facts. SUBMIT 10 COPIES OF APPLICATION AND ACCOMPANYING DOCUMENTS.

5/16/10  
Date

Evans Phelps

Signature of Applicant

We are asking the Planning Commission to consider a lot line adjustment and a variance for our property on North Pine St. We plan to build a small house and garage but are forced by topography and existing improvements to squeeze a 24' by 28' garage into the rear setback on School St.

Ordinance 17.88.030 in the Nevada City Municipal code states that a variance can be granted if "there are conditions which would make the strict enforcement of the provision of this title result in practical difficulties or unnecessary hardship, or would deny the property owner of a reasonable use of the property."

School St. is a service alley for the properties on N. Pine and Main Sts. that cannot access their lots because of large retaining walls along the streets. Every property backing up to School St. from N. Pine or Main St. has a garage within the setbacks, without exception. Please notice exhibits A, B, and C.

The city of Nevada City claims a 12 foot dedication for public utility and road purposes on our entire property line on School St. Over 5000 sq. feet of our property can be taken by the city with no cost to them. This is a restriction that was recorded in 1982 and I know of no other lot in Nevada City which has this burden. Certainly Nevada City has no plans to widen School St. They long ago closed the alley to drop off traffic for Nevada City Elementary School. It is a service alley for the residents to park their cars.

My neighbors all built within 5 to 10 feet from the rear of their property, with the exception of 524 N. Pine which built a garage within 10 feet of the front of the property. I would like to build within 10 of the rear property as well, but I understand I am burdened with this 12 foot setback, recorded in 1982. So I am asking the Planning Commission for a variance to build my garage within 12 feet of the property line on School St. It will be 24 feet by 28 feet, single story, a standard 2 car garage.

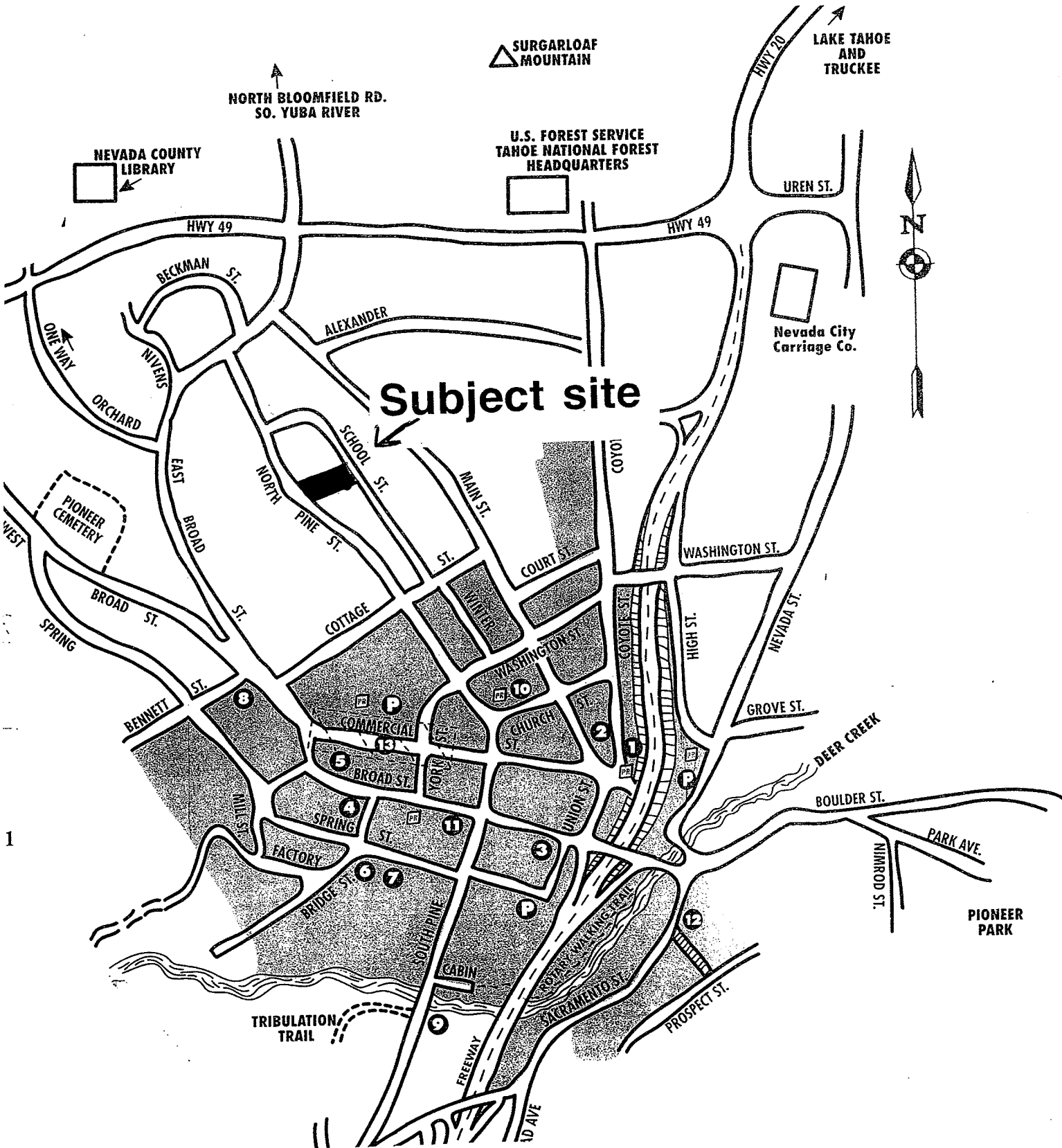
I cannot build with access from North Pine St. There is a large retaining wall along the entire block. I would have to destroy the swimming pool to move the garage inside the setbacks. I am not willing to do that. I am asking for the same privilege that all my neighbors have. Because School St is a back alley I am hoping the commission will grant me a variance to build my garage within 12 feet of the rear of our lot. Thanks so much for considering this request.

Sincerely,  
Evans Phelps and Dieter King

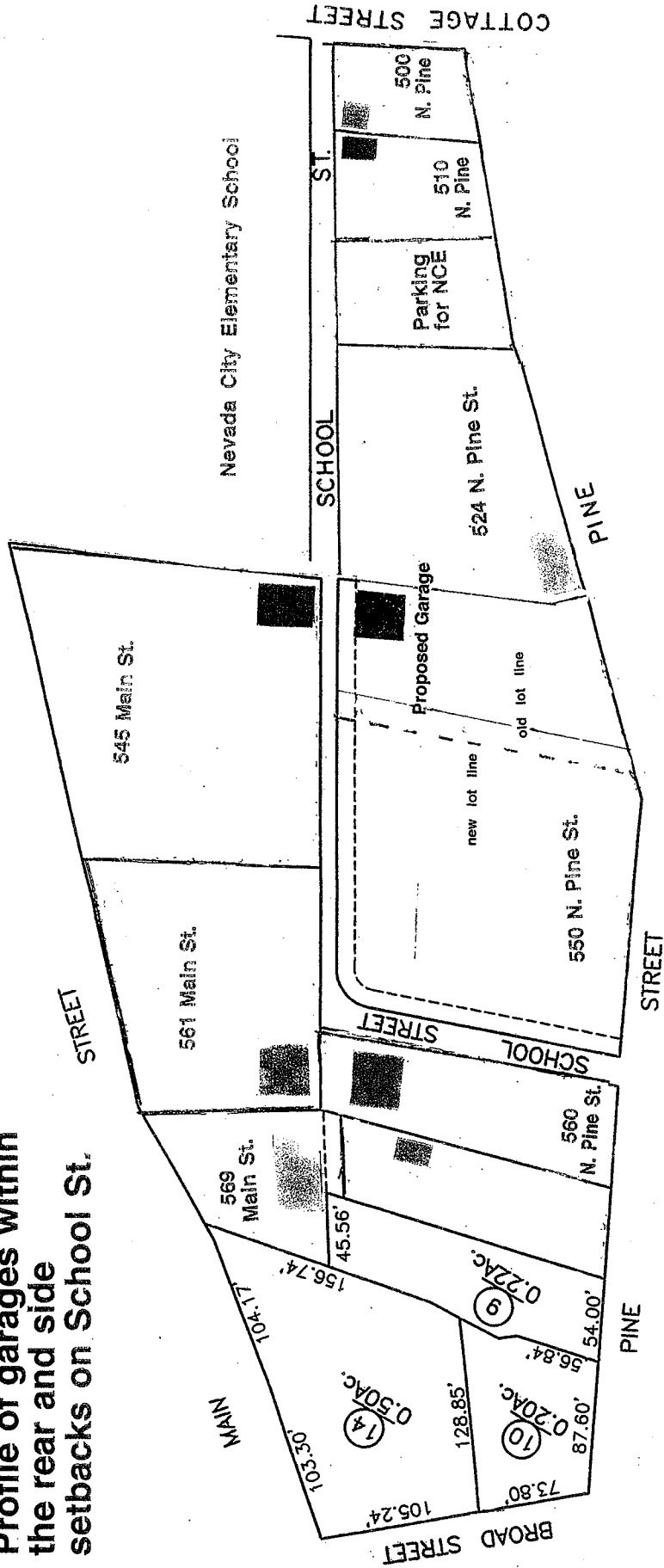
# King Phelps Residence

## 540 N. Pine St.

### Nevada City



**Profile of garages within the rear and side setbacks on School St.**

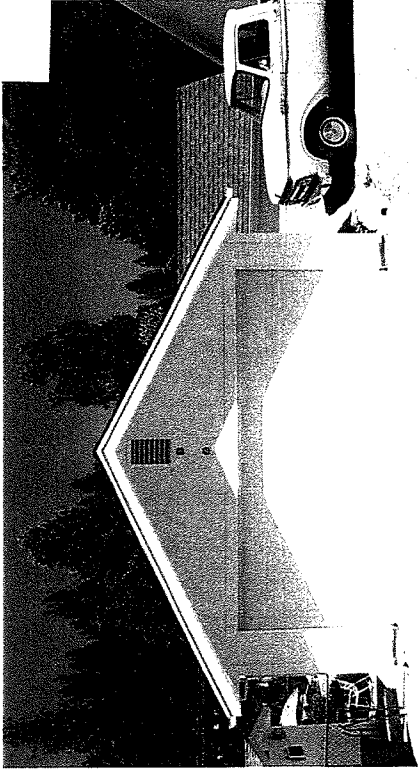


**Exhibit A**

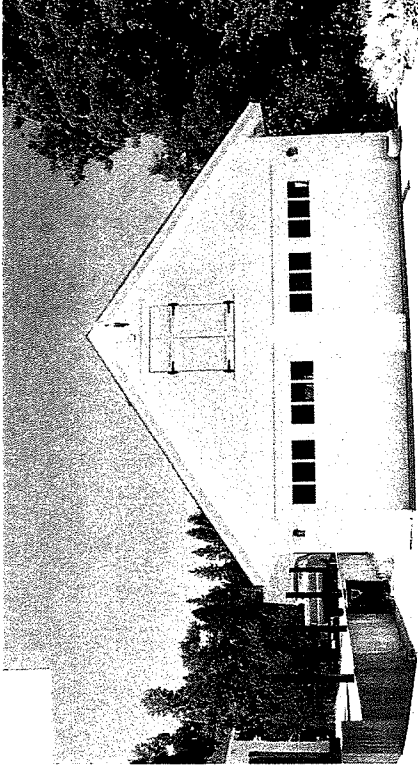
- 510 N. Pine st. 15'x20' Garage within 10 feet of rear setback and 2 feet from side setback.
- 524 N. Pine St. 30'x20' Garage within 1 foot of side setback and 8 feet of front setback.
- 550 N. Pine st. 26'x50' Garage within 22 feet of rear setback
- 560 N. Pine St. 24'x24' Garage within 20 feet of rear setback.

- 569 Main St. 24'x24' Garage within 5 feet of rear setback.
- 561 Main St. 24'x24' Garage within 5 feet of rear setback
- 545 Main St. 22'x24' Garage within 4 feet of rear setback
- 500 N. Pine St. 15'x20' Garage within 8 feet of rear setback and 2 feet from side setback.

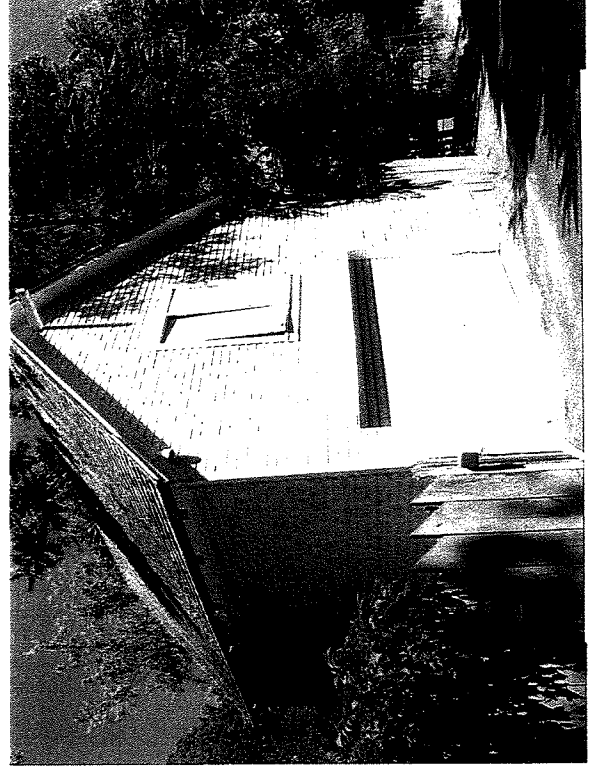
# Exhibit B



569 Main St. 24'x24' Garage  
within 5 feet of rear setback.



561 Main St. 24'x24' Garage  
within 5 feet of rear setback



545 Main St. 22'x24' Garage  
within 4 feet of rear setback



500 N. Pine St. 15'x20' Garage  
within 8 feet of rear setback  
and 2 feet from side setback.