



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 081-13 943 CALLE CORTITA MODIFICATIONS DECEMBER 11, 2013

#### **APPLICATION OF DOROTHY CHILDRESS, 943 CALLE CORTITA APN: 041-157-011, E-1, SINGLE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (3 UNITS/AC) (MST2013-00489)**

The 11,495 square foot corner lot is developed with a 2,209 square foot two-story residence, and an attached 440 square foot two-car garage. The proposed project involves permitting the following "as-built" improvements: patio cover and accessory structure (water heater room), kitchen addition, and laundry room addition, all of which encroach into the required setbacks. The proposal will address violations identified in ZIR2013-00500.

The discretionary applications required for this project are:

1. A Front Setback Modification to allow the "as-built" addition of the patio cover and accessory structure within the required thirty-foot front setback to the south (SBMC §28.15.060 and SBMC §28.92.110); and
2. An Interior Setback Modification to allow the "as-built" construction of a kitchen addition and a laundry room addition within the required ten-foot interior setback to the west (SBMC § 28.18.060 and SBMC § 28.92.110);

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 and 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, one person appeared to speak in opposition of the application, and the following exhibits were presented for the record:


1. Staff Report with Attachments, December 5, 2013.
2. Site Plans

- I. NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer approved the requested Interior and Front Setback Modifications making the findings and determinations that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to prevent unreasonable hardship. None of the requested improvements are anticipated to cause an adverse impact to any neighboring properties or the public. The additions appear to have been constructed over thirty years ago and have had no impacts to the adjacent property owner or the public. Further, due to the fact the City did not inform the current property owner who acquired the property in its present condition that the additions were Zoning and Building Code violations, it would be an unreasonable hardship to require that the improvements comply with the setback requirements.

- II. Said approval is subject to the condition that the property takes appropriate steps to ensure that no portion of the improvements will encroach onto the adjacent property prior to the issuance of a building permit.

This motion was passed and adopted on the 11<sup>th</sup> day of December, 2013 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.

  
\_\_\_\_\_  
Kathleen Goo, Staff Hearing Officer Secretary

12/13/13  
\_\_\_\_\_  
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.