

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: January 16, 2008
Item No.: 5.a.
Staff: Robert Peters

VARIANCE

FILE NUMBER: V07-0008

APPLICANT: Richard Copra

AGENT: Brian Shinault Architect P.C.

REQUEST: A variance to allow a reduction in front yard setback from 20 feet to zero (0) feet to allow conversion of an existing 399 square-foot carport structure into an enclosed two-car garage structure.

LOCATION: On the west side of Jicarilla Drive, approximately 0.50 miles north of the intersection with Pioneer Trail, in the Tahoe Paradise Addition Unit 5 in the South Lake Tahoe area, Supervisorial District V (Exhibit A).

APN: 080-061-15

ACREAGE: Approximately 12,445 square feet

GENERAL PLAN: Adopted Plan, TRPA Regional Plan (Exhibit B and C)

ZONING: One-family Residential (TR1) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant Sections 15303(e) and 15305(a) to CEQA

RECOMMENDATION

Staff recommends 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 V07-0008 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 20 feet to zero (0) feet to allow conversion of an existing 399 square-foot (19' x 21') carport structure into an enclosed two-car garage structure (see Exhibit E and F). Off-street parking for the subject parcel is currently located within the existing carport. The proposed garage will be located adjacent to the front property line and will take access from an existing approximately 16-foot long driveway apron off of Jicarilla Drive.

Site Description: The 12,445 square-foot subject parcel is located in the Tahoe Paradise Addition Unit 5 Subdivision near the intersection of Jicarilla Drive and Pioneer Trail, at an approximate elevation of 6,400 feet above mean sea level. The site has slopes ranging from approximately 13 to 18 percent, sloping downward from the rear of the parcel to the street. Existing improvements include a 1,056 square-foot residence, a 399 square-foot carport, and 297 square feet of decks and stairs. Vegetation on the site is dominated by sub-alpine forest.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	TR1, PAS 117*	AP (TRPA Regional Plan)	Developed with single-family dwelling
North	TR1, PAS 117	AP	Developed with single-family dwelling
South	TR1, PAS 117	AP	Developed with single-family dwelling
East	TR1, PAS 117	AP	Developed with single-family dwelling
West	TR1, PAS 117	AP	Developed with single-family dwelling

*Plan Area Statement 117, Tahoe Paradise (T.P.) Washoan, which is primarily residential use.

Discussion: The permitting of the proposed variance to allow the carport conversion into an enclosed garage within the front yard setback is not anticipated to negatively impact other residential uses in the project area. Jicarilla Drive is densely developed. Many of the properties along Jicarilla Drive have an enclosed garage structure. Additionally, many of the garages appear to be inside of the required setback area including the properties to the north and south of the subject property. Comments were received from the Department of Transportation (DOT) –

Tahoe Engineering Division 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 County General Plan designates the subject parcel as Adopted Plan, which refers to the Tahoe Regional Planning Agency's Regional Plan. The parcel is located within TRPA Plan Area Statement (PAS) 117, Tahoe Paradise Washoan, which is primarily residential use (Exhibit C). The proposed garage is an allowed residential accessory structure. The granting of this variance, therefore, conforms to the Adopted Plan land use designation.

The County General Plan provides broad deference to the TRPA Regional Plan, for the implementation of related General Plan policies and for the review of County discretionary projects. With regard to the Tahoe Basin, the primary goal of the County General Plan is to integrate the County's regulations with those of TRPA, to eliminate inconsistencies with the Regional Plan and to simplify the regulatory environment in the Tahoe Basin, as articulated in *Goal 2.10* of the *County General Plan* and its associated policies.

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

Tahoe Regional Planning Agency (TRPA): The 12,445 square-foot subject parcel has approximately 1,754 square feet of verified land coverage and is located entirely within a Class 4 Land Capability District. The allowed base land coverage for the parcel is 20 percent of the parcel size or approximately 2,489 square feet. The current verified land coverage includes the existing carport and conversion of the carport into a garage will not change the building footprint. Therefore, the proposed verified land coverage for the parcel is less than the allowed maximum base and will allow for the conversion of the existing carport into the proposed garage.

Conclusion: As discussed above, staff finds that the variance, as proposed and conditioned, conforms to the TRPA Regional Plan.

Zoning: The subject 12,445 square-foot parcel is zoned One-Family Residential (TR1) District, which permits a minimum parcel size of 7,000 square feet when the lot is served with public water supply and sewage system. The parcel is served by a public water and sewage system by the South Tahoe Public Utility District.

The project requests a variance based on the regulations established by *Section 17.22.600* for encroachment into required yards for the garage. *Section 17.56.040* identifies a front yard setback of 20 feet in the TR1 Zone District.

With the exception of the proposed zoning setback variance, the conversion of the carport into a garage would be permitted by right in the TR1 Zone 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 in the existing carport, 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*.

Lake Tahoe Airport Comprehensive Land Use Plan: The subject parcel is located within Safety Area 3 (Overflight Zone) of the Lake Tahoe Airport Comprehensive Land Use Plan. Safety Area 3 (Overflight Zone) generally coincides with the area overflowed by aircraft during traffic pattern procedures. Pursuant to *Figure 18 Land Use Compatibility Guidelines for Safety* single family residential use are compatible with Safety Area 3 (Overflight Zone). The proposed conversion of the carport into a garage would be accessory to the primary use of the site which is single family residential and would be consistent with the Lake Tahoe Airport Comprehensive Land Use Plan.

Conclusion: As discussed above, staff finds that the variance, as proposed and conditioned, conforms to the Lake Tahoe Airport Comprehensive Land Use Plan.

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.....	General Plan Land Use Map
Exhibit C.....	Tahoe Regional Planning Agency Plan Area Map
Exhibit D.....	Zoning District Map
Exhibit E.....	Variance Site Plan
Exhibit F.....	Photo of Existing Residence

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number V07-0008
Zoning Administrator/January 16, 2008

CONDITIONS OF APPROVAL

1. This variance is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked as Exhibit D dated August 21, 2007, 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 variance request to allow a reduction in front yard setback from 20 feet to zero (0) feet to allow conversion of an existing 399 square-foot carport structure into an enclosed two-car garage structure as shown on Exhibit D.

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 proceeding 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. Any exterior lighting installed as a result of the proposed conversion of the carport into a

garage 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*.

4. Prior to issuance of any permits, the applicant shall pay all Development Services fees in full.
5. 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.

El Dorado County Building Department

6. The applicant shall apply for a building permit for the proposed carport conversion project. All necessary permits shall be issued prior to construction.

El Dorado County Department of Transportation

7. The variance to the setback will be allowed within the area necessary to construct only the project as listed in the project description. All remaining portions of the property setback which are not needed for the proposed project will remain at the current setback limit.
8. Prior to building permit issuance, 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 variance. 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, South Lake Tahoe office. Please contact Planning Services for a copy of the hold harmless and indemnification agreement.
9. The applicant's representative shall redraw and submit a complete site plan showing all standard information in a legible document with building plan submittal.

ATTACHMENT 2

FINDINGS

File Number V07-0008/Copra Variance Zoning Administrator/January 16, 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 lack of additional area to locate a new garage outside of the 20-foot front setback requirement pursuant to *Section 17.56.040* and TRPA coverage requirements. The existing carport footprint would not be enlarged through the conversion into a garage resulting in no expansion of the verified land coverage. Possible relocation of the garage would require removal of several large pine trees which are an amenity to the property and an increase in verified land coverage close to the maximum. Also, a garage that meets front yard setback requirements would require installation of a 20-foot driveway and new driveway apron. The Tahoe Basin is a unique area which experiences an abundance of snow fall every year. Locating the garage in this manner reduces the overall need for snow maintenance of driveways throughout the winter season.

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.*

Garage structures located within the 20-foot front setback requirement can be found within the adjoining neighborhood, and specifically, on the adjacent parcels to the north and south of the subject property. If this variance were not approved, the applicant would be deprived the ability to have an enclosed garage, and arguably the reasonable use of the property allowed by other landowners in the vicinity and the same zoning district. 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 conversion of an existing carport into an enclosed garage, which has been conditioned to prevent any further structural encroachment within the front yard setback (see Attachment 1). Given the fact that there is limited space to relocate the garage elsewhere on the parcel and meet required front and side-yard setbacks, and that the proposed garage footprint will be consistent with that of the existing carport, the requested variance is the minimum necessary for the reasonable use of the land (see Exhibit E).

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 carport has existed for some time and staff is unaware of any known history of access, safety, or utility related complaints or concerns. The adaptive reuse of the proposed garage will ensure that the parcel continues to meet the on-site parking requirements pursuant to *Section 17.18.060*. Although the DOT has authorized the approval of the variance, the DOT has imposed a condition that no further structural encroachments shall be authorized within the front setback (see Attachment 1). The variance, as conditioned, is not anticipated to be detrimental to the public health, safety, and welfare of the neighborhood.