



Blair W. Will

Of Counsel

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direct: (916) 287-9506

August 16, 2018

Via Electronic Transmission and US Mail

Councilmembers
City of Placerville City Council
3101 Center Street
Placerville, CA 95667

Re: Jodi Krieger Trust Variance Appeal; 948 Oak Terrace Road
Our File No. 5276.001

Dear Councilmembers,

I write on behalf of my client Jodi Krieger, trustee of the Jodi Krieger Revocable Trust (herein "Ms. Krieger"). Ms. Krieger submits the following information in support of her application for a variance for a carport constructed at her residence located at 948 Oak Terrace Road in the City of Placerville ("Property").

The Property includes a single-family residence, which was built in 1989, prior to the enactment of the present comprehensive zoning ordinance. When Ms. Krieger bought the Property in 2007, there was a pre-existing garage/carport at one end of the house. Based on the style and paint colors of the carport, Ms. Krieger assumed it had been constructed when the house was originally built. The carport was close to the property line.

In 2014/2015, Ms. Krieger made the decision to take down the original carport and in 2017 constructed a new carport in its place. This was done for several reasons. First, the Property is on a grade, which limits the available ground on which to site a structure. Second, the driveway to the house is very steep, making turning vehicles around difficult and dangerous. The carport design provides more room to maneuver vehicles. Third, the ability to park vehicles at the house is a necessity because Oak Terrace Road is narrow without a shoulder, making street parking impractical and potentially dangerous. Fourth, off-street parking is less visible to other residents and the public, which is an aesthetic benefit for the neighborhood. Fifth, the Property is partially wooded with tall pines, and the carport provides personal and vehicle protection from

falling tree limbs. Finally, siting the new carport in the same location as the old carport obviated the need to remove any existing trees from the Property.

Ms. Krieger hired a contractor to build the new carport for her. It wasn't until a carport was constructed that she was advised that it was encroaching on the setback.

On April 13, 2018, Ms. Krieger submitted a request for a variance allowing a 1.5' setback adjacent to the new carport. (Exhibit A). The variance application was heard at the Planning Commission's regular meeting June 19, 2018. The Commission did not grant the application.

There were only four Commissioners present and voting at the hearing, which resulted in a tie-vote (2/2). On June 28, 2018, John Driscoll, Placerville City Attorney, called me to inform me that under the applicable bylaws a tie-vote of the Commission results in the matter being automatically forwarded to the Council. Thus, Ms. Krieger's request for a variance is not before you on appeal but is reviewed by the Council *de novo*.

In reviewing the minutes from the June 28 Planning Commission hearing it appears that at least one Commissioner who voted not to grant Ms. Krieger's variance request was concerned that granting the variance would establish a "precedent" and lead to an expansion of variances in the neighborhood. With respect, this concern misunderstands the nature of a variance. A variance is intended to grant relief from zoning regulations that would deprive a property of privileges enjoyed by other nearby properties, but only in circumstances where unique conditions are present. Because unique conditions are a prerequisite, a variance does not set a precedent for granting other variances. Indeed, in recent years the City has approved variances at 914 and 990 Oak Terrace Road with no effect on the applicability or appropriateness of variances on other properties in the neighborhood.

In light of the unique conditions present at 948 Oak Park Terrace, a variance allowing Ms. Krieger's new carport to encroach in the setback is proper and appropriate. Ms. Krieger respectfully requests that the Council, upon review of this letter, the supporting documentation submitted with it, and the applicable staff materials, grant her request for a variance.

Placerville City Council

Re: Jodi Krieger Trust Variance Appeal; 948 Oak Terrace Road

August 16, 2018

Page 3

Thank you for your attention in this matter.

Very truly yours,

PIONEER LAW GROUP, LLP

A handwritten signature in blue ink that reads "Blair Will". The signature is written in a cursive, flowing style.

BLAIR W. WILL

BWW:sr

cc: Jodi Krieger
Mark Brunelle

Exhibit A

CITY OF PLACERVILLE
PLANNING APPLICATION

Date: 4/13/18
Zoning: R1-20 GP: _____
File No: VAR 18-01
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 #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.

I hereby certify that the statements and information contained in this application, including the attached drawings and the required findings of fact, are in all respects true and correct. I understand that all property lines must be shown on the drawings and be visible upon site inspection. In the event that the lines and monuments are not shown or their location found to be incorrect, the owner assumes full responsibility.

I further understand that if this request is subsequently contested, the burden will be on me to establish: that I produced sufficient factual evidence at the hearing to support this request; that the evidence adequately justifies the granting of the request; that the findings of fact furnished by me are adequate, and further that all structures or improvements are properly located on the ground. Failure in this regard may result in the request being set aside, and structures being built in reliance thereon being required to be removed at my expense.

PROPERTY OWNER agrees to and shall hold the CITY, its officers, agents, employees and representatives harmless from liability for damage or claims for damage for personal injury, including death, and claims for property damage which may arise from the direct or indirect operations of the PROPERTY OWNER or those of his contractor, subcontractor, agent, employee or other person acting on his behalf which relate to this project. PROPERTY OWNER agrees to and shall defend the CITY and its officers, agents, employees and representatives from actions for damages caused or alleged to have been caused by reason of the PROPERTY OWNER'S activities in connection with the project. This hold harmless agreement applies to all damages and claims for damages suffered or alleged to have been suffered by reason of the operations referred to in this paragraph, regardless of whether or not the CITY prepared, supplies or approved plans or specifications or both for the project.

PROPERTY OWNER further agrees to indemnify, hold harmless, pay all costs and provide a defense for CITY in any action challenging the validity of PROPERTY OWNER'S project.

Jodi Krieger
Applicant's Signature

JODI KRIEGER
Printed Name of Applicant(s)

4/10/18
Date

As owner of the property involved in this request, I have read and understood the complete application and its consequences to me as a property owner.

Jodi Krieger
Signature of Property Owner

JODI KRIEGER
Printed Name of Property Owner

4/10/18
Date

Signature of Property Owner

Printed Name of Property Owner

Date

NOTICE: Section 10-3-9 of the Placerville Municipal Code prohibits the occupancy of a building or a release of utilities prior to the issuance of a Certificate of Occupancy by the Building Division AND the completion of all zoning requirements and conditions imposed by the Planning Commission or City Council UNLESS a satisfactory performance bond or other acceptable security has been posted to insure completion. VIOLATIONS may result in prosecution and/or disconnection of utilities.

A Notice of Public Hearing and Staff Report will be prepared for applications requiring public hearing(s). Two Wednesdays prior to the hearing date, the Notice of Public Hearing will be sent to the Applicant and Owner; on the Thursday prior to the hearing date, the Staff Report will be sent to the Applicant and Owner. Notices and Staff Reports will be sent via email if addresses have been provided; if not, the documents will be sent to the mailing addresses provided on this form. Please list below any alternate or additional recipients, along with their contact information, or any alternate instructions for sending these materials to the Applicant or Owner.

JODI KNIEGEY - CARPORT
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 Terracc 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 2019

CITY OF PLACERVILLE
COMMUNITY DEVELOPMENT







TREE TABLE

| | | | | | | | | | |
|-------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| 0-10' | 10-20' | 20-30' | 30-40' | 40-50' | 50-60' | 60-70' | 70-80' | 80-90' | 90-100' |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

BASIS OF BEARINGS

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

BENCH MARK

ASSUMED ELEVATION OF 2000 FEET

UTILITY STATEMENT

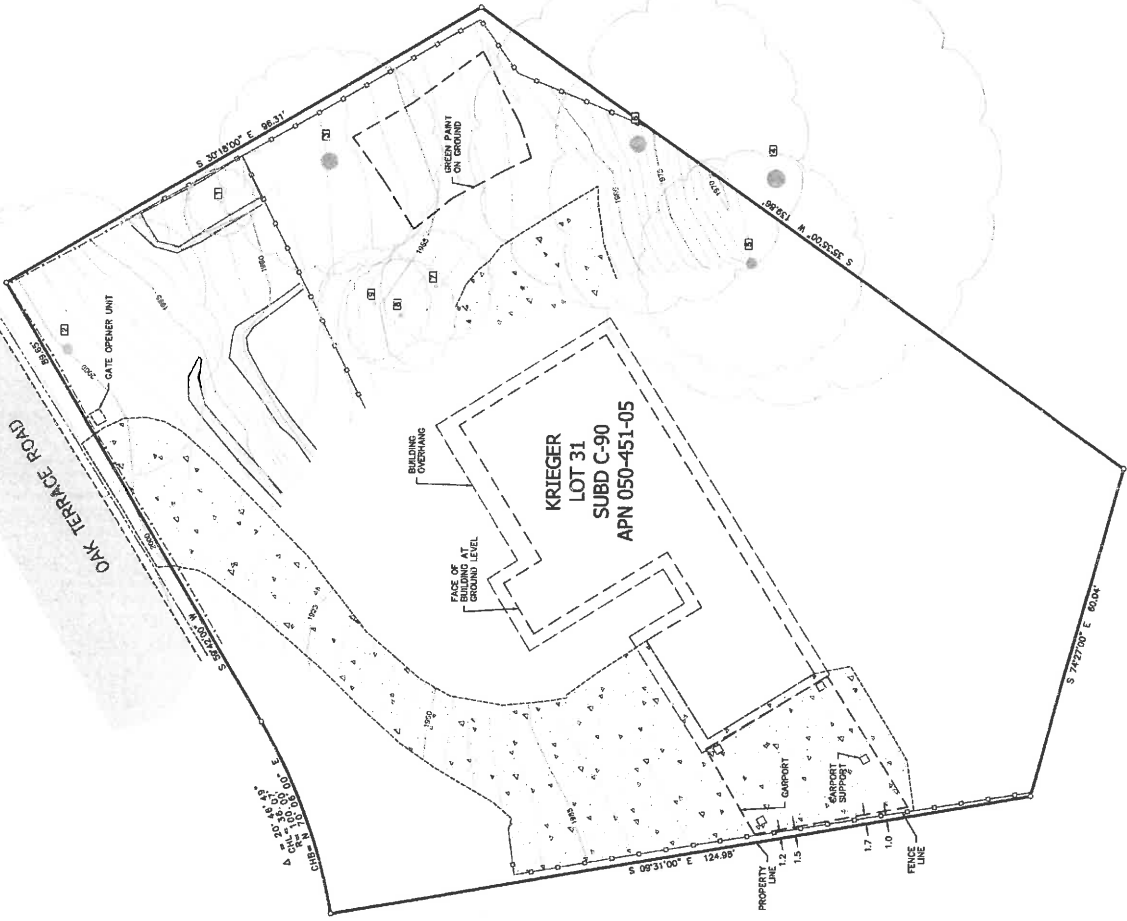
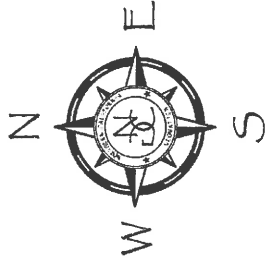
THE SURVEYOR HAS BEEN ADVISED THAT THERE ARE NO KNOWN UTILITIES LOCATED WITHIN THE FIELD OF THIS SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE AREA EITHER IN SERVICE OR ABANDONED. THE SURVEYOR CERTIFIES THAT THE LOCATION OF ANY UTILITIES SHOWN ARE THE BEST INFORMATION AVAILABLE TO HIM. HE CERTIFIES THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE AND THAT HE HAS NOT BEEN ADVISED OF ANY OTHER UTILITIES.

SURVEYOR'S STATEMENT

THIS SURVEY IS BASED UPON A FIELD SURVEY CONDUCTED BY THE SURVEYOR. THE SURVEYOR HAS BEEN ADVISED THAT THERE ARE NO KNOWN UTILITIES LOCATED WITHIN THE FIELD OF THIS SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE AREA EITHER IN SERVICE OR ABANDONED. THE SURVEYOR CERTIFIES THAT THE LOCATION OF ANY UTILITIES SHOWN ARE THE BEST INFORMATION AVAILABLE TO HIM. HE CERTIFIES THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE AND THAT HE HAS NOT BEEN ADVISED OF ANY OTHER UTILITIES.



BRENT WILLIAMS, P.L.S. 8049 4-11-2018 DATE



TOPOGRAPHIC SURVEY

A PORTION OF APN 050-451-05

CITY OF PLACERVILLE, STATE OF CALIFORNIA

PREPARED BY:
NORTHERN CALIFORNIA GEOMATICS
1000 KRIEGER ROAD
DANFORTH, CA 95919
(530) 957-0293

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