
RE: Question about zoning permit applications

From Karen L. Garner <Karen.L.Garner@edcgov.us>

Date Fri 4/25/2025 12:59 PM

To danderly@comcast.net <danderly@comcast.net>; Tom R. Purciel <tom.purciel@edcgov.us>

Cc Debra R. Ercolini <debra.ercolini@edcgov.us>; Robert J. Peters <Robert.Peters@edcgov.us>; Ande Flower <Ande.Flower@edcgov.us>

Hi Dyana,

Thank you for your comments. I will pass on to the ZA and attach your comments to the agenda. Thank you for also pointing out about contact information for the ZA. I see it is not clear who specifically to email with public comments or questions so I will have staff add that information to our agenda in the future. Thank you!

Karen

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From: danderly@comcast.net <danderly@comcast.net>

Sent: Friday, April 25, 2025 12:51 PM

To: Tom R. Purciel <tom.purciel@edcgov.us>; Karen L. Garner <Karen.L.Garner@edcgov.us>

Subject: Question about zoning permit applications

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I do not know who the zoning administrator is, so I am asking that you forward this email to him/her please.

25-0751 Public Comment
ZA Rcvd 04-25-25

TO ZONING ADMINISTRATOR:

I was just looking at the report for a project before you seeking a reduction in a required setback from 100' to 83'

The discussion within the report appears to address possible environmental issues should the setback be reduced. However, there is no reference to the applicable findings necessary for approving a setback in the report. (Zoning Ordinance Sec. 130.52.070) Your report appears to be supporting a variance due to the lack of harm in reducing the setback where the project is to be located.

There is one large issue that should be addressed, which is can a project be approved without reducing the setback? Apparently, there are currently no structures on the property. Could the primary dwelling be redesigned or reduced in square footage or relocated to accommodate a second unit?

What are the special circumstances? If it is only because the applicant has a primary dwelling under review in the building department that he/she wants to build and does not want to spend the time and money to redesign, that is NOT a proper finding for a variance.

Secondly, does approval of the reduced setback set a precedence?

Thirdly, if 83' is adequate for a setback, why not modify the Zoning Ordinance to address the overly restrictive setback.

Last, would a reduced setback for a second unit impair the visibility of the river to existing or future homeowners, e.g., visual harm due to reduced setback?

Was the setback an El Dorado County requirement or a Fish and Game requirement? -- which makes a difference.

ZONING ORDINANCE 130.52.070

A.

Content. This Section describes the process for County consideration of requests to modify certain standards of this Title ([Title 130](#), Zoning Ordinance) when, because of special circumstances applicable to the property, including location, shape, size, surroundings, 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.

B.

Applicability. A *Variance* may be granted to modify any development standards as set forth in this Title. A *Variance* may not be used to authorize a use or activity not otherwise allowed within the zone.

C.

Approving Authority and CEQA. The Zoning Administrator shall have the review authority of original jurisdiction for a *Variance* authorization.
The approval of a *Variance* is a discretionary project pursuant to CEQA.

D.

Findings Required. A Variance shall be granted by the review authority only where ALL of the following circumstances are found to apply:

1.

There are special circumstances or exceptional characteristics or conditions relating 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;

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 property in the vicinity and the same zone (California Government Code Section 65906);

3.

A 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); and

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.

Perhaps I am not aware that there are other variance approval criteria for "minor" variances.
Regards,

Dyana Anderly

(510) 913-0698 - cell