

**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** February 22, 2024

**Staff:** Melanie Shasha

**VARIANCE**

- FILE NUMBER:** V23-0001/Atkins
- APPLICANT:** Jennifer Quashnick
- REQUEST:** Variance to allow a reduction of the front setback from 20 feet to five (5) feet to allow for the construction of a two-car garage with dwelling space above.
- LOCATION:** The project is located on the south side of Player Court, approximately 100 feet east of the intersection with Player Drive, in the South Lake Tahoe area, Supervisorial District 5 (Exhibit A).
- APN:** 081-132-003 (Exhibit B)
- ACREAGE:** 0.17 acre
- GENERAL PLAN**
- LAND USE DESIGNATION:** Adopted Plan (AP) / Tahoe Regional Plan Area Statement Tahoe Paradise - Mandan (Exhibit C)
- ZONING DESIGNATION:** Single-Unit Residential, Tahoe Overlay (R1) (Exhibit C)
- ENVIRONMENTAL DOCUMENT:** The activity is covered by Section 15303(a) and (e) of the California Environmental Quality Act (CEQA) Guidelines (New Construction or Conversion of Small Structures) – construction of a single-family residence.
- RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:
1. Find Variance V23-0001 is covered under the New Construction or Conversion of Small Structures exemption pursuant to CEQA Guidelines Section 15303(a) and (e); and

2. Approve Variance V23-0001 based on the Findings, and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

Variations are used when, because of special circumstances applicable to the property, including location, shape, size, surrounding, topography, or other physical features, the strict application of the development standards for the zone denies the property owner rights enjoyed by other property owners in the vicinity and in the same zone. The applicant is requesting a Variance to the front setback to develop a two-car garage that would provide covered parking for two (2) vehicles. This site is in the Tahoe Basin with the Tahoe Overlay. Development is limited to 1,800 square feet of land coverage. The amount of land coverage, limited by the Tahoe Regional Planning Agency (TRPA), and the sensitive Stream Environment Zone (SEZ) on the east side of the parcel, prevent the construction of the parking structure at the 20-foot front setback line. Additionally, the parcel's odd shape results in an encroachment that is not perpendicular to the street but instead is at an angle to it. This angle results in a required setback that is more than 20 feet deep. Covered parking is a reasonable use of the land due to winter snowstorms and several houses on Player Court have garages. A project was previously reviewed by staff as a Pre-Application (PA22-0020). In that Pre-Application, three (3) scenarios were reviewed. This proposal is a result of that Pre-Application and a Planning Commission hearing held on January 11, 2024. An Abandonment of Easement application (AOE23-0003) with the County Surveyor's office has been submitted to reduce the 20-foot setback required by the subdivision map. Completion of that process is a condition of approval. Staff is recommending approval of this request.

## **BACKGROUND / HISTORY**

TRPA was formed by a bi-state compact between Nevada and California and was ratified by Congress in 1969. TRPA's Compact limits development in the Tahoe Basin in several ways. It affects this parcel specifically in two (2) ways: the amount of land that can be developed and its location. This site is limited to 1,800 square feet of land coverage on the west side of the parcel. Land coverage includes the residence, driveway, shed, and decks. The location of land coverage is also limited by the location of a SEZ and its setback on the east side of the parcel. SEZs are similar to the U.S. Army Corp of Engineers defined Wetlands and are delineated in a similar way. TRPA has jurisdiction over the delineation of SEZs.

## **EXISTING CONDITIONS**

Access to this site is from County-maintained Player Court. This parcel is Lot 13 of the Country Club Heights Unit No. 6 Subdivision recorded on September 29, 1971 (Exhibit D). The subdivision map (Exhibit D) lists a front setback of 20 feet as well as a snow storage easement as the first 10 feet of all lots parallel to the roadway. The Surveyor's Office has an application in process to reduce the subdivision 20-foot front setback. This project does not change the location of the encroachment and does not widen the encroachment within the snow storage easement. As with the existing driveway, it is up to the property owner to clear their encroachment of snow generated from the roadway.

The site is currently developed with a single-family dwelling, shed, and parking pad. It is covered with native trees and forbs. The lot is 7,572 square feet (or 0.17 acres) with slopes at the location of the project of zero (0) to two (2) percent.

**LAND CAPABILITY**

In 2006, El Dorado County verified 1,655 square feet of land coverage for the parking pad, walkway, front deck (since converted into dwelling space), and house with a land capability of entirely SEZ. In 2022, a land capability verification was completed for a second time by TRPA. SEZ delineations are similar to the Army Corp of Engineers Wetland Delineation in that it looks at the vegetation, soil type, and height of groundwater during the summer growing season. In the second land capability verification, the site was found to be mostly high capability class 5 land (consistent with the neighbor to the west) with a portion of the east side of the lot remaining as SEZ with a 10-foot SEZ setback (Exhibit E).

**LAND COVERAGE**

Total land coverage is limited by TRPA for a parcel this size at 1,800 square feet. Future land coverage would include the garage, dwelling, and any walkway, deck and shed. This Variance does not grant new land coverage. Final land coverage is reviewed and approved during the building permit process.

**NEIGHBORHOOD COMPATIBILITY**

Development in the neighborhood includes single-family dwellings on all the privately owned parcels. The vacant parcel is publicly owned and located across the street. The following table lists the dwelling size of the residences on Player Court (Exhibit A). All dwelling size numbers were obtained from the County of El Dorado Assessor’s records.

Street Number	Location	Dwelling Size	Garage
1625	West	2,309	Yes, 2 cars
1627	Project Parcel	1,519 + 440=1,959	2-car garage proposed
1633	East	1,516	Yes, 2 cars
1632	East	1,280	No
1595	Northwest	1,280	No

**PROJECT DESCRIPTION**

The applicant is requesting a Variance to allow a reduction of the front setback from 20 feet to five (5) feet for the construction of a two-car garage with dwelling space above (Exhibit E). The total distance from the front of the proposed garage to edge of pavement of Player Court would be 16 feet. The total reduction in the front yard setback is 15 feet. The corner of the proposed structure will encroach into the 10-foot public utility easement by five (5) feet. The proposed garage will be 20 feet wide and 22 feet deep. The height will comply with TRPA’s height standards.

An Abandonment of Easement application (AOE23-0003) with the County Surveyor's Office has been submitted to reduce the 20-foot setback required by the subdivision map.

This Variance does not grant new allowable or verified land coverage.

Lake Valley Fire Protection District (LVFPD) has approved the reduced Fire Safe Setbacks with a Defensible Space Inspection.

## **STAFF ANALYSIS**

**Alternative locations for the garage do not exist.** This site has limited locations on which to place a structure to provide covered parking. This site has a front yard setback of 20 feet, two (2) side yard setbacks of five (5) feet, and a rear yard setback of 15 feet. The setbacks are measured parallel to the front property line. The most efficient way to cross the easements is a perpendicular encroachment. The encroachment cannot be perpendicular on this parcel because of the serpentine curve of the parcel at the location of the project. Due to the limited amount of land coverage and the sensitive SEZ on the east side of the parcel (Exhibit E), no place on-site exists that meets all the following criteria: the standard setback, land coverage limitations, the non-buildable area of the SEZ, and the SEZ setback.

**Liberty Utilities:** Liberty Utilities provides electric services to the project area. The developer shall contact Liberty Utilities to apply for any applicable permits and to review any utility work. Liberty was also contacted as a part of the Pre-Application.

**South Tahoe Public Utility District (STPUD):** STPUD provides water and wastewater collection services to the project area. The developer shall contact STPUD to apply for any applicable permits and to review any utility work. STPUD was also contacted as a part of the Pre-Application.

**Lake Valley Fire Protection District (LVFPD):** LVFPD provides fire protection services to the project area. A Defensible Space Inspection was performed, and no violations were observed. Home hardening was not required. LVFPD was also contacted as a part of the Pre-Application.

**Pacific Gas and Electric Company (PG&E):** PG&E provides natural gas services to the project area. The developer shall contact PG&E to apply for any applicable permits and to review any utility work. PG&E was also contacted as a part of the Pre-Application.

**Tahoe Regional Planning Agency (TRPA):** A TRPA permit will be required to allow construction of the garage. Residential structures and their accessory structures are an allowed use in the Tahoe Paradise – Mandan, Plan Area Statement 122. The Building Division will issue this permit as allowed in the Memorandum of Understanding with TRPA.

**General Plan:** The subject parcel is in the TRPA Adopted Plan. This use is consistent with the TRPA Code of Ordinances and the General Plan.

**Zoning:** The subject parcel is zoned R1, which allows single-family detached dwellings, and accessory uses and structures. Except for the proposed setback Variance, the construction of the garage is allowed by right in the R1 zone district.

**Variance Findings:** The granting of a Variance requires four (4) Findings pursuant to Section 130.52.070 of the County Zoning Ordinance. These Findings for approval and their respective discussions are provided below.

**ENVIRONMENTAL REVIEW**

This project is covered by the Section 15303(a) and (e) exemption (New Construction or Conversion of Small Structures) of CEQA. Class three exemptions apply to limited numbers of new, small facilities or structures. The number of structures described in this exemption are the maximum allowable on any legal parcel. This exemption applies to projects developing a residential accessory structure. No further environmental analysis is necessary.

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.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

**Findings**

**Conditions of Approval**

- Exhibit A .....Location Map
- Exhibit B .....Assessor’s Parcel Map
- Exhibit C .....General Plan Land Use and Zoning Designation Map
- Exhibit D .....Subdivision Map
- Exhibit E .....Updated Proposed Plans
- Exhibit E1 .....Previous Proposed Plans
- Exhibit F.....Existing Conditions