

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: August 19, 2026
Staff: Cerissa Deitchman

VARIANCE

FILE NUMBER: V25-0003/Butler Setback Reduction

APPLICANT: Dan Baxter

REQUEST: A Variance is proposed to allow the front setback to be measured from the edge of the maintained area of the road and to allow an existing attached two-car garage serving an accessory dwelling unit at a setback of 24 feet from that edge.

LOCATION: The project is located on the west side of Braden Road, approximately 0.5 mile southwest of the intersection with Meyers Road, in the Camino area (Exhibit A).

SUPERVISOR DISTRICT: 3

APN: 043-011-008 (Exhibit B)

ACREAGE: 37.55 acres

GENERAL PLAN

LAND USE DESIGNATION: Rural Residential (RR) (Exhibit C)

ZONING DESIGNATION: Rural Lands 10-Acres (RL-10) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Sections 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15301, Existing Facilities; and

2. Approve Variance V25-0003 based on the Findings, and subject to the Conditions of Approval as presented.

REGULATORY AUTHORITY

The project is the result of an open code case for an unpermitted accessory dwelling unit (ADU) with an attached garage. El Dorado County Zoning Ordinance Section 130.67.050 (Code Enforcement – Subsequent Permits) states that where a structure or use of a lot is not in compliance with the provisions of Title 130, a permit may only be issued when such permit would bring the illegal structure or use into compliance. Approval of Variance V25-0003 would enable issuance of a building permit to bring the structure into compliance and would allow the attached garage to remain as covered parking for the ADU. Section 130.30.050 (Setback Requirements and Exceptions) states that a Variance is required for any structure that does not conform to the setback requirements established for the zone in which a lot is located.

PROJECT DESCRIPTION

The applicant is requesting a Variance to establish a 24-foot front setback to be measured from the edge of the maintained area of Braden Road instead of the required 30-foot front setback measured from the center of Braden Road, to allow for review of a post-construction building permit for an existing two-car garage attached to an ADU (Exhibit E).

Site Description: The property is located within a Rural Region within the vicinity of the Camino Rural Center. Access to the site is from a County-maintained portion of Braden Road, which travels through the subject property from north to southwest (Exhibits E and I). The subject parcel has a zoning designation of Rural Lands 10-Acres (RL-10) and a General Plan use designation of Rural Residential (RR). Development of this parcel is required to maintain 30-foot standard zone setbacks from all sides and from Braden Road. The property contains an existing single-family residence to the east of Braden Road, along with several accessory structures, including the subject unpermitted ADU with attached garage. The existing garage was constructed at an approximate 45-degree angle away from the road, with the closest corner measured at 24 feet from the edge and 29.3 feet from the centerline of Braden Road, as shown on the provided Topographic Survey (Exhibit F).

Background: A 1,620-square-foot chicken house was constructed in the early 1940s on the project site, located approximately 30 feet west of the maintained roadway of Braden Road. The structure was demolished around 2019. In approximately 2022, a 672-square-foot ADU with an attached 420-square-foot garage was constructed partially within the former chicken house footprint without permits.

On December 1, 2023, a code case was opened for the unpermitted ADU with attached garage, leading to the submittal of building permit number 379511 to correct the code case.

STAFF ANALYSIS

Discussion: Although the portion of Braden Road on the project parcel is a County-maintained Road, it was constructed prior to the adoption of current standards. Braden Road is a winding, paved local roadway, approximately 10 feet in width, bordered by areas of dense tree cover. The El Dorado County Department of Transportation (DOT) confirmed that daily trip volumes on this road are low based on the rural setting and the limited number of nearby residences. On January 29, 2026, staff conducted a site visit, accessing the site by vehicle and examining the site on foot. Staff confirmed that the garage location does not appear to obstruct the visibility of Braden Road (Exhibit H).

The proposed Variance would allow the front setback to be measured from the edge of the maintained area of Braden Road and reduce the required front setback, which is not expected to result in adverse effects on surrounding properties. The structure would remain 24 feet from the pavement edge and no less than 530 feet from neighboring parcels. DOT reviewed the project and takes no issue with the structure location, provided that a Hold Harmless Agreement and Encroachment Permit are obtained. On December 3, 2024, prior to Building Official approval, the El Dorado County Fire Protection District (EDCFPD) approved building permit number 379511 for the ADU with attached garage and provided comments and conditions on the project, which are included in the attached Conditions of Approval.

Public and Agency Comments: The project application was routed to applicable local/County agencies. The County received formal comments from the DOT, Environmental Management Department (EMD), Stormwater, EDCFPD, and Pacific Gas and Electric Company (PG&E). As of the date of this report, no public comment has been received.

Zoning: The subject parcel is zoned RL-10, which allows residential accessory uses and structures in addition to the primary dwelling. If it were not for the need for a setback Variance, the construction of the ADU with attached garage would be permitted by right in the RL-10 zone district.

Section 130.30.050.A.1. (Measurement of Setbacks) of the Zoning Ordinance states that Setbacks adjacent to existing private roads without defined right-of-way or road easements shall be measured from the edge of the maintained area of the road. Setbacks adjacent to County-maintained roadways shall be measured 30 feet from the centerline of the road.

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

ENVIRONMENTAL REVIEW

This project is Categorically Exempt from the requirements of CEQA pursuant to Section 15301 (Existing Facilities, Class 1). This exemption applies to the permitting of existing projects. No further environmental analysis is necessary. The ADU and garage are situated primarily within the

footprint of the former chicken house. Approval of the Variance would not result in new environmental impacts.

Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062(d) to initiate a 35-day statute of limitations on legal challenges to the County’s decision that the project is exempt from CEQA. The applicant shall submit a \$50.00 recording fee to the Planning Division for the County Recorder to file the Notice of Exemption. If the fee is not received and the notice is not filed, an 180-day statute of limitations will apply.

SUPPORT INFORMATION

Attachments to Staff Report:

- Findings
- Conditions of Approval

- Exhibit A.....Vicinity Map
- Exhibit BAssessor’s Parcel Map
- Exhibit CGeneral Plan Land Use Designation
- Exhibit DZoning Map
- Exhibit ESite Plan
- Exhibit F.....Topographic Survey
- Exhibit G.....Application and Variance Findings Support Information
- Exhibit H.....Photos of Existing Attached Garage and ADU
- Exhibit IRoad Map 8J14

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FINDINGS

Variance V25-0003/Butler Setback Reduction Zoning Administrator/August 19, 2026

1.0 CEQA FINDINGS

- 1.1 V25-0003 has been found Categorically Exempt pursuant to Section 15301 (Existing Facilities, Class 1) of the California Environmental Quality Act (CEQA) because the project consists of post-construction entitlement of an existing garage attached to an existing accessory dwelling unit (ADU) built in a residential zone. Furthermore, the project does not qualify for any of the exceptions to the Categorical Exemptions found in CEQA Guidelines Section 15300.2.

Exception (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The exception does not apply to Class 1 exemptions; therefore, this exception does not apply.

Exception (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. The proposed project does not anticipate further development. Therefore, this exception does not apply.

Exception (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances at the location of this proposed project; therefore, this exception does not apply.

Exception (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified Environmental Impact Report (EIR). The proposed project is not within a scenic highway corridor; therefore, this exception does not apply.

Exception (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. The proposed project is not located on a hazardous waste site; therefore, this exception does not apply.

Exception (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The location of the proposed project on the subject site does not include historical resources. Therefore, this exception does not apply.

- 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 VARIANCE FINDINGS

Based on the following findings, the requested Variance is consistent with the requirements of El Dorado County Code Section 130.52.070 and is warranted due to the unique constraints of the subject property.

- 2.1 **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: The subject parcel exhibits unique physical constraints, including its irregular configuration. The County-maintained portion of Braden Road runs through the center of the parcel, effectively dividing it into separate functional areas. Unlike similarly zoned parcels within the project vicinity, the roadway creates two (2) internal frontage conditions and setback requirements within the interior of the site, significantly limiting feasible building locations. These constraints reduce the practical buildable areas and restrict siting flexibility in a manner not generally applicable to other properties in the vicinity.

Although the portion of Braden Road on the project site is County-maintained, it was built prior to modern roadway standards and is comparatively narrow at 10 feet in width. The Department of Transportation (DOT) has reviewed the project and takes no issue with the garage location under the conditions that the applicant obtain a Hold Harmless Agreement and an encroachment permit from DOT.

The encroachment of the structure resulted from site-specific conditions, such as proximity to primary access and existing utilities, rather than a deliberate deviation from zoning standards. County records indicate that an 18-by-90-foot chicken house, noted as having been built in the 1940s, once occupied the location of the unpermitted ADU with attached garage associated with this Variance request. The chicken house had a legal nonconforming setback of 5 feet from Braden Road, measuring 30 feet from the maintained edge and 35 feet from the County-maintained centerline.

The garage's encroachment toward Braden Road is minimal, as it extends roughly 6 feet beyond the footprint of the former structure and is situated 24 feet from the maintained edge and 29.3 feet from the centerline, affecting only portion of the structure. This limited intrusion into the required setback is minimal in scope, does not adversely impact adjacent properties, public safety, or welfare, and is consistent with the intent of the Zoning Ordinance.

Section 130.30.050 (Setback Requirements and Exceptions) states that all structures shall conform to the setback requirements established for the zone in which a lot is located unless a Variance is granted. Section 130.30.050.A.1. (Measurement of Setbacks) of the Zoning Ordinance states that Setbacks adjacent to County-maintained roadways shall be measured from a distance of 30 feet from the centerline of the road.

In consideration of the current condition of the narrow 10-foot paved width of the County-maintained roadway, DOT's verification of low daily trip volumes, and DOT's approval subject to an executed Hold Harmless Agreement and an Encroachment Permit, it has been determined that, consistent with Section 130.52.070 of the Zoning Ordinance, this Variance appropriately includes a request to modify the method of measuring setbacks due to special circumstances applicable to the property. Due to the nature of the project site and interior roadway, it is requested that the setback be measured from the edge of the maintained area of Braden Road rather than from its centerline as part of this Variance.

Demolishing or relocating the structure to fully comply with the setback would be technically challenging and cost-prohibitive, requiring substantial structural modifications, foundation reconstruction, and utility reconfiguration, constituting a disproportionate burden relative to the minor nature of the encroachment. Relocation would require significantly increased excavation and potential environmental impacts. Given the lack of feasible alternatives and the disproportionate burden associated with removal or reconstruction, approval of a Variance is acceptable. The project is consistent with Finding 2.1.

2.2 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: Strict enforcement of the required setback and where the setback is measured from Braden Road would significantly limit the ability to reasonably site an ADU with an attached garage in a location that is functionally connected to existing access and improvements. Due to the internal roadway and resulting constraints on buildable area, the property would be deprived of development opportunities and flexibility commonly

available to other similarly zoned parcels that are not subject to such internal setback limitations. The project is consistent with Finding 2.2.

2.3 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: Approval of the Variance would not constitute a special privilege, as it would allow development in a manner comparable to other similarly zoned properties that are not constrained by an internal roadway. The Variance merely addresses the unique limitations of the parcel and enables reasonable use of the property consistent with the intent of the Zoning Ordinance. The project is consistent with Finding 2.3.

2.4 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 encroachment is minor in nature and limited to a portion of the attached garage, extending only slightly further into the required setback than the previous footprint of the chicken house. The as-built condition does not adversely impact adjacent properties, obstruct access, or compromise public safety. The structure is consistent with the surrounding rural character and development pattern associated with General Plan policies for areas designated Rural Residential (RR), with no adverse effects on light, air, privacy, or emergency access. The project is consistent with Finding 2.4.

3.0 GENERAL PLAN FINDINGS

3.1 The project is consistent with General Plan Policy TC-1a.

The County shall plan and construct County-maintained roads as set forth in Table TC-1. Road design standards for County-maintained roads shall be based on the American Association of State Highway and Transportation Officials (AASHTO) standards, and supplemented by California Department of Transportation (Caltrans) design standards and by County Department of Transportation standards. County standards include typical cross sections by road classification, consistent with right-of-way widths summarized for Local Roads at 60 feet.

Note #3 for TABLE TC-1 (GENERAL ROADWAY STANDARDS FOR NEW DEVELOPMENT BY ROAD CLASSIFICATION):

The County may deviate from the adopted standards in circumstances where conditions warrant special treatment of the road. Typical circumstances where exceptions may be warranted include:

- a. Extraordinary construction costs due to terrain, roadside development, or unusual right-of-way needs; or
- b. Environmental constraints that may otherwise entirely preclude road improvement to the adopted standards, as long as environmental impacts are mitigated to the extent feasible.

Rationale: General Plan Policy TC-1 states the County may deviate from the adopted standards in circumstances where conditions warrant special treatment of the road. DOT has reviewed the project and determined that such exceptions are warranted, allowing the County-maintained segment of Braden Road traversing the project parcel to utilize a 50-foot right-of-way in place of the standard 60-foot right-of-way. Additionally, parcels located to the north and south of the project parcel contain recorded documents identifying Braden Road as a 50-foot-wide road and public utilities easement, further supporting the reduced right-of-way designation. The project is consistent with this policy.

CONDITIONS OF APPROVAL

Variance V25-0003/Butler Setback Reduction Zoning Administrator/August 19, 2026

Planning Division

1. This Variance approval is based upon and limited to compliance with the project description and following exhibits:

Exhibit ESite Plan

Exhibit F.....Topographic Map

Any deviations from the project description, exhibits, or Conditions of Approval set forth below shall be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

Variance to allow the front setback to be measured from the edge of the maintained area of Braden Road to allow for the post-construction entitlement for an existing accessory dwelling unit (ADU) with attached two-car garage at a setback of 24 feet from that edge.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description and the hearing exhibits above and Conditions of Approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and Conditions of Approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. **Project Modifications:** Building design and building placement shall be completed in conformance with the plans submitted and in conformance with the Conditions of Approval herein. Minor variations are allowed, however, any major changes in the location of buildings shall require Planning Division review and approval.
3. **Condition Compliance:** Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each Condition imposed as part of the project approval.
4. **Permit Implementation:** Pursuant to Zoning Ordinance Section 130.54.060, implementation of the project must occur within 24 months of approval of this Variance, otherwise the permit becomes null and void. It is the responsibility of the applicant to

monitor the time limit and make diligent progress toward implementation of the project and compliance with Conditions of Approval.

5. **Legal Indemnity/Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County.

El Dorado County Department of Transportation (DOT)

6. Prior to issuance of a building permit, the applicant shall execute a Hold Harmless and Indemnification agreement protecting the County from liability arising as a result of the approval of this setback Variance. The form of said document shall be reviewed and approved by the County Counsel, and once approved, shall be recorded with the County Recorder's Office. An official copy shall be sent to DOT, Placerville Office.
7. Prior to issuance of a building permit, the applicant shall obtain an encroachment permit from DOT to serve the ADU and construct the roadway encroachment to the provisions of County Standard Plan 103B-1 at Braden Road.

El Dorado County Fire Protection District (EDCFPD)

8. **Fire Department Access (CFC §503 / PRC §4290):** All-weather fire apparatus access shall be provided to within 150 feet of all exterior portions of the ADU. The access roadway (driveway) shall be a minimum of 12 feet in width with a vertical clearance of 13 feet 6 inches, capable of supporting 75,000 pounds, and maintained free of obstructions. Driveway grades shall not exceed 16% unless otherwise approved. A turnaround shall be required when access exceeds 150 feet in length.
9. **Fire Flow and Water Supply (CFC §507 / Appendix B & C / PRC §4290):** The applicant shall demonstrate adequate fire flow and water supply for the ADU. If a public water system is unavailable, a minimum 2,500-gallon on-site water storage tank shall be provided with an approved 2½-inch National Hose Thread (NHT) fire department connection located within 50 feet of the driveway. Final sizing and configuration shall be approved by the Fire District prior to building permit issuance. If there are fire sprinklers in the primary dwelling, they will be required in the ADU.
10. **Wildland-Urban Interface (WUI) Construction (CBC Chapter 7A / CRC R337):** The ADU shall comply with all applicable WUI construction standards including, but not limited

to, Class A roof covering, noncombustible or ignition-resistant exterior materials, ember-resistant vents, and tempered-glass windows. Verification shall occur during the building inspection process.

11. **Defensible Space (PRC §4291 / CFC §4907.2):** Defensible space shall be established and maintained for a minimum of 100 feet around all structures. Zone 0 (0–5 ft) shall be constructed of noncombustible materials only. Zones 1 and 2 shall be maintained to reduce fuel continuity and ladder fuels. A Fire District defensible-space inspection shall be completed prior to final occupancy.
12. **Addressing and Access Control (CFC §505 / §503.6):** Approved address numbers, a minimum of 4 inches in height, contrasting with the background, and visible from both directions of travel shall be posted at the driveway entrance and on the structure. Any gates installed across driveways shall provide a 14-foot minimum clear opening and be equipped with an approved emergency access device (Knox key switch).
13. **Fire Department Review and Final Inspection:** Prior to building permit issuance, the applicant shall submit a fire access and water-supply plan to the EDCFPD for review and approval. A final inspection verifying compliance with these conditions shall be required before occupancy.

El Dorado County Environmental Management Department (EMD)

14. A licensed septic system designer shall evaluate the septic system for conformance with the El Dorado County Sewage Ordinance. The evaluation shall be submitted to EMD for review as part of the permitting process for the ADU.
15. The septic system is required to meet the standards of the EMD Sewage Ordinance. EMD will make this determination based on the septic system evaluation. If modifications are necessary to bring the system into compliance, a revised septic system design shall be submitted to EMD for review and approval prior to implementation.