

# DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

<http://www.co.el-dorado.ca.us/devservices>

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**PLACERVILLE OFFICE:**  
2850 FAIRLANE COURT PLACERVILLE, CA 95667  
BUILDING (530) 621-5315 / (530) 622-1708 FAX  
[bldgdept@co.el-dorado.ca.us](mailto:bldgdept@co.el-dorado.ca.us)  
PLANNING (530) 621-5355 / (530) 642-0508 FAX  
[planning@co.el-dorado.ca.us](mailto:planning@co.el-dorado.ca.us)  
Counter Hours: 8:00 AM to 4:00 PM

**LAKE TAHOE OFFICE:**  
3368 LAKE TAHOE BLVD. SUITE 302  
SOUTH LAKE TAHOE, CA 96150  
(530) 573-3330  
(530) 542-9082 FAX  
[tahoebuild@co.el-dorado.ca.us](mailto:tahoebuild@co.el-dorado.ca.us)  
Counter Hours: 8:00 AM to 4:00 PM

TO: Planning Commission Agenda of: March 11, 2010

FROM: Jason R. Hade, AICP, Senior Planner Item No.: 4.b

DATE: March 1, 2010

**RE: V09-0002/Fry Variance Application – Revised Findings (Attachment 1)**

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## **Background:**

At the Planning Commission hearing of February 25, 2010, the Planning Commission conceptually denied the subject application and directed staff to return to the Planning Commission on March 11, 2010 with revised findings which are attached.

## **Recommendation:**

Staff recommends the Planning Commission take the following actions:

1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15305(a); and
2. Deny Variance V09-0002 based on the revised findings in Attachment 1.

## **Attachments:**

Attachment 1 – Revised Findings

# **REVISED ATTACHMENT 1**

## **FINDINGS**

### **VARIANCE V09-0002/Fry**

**March 11, 2010 Planning Commission Hearing**

## **FINDINGS FOR DENIAL**

### **1.0 CEQA FINDINGS**

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15305(a) that allows minor alterations in land use limitations for a variance.

### **2.0 VARIANCE FINDINGS**

- 2.1 *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.*

The lot is 27,300 square feet in total area. The lot is bisected by Fallen Leaf Road with a majority of the buildable area located on the east side of the road. Both portions contain a residence. The existing residence on the west side to be reconstructed was built in 1927. However, there is sufficient space on the east side of the site to construct a single-family residence. The existing second residence on the east side of Fallen Leaf Road could be demolished and replaced with the proposed residence and have ample space to meet the minimum required setbacks of the TR1 zone district.

- 2.2 *The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building allowed for other land in the vicinity and the same zone.*

The land is already developed and is being “reasonably” used. Although several existing three-story homes within the Fallen Leaf Lake area are shown in the photographs within Exhibit I, these existing residences are located on the east side of Fallen Leaf Lake Road while the proposed residence is on the west side of Fallen Leaf Lake Road adjacent to Fallen Leaf Lake. As discussed above, there is sufficient space available at the subject site to construct a new single-family residence which would meet the minimum required setbacks.

- 2.3 *The variance is the minimum necessary for the reasonable use of the land or building.*

Reasonable use of the land does not require a variance as there is adequate space available on the subject parcel to construct a single-family residence that meets the minimum setback requirements. The lot is already developed with a primary and secondary residential dwelling.

- 2.4 *The variance is in conformity with the intent of this article and not detrimental to the public health, safety, and welfare, or injurious to the neighborhood.*

The project is inconsistent with the intent of Tahoe Regional Planning Agency's Plan Area Statement 145, South Fallen Leaf Lake, because the size of the proposed residence does not reflect the character of the existing homes at Fallen Leaf Lake. Further, 10 public comment letters submitted in opposition to the project raised concerns regarding the structure's height and proximity to Fallen Leaf Road and Fallen Leaf Lake. Therefore, the variance will be detrimental to the public health, safety, and welfare of the neighborhood.