



Legislation Text

File #: 08-0503, **Version:** 1

Hearing to consider an appeal on the approval of Variance V07-0007 to reduce the front yard setback from 30 feet to 16 feet to allow the construction of a 600-square foot second residence on property consisting of 2.35 acres (APN 049-110-03) in the Smith Flat area; Appellant: Hollie Dumont. (District III)

RECOMMENDED ACTION: Planning staff recommends the Board deny the appeal, thereby upholding the action of the Zoning Administrator to conditionally approve V07-0007, based on the findings and subject to the conditions listed on Attachment 1.

Background: Specific reasons for appeal:

1. Concerns regarding oak trees in close proximity to project site.

Response: While the parcel is heavily forested with mixed conifer and oak woodlands, the project would be consistent with the oak canopy retention requirements of Policy 7.4.4.4. The applicant is requesting the proposed variance to build on a previously graded and cleared pad and, as such, no oaks will be removed. Consistency with this policy will again be reviewed during the building permit phase of the project.

2. The project was not posted on or along the El Dorado Trail.

Response: The project was noticed in accordance with all applicable State and County requirements. El Dorado County provides public notice through direct mailing to properties within 500 feet of the subject parcel, with a legal ad in the local newspaper, and via posting on the Department's web site. El Dorado County does not provide onsite project noticing.

3. The project is not categorically exempt from CEQA.

Response: *Section 15305(a)* of the CEQA Guidelines allows minor alterations in land use limitations which do not result in any changes in land use or density including, but not limited to, minor lot line adjustments and variances. This exemption is specifically allowed for "areas with an average slope of less than 20 percent." While the subject *parcel* consists of an average slope greater than 20 percent, the *area* affected by the subject variance is essentially flat, having been graded and leveled more than 80 years ago. As such, this exemption is appropriate.

4. The proposed variance will impact the El Dorado Bike Trail.

Response: With the approximate ten foot change of elevation from the Trail to the site, as well as the vegetative buffer found there, the permitting of the proposed variance would not negatively impact other residential uses in the project area, nor the immediately adjacent El Dorado Trail. Further, the project was distributed to the Division of Airports, Parks, and Grounds during the comment period.

No comment was received from the Division.

Contact: Lawrence W. Appel (7698)/Pierre Rivas (5841)

ATTACHMENTS

Attachment 1 - Findings/Conditions of Approval

Attachment 2 - Appeal Form/Letter

Staff Report dated March 5, 2008