

## **FINAL FINDINGS**

### **Variance V23-0004/Reinhardt**

**As Approved by the Planning Commission on March 14, 2024**

#### **1.0 CEQA FINDINGS**

- 1.1 The activity is covered by the New Construction or Conversion of Small Structures exemption 15303(a) and (e) of the California Environmental Quality Act (CEQA). Class three exemptions apply to limited numbers of new, small facilities or structures. This exemption applies to projects developing one (1) single-family residence. The activity is not subject to CEQA. No exceptions listed under CEQA Section 15300.2 apply, including the “unusual circumstances” exception because the evidence in the record supports the conclusion that there is no reasonable possibility the Project will have a significant effect on the environment due to unusual circumstances.
- 1.2 The documents, and other materials which constitute the record of proceedings upon which this decision is based, are in the custody of the El Dorado County Planning and Building Department, at 2850 Fairlane Court, Placerville, CA.

#### **2.0 GENERAL PLAN FINDINGS**

**2.1 The project is consistent with General Plan Policy 2.2.5.2.**

All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: The subject parcel is in the Tahoe Regional Plan, Plan Area Statement Meyers Residential and residential structures are a permissible use. This use also complies with the General Plan. Staff finds the project is consistent with the General Plan and Adopted Plan.

#### **3.0 ZONING FINDINGS**

**The project is consistent with Title 130.**

- 3.1 **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.**

Rationale: Several exceptional or extraordinary circumstances limit the location of new buildings on this property. Land coverage is limited to 3,563 square-feet of buildings and pavement by the Tahoe Regional Planning Agency (TRPA) Code of Ordinances.

The shape of the parcel is an hourglass where it is wider on the edges and thinner in the middle. The building envelope is also an hourglass shape with the middle of the parcel being 17 feet wide. Staff has determined that the Variance is the minimum necessary for the reasonable use of the land consistent with the TRPA land coverage requirements.

Staff finds that there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in this application due to significant constraints on the property as it relates to land coverage and land capability. These circumstances have not resulted from any act of the owner or applicant. Accordingly, Finding 3.1 is made.

**3.2 The strict application of the zoning regulations as they apply to the subject property would deprive the subject property of the privileges enjoyed by other properties in the vicinity and the same zone (California Government Code Section 65906).**

Rationale: The strict application of the building setbacks of the Single-unit Residential (R1) zone district would deprive the applicant of the reasonable use of the land or building allowed for by other land in the vicinity and the same zone. No location exists on-site that meets the requirements for setbacks.

Staff finds that allowing the reduced front and rear yard setback for the addition of a primary and accessory dwelling unit (ADU) would not affect adjoining properties or the right of way of Arapahoe Street. Therefore, Finding 3.2 is made.

**3.3 The Variance granted shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated (California Government Code Section 65906).**

Rationale: The addition of primary unit and an ADU is not a grant of special privileges. Beyond the request for a reduction in the setbacks, the uses are allowed by right.

Staff finds that the Variance request would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Therefore, Finding 3.3 is made.

**3.4 The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan, and not detrimental to the public health, safety, and welfare or injurious to the neighborhood.**

Rationale: The proposed Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan. It will not affect public health, safety, and welfare, nor will it be injurious to the other residential uses in the project area.

Condition of Approval No. 8 requires a hold harmless and indemnification agreement protecting the County from liability arising from snow removal activity because of the approval of this setback Variance.

Staff finds that the project is compatible with maps, objectives, policies, programs, and general land uses. Therefore, Finding 3.4 is made.

