

“Placerville, a Unique Historical Past Forging into a Golden Future”



**CITY OF PLACERVILLE PLANNING COMMISSION
STAFF REPORT
JUNE 19, 2018 REGULAR MEETING**

Subject: Public Hearing: Variance (VAR) 18-01: Request to allow a 1.5-foot side-yard setback where 10 feet is required per City Zoning Ordinance Section 10-5-6(D)5, for an already constructed 456 square foot carport.

Authority for Application: Sections 10-3-1(C) and 10-3-5 of the Placerville Zoning Ordinance

Project Planner: Andrew Painter, City Planner

Recommendation: Consider and Approve Request

Project Description: The application involves a Variance request to allow for a carport 8.5 feet into the side yard setback area. The carport comprises 456 of floor area and a roof ridge height of 15 feet. The carport is detached from the existing attached garage located adjacent and east.

The applicants’ reasons for the carport are to have a place to store their larger vehicles on their property to protect them from pine tree limb drop and sap, and that Oak Terrace Road is narrow and has no shoulder for off pavement parking. The applicants chose the proposed location where it is less visible from public view, tree removal was not necessary, and where the site has less slope where a flatter turnaround for vehicles could be constructed. The Applicant Submittal Package (Attachment 1) contains their written statement, photos, and a letter of support from Robert Patton, property owner adjacent and west of the carport project site. See **Attachment A**.

This Variance request is a result of a code enforcement investigation involving construction of a carport without obtaining a variance for encroaching into the side yard setback and without obtaining a construction permit.

Project Site Background:

<i>Applicants/Property Owners:</i>	Jodi Krieger Trust, Parvarti Revocable Trust
<i>Property Location Information and Assessor’s Parcel Number (APN):</i>	948 Oak Terrace Road Lot 31 of the North Ridge Subdivision, Unit No. 2 (Recorded 1961) See Figure A and B APN 050-451-05
<i>Existing General Plan Land Use Element designation:</i>	Low Density Residential
<i>Existing Zoning classification:</i>	R1-20,000 Single Family Residential Zone (Section 10-5-6)
<i>Site Size</i>	0.43 acres (18,730 square feet)
<i>Existing Conditions:</i>	2,205 square feet single-family residence and attached garage
<i>Surrounding land uses and Zoning:</i>	The subject property is located within a neighborhood that is also surrounded by other single-family residences to the north, south, east, and west in the R1-20,000 and R1-10,000 Zones. See Figure C

<p><i>Previous Applications / Entitlements:</i></p>	<p>1990: Construction Permit Number 8579 – approval of original 2-story single-family dwelling and garage. Permit No. 8854 – approval for 300 square foot deck; 2009: Permit No. 15461 – approval of reroof; 2014: Permit No. 17291 – approval of window changeouts; 2015: Permit No. 17354 – approval of front and rear deck demolition, new LPG, new front deck, stairway and front entrance; 2015: Permit No. 17881 – approval of new front deck. All permits are finalized.</p>
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Figure A.

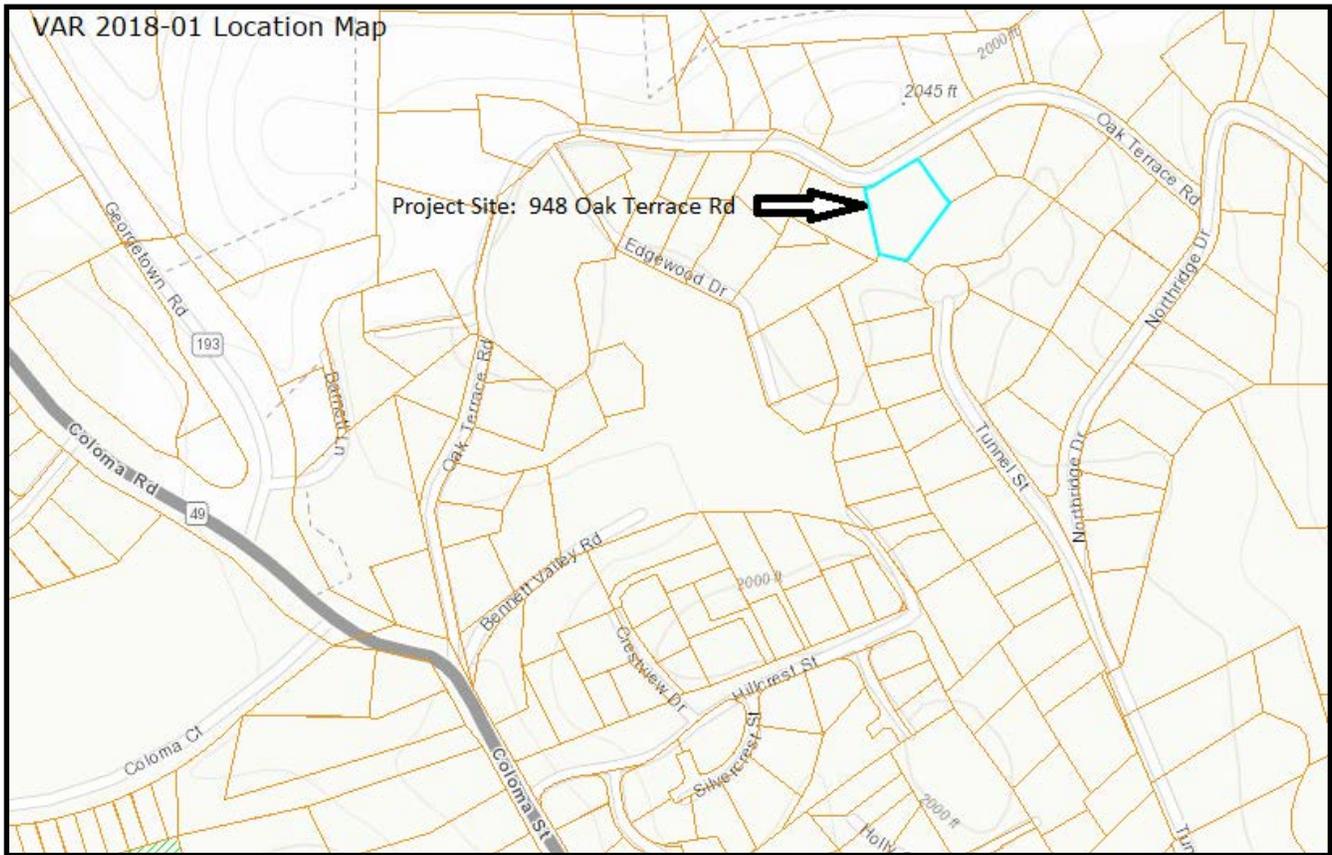


Figure B. Street View of 948 Oak Terrace Road



Figure C. Zoning



This parcel is legal, predating the comprehensive Zoning Ordinance amendments done in 1991.

Neighboring Oak Terrace Road parcel addresses of 930, 940, 962, 970, 980 and 990 located on the same side of the street as the subject location share characteristics with the project location:

- 1) Each is located within the R1-20,000 zone (R1-20);
- 2) Each has a parcel area less than the minimum 20,000 square feet of the R1-20 zone;
- 3) Each parcel slopes downhill from the street;
- 4) Homes constructed on each lot have base floor elevations located below the street surface and meet minimum zoning setbacks.
- 5) Mature trees are located on each parcel.

The applicants state that an existing metal carport was torn down to accommodate the turnaround and new carport. No City permit records exist for the former metal carport.

In addition to the subject application, there have been two other variance applications relating to setbacks near the subject property. Of those two, both were approved by the Planning Commission as shown in the following table.

Although there have been previous variance requests in the area of the subject property, each variance request is considered on its own merit, based on site conditions and circumstances.

Application/Request	Date of Action	Staff Recommendation	Final Action
990 Oak Terrace Road – VAR 2011-03: Allow a four-foot setback to accommodate a detached RV cover due to an existing 15’ wide recorded easement owned by the El Dorado Irrigation District (“EID”), with an 18” underground waterline located within the property.	8/ 21/2012	Approval	Approved by the Planning Commission
914 Oak Terrace Road – VAR 2013-01: Allow a side yard setback of 2’ where a setback of 6’ is required under the R1-10,000, Single-Family Residential zone (Zoning Ordinance Section 10-5-7(D)(5)). Variance needed for the construction of a new home of approximately 800 square feet to replace a 450 square feet in floor area home built on the property line.	01/21/2014	Approval	Approved by the Planning Commission

Environmental Review:

The application is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303, Class 3, and Section 15305, Class 5. A Class 3 exemption includes the construction and location of limited numbers of new, small facilities or accessory structures. A Class 5 exemption includes minor side yard variances in areas with an average slope of less than 20%. The site has an average slope of less than 20%. One carport structure, an accessory structure in a residential zone, constitutes as a categorical exemption of CEQA under Section 15303(e). The side yard setback variance request meets the CEQA Class 5 exemption criteria under Section 15305(a). The application is therefore consistent with these categorical exemptions.

General Plan Consistency:

The General Plan Land Use Designation for this site is Low Density Residential. The General Plan describes the purposes of the Low Density Residential as the following:

1. *Provide for single-family residential development in areas with urban-level services and facilities, but limited for development by topography and terrain.*
2. *Create conditions conducive to a desirable low-density environment and protect it from encroachment by unrelated and incompatible uses.*

Allowable uses described for this designation includes detached single-family homes, secondary residential units, public and quasi-public uses, and similar and compatible uses.

Density Range: 1.01 to 4.00 dwelling units per gross acre.

A carport is considered an accessory structure to the existing residential use of the site. The application is consistent with the Low Density Residential Designation in that it involves the development of a structure compatible with a single-family home use.

Zoning Ordinance Compliance:

The site is located in the R1-20 Single Family Zone (Section 10-5-6). The stated purpose of the zone classification is to:

1. *Provide for single-family residential development in areas with urban level services and facilities, but limited for development by topography, terrain, or other physical and environmental constraints.*
2. *Provide housing in areas conducive to low density development and protect such areas from incompatible development.*
3. *Insure light, air, privacy and usable open spaces for residential living.*
4. *Provide for those facilities primarily serving the neighborhood and serving it best by being located within it, providing such facilities are in the appropriate locations and in harmony with the neighborhood.*

A single-family dwelling and accessory uses are permitted within the R1-20 Zone. A carport structure is consistent with the R1-20 Zone in that it is accessory to the existing residential use on the site.

Structures are subject to the following development standards per Section 10-5-6(D) of the Zoning Ordinance:

General Regulation (development standards)	R1-20 Standard	Existing Conditions	Degree of Conformity
Maximum Building Height	35 feet	15 feet to roof peak	Conforms to Standard
Front Yard Minimum	20 feet	+65 feet	Exceeds Standard
Side Yard Minimum	10 feet	1.5 feet	Carport Substandard by 8.5 feet
Rear Yard Minimum	30 feet	+60 feet	Exceeds Standard
Maximum Building Coverage	35%	14.2% (Home + Garage + new Carport)	Conforms to Standard

Commission Authority Regarding Variance Requests:

Per Zoning Ordinance Section 10-3-5(A), the Planning Commission may grant a variance that would authorize a specific exception to any regulation within the Zoning Ordinance. Per Section 10-3-5(B) of the Zoning Ordinance, the Commission may grant variances only when because of special, specific, circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by the other properties in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment authorized 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.

The Commission must provide findings of fact that support a decision to approve, approve with conditions, or deny a variance request. Defensible findings are based on the pertinent evidence that is within the public record. Such findings must provide the factual basis that lead to the decision by the Commission to determine that special circumstances applicable to the property exist or do not exist, and that authorizing the variance would not grant or would grant special privileges.

Analysis:

The application requires a Variance because the constructed carport was developed 8.5 feet into the 10 feet side yard setback area. The applicants indicated that their reasons for the carport are to have a place to store their larger vehicles on their property to protect them from pine tree limb drop and sap, and that Oak Terrace Road is narrow and has no shoulder for off pavement parking. The applicants chose the proposed location where it is less visible from public view, tree removal was not necessary, where the site has less slope, and where a flatter turnaround for vehicles could be constructed.

The Planning Commission could find the Variance request to be reasonable in that the carport would not appear to adversely affect persons residing in the neighborhood, as evidenced by the letters of support from Robert and Sheryl Patton who is the adjacent property owner closest to the constructed carport. Furthermore, the Commission could find the request would facilitate the carport at its current location without the burden of eliminating landscape features.

City Departmental Comment:

In addition to the Planning Division’s analysis herein, the Building Division also reviewed the request.

Building Division

A building permit will be required for the construction of the structure. The building is in close proximity of the property line and fire resistive construction may be involved at the property line area. Plans have been received by the building division and a plan review is in progress. The owner/applicant is aware the plan review fees will not be reimbursed if the variance is not approved by the Planning Commission.

Public Comment:

The Planning Division did the following to comply with Section 10-3-6(B) of the Zoning Ordinance: (1) Provided written notice to all property owners within 300 feet of the external boundaries of the subject property (Note: Department policy extends written notice to 500 feet); (2) provided a written notice that was published in the Mountain Democrat. The Planning Division has received one comment from the public as of the writing of this report. It is provided as **Appendix B**.

Recommendation:

Staff recommends that the Planning Commission take the following action supporting 948 Oak Terrace Drive - VAR 18-01, a request to allow a 1.5-foot side-yard setback where 10 feet is required per City Zoning Ordinance Section 10-5-6(D)5, for an already constructed 456 square foot carport.

- I. Adopt the Staff Report as part of the public record.
- II. Make the following Findings of Fact:
 - A. That the application is categorically exempt from the requirements of CEQA pursuant to Section 15303, Class 3, which includes the construction of accessory structure carports.
 - B. That the application is consistent with the General Plan and Zoning Ordinance with approval of a Variance in that it involves a Variance request for the development of a carport in an area that contains an array of existing residential uses and accessory uses.
 - C. That the granting of the application is necessary for the preservation, enjoyment and use of the property by the applicant in that the carport would be authorized without the burden of eliminating landscape features, including a mature pine tree.
 - D. That the granting of the Variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing in the neighborhood of the property of the applicant and will not, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood in that the carport is located in a less visible portion of the subject parcel, Robert Patton, the neighboring property owner, approves of the carport adjacent to the property line he shares with the subject site, which therefore does not appear to adversely affect persons residing in the neighborhood.
- III. Approve VAR 18-01, subject to Conditions of Approval as follows:
 1. Approval is granted for the Variance request described in the application date-stamped April 13, 2018, and staff's report dated June 19, 2018, except as modified by the conditions of approval, and is valid for a period of eighteen (18) months during which time the rights granted must be exercised by obtaining a construction permit for the carport structure.
 2. The permit shall apply only to 948 Oak Terrace Road, APN 050-451-05, regardless of any change of ownership, and may not be transferred to another parcel.
 3. These conditions of approval shall be binding on the applicant and all successors in interest in the event the project site is sold to another party.
 4. Any proposed future change to the site or modification to the application beyond what is authorized under this permit shall be submitted to the Development Services Department for a determination of appropriate procedures.

Attachments:

- Master Planning and Variance Application Forms
- Site Photographs
- Variance Request Site Plan

ATTACHMENT A

APPLICANT SUBMITTAL PACKAGE

**CITY OF PLACERVILLE
PLANNING APPLICATION**

Date: 4/13/18
 Zoning: R1-20 GP
 File No: VAR18-01
 Filing Fee (PZ): \$500.00
 Filing Fee (EN): _____
 Receipt No: 19242

REQUEST FOR:

- | | | |
|--|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Boundary Line Adjustment | <input type="checkbox"/> Certificate of Compliance |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Environmental Assessment | <input type="checkbox"/> Environmental Impact Report |
| <input type="checkbox"/> Final Subdivision Map | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> General Plan Consistency |
| <input type="checkbox"/> Historic District Review | <input type="checkbox"/> Landscape Plan Review | <input type="checkbox"/> Minor Deviation |
| <input type="checkbox"/> Planned Development Overlay | <input type="checkbox"/> Preliminary Plan Review | <input type="checkbox"/> Sign Package Review / Amendment |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Temporary Commercial Coach | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Tentative Parcel Map | <input type="checkbox"/> Tentative Subdivision Map | <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Zone Change |

DESCRIPTION: Request a VARIANCE for Carport placement w/in setbacks, close to property lines.

(*Note BID Permit ~~1912~~ 1924) 1924 ITEMS ABOVE THIS LINE FOR OFFICE USE ONLY

City Ordinance #1577 established a Fee & Service Charge System. In some cases project review will require the services of specialists under contract to do work that City staff cannot perform. In these cases, the applicant shall pay the direct cost of these services plus fifteen percent (15%) for City Administration.

PROJECT APPLICANT

NAME JODI KRIEGER
 MAILING ADDRESS 948 OAK TERRACE RD
PLACERVILLE, CA 95667
 PHONE 916-847-1400
 EMAIL JODIKRIEGER@HOTMAIL.COM

APPLICANT'S REPRESENTATIVE (if different)

NAME _____
 MAILING ADDRESS _____
 PHONE _____
 EMAIL _____

PROPERTY OWNER(S)

NAME JODI KRIEGER PHONE 916-847-1400
 MAILING ADDRESS 948 OAK TERRACE ROAD PLACERVILLE, CA 95667
 EMAIL ADDRESS JODIKRIEGER@HOTMAIL.COM

SURVEYOR, ENGINEER, ARCHITECT, OR OWNER'S REPRESENTATIVE (If applicable)

NAME _____ PHONE _____
 MAILING ADDRESS _____
 EMAIL ADDRESS _____

I have notified the mortgage holder, which is: _____

DESCRIPTION OF PROPERTY (Attach legal deed description)

STREET ADDRESS 948 OAK TERRACE ROAD PLACERVILLE, CA 95667
 ASSESSOR'S PARCEL NO.(S) 050-451-05-100
 Above described property was acquired by owner on FEB 23 2007
 Month Day Year

List or attach any Covenants, Conditions or Restrictions, concerning use of property, of improvements contemplated; as well as yard setback and area or height requirements that were placed on the property by **subdivision** tract developers. Give date said restrictions expire.

JODI KNEGER - CANDIDATE
940 OAK TERRACE ROAD
PLACERVILLE, CA 95667

Before filling out application please read

"REQUIREMENTS FOR FILING APPLICATION FOR A VARIANCE"

(A) REQUEST: The applicant requests a VARIANCE on the property described on the application for the following purposes: (Use this space only to state exactly what is intended to be done on, or with, the property which does not conform to existing zoning regulations. _____)

NOTE: The law requires that the conditions set forth in the following four sections 1, 2, 3, and 4 must be established before a Variance CAN be granted. Answers to these sections must be complete and full.

State fully wherein your case conforms to the following requirements:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the provisions of the City's Municipal Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.

SEE ATTACHED

2. That any Variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

See Attached

Answers to questions on “REQUIREMENTS FOR FILING APPLICATION FOR A VARIANCE”

1. The existing carport and driveway was undesirable, and there was no place to park our vehicles aside from the small garage or on a steep slope. Our narrow street has no shoulder for off pavement parking. We decided to tear down the existing metal carport, and improve the driveway by paving it and providing a flatter turnaround and parking area where our larger vehicles, including RV, could be stored away from public eye or on the narrow street. Also, the large pines surrounding our house drop enormous branches and sap, which continuously damage our vehicles. Furthermore, we would love to add on to the house and garage, but the largest pine on the property, which the house is built around, is home to a large hawk’s nest. The carport seemed like the best option, and the structure does not hinder or affect our neighbors view, nor do they object to the beautiful carport. (please see attached letter from neighbor on carport side of house).

2. The carport structure provides additional protection from the outdoor elements on our property. It is aesthetically appealing, does not detract from the value of the home or neighborhood, nor does it cause a disturbance of the neighbor’s view.

3. The carport provides additional safety to the property, adds value to our home, and provides convenience for storage of our vehicles out of public eye, or being a nuisance on the narrow roadway.

4. The carport does not affect the general plan of the city due to the fact that it is not a hindrance to the public view. It provides an aesthetically pleasing vehicle storage area and it does not affect the neighbors view.

10/25/2017

Robert Patton
940 Oak Terrace Rd.
Placerville, California 95667

Placerville Building Department
Placerville, California

948 Oak Terrace Rd.

My name is Robert Patton and our home is located at 940 Oak Terrace Rd. in Placerville within the city limits. Recently my neighbor, Jodi Krieger, located at 948 Oak constructed a carport adjacent to our property line at the east side of our home. I understand there is an issue regarding the permit and setback of the new carport. This letter is to inform the Placerville Building Department that I approve of this carport even though it may be cradling the property line. Jodi has made several cosmetic improvements on her house and property which is a benefit to everyone's property value in this neighborhood.

I can be reached at 530-391-2424 if you have any further questions.



Robert Patton
Property owner
940 Oak Terrace Rd.



RECEIVED

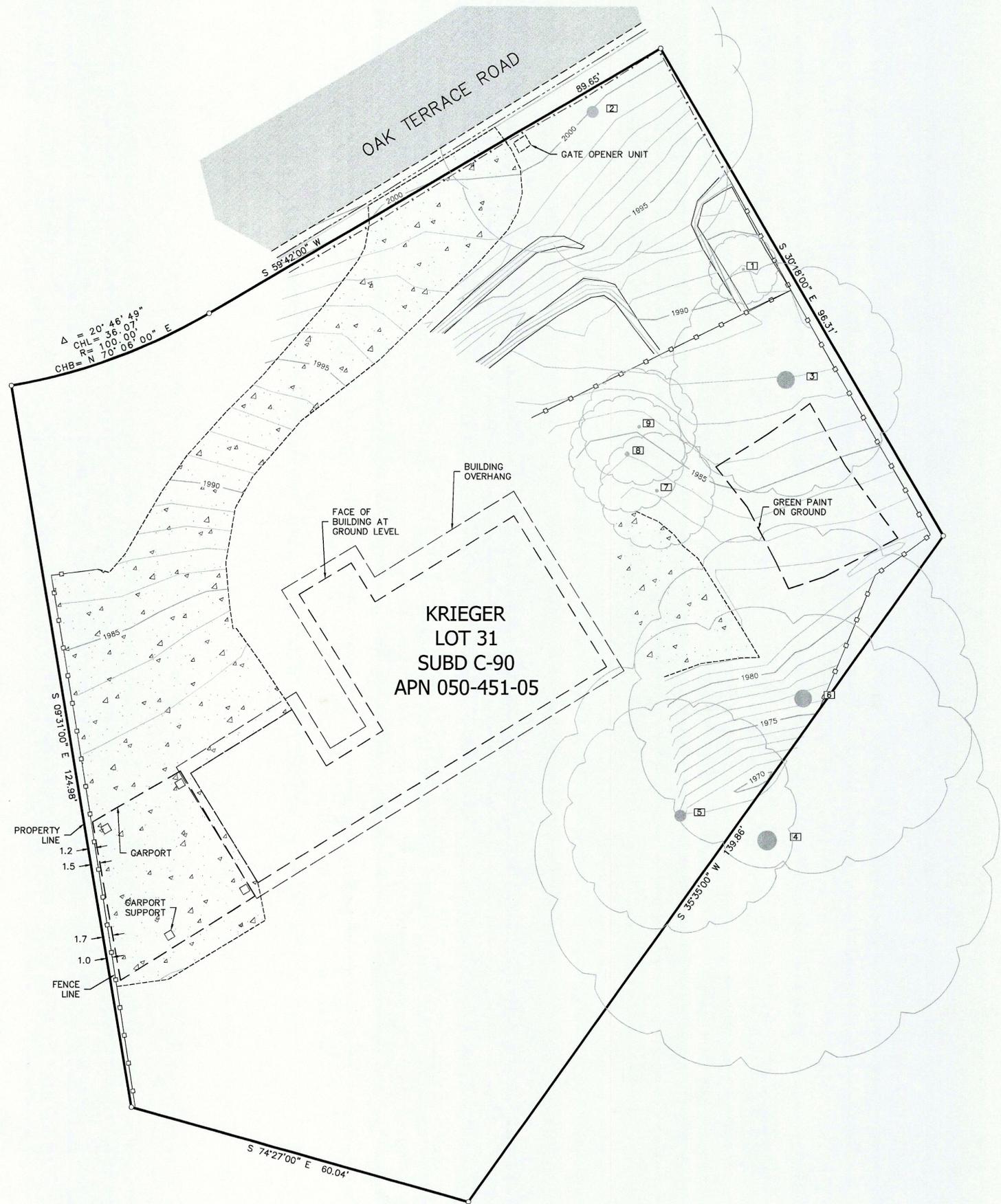
APR 13 2018

CITY OF PLACERVILLE
COMMUNITY DEV. DEPT.









TREE TABLE

- 1 06" TREE
- 2 24" OAK
- 3 36" TREE
- 4 40" TREE
- 5 24" TREE
- 6 36" TREE
- 7 07" TREE
- 8 10" TREE
- 9 07" TREE

BASIS OF BEARINGS

THE MERIDIAN OF THIS SURVEY IS IDENTICAL TO THAT OF SUBD C-90 BASED ON FOUND MONUMENTS.

BENCH MARK

ASSUMED ELEVATION OF 2000 FEET

UTILITY STATEMENT

THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND/OR EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

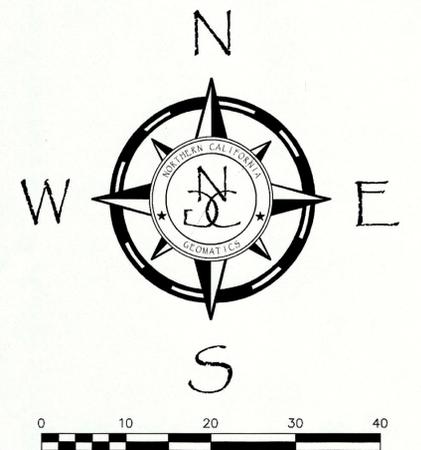
SURVEYOR'S STATEMENT

THIS SURVEY IS BASED UPON A FIELD SURVEY CONDUCTED UNDER MY DIRECTION. THE BOUNDARY SHOWN IS BASED ON THE RESOLUTION SHOWN ON SUBD C-90. THERE WAS NO TITLE REPORT SUPPLIED THEREFORE EASEMENTS OF RECORD MAY EXIST.



B Williams

BRENDAN WILLIAMS, P.L.S. 9049 4-11-2018
DATE



RECEIVED
APR 13 2018
CITY OF PLACERVILLE
COMMUNITY DEV. DEPT.

TOPOGRAPHIC SURVEY
A PORTION OF APN 050-451-05
CITY OF PLACERVILLE
COUNTY of EL DORADO, STATE of CALIFORNIA

PREPARED FOR: JODI KRIEGER
948 OAK TERRACE ROAD
PLACERVILLE, CA 95667

PREPARED BY: NORTHERN CALIFORNIA GEOMATICS
1044 DIAMANTE ROBLES CT.
DIAMOND SPRINGS, CA 95619
(530) 957-0293

DRAWN BW	DATE OF FIELD WORK FEB 10, 2018	REVISIONS NONE
APPROVED BW	DATE FEB 19, 2018	
SCALE 1"=10'	SHEET SHEET 1 of 1	PROJECT NO. 6182018

ATTACHMENT B
PUBLIC COMMENT

Bob and Sheryl Patton letter dated 5/26/2018.

5/26/2018

Placerville Planning Commission

Andrew Painter, Executive Secretary

3101 Center Street, 2nd Floor, Placerville, CA 95667

To Whom It May Concern:

My name is Robert Patton and I along with my wife Sheryl Hanson Patton are homeowners at 940 Oak Terrace, Placerville CA 95667. This letter is in regards to the house and property at 948 Oak Terrace adjacent to our property owned by Jody Krieger (variance 18-01). Jody has constructed a carport that is 1.5' east of the western property line, where the required setback is 10' according to the zoning ordinance section 10-5-6(D) (5).

Be advised that we are not opposed to this structure being so close (1.5') to the property line that we share. In fact, Jody has made several improvements on the exterior of their property which will eventually benefit us because it will boost our property value and adjacent property owners as well.

Please take our concerns and opinion under careful consideration for Jody Krieger's approval of a code variance.

Bob and Sheryl Patton

940 Oak Terrace RD. Placerville, CA. 95667