



**COUNTY OF PLACER**  
**Community Development/Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**PLANNING**

E.J. Ivaldi, Deputy Director

**Hearing Date:** July 1, 2015  
**Time:** 1:35 P.M.

**DATE:** June 24, 2015  
**TO:** Zoning Administrator  
**FROM:** Development Review Committee  
**SUBJECT:** PLN15-00216 – Variance Modification to Front Setback  
**OWNER:** Ron and Virginia Iverson  
**APPLICANT:** Julie Watterworth, JKW Design  
**STAFF PLANNER:** Heather Beckman, Assistant Planner  
**ZONING:** Plan Area Statement 010 (Dollar Point)  
**LOCATION:** 3350 Edgewater Drive, Tahoe City  
**APN:** 093-083-040-000

**PROPOSAL:**

The applicant is requesting a modification to a previously approved Variance (VAA-1616) to enclose an existing covered entry, and therefore adding living space within the front setback. The previous Variance approved a six foot front setback for a covered entry, where a 20-foot setback is required. This Variance Modification requests the same six foot setback to the face of the structure (three feet to eaves) to enclose the entry.

**CEQA COMPLIANCE:**

The Variance is categorically exempt from the provisions of CEQA per Section 18.36.050; Class 3A New Construction or conversion of small structures, of the Placer County Environmental Review Ordinance (CEQA Guidelines Section 15303).

**BACKGROUND/EXISTING CONDITIONS:**

The project site is located at 3350 Edgewater and is part of the Dollar Point Unit 1 Subdivision in Tahoe City, California, and is within Plan Area Statement 010 (Dollar Point). This developed 12,923 square foot parcel is located within a residential neighborhood and is directly adjacent to Lake Tahoe. The parcel has a 20-foot required front setback, side setbacks are five and ten feet respectively, and the rear set beck is 10 feet. As the property is directly adjacent to Lake Tahoe, the Tahoe Regional Planning Agency (TRPA) Backshore Boundary standards apply and are more restrictive than the 10-

foot rear setbacks. The parcel slopes steeply to the south, and has slopes greater than 25 percent directly adjacent to Edgewater Drive. The parcel is well vegetated with native Jeffrey pines, Lodgepole pines and ground vegetation.

The parcel is developed with a 1,389 square foot two-story residence, attached two-car garage and covered entry. All of this development encroaches into the front setback and was approved in 1988 as part of Variance (VAA-1616). Specifically the garage has a five foot front setback, the existing covered entry has a six foot front setback and the existing house has a 15-foot front setback. The garage and residential encroachments were automatically permissible pursuant to sections 17.54.140.A.2.b (Reduced Setback for Parking) which allows for up to a zero foot front setback for the garage and 17.54.140.A.2.a (Reduced Setbacks for Buildings) which allows for up to a 10-foot front setback for the residence. The covered entry, however, did not fall under a front setback exception and required a Variance. Development on the parcel was also restricted due to TRPA land capability restrictions which required all development to be located above an elevation of 6,271 feet, or effectively made the developable area of the parcel only 47 feet deep as measured from the front property line.

#### **ANALYSIS/DISCUSSION:**

Single family dwellings are an allowed use in this zoning district. This Variance Modification seeks approval to enclose the covered front entry, and therefore add living space within the front setback. The proposed enclosure will maintain the same distance to the front property line as was previously approved through Variance VAA-1616, and does not increase the building area within the front setback. Although the proposed enclosure does increase the living area within the front setback, it is essentially a mudroom which has a less intense use than a more typical living area such as a living room, bedroom or kitchen. In other words, residents generally use this area to put on or remove coats and shoes, and use the space for very short periods of time (i.e. minutes). Furthermore, enclosing the existing entry provides protection from inclement weather for safe ingress and egress to the house.

Based upon these circumstances, which provide support for the reduced setback on the subject property, it can be determined that there will be no significant impacts created should the Variance to the required front setback for the construction of a new single family dwelling be approved.

#### **RECOMMENDATION:**

Staff recommends the Zoning Administrator find the project to be categorically exempt from the California Environmental Quality Act (CEQA) and approve the Variances to allow for a six foot setback (three feet to eaves) from the Edgewater Drive required 20-foot front to enclose an existing covered entry. This recommendation is based on the following findings and subject to the recommended conditions of approval (Attachment A).

#### **FINDINGS:**

Approval or conditional approval of the Variance requests may be granted only when the Zoning Administrator first determines that the Variance satisfies the criteria set forth in California Government Code Section 65906 and those requirements of Sections 17.60.100, by finding that:

#### CEQA COMPLIANCE - VARIANCE:

*Environmental Review / California Environmental Quality Act (CEQA):*

- 1. This project is categorically exempt from the provisions of CEQA per Section 18.36.050, A (Class 3) [New Construction] of the Placer County Environmental Review Ordinance, October 4, 2001. Class 3 consists of construction and location of limited numbers of new, small facilities or structures, including but not limited to accessory structures including garages. The project will not create a significant impact to the surrounding properties, structures, or public.*

#### VARIANCE

- 1. All development on the property (i.e. residence, garage and covered entry) currently encroaches into the required 20-foot front setback, as approved pursuant to Variance VAA-1616. Although the proposed enclosure of the existing entry does increase living area within the*

front setback (i.e. 67 feet of living area), it does not increase the physical area of structures that already exists within the front setback. Furthermore, the covered entry provides a protected entry space (i.e. mudroom) that protects inhabitants from inclement weather conditions or potential snow removal hazards. This proposed living space addition presents a far less intense use than typical living area (i.e. living room, bedroom, etc.), and does not to present any safety issues. Residents or visitors would presumably only be in this area for several minutes while entering or exiting the residence. Because of such circumstances, the strict application of this chapter would deprive the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

2. *The Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district in that residential development (including enclosed entries and mudrooms) is in keeping with the existing single-family residences within the general vicinity. Therefore, based on the existing on-site conditions, the location of the existing single-family residence and previously approved covered entry, it can be determined that the setbacks proposed will be adequate and will not constitute a grant of special privileges.*
3. *The Variance does not authorize a use that is not otherwise allowed in the zoning district in that an enclosed covered entry is an allowed accessory use to a single-family residence within the Single-Family Residential zoning district of the Placer County General Plan and the use will be a compatible use within this location.*
4. *The granting of the Variance does not, under the circumstances and conditions applied in this particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements in that the proposed covered entry and residential addition will be constructed within the confines of the subject parcel and will not encroach over the property lines. Furthermore, the granting of this Variance improves the public health and safety for the residents and visitors to this property as the covered entry provides protection from inclement weather and snow removal activities.*
5. *The Variance is consistent with the intent of the Placer County General Plan and the Single-Family Residential Zoning District in that residential additions are allowed accessory uses to existing single-family residences. The Variance to allow for the encroachment into the Edgewater Drive front setback is also supported by the additional findings described in this staff report.*
6. *The Variance is the minimum departure from the requirement of the 20 foot front setback and 5 foot side setback for the Plan Area Statement 010 Dollar Point zone district of the North Tahoe Community Plan and Placer County General Plan and is necessary to grant relief to the applicant in that the project proposed to enclose a previously approved covered entry which already encroaches into the front setback and does not add additional structures within the setback.*

#### **ATTACHMENTS:**

Attachment A: Planning Services Division

Attachment B: Memo from Engineering and Surveying Division

Attachment C: Memo from Environmental Health Services

Attachment D: Project Plans

**PLANNING DIVISION  
RECOMMENDED CONDITIONS OF APPROVAL  
APPLICATION NO. PLN15-00216  
3350 EDGEWATER  
IVERSON VARIANCE MODIFICATION**

1. The Variance (PLN15-00216) is approved to allow for a modification to a previously approved Variance (VAA-1616) to enclose an existing covered entry, and therefore adds living space within the front setback. The previous Variance approved a six foot front setback for a covered entry, whereas a 20-foot setback is required, in the Tahoe City area of California, APN 093-083-040 and as shown on the submitted site plans, project description and correspondence on file in the Community Development Resource Agency, except as modified by the conditions of approval. The Variance Modification requests the same six foot setback to the face of the structure to enclose the entry, and three feet to the eaves.
2. The effective date of approval shall be July 1, 2015, unless the approval is appealed to the Planning Commission. In accordance with Section 17.58.140(D) and 17.58.160(B)(1) of the Zoning Ordinance, the approval of the Variance shall be valid for 24 months after its effective date. At the end of that time, the approval shall expire and become null and void unless the time limits of the Variance are extended per Section 17.58.160(B) of the Zoning Ordinance.
3. Prior to Building Permit issuance, dedicate to Placer County a 20-foot wide snow storage easement along the property frontage on Edgewater Drive. The County Surveyor will prepare the legal description of the Snow Storage Easement document. The document can be obtained by contacting the ESD. Prior to Building Permit issuance, the easement paperwork must be signed and notarized, and returned to the County. Alternatively, the applicant may provide evidence of a previously recorded 20-foot snow storage easement along the property frontage as evidence of completion of this condition.
4. No other living area within the front setback is permitted as part of this approval. Any windows of the proposed structure within the setback shall be tempered and/or wired safety glass or equivalent.
5. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorney's fees awarded by a certain development project known as the Iverson Variance Modification Project PLN15-00216. The applicant shall, upon written request of the County, pay or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provision of this condition.





## Placer County Health and Human Services Department

Jeffrey S. Brown, M.P.H., M.S.W.  
Department Director

Wesley G. Nicks, R.E.H.S.  
Environmental Health, Director

# MEMORANDUM

## DEPARTMENT OF HEALTH & HUMAN SERVICES ENVIRONMENTAL HEALTH SERVICES

**To:** Zoning Administrator

**From:** Justin Hansen  
Land Use and Water Resources Section

**Date:** June 24, 2015

**Subject:** **PLN 15-00216, Iverson Variance, APN 093-083-040**

Environmental Health Services has reviewed the above mentioned application for variance and has no comments or recommended conditions of approval.

*Perspective, Hope, and Opportunity*



