



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: December 5, 2013
AGENDA DATE: December 11, 2013
PROJECT ADDRESS: 943 Calle Cortita (MST2013-00489)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DJK*
 Betsy Teeter, Planning Technician II *BT*

I. PROJECT DESCRIPTION

The 11, 495 square-foot site, located on the corner of Calle Cortita and Fellowship Lane, is currently developed with a 2,698 s.f. single-story house and attached 376 s.f. two car garage. The proposed project involves "as-built" additions along the western portion of the dwelling. These additions were for approximately 605 s.f. of new habitable space, and an approximately 60 s.f. patio cover and 36 s.f. of new accessory space (water heater enclosure). The discretionary applications required for this project are Front and Interior Setback Modifications to allow "as-built" additions and alterations to the existing residence to encroach into the required setbacks. (SBMC § 28.15.060 and SBMC § 28.92.110)

Date Application Accepted: November 18, 2013 Date Action Required: February 18, 2014

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the condition discussed below.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Jarrett Gorin	Property Owner: Annie Childress
Parcel Number: 041-157-011	Lot Area: 11, 495 s.f.
General Plan: Low Density Residential 3 du/acre	Zoning: E-1
Existing Use: Residence	Topography: 30% slope

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	2, 209 sq. ft.	No change
Garage	376 sq. ft.	No change
Accessory Space	None	36 sq. ft

IV. DISCUSSION

The project site is located on an irregularly shaped, sloped lot and has street frontages on two sides. Modification approval was obtained on January 17, 1974 to allow a new addition over the garage to encroach into the front setback. The building permit never received final sign-off due to the non-compliant interior stairway to the second floor addition. A Zoning Information Report (ZIR) was prepared in 1998, and no building violations were noted in the report.

In 2013, a subsequent ZIR for the subject property disclosed several building and zoning violations including new additions and interior alterations. These alterations involved enlarging the kitchen and a bedroom, adding a laundry room and adding a patio cover and accessory room to house the water heater. All of these additions encroach into the required interior and front setbacks. City Building Inspectors believe that the additions were constructed shortly after the 1974 addition. Upon further inspection by City Building Officials, it was determined that the kitchen and laundry room additions were constructed by demolishing an exterior wall, and connecting the roof and walls to a tall retaining wall that is located partially over the interior property line. If permitted, the additions would be required to meet all current codes, which require, at minimum, 1-hour fire rated construction.

It is not the Planning Staff's normal procedure to support a Modification request such as this one, as it is a 100% encroachment into the interior setback. However, the additions are separated from the neighboring property by a grade differential of about 9-10 feet, so the occupants of the neighboring lot see only the roof of the addition. Further, the additions have existed in their current locations and forms from the mid- to late- 1970s without complaint. The property has changed hands several times since the addition was added without permit, and the buyers and the City did not discover the unpermitted additions until 2013. Staff supports the requested Modifications because it would be an unreasonable hardship to require the compliance with the Zoning requirement today, some thirty five years and several property owners after the violations took place.

The project is exempt from review by the Single Family Design Board.

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Interior and Front Setback 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 were made over thirty five years ago and have had no impacts to the adjacent property owner or the public. Further, due to the City's error in 1998, the additions and alterations were not disclosed to the current property owner who acquired the property in its present condition and in good faith that all improvements were permitted. It would be an unreasonable hardship to require that the improvements comply with the setback requirements.

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

VI. EXHIBITS:

A. Site Plan

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