

**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
ZONING ADMINISTRATOR  
STAFF REPORT**



**Agenda of:** April 15, 2020  
**Item No.:** 4.a.  
**Staff:** Melanie Shasha

**VARIANCE**

**FILE NUMBER:** V19-0003/Marchiel

**APPLICANT:** Natalia Wieczork, Ben Fagan Design

**REQUEST:** Variance Permit to allow a reduction of the rear yard setback from 15 feet to 5 feet for the construction of a single-car garage and a single car carport.

**LOCATION:** The north side of Aravaipa Street, approximately 0.4 mile north of the intersection with Pioneer Trail and Jacarilla Drive, in the South Lake Tahoe area, Supervisorial District 5. (Exhibit A)

**APN:** 080-101-006 (Exhibit B and C)

**ACREAGE:** 0.17 acre

**GENERAL PLAN  
LAND USE DESIGNATION:** Adopted Plan (AP) / Tahoe Regional Plan Area Statement Montgomery Estates (Exhibit D)

**ZONING DESIGNATION:** Single-unit Residential, Tahoe Overlay (R1) (Exhibit E)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15305(a) of the CEQA Guidelines (Minor Alterations in Land Use Limitations- Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel)

**RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorical Exempt pursuant to CEQA Guidelines Section 15305(a); and
2. Approve Variance V19-0003 based on the Findings, and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

The applicant is requesting a variance to the rear setback to construct a one car garage and carport which would provide onsite covered parking for two vehicles. This site is located in the Tahoe Basin with the Tahoe Overlay and development is limited to 25% land coverage on this lot. Covered parking is recognized as a reasonable use in this area due to winter snow storms.

## **BACKGROUND / HISTORY**

The Tahoe Regional Planning Agency was formed in 1969 by a bi-state compact between Nevada and California and ratified by Congress. TRPA's Compact limits growth in the Tahoe Basin in several ways, one being the amount of land which can be developed with impervious surfaces. This site is limited to 25% of the parcel size to be used for the structure, driveways and garages. This parcel was developed with a single family residence in 1974 with a parking pad accommodating two parking spaces. The results of the site assessment will remain unchanged and no change in verified coverage is a part of this variance.

## **EXISTING CONDITIONS**

The parcel is currently developed with a single-family residence, several large pine trees with native shrubs and undergrowth (Exhibit I). The lot is 7,600 square feet in size and relatively flat. Neighboring parcels in the subdivision are also developed with single-family dwellings except the vacant parcel directly to the north which is publically owned and the vacant parcel to the northeast which is privately owned.

The site is located in the Tahoe Paradise subdivision and is fronted by three streets: Aravaipa Street on the southern perimeter, Ibache Street on the eastern perimeter and Susquehana Drive on the western perimeter (Exhibit C). This limits the building envelope to a small, triangular shaped area of approximately 3,872 square feet (88 feet long and 44 feet wide) (Exhibit F). At the location of the current driveway the building envelope is 25 feet deep. The existing residence was permitted and built in the current non-conforming location encroaching 2.5 feet into the front setback and 5 feet into the rear setback.

## **PROJECT DESCRIPTION**

The applicant is requesting a variance to reduce the 15 foot rear setback to 5 feet to allow a single car garage and single car carport (Exhibit G). The proposed structure will have a 12 foot wide by 20.5 foot deep garage and an 8 foot wide by 15 foot deep carport. Height will be in compliance with TRPA height regulations. The total distance from the front of the garage to Aravaipa Street would be approximately 32 feet to edge of pavement. The existing residence is already located 2.5 feet into the 20 foot front yard setback. No additional setback reductions are requested for the front yard. As a part of the project, the driveway will be relocated southeast 15 feet. As conditioned, the proposed structure would conform to the development standards of El Dorado County and the TRPA (Exhibit H).

## STAFF ANALYSIS

This site has limited locations with which to place a structure to provide covered parking. This site has a primary front yard setback of 20 feet, two secondary front yard setbacks of 15 feet and a rear yard setback of 15 feet. This results in a triangular-shaped building envelope. The house is situated in the center of this envelope. The covered parking structure is proposed on the side of the parcel with the existing primary front yard. The existing residence is located 2.5 feet into the primary front yard setback and 5 feet into the rear yard setback. This proposal would allow an additional 5 foot encroachment into the rear yard setback. This would still provide at least 10 feet from any future structure on the neighboring vacant lot as their side yard setback would be adjacent to this reduced rear yard setback. Alternative location for this structure would all require a variance to the standard setbacks. The current proposed location is preferred because it would allow ample snow storage areas. Other neighboring parcels have also successfully requested a variance to allow a covered parking structure based on similar site limitation such as: building envelope, development rights, slope, and other site-specific conditions.

**South Tahoe Public Utility District (STPUD):** STPUD provides water and wastewater collection services to the project area. The developer shall contact STPUD to apply for any applicable permits and to review any utility work to be performed.

**Tahoe Regional Planning Agency (TRPA):** TRPA approval will be required to allow construction of the covered parking and garage. Residential structures and their accessory structures are an allowed use in the Montgomery Estates Plan Area Statement.

**General Plan:** The subject parcel is the Tahoe Regional Planning Agency Adopted Plan. This use has been found to be in accordance with the TRPA Code of Ordinances and the General Plan.

**Zoning:** The subject parcel is zoned Single-unit Residential (R1), which allows single-family detached dwellings, and accessory uses and structures. With the exception of the proposed setback variance, the construction of the covered parking and garage would be permitted by right in the R1 zone district.

**Variance Findings:** The granting of a Variance requires four findings pursuant to Section 130.52.070 of the County Code. These findings for approval and their respective discussions are provided following this report.

## ENVIRONMENTAL REVIEW

This project is Categorically Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15305(a) that allows minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel. The front porch conversion to dwelling space and front deck are proposed to be constructed in the least sensitive areas of the property and impacts to the environment are not anticipated to occur with the approval of a Variance. No further environmental analysis is necessary.

A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services upon project approval.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

**Findings**

**Conditions of Approval**

- Exhibit A.....Location Map
- Exhibit B.....Assessor’s Parcel Map
- Exhibit C.....Subdivision Map E-0004B
- Exhibit D.....General Plan Land Use Map
- Exhibit E.....Zoning Map
- Exhibit F.....Existing Site Plan
- Exhibit G.....Proposed Site Plan
- Exhibit H.....Proposed Elevations
- Exhibit I.....Photo of Existing House

## FINDINGS

### Variance V19-0003/Marchiel Zoning Administrator/April 15, 2020

#### 1.0 CEQA FINDINGS

- 1.1 The modification of the structural setback is found to be Categorically Exempt from CEQA pursuant to Section 15305(a) that allows minor alterations in land use limitations through a Variance. There is no reasonable possibility that the location of the garage and carport within the rear yard setback will have a significant effect on the environment due to unusual circumstances.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Community Development Services, Planning and Building Department, at 2850 Fairlane Court, Placerville, CA.

#### 2.0 GENERAL PLAN FINDINGS

- 2.1 **The project is consistent with General Plan Policy 2.2.5.2: All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.**

Rationale: The subject parcel is the Tahoe Regional Planning Agency Adopted Plan. This use has been found to be in accordance with the TRPA Code of Ordinances and the General Plan. Furthermore, this site is in the Tahoe Regional Plan Area Statement Montgomery Estates and residential structures are a permissible use.

#### 3.0 ZONING FINDINGS

**The project is consistent with Title 130:**

- 3.1 **There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant.**

Rationale: Several factors limit building additions to this property including the position of the existing home on the property and the coverage limits placed on the property by the TRPA Code of Ordinances. If the addition were to be developed at the standard foot rear setback, the structure would extend into the front setback by up to 10 feet. This would limit onsite parking and snow

storage. The Site Assessment (Exhibit F) has confirmed that there is 466 square feet of allowable new coverage which is just enough to add the garage, carport and paved parking (Exhibit G). Staff has determined that the variance is the minimum necessary for the reasonable use of the land as there are no other suitable locations on the subject parcel that would allow for a garage and carport addition to be developed consistent with the TRPA land coverage requirements. Other areas such as along Susquehana Drive and the house are not feasible because it would still require a variance to the front yard setback but would require a new address. Due to significant constraints on the property as it relates to land coverage and existing development, it can be found that there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in this application, and that these circumstances have not resulted from any act of the owner or applicant. Accordingly, Finding 2.1 can be made.

**3.2 The strict application of the zoning regulations as they apply to the subject property would deprive the subject property of the privileges enjoyed by other property in the vicinity and the same zone (California Government Code Section 65906).**

Rationale: Allowing the reduced rear yard setbacks for the addition of garage and carport would not impact adjoining properties nor the right of ways of Aravaipa Street, Ibach Street and Susquehana Drive. By requiring the applicant to relocate the proposed garage and carport in accordance with the building setbacks of the Single-unit Residential Zone District, the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or building allowed for by other land in the vicinity and the same zone, and therefore, Finding 2.2 can be made.

**3.3 The variance granted shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated (California Government Code Section 65906).**

Rationale: Covered parking in the Tahoe Basin is recognized as a reasonable use. The applicant is requesting a variance to the rear setback to develop a one car garage and carport. This is to provide onsite, covered parking for two vehicles. Furthermore, this project will remain within the maximum TRPA coverage limits for the property of 1,825 square feet of allowable land coverage by the (Bailey Class 5 designation). As such, granting the variance request would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Therefore, Finding 2.3 can be made.

**3.4 The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan, and not detrimental to the public health, safety, and welfare or injurious to the neighborhood.**

Rationale: The project was distributed to all applicable responsible agencies, and no comments were received to prevent approval of the Variance. The proposed Variance allowing a reduction in the rear yard setback is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan and will not impact the public health, safety, and welfare, nor will it be injurious to the other residential uses in the project area. Finding 2.4 can be made.

# CONDITIONS OF APPROVAL

## Variance V19-0003/Marchiel Zoning Administrator/April 15, 2020

### Conditions of Approval:

1. This Variance approval is based upon and limited to compliance with the project description and following exhibits:

Exhibit I .....Proposed site plan

Any deviations from the project description, exhibits, or Conditions of Approval set forth below shall be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Variance Permit to allow a reduction of the rear yard setback from 15 feet to 5 feet for the construction of a single-car garage and a single car carport.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. **Project Modifications:** Building design and building placement shall be completed in conformance with the plans submitted and in conformance with the Conditions of Approval herein. Minor variations are allowed, however, any major changes in the location of buildings shall require Planning Services review and approval.
3. **Condition Compliance:** Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
4. **Notice of Exemption Fee:** A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services upon project approval.
5. **Permit Implementation:** Pursuant to Zoning Ordinance Section 130.54.060, implementation of the project must occur within 24 months of approval of this Variance,

otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.

6. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.