

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



Agenda of:	October 15, 2008
Item No.:	5.a.
Staff:	Tom Dougherty

VARIANCE

FILE NUMBER: V08-0009

APPLICANT/AGENT: Brian Ewert

REQUEST: A variance to allow a reduction in the front yard setback from 30 feet to 15 feet to allow construction of an attached garage.

LOCATION: On the southeast side of Angel Lane, approximately 1,000 feet south of the intersection with Green Valley Road, in the Placerville area. Supervisorial District IV (Exhibit A).

APN: 325-440-12 (Exhibit B)

ACREAGE: 1.01 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 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 V08-0009 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 15 feet to allow construction of an 875 square-foot (35' x 25') attached garage (see Exhibit F). 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 and graveled pad located on the site at a distance of approximately 30 feet from the edge of the existing partially paved and graveled road.

Site Description: The 1.01 acre subject parcel is located at an approximate elevation of 1,600 feet above mean sea level. The site slopes from the north to the south with a steeper slope between the existing through road and the north property line. Access is from Angel Lane, a private road. Existing improvements include a single-family residence with a paved driveway apron with concrete edging from Angel Lane to the vicinity of the proposed garage. From that point the road is graveled. Three other parcels use the road that transverses the subject parcel. There are scattered native oak trees on the south and west borders. The western portion of the parcel is stepped lower in elevation than the house pad is. There is a small storage shed in the southeast corner.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1A	MDR	Residential, single-family dwelling.
North	R1A	MDR	Residential, single-family dwelling.
South	R1A	MDR	Residential, single-family dwelling.
East	R1A	MDR	Residential, vacant.
West	R1A	MDR	Residential, single-family dwelling.

Discussion: The permitting of the proposed variance to allow construction of a garage structure within the front yard setback which is not anticipated to negatively impact other residential uses in the project area. The garage could be found to be compatible and consistent with the surrounding residences. The owner of the other three parcels that use this roadway has stated her support of the project to the project planner.

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 El Dorado – Diamond Springs 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 constrained by slopes, zoning code setbacks, trees and the septic system, the previously graded pad, including the proposed garage area, is graded 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.*, will not affect oak tree canopy, pursuant to *Policy 7.4.4.4*

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 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 within the same location, thus not intensifying any use not presently existing.

Although the garage is to be located 15 feet from the edge of the road easement, it will not be closer than 30 feet from the edge of the existing pavement and would be approximately 65 feet from the north property line. The nearest house to the north is located approximately feet from the propose garage.

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	Parcel Map 30 - 1
Exhibit F.....	Variance Site Plan
Exhibit G.....	Building Elevation
Exhibits H1, H2, H3.....	Photos of Existing Residence
Exhibits I1, I2.....	Aerial Photos

ATTACHMENT 1

CONDITIONS OF APPROVAL

**V08-0009/Ewert
Zoning Administrator/October 15, 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 I2, dated October 15, 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 15 feet to allow construction of a maximum 875 square-foot attached garage structure, as shown on Exhibit F.

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 shall conform to § 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation.
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.
7. The applicant shall submit to Planning Services the \$50.00 Department of Fish and Game filing fee prior to filing of the Notice of Exemption by the County. No permits shall be issued until said fee is paid.

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.

El Dorado County Environmental Health Division

9. The garage subject of this permit shall maintain a minimum setback of at least 5 feet from septic tank and 10 feet from disposal field. No part of the septic system shall be covered with a building, including the solid pipe from septic tank to leach field. For building permit application review, the applicant shall demonstrate that the proposed garage will not impact the septic system prior to issuance of the building permit.

ATTACHMENT 2

FINDINGS

V08-0009/Ewert Variance Zoning Administrator/October 15, 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 cut slopes, oak canopy, the existing septic system and a road on two sides. These factors in conjunction with the required 30-foot 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 cut slopes, oak canopy, the existing septic system and road on two sides 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 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. The garage will not increase any impacts not currently existing today because it essentially just covers an area already considered the only available portion of the property to park two cars, not in tandem. 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.