

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



**Agenda of:** March 14, 2024

**Staff:** Melanie Shasha

**VARIANCE**

**FILE NUMBER:** V23-0004/Reinhardt

**APPLICANT:** Brandon Reinhardt

**REQUEST:** Variance to reduce the front setback from 20 feet to 10 feet and reduce the rear setback from 15 feet to five (5) feet to build a primary dwelling unit and accessory dwelling unit.

**LOCATION:** The project is located on the east side of Arapahoe Street, approximately 50 feet north of the intersection with San Diego Street, in the Meyers area, Supervisorial District 5 (Exhibit A).

**APN:** 033-613-006 (Exhibit B)

**ACREAGE:** 0.31 acre

**GENERAL PLAN**

**LAND USE DESIGNATION:** Adopted Plan (AP) / Tahoe Regional Plan, Plan Area Statement Meyers Residential (Exhibit C)

**ZONING DESIGNATION:** Single-Unit Residential, Tahoe Overlay (R1) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** The activity is covered by Section 15305 (a) of the California Environmental Quality Act (CEQA) Guidelines (Minor Alterations in Land Use Limitations) – reduction of setbacks for a primary and accessory dwelling.

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

1. Find Variance V23-0004 is covered under the Minor Alterations in Land Use Limitations exemption pursuant to CEQA Guidelines Section 15305 (a); and
2. Approve Variance V23-0004 based on the Findings, and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

Variances 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 reduce the front setback to 10 feet and reduce the rear setback to five (5) feet to build a primary dwelling unit and accessory dwelling unit (ADU). This site is in the Tahoe Basin with the Tahoe Overlay. Development is limited to 3,584 square feet of land coverage by the Tahoe Regional Planning Agency (TRPA). Further, the lot, which was created in 1962, is 51 feet wide which has a building envelope of just under 17 feet wide. Staff is recommending approval of this request.

## **BACKGROUND / HISTORY**

TRPA was formed by a bi-state compact between Nevada and California that was ratified by Congress in 1969. TRPA's Compact limits growth in the Tahoe Basin in several ways, one being the amount of land that can be impervious surfaces. This site is limited to 3,584 square feet of land coverage. Land coverage will include the garage, residences, driveway, and decks.

## **EXISTING CONDITIONS**

Access to this site is from County-maintained Arapahoe Street. This parcel is Lot 2 of the Country Club Estates Unit No. 2 recorded on July 11, 1962 (Exhibit D).

The site is currently vacant. It is covered with native trees and forbs (Exhibit E).

The lot is 13,274 square feet with slopes at the location of the project of zero (0) to two (2) percent.

Development in the neighborhood includes single-family dwellings on all the privately-owned parcels except the subject parcel and the one directly north. The other vacant parcel on Arapahoe Street is publicly owned and located across the street.

## **PROJECT DESCRIPTION**

The applicant is requesting a Variance to allow a reduction of the front setback from 20 feet to 10 feet, and a reduction of the rear setback from 15 feet to five (5) feet to allow for the construction of a primary and accessory dwelling unit (Exhibit F). The front and rear of the primary dwelling will encroach into the front and rear setbacks. The front of the ADU will encroach into the front setback. The rear setback for ADUs is reduced by California State Law as referenced in Zoning Ordinance section 130.40.300.C.2.a. ADUs have setbacks of four (4) feet from the side and rear property lines. The height will comply with TRPA's height regulations. The distance from the

front of the proposed garages to edge of pavement of Arapahoe Street will be more than 20 feet. The total reduction in the front yard setback is 10 feet and the total reduction in the rear yard setback is 10 feet.

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

Lake Valley Fire Protection District has tentatively approved the reduced Fire Safe Setbacks.

## **STAFF ANALYSIS**

The parcel is an hourglass shape with the north and south parcel lines longer than the width in the middle. At its narrowest, the parcel is almost 51 feet wide and with the required setbacks, creates a building envelope of 17 feet wide. This site has a limited location for which to place any structure. 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 proposed structures are placed within the existing front and rear yard setbacks due to the shape of the parcel (Exhibit F). No place on-site exists that meets all the following criteria: the standard setback and a building envelope of buildable size.

**El Dorado County Department of Transportation (DOT):** DOT has reviewed this application and requested a hold harmless agreement to be recorded on the title in the event of damage to real or personal property caused by snow removal activities.

**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.

**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 needed.

**Lake Valley Fire Protection District (LVFPD):** LVFPD provides fire protection services to the project area. A Landscape/Access Residential Plan Review application was submitted and approved for this project (Exhibit E).

**Tahoe Regional Planning Agency (TRPA):** A TRPA permit will be required to allow construction of the primary unit and the ADU. The permit for the ADU will be reviewed separately by TRPA prior to applying for its' building permit. Residential structures and their accessory structures are an allowed use in the Meyers Residential, Plan Area Statement 124.

**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 primary unit and ADU 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 15305 exemption (Minor Alterations in Land Use Limitations) 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 reducing setbacks. 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.....	Existing Conditions
Exhibit F.....	Proposed Plans