



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 092-09
306 SHERMAN ROAD
MODIFICATION
NOVEMBER 4, 2009

**APPLICATION OF HECTOR MAGNUS, ARCHITECT FOR ANTAR DAYAL,
306 SHERMAN ROAD, APN 019-050-003, A-1 ONE-FAMILY RESIDENCE ZONE,
GENERAL PLAN DESIGNATION: MAJOR HILLSIDE (MST2009-00414)**

The 10,500 square foot project site was previously developed with a single-family residence and attached two-car garage, which were destroyed in the Tea Fire. The project consists of construction of a 2,427 square foot residence and attached 471 square foot garage. The discretionary application required for this project is a Modification to permit new construction within the required 35' front setback- (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, one person appeared to speak in favor of the application, and two people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 29, 2009.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Craig Penner, 331 Sherman Rd., Santa Barbara, Ca
 - b. Dante DeLucia and Ana Ojeda, 311 Sherman Rd., Santa Barbara, Ca
 - c. Angela Antenore, 311 Sherman Rd., Santa Barbara, Ca
4. Correspondence received in opposition to the project:
 - a. Hazel Anderson, 54 Olive Mill Rd, Montecito, Ca
 - b. Paula Westbury, 650 Miramonte Drive, Santa Barbara, Ca

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

Approved the subject application making the finding that the Modification to allow the garage within the front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The existing lot is located at the end of a cul-de-sac and is constrained due to the existing slope and substandard size of the lot. The reduced front setback allows for the replacement garage to be placed on the less steep portion of the lot. The proposed front setback is compatible with the development pattern of the street.

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This motion was passed and adopted on the 4th day of November, 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

11-12-2009

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. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Single Family Design Board (SFDB) approval and then a building permit.
5. **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.
6. **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.

