

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



Agenda of: December 6, 2017
Item No.: 4.a.
Staff: Aaron Mount

VARIANCE

FILE NUMBER: V17-0002/Cochran Accessory Structure Variance

APPLICANT: Michael and Christie Cochran

REQUEST: A Variance request to allow a reduction in the front yard setback from 30-feet to 8.5-feet to allow for the development of a residential accessory structure with an attached carport.

LOCATION: South side of King of the Mountain Road, approximately ½ mile northeast of the intersection with Forebay Road, in the Pollock Pines area, Supervisorial District 5 (Exhibit A).

APN: 101-411-85 (Exhibit B)

ACREAGE: 2.34 acres

GENERAL PLAN: Low Density Residential-Platted Lands (LDR-PL) (Exhibit D)

ZONING: Estate Residential Ten-Acre (RE-10) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Sections 15303(e) and 15305(a) of the CEQA Guidelines

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

1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Sections 15303(e) and 15305(a); and
2. Approve Variance V17-0002 based on the Findings, and subject to the Conditions of Approval.

STAFF ANALYSIS

Project Description: The applicant is requesting a Variance to reduce the front yard setback from 30 feet to 8.5 feet to allow for the development of a residential accessory structure with an attached car port (Exhibit F and G).

Site Description: The property is located within a Rural Region adjacent to the Pollock Pines Rural Center. There is an existing single-family residence on the property with associated landscape features containing a mix of native and non-native vegetation. The entire parcel slopes downward from north to the south/southwest to about a half way point and then slopes up again. The proposed location for the residential accessory structure with an attached car port is currently a graveled area adjacent to the property's driveway.

Discussion: The proposed residential accessory structure with an attached car port (Exhibit F) will be located at the northeastern corner of the property adjacent to an existing driveway of asphalt concrete paving sloping approximately five percent upward from King of the Mountain Road. King of the Mountain Road is a privately maintained road that is sparsely developed with single-family residences and accessory structures, including some properties with garages which encroach into the required front yard setbacks. The residential accessory structure with an attached car port would be of similar architecture and materials as the existing residence, therefore the proposed garage would be complementary to the visual character of the property.

The permitting of the proposed variance to allow a reduced front yard setback of 8.5 feet is not anticipated to negatively impact other uses in the project area as the structure would be 27 feet from the edge of pavement. The Transportation Division reviewed the project and does not have concerns with the location of the proposed structure to the roadway.

Zoning: The subject parcel is zoned Estate Residential Ten-Acre (RE-10), which allows single-family detached dwellings, and accessory uses and structures. With the exception of the proposed setback variance, the construction of the residential accessory structure with an attached car port would be permitted by right in the RE-10 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 15303(e) that allows accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences in areas where no sensitive environmental resources exist, as well as Section 15305(a) that allows minor alterations in land use limitations through a variance. The accessory structure and car port are proposed to be constructed in the least sensitive parts of the property and impacts to the environment will not occur with the approval of a Variance. No further environmental analysis is necessary. A \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption. The

filing of the Notice of Exemption is optional; however, not filing the Notice extends the statute of limitations for legal challenges to the project from 35 days to 180 days.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings
Conditions of Approval

Exhibit ALocation Map
Exhibit B.....Assessor’s Parcel Map
Exhibit C.....Record of Survey RS21-111
Exhibit D.....General Plan Land Use Map
Exhibit E.....Zoning District Map
Exhibit F.....Detailed Site Plan
Exhibit G.....Site Plan with Topography

FINDINGS

V17-0002/Cochran Variance Zoning Administrator/December 6, 2017

1.0 CEQA FINDINGS

- 1.1 The modification of the structural setback is found to be Categorically Exempt from CEQA pursuant to Section 15303(e) of the CEQA Guidelines which allows for accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences in areas where no sensitive environmental resources exist, as well as Section 15305(a) that allows minor alterations in land use limitations through a Variance. There is no reasonable possibility that the location of the detached garage within the front 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 Development Services Department, Planning Services, at 2850 Fairlane Court, Placerville, CA.

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 position of the existing home on the property and the parcel's topography limits possible locations of any accessory structure requiring road access. Staff has determined that the variance is necessary for the reasonable use of the land as other locations on the subject parcel are less suitable that would allow for a residential accessory structure with an attached car port to be developed. Other areas such as the rear of the property would not be possible due to excessive grading to reach the rear of the property and the location of existing utilities. Additionally, existing large pine trees to the west of the existing house limits developable area. Due to constraints on the property as it relates to sediment disturbance, tree coverage, utility location, and slopes, 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.

- 2.2 **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).**

It can be found that similar to the Lake Tahoe Basin, that a garage or car port in the Pollock Pines area constitutes a reasonable use due to the amount of annual snowfall at

the parcels elevation. Additionally, development on other areas within the project parcel is anticipated to increase the construction cost three to four times. By requiring the applicant to locate a residential accessory structure with an attached car port in accordance with the building setbacks of the RE-10 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.

- 2.3 **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).**

The area directly within the front yard setback would allow for the development of the residential accessory structure with an attached car port with minimal disturbance of the existing slope, thereby reducing sediment disturbance and its potential runoff. Additionally the most suitable site would not require extensive tree removal or relocation of existing utilities. Therefore, Finding 2.3 can be made.

- 2.4 **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.**

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 2.4 can be made.

CONDITIONS OF APPROVAL

V17-0002/Cochran Variance Zoning Administrator/December 6, 2017

Conditions of Approval:

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

Exhibit F.....Detailed Site Plan

Exhibit GSite Plan with Topography

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 to allow a reduced front yard setback from 30 feet to 8.5 feet for the building of a residential accessory structure with an attached 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.