

**EL DORADO COUNTY DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



<b>Agenda of:</b>	June 26, 2008
<b>Item No.:</b>	9
<b>Staff:</b>	Robert Peters

**VARIANCE**

**FILE NUMBER:** V08-0003

**APPLICANT/AGENT:** Brian Mullens

**REQUEST:** A variance to allow a reduction in the front yard setback from 30 feet to five (5) feet to allow construction of a 900 square-foot garage structure.

**LOCATION:** On the south side of Eight Mile Road, approximately 0.70 miles east of the intersection with Carson Road, in the Camino area, Supervisorial District II (Exhibit A).

**APN:** 043-370-10 (Exhibit B)

**ACREAGE:** 1.41 acres

**GENERAL PLAN:** Medium-Density Residential (MDR) (Exhibit C)

**ZONING:** One-Acre Residential (R1A) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically exempt pursuant Sections 15303(e) and 15305(a) of the CEQA Guidelines.

**RECOMMENDATION:** Staff recommends the Planning Commission 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 V08-0003 subject to the conditions in Attachment 1 based on the findings in Attachment 2.

**STAFF ANALYSIS**

**Project Description:** The applicant is requesting a variance to allow a reduction in the front-yard setback from 30 feet to five (5) feet to allow construction of a 900 square-foot (30' x 30') structure (see Exhibit E). Off-street parking for the subject parcel will be located within the proposed garage. The applicant proposes to locate the garage on a previously graded pad located on the site approximately 16 feet lower in elevation than the existing roadway and at a distance of approximately 35 feet from the edge of the pavement (see Exhibit F).

**Site Description:** The 1.41 acre subject parcel is located in the Camino area near the intersection of Eight Mile Road and Carson Road, at an approximate elevation of 3,400 feet above mean sea level. The site slopes steeply from the north to the south, from the driveway encroachment to the rear of the parcel. Existing improvements include a single-family residence with a paved driveway. The site also contains a large graded pad between the existing residence and the front property line which is accessed by an existing gravel driveway and has been in existence since 1980. Vegetation on the site is dominated by Sierran mixed conifer forest.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	R1A	MDR	Developed with single-family dwelling
<b>North</b>	**	**	Eight Mile Road and U.S. Highway 50
<b>South</b>	R1A	MDR	Developed with single-family dwelling/Undeveloped residential property
<b>East</b>	R1A	MDR	Developed with single-family dwelling
<b>West</b>	R1A	HDR	Developed with single-family dwelling

**Discussion:** The permitting of the proposed variance to allow construction of a garage structure within the front yard setback is not anticipated to negatively impact other residential uses in the project area. This section of Eight Mile Road is developed with single-family residences that contain garage structures. Due to the steep slopes of the project site, the location of the garage elsewhere on the site would likely require significant grading and removal of trees. Therefore, the applicant intends to utilize an existing, previously graded pad for the proposed garage site. The graded pad is located approximately 16 feet lower in elevation than the existing roadway and at a distance of approximately 35 feet from the edge of the pavement. This change in elevation and distance from the edge of pavement, along with existing vegetation, will help to screen the garage from the roadway. Comments were received from the Department of Transportation (DOT) with regard to the setback reduction adjacent to a public right-of-way and have been incorporated into the Conditions of Approval (see Attachment 1).

**Variance Findings:** The granting of a variance requires four findings pursuant to *Section 17.24.040* of the *County Zoning Ordinance*. These findings for approval and their respective discussions are listed in Attachment 2 of this report.

**General Plan:** The subject parcel is located in the Camino/Pollock Pines Community Region. The County General Plan designates the subject parcel as Medium-Density Residential (MDR). This land use designation establishes areas suitable for detached single-family residences with larger lot sizes. *Policy 2.2.5.21* requires development projects to be located and designed in a manner that avoids incompatibility with adjoining land use that are permitted by policies in effect at the time the development project is proposed. The applicant proposes an accessory use to a previously established single-family residential use in conformance with the Medium-Density Residential designation and consistent with land uses in the project vicinity.

Although the majority of the parcel is steeply sloped, the previously graded pad is relatively flat. Utilizing the existing pad for the construction of the proposed garage structure and allowing a variance to reduce the required setback will not result in development on slopes greater than 30 percent, pursuant to *Policy 7.1.2.1*.

**Conclusion:** As discussed above, staff finds that the variance, as proposed and conditioned, conforms to the County General Plan.

**Zoning:** The subject parcel is zoned One-Acre Residential (R1A) District, which permits a minimum parcel size of one (1) acre and allows one-family detached dwellings and accessory uses and structures including but not limited to a garage.

The project requests a variance based on the regulations established by *Section 17.22.600* for encroachment into required yards for the garage. *Section 17.28.080(E)* identifies a front yard setback of 30 feet in the R1A district.

With the exception of the proposed zoning setback variance, the construction of the garage structure would be permitted by right in the R1A district. *Section 17.18.060* requires two parking spaces not in tandem for a single family residence. At this time the subject parcel contains the required two spaces, however, the proposed garage will provide the applicant an enclosed area for vehicle parking.

**Conclusion:** As discussed above, staff finds the variance, as proposed and conditioned, is consistent with all applicable provisions of *County Zoning Ordinance Title 17*.

## **ENVIRONMENTAL REVIEW**

This project has been found to be 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 for a variance. The project proposes development 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. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 ..... Conditions of Approval  
Attachment 2 ..... Findings

Exhibit A ..... Vicinity Map  
Exhibit B ..... Assessor's Parcel Map  
Exhibit C ..... General Plan Land Use Map  
Exhibit D ..... Zoning District Map  
Exhibit E ..... Variance Site Plan  
Exhibit F ..... Photos of Existing Residence

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

**V08-0003/Mullins  
Planning Commission/June 26, 2008**

### **CONDITIONS OF APPROVAL**

1. This variance is based upon and limited to compliance with the project description, the Planning Commission hearing Exhibits A through F, dated June 26, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must 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:

A reduction in front yard setback from 30 feet to five (5) feet to allow construction of a 900 square-foot garage structure, as shown on Exhibit E.

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. All plans must be submitted for review and approval and shall be implemented as approved by the County.

### **Planning Services**

2. 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, as provided in *Section 66474.9(b)* of the *California Government Code*.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or processing against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a variance, which action is brought within the time period provided for in *Section 66499.37* of the *California Government Code*.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

3. The reduction in setback shall apply only to the garage structure. All other structures shall conform to all setback requirements pursuant to Section 17.28.080.
4. Any exterior lighting installed as a result of the construction of the garage structure shall be shielded to prevent light and glare from leaving the property and must conform to the provisions of *Section 17.14.170 for Outdoor Lighting*.
5. Prior to issuance of any permits, the applicant shall pay all Development Services fees in full.
6. Prior to issuance of a building 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, as well as conformance with the General Plan checklist and all applicable "Fire Safe" regulations.

**El Dorado County Building Department**

7. The applicant shall apply for a building permit for the proposed garage structure. All necessary permits shall be issued prior to construction.

**El Dorado County Department of Transportation**

8. Prior to issuance of a building permit the applicant shall execute a hold harmless and indemnification agreement protecting the County from liability arising as a result of the approval of this setback line removal. The form of said document shall be reviewed and approved by County Counsel, and once approved, shall be recorded with the El Dorado County Recorder's Office. An official copy shall be sent to the Department of Transportation, Placerville office.

## **ATTACHMENT 2**

### **FINDINGS**

#### **V08-0003/Mullins Variance Planning Commission/June 26, 2008**

##### **1.0 CEQA FINDINGS**

1.1 This project has been found to be Categorical Exempt from the requirements of 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 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 subject site is constrained by the steepness of the terrain, coupled with dense forest vegetation. These factors in conjunction with the required 30-front setback requirement pursuant to Section 17.28.080 severely limit the possible locations for placement of structures on the project site, pursuant to General Plan Policy 7.1.2.1. Additionally, a previously graded pad which currently takes access from an existing driveway would allow for placement of the proposed garage structure without the need for significant grading or vegetation removal. The proposed variance would result in the best use alternative to allow construction of the garage on the existing pad.

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.*

Without the proposed variance, the existing pad could not be utilized for development. The steepness of the terrain and existing vegetation would preclude the applicant's ability to place additional structures, such as the proposed garage structure, on the subject parcel. The proposed garage would be utilized to meet the off-street parking requirement pursuant to Section 17.18.060 of the County Zoning Ordinance.

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

This variance request will authorize the construction of a garage structure, which has been conditioned to prevent any further structural encroachment within the front yard setback (see Attachment 1). To utilize the existing graded pad, thus avoiding significant grading and removal of vegetation, the proposed setback of five (5) feet is the minimum variance necessary for the reasonable use of the land.

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 was distributed to all applicable responsible agencies, and no comments were received to prevent approval of the variance. The adaptive reuse of the existing graded pad will ensure that the parcel meet the on-site parking requirements pursuant to *Section 17.18.060*. The garage is proposed to be constructed on a graded pad located approximately 16 feet lower in elevation than the existing roadway and at a distance of approximately 35 feet from the edge of the pavement. This change in elevation and distance from the edge of pavement, along with existing vegetation, will help to screen the garage from the roadway and the proposed variance is not anticipated to negatively impact the public health, safety, and welfare, or injurious to the other residential uses in the project area, specifically those to the east and west.