

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



**Agenda of:** January 11, 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 six (6) feet, and a reduction of the western side setback from five (5) feet to three (3) feet to allow for the construction of a two-car garage.

**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) 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

2. Approve Variance V23-0001 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 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. 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. 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. 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 growth in the Tahoe Basin in several ways. Their limitation on development 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 also includes the residence, driveway, shed, and decks. The location of development is also limited by the location of a SEZ 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 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 site is currently developed with a single-family dwelling, shed, and parking pad. It is covered with native trees and forbs. The east side of the property has been delineated as a SEZ by TRPA and it not buildable (Exhibit E).

The lot is 7,572 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. The vacant parcel on Player Court 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 six (6) feet, and a reduction of the western side yard setback from five (5) feet to three (3) feet to allow for the construction of a two-car garage. (Exhibit E). The total distance from the front of the proposed garage to edge of pavement of Player Court would be 17 feet. The total reduction in the front yard setback is 14 feet. The corner of the proposed structure will encroach into the 10-foot public utility easement by four (4) feet and into the side yard setback by two (2) 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. They have not requested home hardening as the proposed garage is at least 10 feet from the neighboring structure.

## STAFF ANALYSIS

**Alternative locations for the garage do not exist.** This site is limited in 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 proposed two-car garage is within the existing primary front yard setback and the western side yard setback. 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, and the non-buildable area of the SEZ.

**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) 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 .....	Proposed Plans
Exhibit F.....	Existing Conditions