

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION  
FOR MEETING OF: October 10, 2023**

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**ITEM 1 Request for a variance (V-23;9-1 Smith) from the front (25 ft.) yard setback requirement, to allow construction of a carport 4.56 ft. from the front property line for APN: 023-570-012.**

**Applicant:** Bruce L. Smith

**Supervisory District:** 3

**Location:** 25498 Meadow Drive, Pioneer, CA 95666

**A. General Plan Designation:** RR, Rural Residential

**B. Present Zoning:** R1, Single Family Residential

**C. Acreage Involved:** 0.47 acres

**D. Description:** The applicant has requested a variance from Amador County Code §19.24.040 (R1 District Regulations--Generally.), which requires a twenty-five (25) foot front setback to allow for the construction of a carport 4.56 feet from the front the front property line.

If the Variance is approved, all necessary building permits shall be obtained from the Amador County Building Department for construction of the proposed structure.

**E. Prior Review and Recommendation:** This project was reviewed by the Technical Advisory Committee (TAC) on September 21, 2023. TAC has no technical objections to the Planning Commission recommending approval of the variance and the proposed Exemption from CEQA, subject to the findings set forth below.

**F. Planning Commission Action:** Following the public hearing, the first action of the Planning Commission should be to determine the adequacy of the proposed Exemption under Section 15305, Class 5 of the State CEQA Guidelines (minor setback variance not resulting in the creation of any new parcel). The Commission may then make a recommendation of the project to the Board of Supervisors. If the Commission recommends approval of the project, the following findings are recommended for approval with the project.

**G. Standard Variance Findings:**

1. This variance does not constitute the granting of a special privilege inconsistent with the limitations to which other lots in the vicinity with like zoning are subject;
2. Due to the location of the existing dwelling, existing accessory structures, and the slope of the lot, the strict application of the front building setback is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications; and
3. This variance will not have a significant adverse effect on the environment and is categorically exempt according to Section 15305, Class 5 of the State CEQA Guidelines (minor setback variance not resulting in the creation of any new parcel) and a Notice of Exemption will be filed with the County Recorder.

- |   |                      |
|---|----------------------|
| 1. GIS List. <u>300</u> ft. Plus <u>Email to TAC referral list</u><br>(Distance) (Special Instructions: e.g. to end of access road) | Initial<br><u>NS</u> |
| 2. Checked <u>all</u> APN pages of those parcels from the GIS list for "NOTES" or "SPECIAL INSTRUCTIONS."                           | <u>NS</u>            |
| 3. Project Applicant and Representative(s), if applicable.  | <u>NS</u>            |
| 4. Checked Project file cover for agency distribution.  | <u>NS</u>            |
| 5. Checked inside file for special requests for notification.   | <u>NS</u>            |
| 6. Checked old notification list for additional notification.   | <u>NS</u>            |
| 7. Other – Specify:<br>_____<br>_____<br>_____  |                      |

**AFFIDAVIT OF SERVICE BY MAIL**

I am a citizen of the United States, over eighteen years of age, employed in Amador County, and not a party to the within action; my business address is 810 Court Street, City of Jackson, State of California. I hereby declare I served a copy of the attached public hearing notice regarding N-23; 9-1 Smith by placing copies in 14 envelopes addressed to: (see attached list).

Said envelopes were then sealed and postage fully paid thereon and were deposited in the United States Mail on September 27, 2023 at Jackson, California.

I declare under penalty of perjury the foregoing is true and correct.

Executed at Jackson, California on September 27, 2023

Signed 

Witness 



AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY  
**PLANNING DEPARTMENT**

PHONE: (209) 223-6380  
FAX: (209) 223-6254  
WEBSITE: [www.amadorgov.org](http://www.amadorgov.org)  
E-MAIL: [planning@amadorgov.org](mailto:planning@amadorgov.org)

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

### NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the PLANNING COMMISSION of the County of Amador, State of California, has received an application for the project described in this notice.

**PROJECT DESCRIPTION:** Request for a variance (V-23;9-1 Smith) from the front 25-foot setback requirement, to allow construction of a carport 4.56 feet from the property line. (APN: 023-570-012)

**Owner/Applicant:** Bruce L. Smith

**Supervisory District:** 3

**Location:** 25498 Meadow Drive, Pioneer, CA 95666

**PUBLIC HEARING:** Discussion and possible action on this project by the Amador County Planning Commission will take place following a public hearing scheduled for **October 10, 2023 at 7:00 p.m.** in the Board Chambers of the County Administration Center located at 810 Court St., Jackson, CA 95642. The meeting may be attended in person or via teleconference by dialing **669-900-6833** and using **meeting ID 537-512-9883**, or by using the following link: <https://zoom.us/j/5375128983>.

The Chairperson will invite the public to comment via phone/online. Public comment will also be accepted at the above address or at [planning@amadorgov.org](mailto:planning@amadorgov.org). Comments received prior to publication of the agenda will be included in the agenda packet. The agenda will be published online at [www.amadorgov.org](http://www.amadorgov.org) in the Agendas and Minutes section. Comments received after publication of the agenda will be distributed to the Commissioners prior to the meeting, and shall be subject to the same rules as would otherwise govern speaker comments at the meeting. However, be advised that due to time constraints, the Commissioners may not be able to give letters submitted after the agenda is published, as detailed a review as those received earlier. Therefore, it may be to your benefit to attend the hearing and summarize your concerns orally. Letters will not be read aloud at the public hearing.

In compliance with the Americans with Disabilities Act, if you need an accessibility-related modification or accommodation to participate in this meeting, please contact the Amador County Planning Department, at (209) 223-6380, by email to [planning@amadorgov.org](mailto:planning@amadorgov.org). Requests must be made as early as possible, and at least two business days before the start of the meeting.

**NOTE:** If you do not comment at the public hearing or send in written comments and later decide to challenge the nature of this proposed action in court, you may be limited to raising only those issues you raised at the public hearing or have given in written correspondence delivered to the public entity conducting the hearing at, or prior to, the public hearing.

**ENVIRONMENTAL REVIEW PROCESS:** In accordance with the California Environmental Quality Act (CEQA), the lead agency, the Amador County Planning Commission, intends to consider this project Categorical Exempt under 15305, Class 5 (a) (minor setback variance not resulting in the creation of any new parcel). The application materials appear to be complete and indicate there are no extraordinary or unique environmental issues. The Technical Advisory Committee (TAC) has reviewed this project and has found no technical objection to the approval of this project along with filing the project as exempt under CEQA.

If you have any questions or desire more information, please contact this office.

**AMADOR COUNTY PLANNING COMMISSION**  
**Date of this notice: September 27, 2023**

**SUBJECT PARCEL HIGHLIGHTED BELOW**



V-23,9-1



AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY  
**PLANNING DEPARTMENT**

PHONE: (209) 223-6380  
FAX: (209) 257-5002  
WEBSITE: www.amadorgov.org  
E-MAIL: planning@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

**PRE-APPLICATION INFORMATION AND CHECKLIST FOR A VARIANCE REQUEST**

Application for a Variance request shall include the following:

- 1. Letter of application explaining purpose of request, description of variance, and other pertinent information.
- 2. Letter of authorization if landowner is being represented by another party.
- 3. Submit a plot plan (max 11"x17") of parcel showing location of project in relation to property lines and any other structures that are on the property. NOTE: An Assessor Plat Map can be obtained from the Surveying and Engineering Department for the purpose of aiding in drawing of the plot plan; **see plot plan guidelines attached.**
- 4. Copy of deed(s) to property.
- 5. Completed Environmental Assessment Form.
- 6. Filing fee of \$ 788
- 7. AAFP fee of \$ 226
- 8. Application Form to be signed at the time of project presentation in the Planning Department.

**NOTE:** IT IS TO YOUR BENEFIT TO BE AS SPECIFIC AS POSSIBLE WITH YOUR APPLICATION INFORMATION.

**NOTE:** Pursuant to County Code Section 19.52.060 B., "In any case, where a variance has not been used within one year after a date of granting thereof, then without further action by the planning commission or board of supervisors, the variance granted shall be null and void."

# Bruce L. Smith

25498 Meadow Drive

Pioneer, CA 95666

September 6, 2023

Amador County Planning Department  
810 Court Street  
Jackson, CA 95642

Re: Application for building setback variance for a new carport  
25498 Meadow Drive, Pioneer CA; Amador County APN 023-570-012

To whom it may concern:

I am the owner of record of the property located at 25498 Meadow Drive, Pioneer. Please accept for processing this application for a building setback variance to allow a new carport to extend 20.44 feet into the required 25-foot front yard setback.

The property currently supports my two-bedroom single-family dwelling and an adjacent parking pad. The home and parking pad are located near the front of the property, as the rear portion of the property slopes steeply to the south. While I am able to park on the pad adjacent to the home, there is no shelter for vehicles during inclement weather.

At this time, I wish to construct a 12-foot wide by 20-foot long carport on the existing pad to provide shelter for my vehicle during the winter. Grading at this location was done long ago, so no new grading will be required. The carport will meet all required setbacks except for the front yard setback, where it would encroach into the setback approximately 20.44 feet. Unfortunately, the slope of the parcel makes construction of a carport elsewhere impractical.

Thank you for your consideration. Should you have any questions, please be certain to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Bruce L. Smith". The signature is written in black ink and is positioned above the printed name of the property owner.

Bruce L. Smith, property owner

**INDEMNIFICATION**

Project: Smith Carport Building Setback Variance

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In consideration of the County's processing and consideration of the application for the discretionary land use approval identified above (the "Project") the Owner and Applicant, jointly and severally, agree to defend, indemnify, and hold harmless the County of Amador from any claim, action, or proceeding against the County to attack, set aside, void or annul the Project approval, or any action relating related to the Project approvals as follows:

1. Owner and Applicant shall defend, indemnify, and hold harmless the County and its agents, officers or employees from any claim, action, or proceeding against the County or its agents, officers or employees (the "County") to attack, set aside, void or annul the Project approval, or any prior or subsequent determination regarding the Project, including but not limited to determinations related to the California Environmental Quality Act, or Project condition imposed by the County. The Indemnification includes, but is not limited to, damages, fees, and or costs, including attorneys' fees, awarded against County. The County in its sole discretion may hire outside counsel to handle its defense or may handle the matter internally. Indemnification also includes paying for the County's defense if it elects to hire outside counsel. Indemnification also includes compensating the County for staff time associated with the litigation. The obligations under this Indemnification shall apply regardless of whether any permits or entitlements are issued.

2. The County may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the County defends the claim, action, or proceeding in good faith.

3. The Owner and Applicant shall not be required to pay or perform any settlement by the County of such claim, action, or proceeding unless the settlement is approved in writing by Owner and Applicant, which approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, by their signature below, Owner and Applicant hereby acknowledge that they have read, understand, and agree to perform the obligations under this Indemnification.

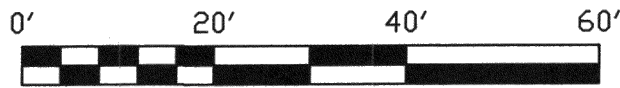
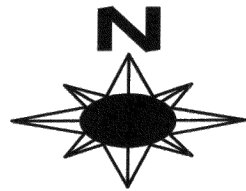
Applicant:

  
Signature

9/6/2023

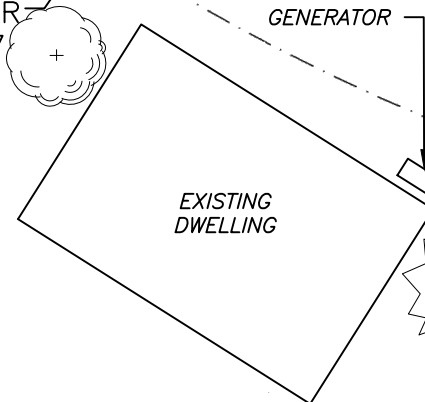
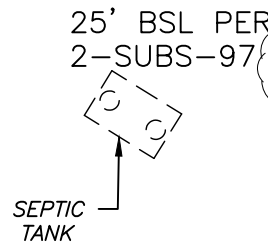
Owner (if different than Applicant):

\_\_\_\_\_  
Signature



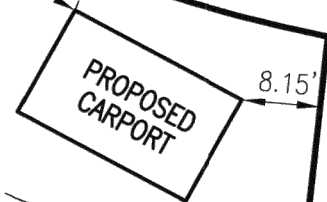
Scale: 1" = 20'  
Date of Survey: 4.20.2023

BLAKELEY  
APN 023-570-011  
LOT 34  
MACE MEADOWS UNIT No. 6  
2-SUBS-97



4.56' TO PROPERTY LINE  
PER 2-SUBS-97

GENERATOR



PROPANE

SMITH  
APN 023-570-012  
LOT 33  
MACE MEADOWS UNIT No. 6  
2-SUBS-97  
0.47± ACRES

MATTHEWS TRUST  
APN 023-070-159  
ADJ LOT 32  
51-M-87

MEADOW DRIVE

PROPERTY LINE PER 2-SUBS-97

PROPERTY LINE PER 2-SUBS-97

PROPERTY LINE PER 2-SUBS-97

REVISIONS	BY

**TOMA & ASSOCIATES INC.**  
ENGINEERING - SURVEYING - PLANNING  
41 Summit Street, Jackson, CA 95642  
(209) 223-0156

**PROPOSED  
CARPORT LOCATION**  
APN 023-570-012  
25498 MEADOW DRIVE  
LOT 33, MACE MEADOWS UNIT No. 6  
AMADOR COUNTY, CALIFORNIA

DATE: 4.24.2023  
SCALE: 1" = 20'  
DRAWN BY: GMW  
JOB NO.: 2303-04

SHEET **1**  
OF 1 SHEET



# Smith Carport Building Setback Variance

## ENVIRONMENTAL INFORMATION

### General Information

Project Name: Smith Carport Building Setback Variance

Applicant & Landowner: Bruce L. Smith  
25498 Meadow Drive  
Pioneer, CA 95666  
925-325-3593  
[fiftytwoford@msn.com](mailto:fiftytwoford@msn.com)

Assessor's Parcel No.: 023-570-012

Existing Zoning District: R1

Existing General Plan: RR

Existing Use of Parcels: Single family residential

Proposed Use of Parcels: No change

### Written Project Description

1. Site Size: Approximately 20,473 s.f. (approximately 0.47 acres)
2. Square Footage of Existing/Proposed Structures:
  - One existing single-family dwelling approximately 864 s.f. in size
  - One proposed carport 240 s.f. in size
3. Number of Floors of Construction: One (1)
4. Amount of Off-street Parking: Two + spaces
5. Source of Water: Public
6. Sewage Disposal: On-site septic system
7. Plans: See attached site plan
8. Proposed Scheduling of Construction: Immediately
9. Phasing: Not applicable.

10. Associated Projects: None
11. Land Division Project: Not applicable.
16. Variance request: Owner requests a building setback variance to allow a new carport to encroach approximately 20.44 feet into the required 25-foot front yard setback. The carport will be constructed on an existing parking pad, so no new grading is required. The balance of the parcel slopes steeply to the south, so placement of the carport elsewhere on the property is impractical.

**Additional Information.** Are the following items applicable to the project or its effects?

**YES NO**

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17. Change in existing features of any lakes or hills, or substantial alteration of ground contours.         |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 18. Change in scenic views or vistas from existing residential areas, public lands, or roads.                |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 19. Change in pattern, scale or character of general area of project.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 20. Significant amounts of solid waste or litter.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 21. Change in dust, ash, smoke, fumes or odors in the vicinity.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 22. Change in lake, stream or ground water quality or quantity, or alteration of existing drainage patterns. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 23. Substantial change in existing noise or vibration levels in the vicinity.                                |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 24. Site on filled land or has slopes of 10 percent or more.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 25. Use or disposal of potentially hazardous materials such as toxic substances, flammables or explosives.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 26. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).                 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 27. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 28. Does this project have a relationship to a larger project or series of projects?                         |

## Environmental Setting

29. Existing Site: The project comprises approximately one-half acre of land within the Mace Meadow Unit 6 subdivision. The property currently supports a small single-family dwelling and a parking pad near the front, or north end near Meadow Drive; the balance of the property slopes steeply to the south. At this time the owner wishes to construct a 240 s.f. carport on the existing parking pad to provide winter shelter for vehicles. Vegetative cover consists primarily of stands of ponderosa pine with non-native grasses. There are no water bodies present on the parcel.
30. Surrounding Properties: Surrounding land uses consist of single-family residential dwellings (north, south, east and west). Surrounding properties are roughly similar in size to the subject property.
31. Hazardous Excavations: The presence or absence of mine shafts, tunnels, air shafts or open hazardous excavations has not been confirmed.

Certification: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: 9/6/2023

Bruce R. Smith  
(Signature)

By: Bruce L. Smith

RECORDING REQUESTED BY:

Pasion Title  
Placer Title Company  
Branch Number: 90

WHEN RECORDED MAIL TO:

Bruce Lee Smith  
25498 Meadow Drive  
Pioneer, CA 95666



**Amador County Recorder**  
**Kimberly L. Grady**  
**DOC - 2021-0011475**

Account: Placer Title Co  
Wednesday, October 6, 2021 15:16  
Total Paid: **\$334.35**

counter1/1 - 3

Order No: P-517238

**Grant Deed**

(Please fill in document title(s) on this line)

- Exempt from fee per GC27388.1(a)(2) due to being recorded in connection with concurrent transfer that is subject to the imposition of documentary transfer tax, or,
- Exempt from fee per GC27388.1(a)(1) due to the maximum fees being paid on documents in this transaction, or,
- Partially exempt from fee per GC27388.1(a)(1). Only \$75.00 to be charged as \$150.00 in fees has been paid on documents recorded immediately prior hereto or,
- Exempt from fee per GC27388.1(a)(2) due to being recorded in connection with concurrent transfer that is a residential dwelling to an owner-occupier, or,
- Exempt from the fee per GC27388.1(a) (1); Not related to real property, or,
- Exempt from fee under GC27388.1(a)(1) for the following reasons:

NOTE: The following exemptions may not be acceptable for use in all counties:

- Exempt from fee per GC27388.1 due to being recorded in connection with a transfer that was subject to documentary transfer tax which was paid on document recorded previously on (date) as document number of Official Records, or,
- Exempt from fee per GC27388.a due to the maximum fees having been paid on documents in the transaction(s) recorded previously on (date) as document number(s) of Official Records, or,
- Partially exempt from fee per GC27388.1. Only \$75.00 to be charged as \$150.00 in fees having been paid on documents in this transaction(s) recorded previously on (date) as document number(s) of Official Records, or,
- Exempt from fee per GC27388.1 due to it being recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier. The recorded document transferring the dwelling to the owner-occupier was recorded on (date) as document number(s) .

THIS PAGE ADDED TO PROVIDE SENATE BILL 2 EXEMPTION INFORMATION  
(Additional recording fee applies)

**RECORDING REQUESTED BY**

Placer Title Company  
Escrow Number: P-517238  
Branch: 90

**AND WHEN RECORDED MAIL TO  
AND MAIL TAX STATEMENTS TO**

Bruce Lee Smith  
25498 Meadow Drive  
Pioneer, CA 95666

A.P.N.: 023-570-012-000

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT DEED**

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$306.35 City Transfer Tax: \$0.00

Unincorporated Area  City of \_\_\_\_\_

computed on full value of property conveyed, or

computed on full value less value of liens and encumbrances remaining at time of sale.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Barbara C. Bowman,**  
**an unmarried woman**

Hereby GRANT(S) to **Bruce Lee Smith, an unmarried man**

The land described herein is situated in the State of California, County of Amador, unincorporated area,  
described as follows:

Lot 33 of Mace Meadows Unit No. 6, as shown and delineated on the Official Map thereof, filed for record  
December 18, 1969 in Book 2 of Subdivision Maps, Page 97, Amador County Records.

APN: 023-570-012-000

Dated: October 4, 2021

  
Barbara C. Bowman

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of CO. )  
County of Carimer ) ss.

On 10/5/2021 before me,  
Christian A. McShay

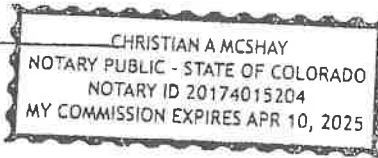
Notary Public personally appeared Barbara C. Bowman

me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

colorado

I certify under PENALTY OF PERJURY under the laws of the State of ~~California~~ that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

SIGNATURE 



# Comments



Planning Department &lt;planning@amadorgov.org&gt;

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**AMA-88-PM R32.67 Variance Application**

2 messages

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**Bauldry, Paul@DOT** <paul.bauldry@dot.ca.gov>  
To: Amador County Planning Department <planning@amadorgov.org>

Thu, Sep 21, 2023 at 8:05 AM

Hi Nicole,

California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the AMA-88-PM R32.67 Variance Application front setback project.

The proposed project is located at 25498 Meadow Dr., in the community of Pioneer. The Assessor's Parcel Number is 023-570-012.

Caltrans has no additional comments at this time. However, Caltrans requests for all future development at this location to be included in the review process.

Thank you,

**Paul Bauldry**

Caltrans District 10

Office of Rural Planning

Division of Planning, Local Assistance, and Environmental

1976 E. Dr. Martin Luther King Jr Blvd.

[Stockton CA 95205](#)

Telework # 209.670.9488

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**Amador County Planning Department** <planning@amadorgov.org>  
To: "Bauldry, Paul@DOT" <paul.bauldry@dot.ca.gov>

Thu, Sep 21, 2023 at 8:11 AM

Good morning Paul,

Received, thank you.

Nicole Sheppard, Planner  
Amador County Planning Department  
810 Court Street  
Jackson, CA 95642  
(209) 223-6380  
[planning@amadorgov.org](mailto:planning@amadorgov.org)

[Quoted text hidden]