

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



**Agenda of:** September 2, 2020  
**Item No.:** 4.a.  
**Staff:** Melanie Shasha

**VARIANCE**

**FILE NUMBER:** V20-0001/O'Daly

**APPLICANT:** Lisa O'Daly

**REQUEST:** Variance Permit to allow a reduction of the front setback from 20 feet to 0 feet to allow for the construction of a two-car carport.

**LOCATION:** The property is located on the east side of Delaware St., approximately 2,640 feet north of the intersection with North Upper Truckee, in the South Lake Tahoe area, Supervisorial District 5. (Exhibit A)

**APN:** 033-424-006 (Exhibit B)

**ACREAGE:** 0.25 acre

**GENERAL PLAN**

**LAND USE DESIGNATION:** Adopted Plan (AP) / Tahoe Regional Plan Area Statement Tahoe Paradise – Upper Truckee (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 V20-0001 based on the Findings, and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

The applicant is requesting a variance to the front setback to develop a two-car 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 1,842 square feet of land coverage on this lot. The amount of land coverage, limited by TRPA, prevents the construction of the parking structure at the 20 foot front setback line. Covered parking is recognized as a reasonable use of the land 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 1,842 square feet of land coverage to be used for the structure, driveways and carport. This parcel was developed in 1974 with a single family residence and parking pad accommodating two parking spaces. A share of the parking is currently within the roadway easement. The results of the site assessment will remain unchanged and no change in verified coverage is a part of this variance.

The Tahoe Paradise Unit Number 22 subdivision map lists a front setback easement of 20 feet. The subdivision setback is in addition to the 20 foot front setback required by the Zoning Ordinance for Single-unit Residential zoned parcels. An application has been submitted requesting to correct this subdivision map and remove the additional setback line. This matter will be heard by the Board of Supervisors at the conclusion of the variance request. (Exhibit C)

## **EXISTING CONDITIONS**

The parcel is currently developed with a single-family dwelling, several large pine trees with native shrubs and undergrowth (Exhibit I). The site is located in the Tahoe Paradise subdivision and is fronted by Delaware St (Exhibit C). The lot is 10,786 square feet in size with slopes of 3-5%. Neighboring parcels in the subdivision are also developed with single-family dwellings except the vacant parcel directly to the south which is privately owned. Parking for this residence currently straddles the parcel line with a portion within the roadway easement.

## **PROJECT DESCRIPTION**

The applicant is requesting a variance to reduce the 20 foot front setback to 0 feet to allow a two-car carport (Exhibit F). The carport proposed will be 26 feet wide and 20 feet deep. The height will be in compliance with TRPA height regulations and approvals by Liberty Utility. Elevations submitted show a structure which matches the look and feel of the existing residence. The total distance from the front of the proposed carport to Delaware Street would be at a minimum 15 feet to edge of pavement. The total size of the proposed encroachment is 15 feet deep and 20 feet wide to accommodate the two vehicle carport encroachment. The existing residence is located at the 20 foot front yard setback on the south side of the parcel. No additional reductions are requested for the other required setbacks.

## STAFF ANALYSIS

This site is limited in locations with which to place a structure to provide covered parking. This site has a primary front yard setback of 20 feet, two side yard setbacks of 5 feet and a rear yard setback of 15 feet. The two-car carport is proposed within the existing front yard setback due to the limited amount of land coverage (Exhibit F). The existing residence is situated 20 feet from the edge of the front property line. Alternative locations for this structure which would meet setback requirements for the structure, land coverage limitations, and not require relocation of existing utilities does not exist onsite. The location of the proposed carport is vegetated with native shrubs and Fir trees.

**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.

**Liberty Utilities:** Liberty Utilities provides electrical service in the South Tahoe area. Approval for the location and height of the carport has been received from this utility and is shown in Exhibit XX.

**Tahoe Regional Planning Agency (TRPA):** TRPA approval will be required to allow construction of the carport. Residential structures and their accessory structures are an allowed use in the Tahoe Paradise – Upper Truckee Plan Area Statement.

**General Plan:** The subject parcel is in 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 carport 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 Categorical Exempt from the requirements of the 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 setback variances not resulting in the creation of any new parcel. The carport is proposed to be situated on the least environmentally sensitive area of the parcel. Zoning Ordinance findings for a variance have been made. 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 C-065B  
Exhibit D.....General Plan Land Use Map  
Exhibit E.....Zoning Map  
Exhibit F.....Proposed Site Plan  
Exhibit G.....Photos of Existing Site  
Exhibit H.....Liberty Utilities Approval

## FINDINGS

### Variance V20-0001/O'Daly Zoning Administrator/September 2, 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 carport 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 El Dorado County 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 in 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 Tahoe Paradise – Upper Truckee 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 new accessory buildings on this property including the position of the existing home on the property, location of utilities and the coverage limits placed on the property by the TRPA Code of Ordinances. If the addition were to be developed at the standard 20 foot front setback, the structure would require at least twice the amount of disturbance when

compared to the proposed location. It would also require cost-prohibitive relocation of the existing water, sewer and gas lines.

The Site Assessment has confirmed that there is 115 square feet of allowable coverage and 1,727 square feet of verified coverage. The verified coverage includes the residence, deck, driveway and steps. The TRPA Code of Ordinances allows an additional 400 square feet of coverage for onsite parking which is just enough to add the carport (Exhibit F).

Staff has determined that the variance is the minimum necessary for the reasonable use of the land consistent with the TRPA land coverage requirements.

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 3.1 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 front yard setback for the addition of a carport would not impact adjoining properties or the right of way of Delaware Street. By requiring the applicant to relocate the proposed 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 3.2 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 front setback to develop a two-car carport. This is to provide onsite, covered parking for two vehicles in compliance with the Parking and Loading Standards found in the Zoning Ordinance. Furthermore, this project will remain within the maximum TRPA coverage limits for the property of 1,842 square feet of land coverage allowed per the Code of Ordinances. 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 3.3 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 front 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 3.4 can be made.



# CONDITIONS OF APPROVAL

## Variance V20-0001/O'Daly Zoning Administrator/September 2, 2020

### CONDITIONS OF APPROVAL:

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

Exhibit F.....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 front setback from 20 feet to 0 feet to allow for the construction of a two-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.