



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: June 14, 2006
AGENDA DATE: June 21, 2006
PROJECT ADDRESS: 827 Spring Street (MST2006-00170)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Danny Kato, Zoning & Enforcement Supervisor *DK*
Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 2,500 square foot project site involves a construction project involving the demolition of an existing residence and garage and the "as-built" construction of a swimming pool and two-car garage with a proposed two-story residence above.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are Modifications to permit:

The residence to be located within the required twenty-foot (20') front and six-foot (6') interior and rear yard setbacks (SBMC §28.18.060); and,

Reduction to the required 1,250 square foot open yard area (SBMC §28.18.060); and,

A swimming pool to be located within the required fifteen-foot (15') front yard setback (SBMC §28.87.060); and,

Walls along the driveway to exceed 3-1/2 feet within 10 feet of either side of the driveway for a distance of 20 feet back from the lot line. (SBMC § 28.87.170).

Date Application Accepted: April 3, 2006 Date Action Required: July 3, 2006

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Raymond Appleton	Property Owner:	Peter Neuger
Parcel Number:	031-051-004	Lot Area:	2,500 Square Feet
General Plan:	General Commerce	Zoning:	R-2 Two-Family Residence
Existing Use:	Single Family Residence	Topography:	Flat

Adjacent Land Uses:

North - Residential
South - Commercial

East - Residential
West - Commercial

B. PROJECT STATISTICS

Living Area	1,142 Square Feet
Garage	473 Square Feet
Accessory Space	None

IV. LOT COVERAGE

Building	1,126 sf; 45%
Landscape	955 sf; 38%
Hardscape	419 sf; 45%

V. DISCUSSION

A building permit was issued for construction on this site in July of 2004. The applicant proceeded to construct a structure that had not been approved; therefore, a stop work order was issued by the building official, and the applicant was advised to contact Staff. During the review of the enforcement case, Planning Staff discovered that the original approval had been issued in error, in that the building was approved within the front yard setback. This error became irrelevant, because the building was not constructed per the approved plan. A large portion of the building, and the swimming pool was constructed after the stop work order was issued.

Typically, Modifications are discouraged on vacant land. It is Staff's position that when one has a clean slate to work with, the appropriate project is one that complies with zoning regulations. However, in this case, there are site constraints because of the small lot. Also considered were the facts that the original residence observed only a five-foot front yard, and that the neighbors closest to the two (2) interior yard encroachments being requested, are commercial tenants. Benefits of the proposed project include providing 2 covered parking spaces on site and doubling the open yard area that previous existed.

The building is configured such that the garage door is located 20 feet from the front property line, but the second story building is only set back 14 feet, with a balcony that is set back 10 feet. The third story is also only set back 14 feet from the front property line. The building is set back four feet from the rear property line, and although the building is set back 6'7" from the northern interior property line, the stairway that leads to the second floor is located 3'5" from the interior property line. The edge of the swimming pool is 9'4" from the front property line, instead of the required 15 feet.

Staff supports the side and rear setback encroachments, as the adjacent land uses are commercial, and there is adequate separation between this building and those uses. Transportation Staff has issued a waiver for the garage size, so that it's 18'8" in width, instead of the required 20 feet in width. Additionally, Transportation Staff has found that the visibility

while backing cars out of the garage is adequate. Because of the lot constraints, and the fact that Transportation Staff finds the driveway wall configuration to be safe, Staff supports the overheight walls within 10 feet of the driveway and the second story encroachment into the front setback.

Staff does not support the third story encroachment into the front setback, and believes that it could be setback the full 20 feet that is required by the Zoning Ordinance. Staff does not support the swimming pool encroachment into the required 15 foot setback, as there is no justification for it.

VI. RECOMMENDATION/FINDING

Staff recommends that the Staff Hearing Officer approve the interior setback encroachments, the overheight walls in within 10 feet of the driveway and the second story front setback encroachment, making the findings that the Modification is consistent with the purpose and intent of the Ordinance and necessary to secure an appropriate improvement on this small, 2,500 square foot residential lot.

Staff further recommends that the Staff Hearing Officer deny the swimming pool encroachment and the third story encroachment into the front setback, as we don't believe that they are appropriate improvements.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated March 27, 2006
- C. Neighbor Letter dated June 11, 2006

Contact/Case Planner: Roxanne Milazzo, Associate Planner
(rmilazzo@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805)564-5470

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March 27, 2006

Bettie L. Weiss
Administrative Hearing Officer
Community Development Department
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RECEIVED

APR 03 2006

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: 827 Spring Street / APN 031-051-004
Request for Modification of Setback and Open Space

Dear Ms. Weiss;

Our firm has been retained by the owners, Peter and Deborah Veuger, of the above referenced property, in order to assist them in their goal of constructing their new home.

Under an earlier Building Permit, they demolished the home and garage that previously occupied the property, and began construction of a new home and garage. However, it has come to their attention that the design of their new home requires City approvals for reductions, or modifications, of the standard development requirements that were previously either overlooked by Staff of the City's Community Development Department, or are a result of revisions that Mr. & Mrs. Veuger would like to now make in the design of their new home.

As background, I will offer that the property has a Zone Designation of R-2, for which the City of Santa Barbara has adopted an Ordinance of standard development requirements based on a minimum lot size of 7,000 square feet. It is due to the fact that the Veuger's property is only 2,500 square feet (36%), that they are required to request exceptions to the City's governing Ordinance in order to construct even a small residence on the property.

In keeping with the small size of the lot, they are proposing a two-story, two bedroom, residence of only 1,142 square feet (571 per floor) with a 473 square feet two-car garage and utility room. In order to accomplish placing even this small residence on the lot, while still retaining at least 79% (989.61 square feet) of the required 1,250 square feet of private open yard, it becomes necessary to locate the garage and approaching driveway beneath the two story residence.

The height of this now three story residence is mitigated by locating the 23 feet 5 inches wide private open space on the side of the lot between the proposed residence and the only neighboring residence, which is currently one story in height. This creates a separation between

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the two residences of 28 feet 5 inches total, more than twice the required distance of only 12 feet. This location of the proposed residence also places it on the other side of the lot closer to a taller and more comparable commercial building. Another taller and more comparable commercial building is also located on the lot adjacent to the rear of the proposed residence.

In locating their residence on the property, they have set the first story 10 feet back from the front property line at the sidewalk. This is similar to the 9'9" distance of the residential neighbor and even further back than their closer commercial neighbor, which is only 3'9" from the sidewalk. I would also point out that the first story is represented by only the ends of the walls on each side of the driveway, which support the balcony and 2-story residence above. The first story of the building itself consists solely of the garage below the residence, and its door is located 20 feet back from the sidewalk.

The second story of the building, and first story of the residence, is set back 14 feet from the sidewalk. Its balcony, however, extends 4 feet in front towards the sidewalk, with its face in line with the end walls at the first story that supports the balcony from each side of the driveway. The third story of the building, and second story of the residence, is also back 14 feet from the sidewalk, but without a balcony at the street side.

In designing the project, the property owners have tried to be considerate of their only immediate residential neighbor by locating their taller residence as far away as possible. They have also tried to design their residence to be transitional in architectural style between the further wood-sided residential neighbor and the closer stuccoed, white, windowless, rectangular shaped rear of the commercial building that dominates the corner of the street. This proximity to the commercial building, and their desire to create a transitional architectural design, is reflected in the modern style of their residence.

I offer the above description of the Veuger's project to provide an indication of their well intentioned effort to design a home with consideration for their neighbors, while still needing to request the following modifications from the City's standard development requirements. Specifically, the modifications being requested are:

Ia. To allow the 1st story and entry stairway of the residence to be 10 feet from the front property line instead of 15 feet.

Ib. To allow the 2nd and 3rd stories of the residence to be 14 feet from the front property line instead of 20 feet.

Ic. To allow the 2nd story balcony of the residence to be 10 feet from the front property line instead of 18 feet.

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Bettie L. Weiss

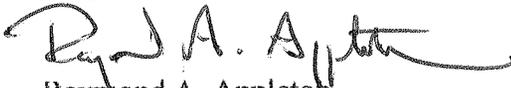
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2. To allow the entry walls adjacent to the driveway to be 1 foot 4 inches from the driveway for the 2nd half of the length of the 20 feet driveway, instead of 10 feet from the driveway for the entire length.
3. To allow the water's edge of the lap pool to be 9 feet 4 inches from the front property line instead of 15 feet.
4. To allow the entry stairway of the residence to be 3 feet 5 inches from the side property line instead of 6 feet.
5. To allow the 1st, 2nd, and 3rd stories and rear yard stairway of the residence to be 4 feet from the rear property line instead of 6 feet.
6. To allow the private open yard of the residence to be 989.61 square feet instead of 1,250 square feet.

For the reasons stated previously, Mr. and Mrs. Veuger request that you approve the necessary modifications listed above. This approval will allow Mr. and Mrs. Veuger to construct the reasonable improvement of a small home, while also allowing adequate private open space to truly provide their family with a usable recreational area.

Respectfully,



Raymond A. Appleton

Cc: Peter and Deborah Veuger

Anthony Fischer, Attorney for the Veuger's

Michelle Montez, Attorney for the City of Santa Barbara

Public
input**Milazzo, Roxanne**

From: ed [edsb@cox.net]
Sent: Sunday, June 11, 2006 9:22 AM
To: Milazzo, Roxanne
Subject: Re: 827 Spring St

Staff Hearing Officer,

My name is Ed King and I live at 810 Spring St. I received your notice of public hearing yesterday regarding the above property.

It is my opinion that the Veugers should be allowed to complete their home without any further delay. Our neighborhood will benefit in several ways. First, as the project sits, it is an eye sore unfinished. Secondly, our street stands to gain a young professional couple as new neighbors.

In designing their home they are making the best of a bad situation, namely working with a half lot. They should be given some latitude on the setbacks especially since their property will sit next to a monstrosity (the laundromat) that offers Spring St with all of a 2 foot setback. Their creativity should be recognized and the city will gain another single family residence which it sorely needs.

Thank you.

Ed King
962-8894

EXHIBIT C

6/12/2006

