



GRASS VALLEY

Planning Commission Meeting

Tuesday, April 18, 2023 at 7:00 PM
Council Chambers, Grass Valley City Hall | 125 East Main Street, Grass Valley, California
Telephone: (530) 274-4310 - Fax: (530) 274-4399
E-Mail: info@cityofgrassvalley.com Web Site: www.cityofgrassvalley.com

AGENDA

Any person with a disability who requires accommodations to participate in this meeting should telephone the City Clerk's office at (530)274-4390, at least 48 hours prior to the meeting to make a request for a disability related modification or accommodation.

COMMISSIONERS

Chair Eric Robins, Commissioner Justin Gross, Commissioner Liz Coots, Commissioner Greg Bulanti, Commissioner Ari Brouillette

MEETING NOTICE

Planning Commission welcomes you to attend the meetings electronically or in person at the City Hall Council Chambers, located at 125 E. Main St., Grass Valley, CA 95945. Regular Meetings are scheduled at 7:00 p.m. on the 3rd Tuesday of each month. Your interest is encouraged and appreciated.

This meeting is being broadcast "live" on Comcast Channel 17 by Nevada County Media, on the internet at www.cityofgrassvalley.com, or on the City of Grass Valley YouTube channel at <https://www.youtube.com/channel/UCdAaL-uwDN8iTz8bI7SCuPQ>.

Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after that will be addressed during the item and/or at the end of the meeting. Commission will have the option to modify their action on items based on comments received. Action may be taken on any agenda item.

Agenda materials, staff reports, and background information related to regular agenda items are available on the City's website: www.cityofgrassvalley.com. Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet will be made available on the City of Grass Valley website at www.cityofgrassvalley.com, subject to City staff's ability to post the documents before the meeting.

Council Chambers are wheelchair accessible and listening devices are available. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting by calling (530) 274-4390, we are happy to accommodate.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA APPROVAL

ACTION MINUTES APPROVAL

PUBLIC COMMENT - *Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after that will be addressed during the item and/or at the end of the meeting. The Planning Commission will have the option to modify their action on items based on comments received. Action may be taken on any agenda item.*

PUBLIC HEARING ITEMS

- 1. Variance Application (23PLN-08)** to construct a new deck within the 5-foot rear yard setback located at 114 Mallard Dr. APN: 035-580-062. **Recommendation:** 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. **CEQA:** Categorical Exemption Section 15305

OTHER BUSINESS

- 2. Review of City Council Items**
- 3. Future Meetings, Hearings and Study Sessions**

BRIEF REPORTS BY COMMISSIONERS

ADJOURN

POSTING NOTICE

This is to certify that the above notice of a Planning Commission Meeting, scheduled for Tuesday, April 18, 2023 at 7:00 PM was posted at city hall, easily accessible to the public, as of 5:00 p.m. Thursday, April 13, 2022.

Taylor Day, City Clerk



**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 Categorical 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

114 Mallard Dr Plot Plan

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

GRASS VALLEY

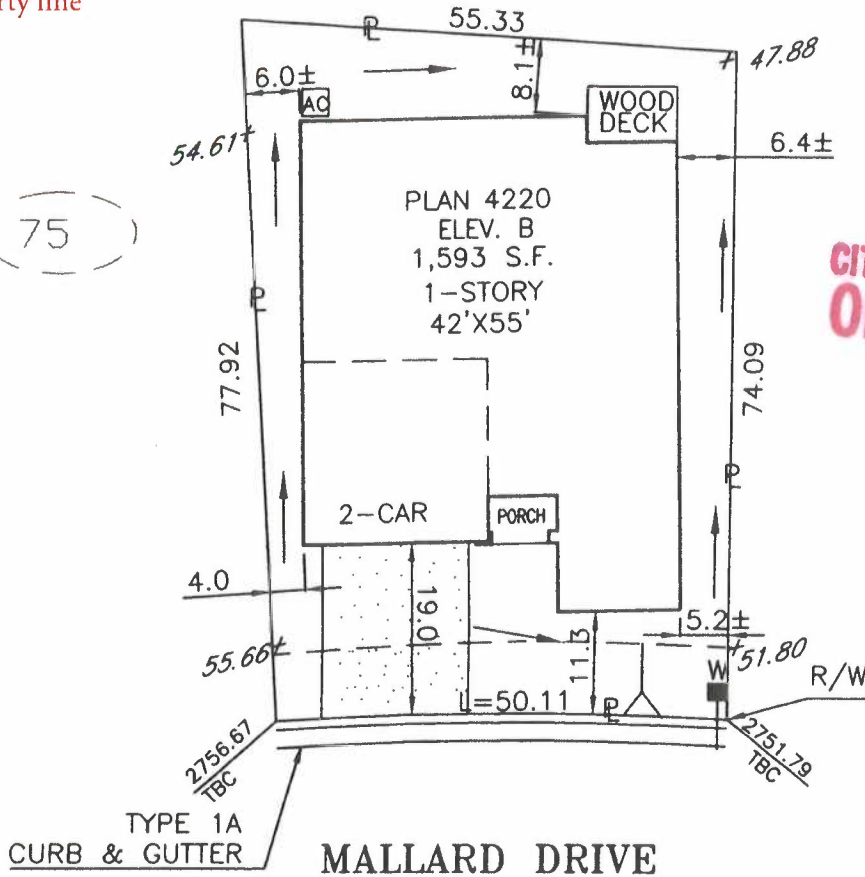
NOV 19 2002

Community Dev. Dept.

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**CITY OF GRASS VALLEY
OFFICE COPY**

F020504



ANY DETAILS NOTED ON THE
DRAWING MUST BE CHECKED
IN THE FIELD FOR COMPLIANCE
WITH ALL APPLICABLE ORDINANCES
AND CODES.

R.P. Bayles
SIGNED 01/21/02
DATE



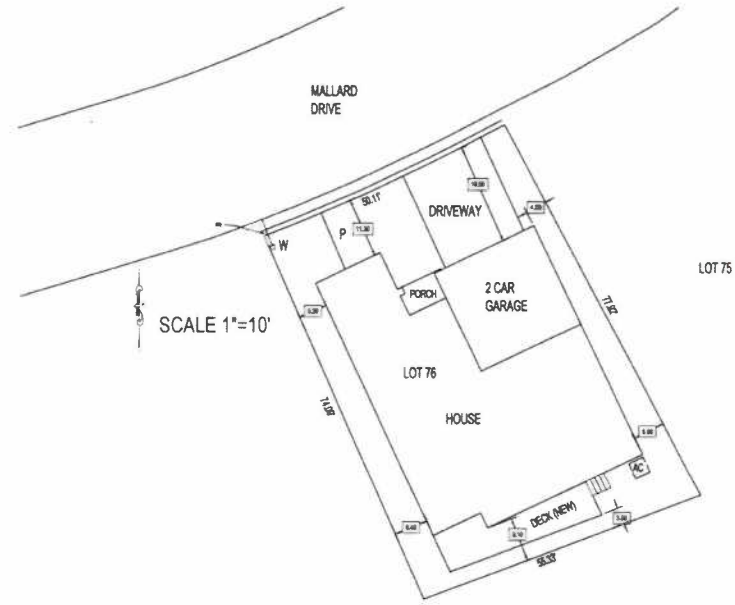
DIMENSIONS SHOWN ARE APPROXIMATE EXCEPT FOR MINIMUMS REQUIRED BY ORDINANCE. THIS PLOT DOES NOT REFLECT AS BUILT CONDITIONS AND MAY VARY FROM THIS PLAN.		PLOT PLAN	
TREASURE Homes A DIVISION OF PRODUCTION HOMES CORP. 601 COMMERCE DRIVE, SUITE 140, ROSEVILLE, CA. 95678 PHONE (916) 773-5581 FAX (916) 773-5940		Project name and address ESKATON VILLAGE GRASS VALLEY, CALIFORNIA	
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			

SITE PLAN

Proposed Deck Site Plan



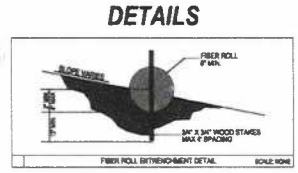
VICINITY MAP
NOT TO SCALE



PERMANENT EROSION & SEDIMENT CONTROL NOTES

SEEDING MIXTURES FOR TEMPORARY COVER		FERTILIZER - MULCH	
<p>Foodfall Areas</p> <p>1) Annual Ryegrass 1 24</p> <p>2) Rye Barley 4 180</p>		<p>Ammonium Phosphate 16-20-0 - Wood Chips if Hydroseeded - Check Rates</p> <p>Control Notes</p> <p>1) Seed & Fertilizer shall be applied using broadcast or hydroseed method. If hydroseeded, seed rate shall be increased by 25% and ligumes shall be properly seeded or planted broadcast. If broadcasted, before cover can be established, 1,000 lbs. on slopes greater than 3.5%. Other measures such as seeding or sodfill shall be utilized to hold materials in place until vegetation is established. These methods to be used as required by site conditions.</p> <p>2) All establishment techniques except seeding shall be finished within thirty days of site grading work. Seed fertilizer & mulch shall be applied between September 15 and October 15.</p> <p>3) Seed and mulch control shall be provided at all times including coverings, walkways and holidays. A/ least one visible unit with a minimum capacity of 1,000 gallons shall be available for applying water on the project area, as required by site conditions.</p> <p>4) All materials to be in-situ prior to start of work.</p> <p>5) All erosion control to be performed during excavation.</p> <p>6) All berms 3:1 (or steeper) will be planted & maintained during access activity, applicable between October 15 & May 1 only.</p> <p>7) Stone bales are not recommended for steep sloping site.</p> <p>8) Silt fencing is recommended for bottom end steep sloping site.</p> <p>9) Stone rolls/walves are recommended for gently sloping sites w/ less of grading.</p> <p>10) Erosion control blankets are recommended for steep slopes w/ slopes > 3:1.</p> <p>11) Land disturbance greater than 1 acre (53,500 SF) requires filing of a NOI report.</p> <p>12) The application of mulch is necessary to reduce the impact of sunlight, help hold soil in place, and provide a water and surface 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 most common mulch used is clean green straw. It should be applied at the rate of 2 tons per acre. This rate is equivalent to:</p>	
<p>Mountain Creststone Areas</p> <p>1) Coastal Ryegrass 2 90</p> <p>2) Fescue 4 180</p>		<p>MULCH BALSALS/1000 SF BALSALS/ACRE</p> <p>Straw 0.2 8 80</p> <p>Chemical based 0.2 8 (2 min-80 pound bales)</p>	
<p>SEEDING MIXTURES FOR PERMANENT COVER</p> <p>Foodfall Areas</p> <p>1) Zoysia Annual Fescue 0.2 6</p> <p>2) Bahia Clover 0.2 9</p> <p>3) Bahia Clover 0.3 12</p> <p>4) Bahia Clover 0.2 9</p> <p>5) Bahia Clover 0.3 12</p> <p>6) Bahia Clover 0.4 15</p> <p>Mountain Creststone Areas</p> <p>1) Lowa prostrate subgrass 0.6 24</p> <p>2) Fescue annual grass 0.2 8</p> <p>3) Stenotaphrum secundatum 0.2 8</p> <p>4) Chem's hard fescue 0.2 8</p>		<p>13) The application of mulch is necessary to reduce the impact of sunlight, help hold soil in place, and provide a water and surface 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 most common mulch used is clean green straw. It should be applied at the rate of 2 tons per acre. This rate is equivalent to:</p>	

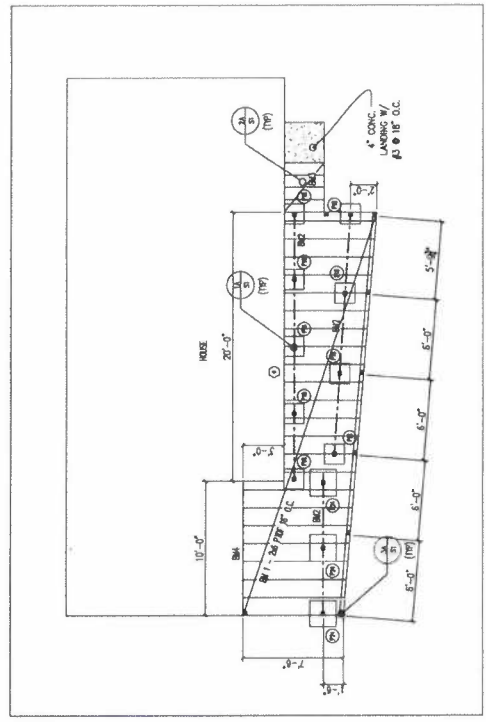
AREAS OF DISTURBANCE	
1) EXISTING DRIVEWAY:	304 S.F.
2) EXISTING HOUSE:	15935.F.
3) EXISTING PORCH:	35 S.F.
4) NEW DECK AND WALKWAY:	240 S.F.
TOTAL AREAS OF DISTURBANCE: 160 S.F.	
TOTAL IMPERVIOUS AREAS: 0 S.F.	
TOTAL LOT SIZE: 3968 SF	
TOTAL % OF LOT DISTURBED: 4%	



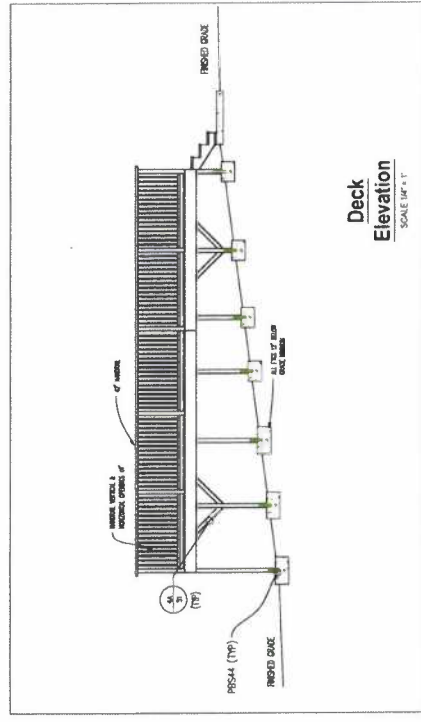
PROJECT SCOPE:
1. REPLACES OLD DECK WITH NEW AND CONSTRUCT 18SF OF NEW ADDITIONAL DECK.

SHEET	SITE PLAN
SITUS ADDRESS	114 MALLARD DRIVE GRASS VALLEY CA 95945
PROJECT OWNER	LEO GRANUCCI 114 MALLARD DRIVE GRASS VALLEY CA 95945
A.P.N.	
PHONE	035-580-062
THIS PROJECT SHALL CONFORM TO THE 2019 CBC, CBC, CBC, CBC, CBC, CBC, 2019 724	
SCALE AS NOTED	
3-20-23	
SHEET # SP1	

Deck Plan



Deck Plan
SCALE 1/4" = 1'



Deck Elevation
SCALE 1/4" = 1'

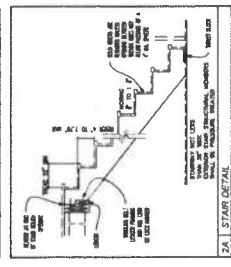
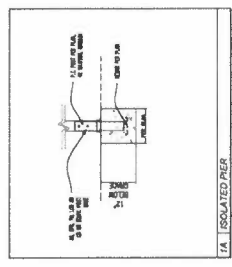
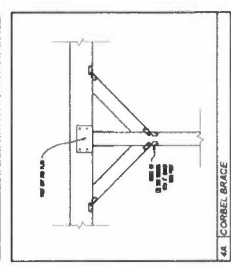
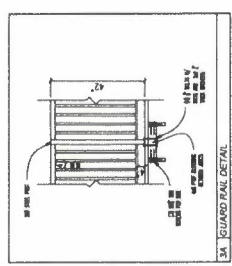
Lincoln & Long
STRUCTURAL ENGINEERS
11111 Lincoln Blvd. Suite 100
Grass Valley, CA 95945
TEL: 530-266-1111
WWW.LINCOLN-AND-LONG.COM

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SHEET # 1
FLOOR PLAN
114 MALLARD DRIVE
GRASS VALLEY, CA 95945

PROJECT OWNER
LEO GRANUCCI
114 MALLARD DRIVE
GRASS VALLEY, CA 95945
A.P.N.
035-480-062

PROJECT OWNER	LEO GRANUCCI
PROJECT ADDRESS	114 MALLARD DRIVE GRASS VALLEY, CA 95945
A.P.N.	035-480-062
DRAWN BY	RNV
DATE	3/20/2023
SCALE	AS NOTED
RELEASE DATE	3/20/2023
SHEET #	51



3A ISOLATED PIER

3B GUARDRAIL DETAIL

- LEGEND:**
- ① STRUCTURAL NOTE CALLOUT
 - DECK INDEX:**
 - SEE STRUCTURAL NOTES SHEET 50H
 - TC-2000S
 - PT-4000S
 - PT-5000S
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 - PT = PRESSURE TREATED

11-11-2023 - INITIAL RELEASE

	<p>Improving concrete performance Make your concrete last longer and perform better 666-666-6666</p>	<p>PROJECT OWNER LEON GRANUCCI 114 MALLARD DRIVE GRASS VALLEY, CA 95945</p>	<p>SHEET STRUCTURAL NOTES</p>	<p>PROJECT NO. 035-480-062 A.P.N. RW</p>	<p>THIS PROJECT SHALL BE IN ACCORDANCE WITH 2019 C.R.C. SEC. 17.02 SCALE AS NOTED RELEASE DATE 3/7/2023 SHEET # SNI</p>
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10. ALL BARS SHALL BE LAPPED WITH A MINIMUM OF 48 BAR DIAMETERS (16" BARS) STAGGERED AT LEAST ONE LAP LENGTH FROM EACH OTHER AND 12" FROM THE END OF THE MEMBER. STAGGERING SHALL BE 6" FOR 16" BARS AND 12" FOR 18" BARS.

11. ALL REBAR SHALL BE WELDED TO EACH OTHER AT THE CORNER JOINTS.

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11-11-2022 - INITIAL RELEASE

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

Item # 1.



ATTACHMENT 5

Item # 1.

