



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 037-09
733 WESTMONT ROAD
MODIFICATION
MAY 20, 2009

APPLICATION OF BRIAN MILLER FOR DAVID JOHNSON, 733 WESTMONT ROAD, APN 013-102-006, R-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 1 UNIT PER ACRE (MST2009-00196)

The 10,330 square foot project site is located on the corner of Westmont Road and Circle Drive. The proposed project involves the construction of a single family residence with attached two-car garage to replace previous development that was destroyed in the Tea Fire. The discretionary application required for this project is a Modification to permit the 1,250 square foot open yard to be provided in the primary front yard off of Westmont Road (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 & 15305.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and the following exhibits were presented for the record:

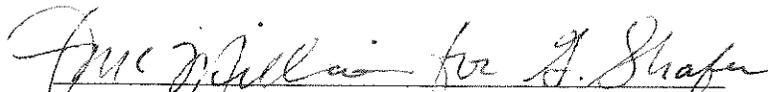
1. Staff Report with Attachments, May 13, 2009.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Approved the subject application making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed location is the best and most appropriate area for open yard space on this site. It has direct access off of the residence's entertaining/living areas, provides privacy for outdoor enjoyment, has minimum dimensions of 20' and an overall area of 1,250 as required by the ordinance, and provides a solution to the site constraints associated with two large street frontages.
- II. Said approval is subject to the condition that the required open yard will not extend past the front face of the residence along Westmont Road and into the required front setback.

This motion was passed and adopted on the 20th day of May, 2009 by the Staff Hearing Officer of the city of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Staff Hearing Officer at its meeting of the above date.


Gloria Shafer, Staff Hearing Officer Secretary

6-2-09
Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
5. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.