

# Attachment 1

June 3, 2009

Mr. Peter Mauer  
Zoning Administrator  
El Dorado County Development Services  
2850 Fair Lane Court, Building C  
Placerville, CA, 95667

03 JUN -4 PM 2:44  
RECEIVED  
PLANNING DEPARTMENT

Ref: Variance # V05-02 for APN # 033-493-03 dated 4-20-2005

Dear Mr. Mauer,

This letter is to request an extension for the variance granted at 1657 Grizzly Mountain, APN # 033-493-03. The original variance was for a setback reduction in order to build a garage on a single family residence. I ask that this request be placed on the July 1, 2009 Zoning Administrator meeting.

In review, my wife and I purchased this residence as in a foreclosure sale with the intention of holding it as a rental, home for our adult children and eventually a one story home for our senior years. It was quite dilapidated and required a complete remodel, including new electrical, plumbing, heating, windows, doors as well as new bathrooms and kitchen. The remodel project was under an owner-builder permit and was completed in July of 2004. The residence was immediately occupied by a single female renter and her young daughter.

The initial planning was begun soon after to build a garage. I quickly realized that for construction to happen, a variance could be needed to reduce the setback. A property survey, site assessment and variance application process began, with the help of Alan Tolhurst, and ultimately the variance, File # V05-02, was approved on April 20, 2005.

My son and I began drafting tentative plans to attach the new garage to the house and provide an entry door. Alan Tolhurst inspected the house and helped us work through structural and drainage problems. I began purchasing various building materials, roof sheathing and siding in particular, and stored them on site. Although a complete set of building plans was not started, various issues were resolved and our last invoice from Mr. Tolhurst on this project was May 29, 2007.

On June 24, 2007 the Angora Fire started and roared through the neighborhood of our primary residence, 1320 Mt. Rainier Dr. Due to good defensible space and response by various fire departments our home survived the fire but numerous neighbors' homes were lost.

At that point, our priority became recovery; both physical and psychological. Insurance crews decontaminated our house, removed and replaced insulation, water blasted and repainted the house and decks and landscaping projects began. The Grizzly Mountain residence and garage project, only two long blocks away, was put on hold.

With the subsequent loss of value of our Mt. Rainier home due to the fire and the simultaneous national economic downturn, we recently chose to sell Grizzly Mountain. In addition to the full remodel and unique location of the residence, another major asset was the time and money put into the permitting and construction of the future garage.

**V 05-0002 R**

page two

The Variance papers were provided to our Realtor Trish Grant for disclosure to a potential buyer. Ms. Grant contacted El Dorado County and was told by Mr. Pierre Rivas that the Variance had expired 24 months after issuance.

Although the expiration was written nowhere on our Variance Approval documents I reluctantly accept that fact. Having just discovered this expiration issue, I have re-established the timelines involved.

Unbeknownst to us on April 20, 2007 the Variance expired, even though during the spring and early summer of 2007 we were close to pursuing plans and a building permit. Then when the Angora Fire hit it threw a wrench into the works, and our own disaster recovery became an overwhelming priority. Now, about two years later, we again are in the position of needing the Variance Approval.

Therefore, I must formally request a four year extension the Variance # V05-02. The first 24 month extension from 4-20-07 to 4-20-09 has already passed, coincidental with the Angora Fire exigency. Another 24 month extension, from 4-20-09 to 4-20-11 would provide sufficient time to pursue building plans, permits and construction.

Nothing has changed with the house at 1657 Grizzly Mountain, nor am I aware of any zoning or ordinance changes that would affect the approval of an extension.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren Berg". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Warren Berg

1320 Mt. Rainier Dr  
South Lake Tahoe, CA, 96150  
Cell 530) 318-0651

# Attachment 2

**Agenda of:** April 20, 2005

**Item No.:** 6.a.

**Staff:** Jason R. Hade

## **STAFF REPORT - VARIANCE**

**FILE NUMBER:** V05-0002

**APPLICANT:** Warren Berg

**REQUEST:** Variance to allow a reduction of the front yard setback from 20 feet to five feet as required pursuant to Section 17.56.040(A) of County Code, for construction of a detached garage.

**LOCATION:** On the east side of Grizzly Mountain Drive 50 feet north of the intersection with Little Bear Lane in the South Lake Tahoe area. (Exhibit A)

**APN:** 033-493-03 (Exhibit B)

**PARCEL SIZE:** 10,244 square feet

**1996 GENERAL PLAN:** High-Density Residential (HDR) (Exhibit C)

**2004 ADOPTED GENERAL PLAN:** Adopted Plan (Tahoe Regional Plan)

**ZONING:** Tahoe One-Family Residential (TR1) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15305(a) of the CEQA Guidelines

**SUMMARY RECOMMENDATION:** Conditional Approval

## **STAFF ANALYSIS**

**Project Description:** The applicant is requesting a variance to reduce the required 20-foot front yard setback from the (western) property line of Assessor's Parcel Number 033-493-03 along Grizzly Mountain Drive in order to allow the development of a 420 square foot garage at the subject site.

**Site Description:** The subject site is identified as lot 170 within Mountain View Estates #2 subdivision consisting of approximately 10,244 square feet. Existing improvements on the parcel include a 1,293 square foot residence, 442 square foot driveway, 15 square feet of compacted dirt, 133 square feet of wood decks, 16 square feet of stairs and 110 square feet of concrete/flat rock. A 34-inch DBH pine tree is located six feet behind the proposed garage. The site is relatively flat with a slope of less than 15 percent. Access is provided to the subject parcel from Grizzly Mountain Drive.

## **FINDINGS and CONDITIONS of APPROVAL**

**V05-02/Warren Berg**  
Zoning Administrator hearing of April 20, 2005

### **FINDINGS**

1. The project has been found to be Categorical Exempt from CEQA pursuant to Section 15305(a) stating that setback variances not resulting in the creation of any new parcels are not subject to environmental review.
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. Strict application of the setback requirements would deprive the property owners of a garage.
3. The variance is the minimum necessary for the reasonable use of the land because TRPA coverage limitations restrict development elsewhere on the property.
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 because the setback reduction will provide adequate buffering from Grizzly Mountain Drive and will not significantly interfere with snow removal operations in the project vicinity.
5. 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. These circumstances are TRPA tree removal and coverage restrictions.
6. This project may be approved subject to the following findings established in Paragraph 5, Sub-Paragraph 4(g) of the Final Writ, which permits the County to issue permits for projects within the jurisdiction of the Tahoe Regional Planning Agency (TRPA), subject to the findings in Sub-paragraph 8 in the Final Writ issued by the Court on July 19, 1999, as follows:
  - a. *The approval or project will not significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA.*

The request for a reduction of the 20-foot front yard setback along Grizzly Mountain Drive by 15 feet was reviewed and determined to be Categorical Exempt pursuant to Section 15305(a) of the CEQA Guidelines. Additionally, none of the issues identified in the February 5, 1999 Court ruling will be affected by the approval of a variance to reduce the front yard setback. Furthermore, the requested variance will not impair the County's ability to implement the 2004 Adopted General Plan as it is found to be consistent with the policies contained within the plan.

- b. *The approval or project complies with all other requirements of law.*

The project complies with all provisions of County and State law. The findings for a variance as required under Section 65906 of the California Government Code and Section 17.22.630 of the El Dorado County Code can be made and therefore staff recommends approval of the request.

- c. *The approval or project is consistent with the text and maps of the 1996 General Plan as amended through February 4, 1999.*

The proposed development of an accessory residential garage on the subject site is consistent with the text and maps of the 1996 General Plan as amended through February 4, 1999 as well as the 2004 Adopted General Plan.

### **CONDITIONS OF APPROVAL**

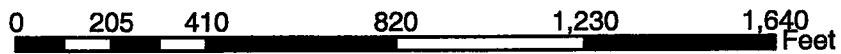
1. The minimum front yard setback shall not be less than five feet from the western property line along Grizzly Mountain Drive as shown on Exhibit D.
2. Prior to building permit issuance, the applicant shall consult with the County Planning Department and County Counsel with respect to the preparation of a legal binding document upon the subject property which serves the purpose of indemnifying and holding the County harmless for any and all claims or lawsuits or damages, which arise in any way from this reduction in the building setback. The form of said document shall be reviewed and approved by the County Counsel, and once approved, shall be recorded with the El Dorado County Recorder's Office with an official copy sent to the Department of Transportation South Lake Tahoe office.
3. All development on the parcel shall be subject to issuance of a building permit from the El Dorado County Building Department.
4. All development on the parcel shall be subject to compliance with all applicable Tahoe Regional Planning Agency policies.
5. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance. The project grading plans shall include this condition on the plans. The Planning Department shall review the grading plans prior to issuance of a grading permit.

6. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. The project grading plans shall include this condition on the plans. The Planning Department shall review the grading plans prior to issuance of a grading permit.



APN: 033-493-03

Washoe Meadows  
State Park



File No. V05-0002  
Vicinity Map

EXHIBIT A

FOR NW1/4 SEC.19, T12N., R.18E., M.D.M.  
MOUNTAIN VIEW ESTATES UNIT NO. 2  
C-57

33:49

Tax Area Code

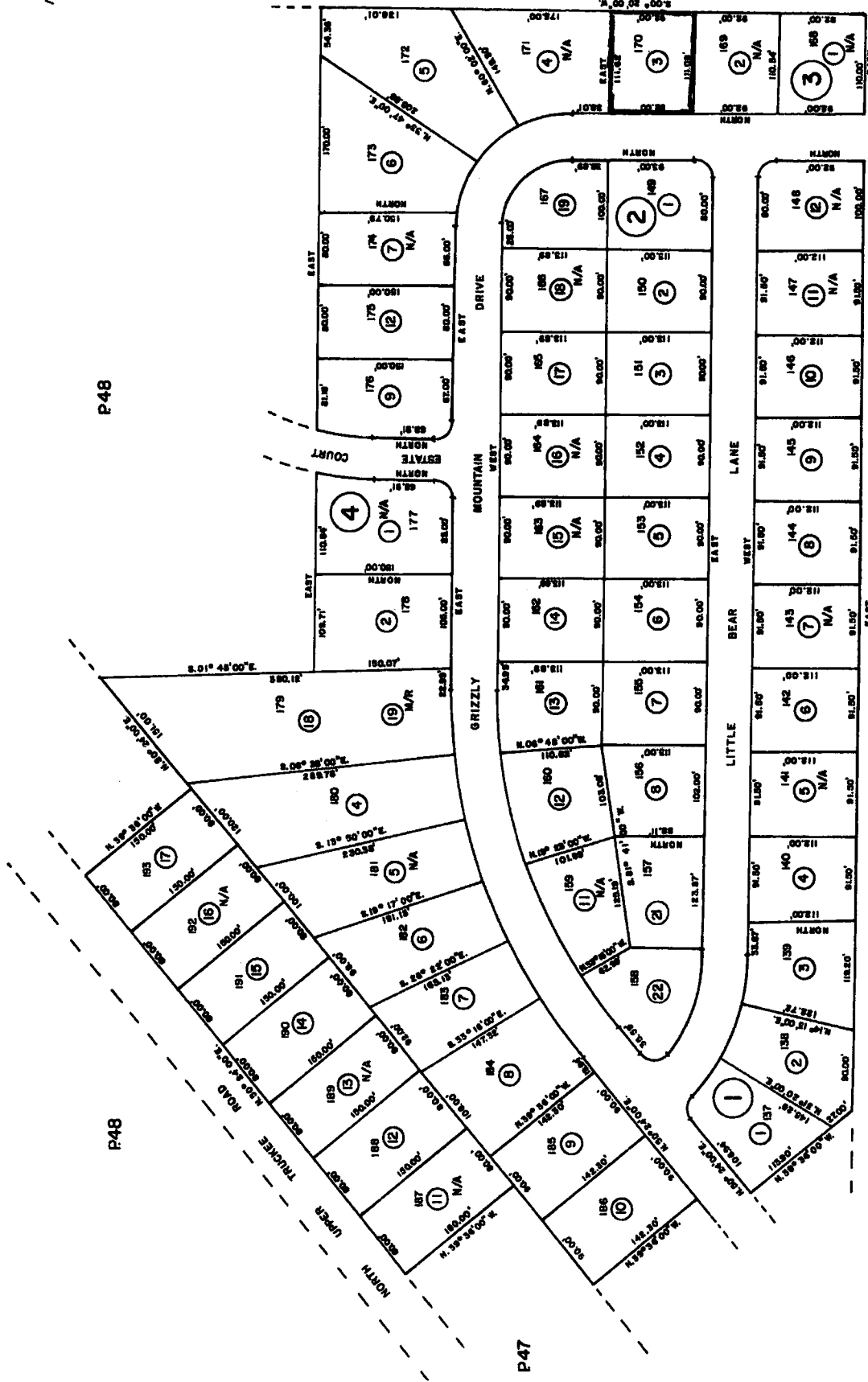
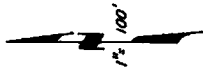


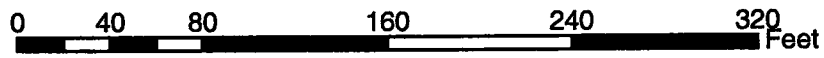
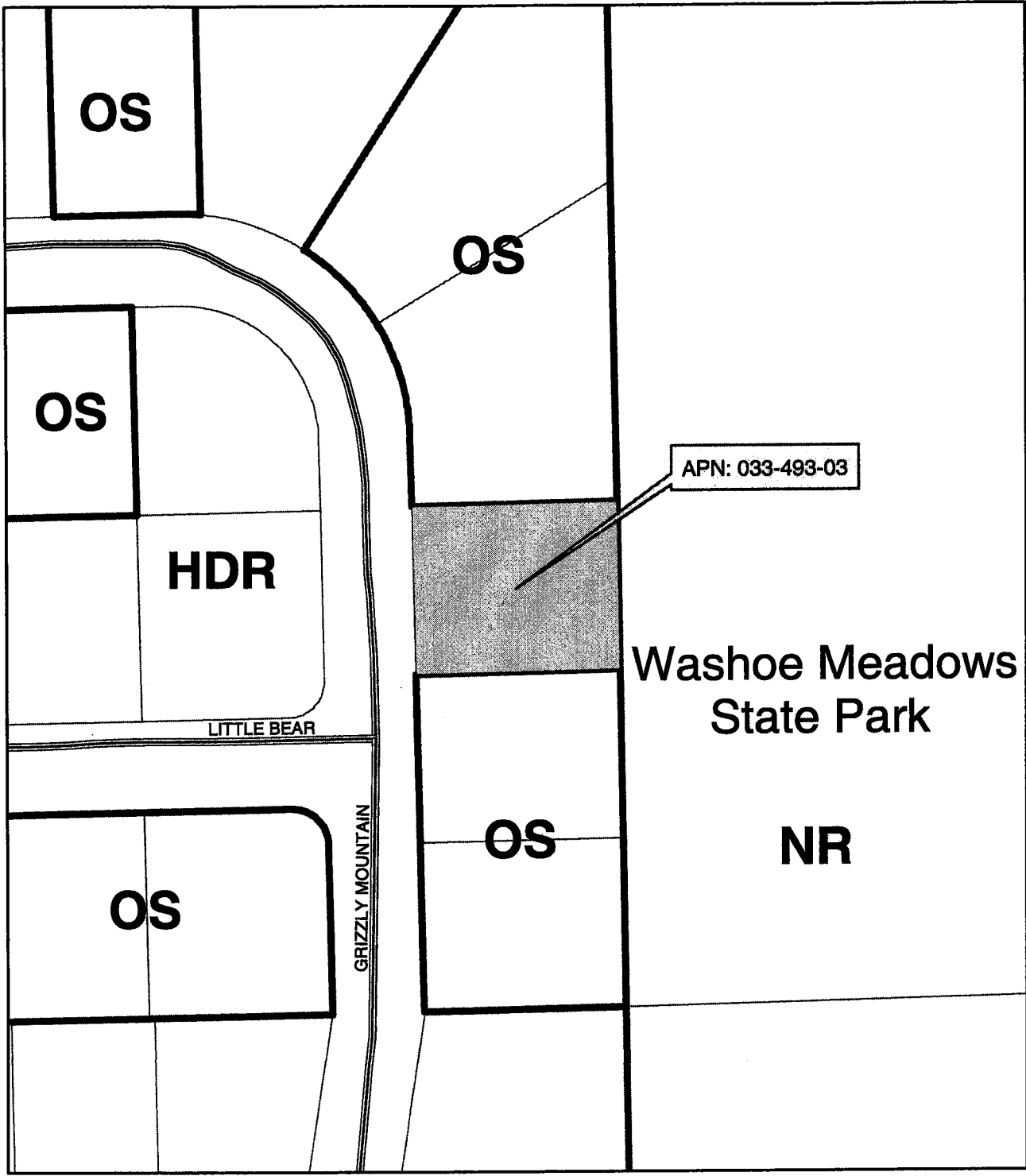
EXHIBIT B

P.34 P.35 P.39 P.08  
Assessor's Map Bk. 33 - Pg. 49  
County of El Dorado, California  
05-13-2002

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

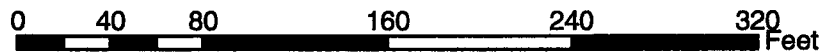
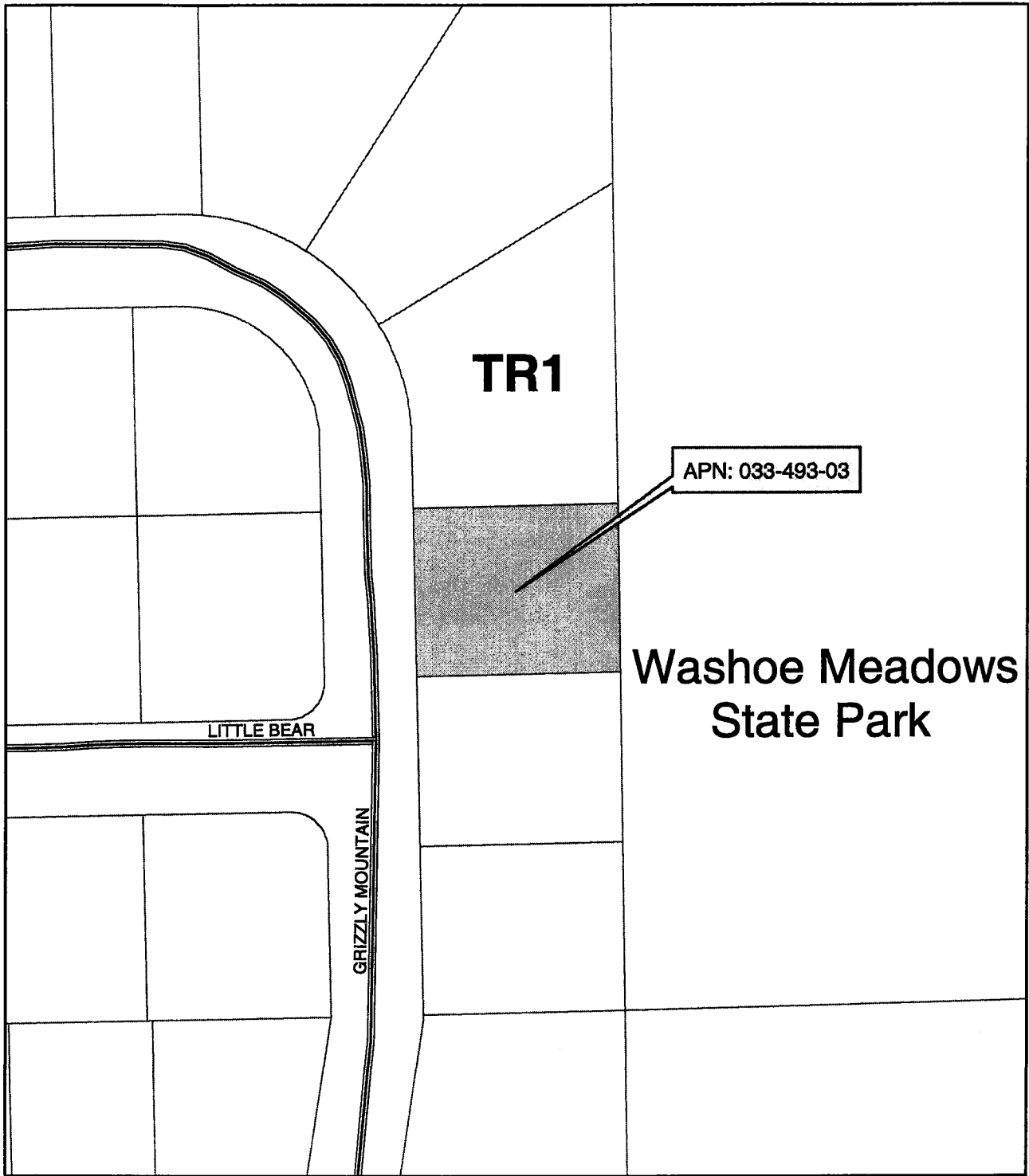
THIS MAP IS NOT A SURVEY, it is prepared by the El Dorado Co. Assessor's office for assessment purposes only.





**File No. V05-0002**  
**General Plan Land Use Map**

**EXHIBIT C**



**File No. V05-0002**  
**Zoning Map**

**EXHIBIT D**



**EL DORADO COUNTY PLANNING DEPARTMENT**

**VARIANCE SUPPORT INFORMATION**

05 JAN 31 PM 2:49

RECEIVED  
PLANNING DEPARTMENT

The following information must be provided to support your request and assist the zoning administrator in making the necessary legal findings to approve the variance. (Attach additional sheets if necessary)

- A) 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;

Please explain: A 34" OLD GROWTH PINE STANDS SIX FEET BEHIND THE PROPOSED GARAGE. T.R.P.A + EL DORADO BUILDING DEPT REQUIRE THE TREE BE SAVED. THE OWNERS DO NOT WANT THE TREE CUT. STANDARD 20 FT SETBACK WOULD TAKE THE TREE.

- B) 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;

Please explain: MOST HOMES IN THE SNOWY LAKE TAHOE AREA HAVE GARAGES.

- C) The variance is the minimum necessary for the reasonable use of the land or building;

Please explain: A FIVE FOOT SETBACK WOULD MEET TRPA "OLD GROWTH" REQUIREMENTS AND STILL PROVIDE A 20 FT DRIVEWAY FOR OFF STREET PARKING.

- D) 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.

Please explain: OTHER GARAGES IN TAHOE HAVE REDUCED SETBACK FROM THEIR PROPERTY LINE. THE 5 FT SETBACK STILL ALLOWS CAR PARKING TO NOT INTERFERE WITH SNOW REMOVAL