



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 063-15 481 PASEO DEL DESCANSO MODIFICATIONS NOVEMBER 11, 2015

**APPLICATION OF KRIS KIRKELIE, DESIGNER FOR HEIDI VICTORIA SJOLLEMA,
481 PASEO DEL DESCANSO, APN: 053-102-005, E-3 (ONE-FAMILY RESIDENCE) ZONE,
GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. 5 DU/ACRE)
(MST2015-00264)**

The 9,148 square foot site is currently developed with a 1,390 square foot single family residence, a detached 343 square foot two-car garage and a detached 488 square foot accessory structure. The detached accessory structure was not constructed according to the approved plans as it is located four feet from the detached garage instead of the five feet required and it is ten square feet larger than what was approved. The proposed project is to permit the location of the detached accessory structure to be four feet from the garage, to permit an "as-built" 10 square foot addition, "as-built" relocation of a water heater enclosure and "as-built" FAU to an existing 478 square foot detached accessory structure, to permit "as-built" steps and an "as-built" 36 inch high deck with a proposed deck railing at the interior and rear of the accessory structure, to replace the posts, girders and foundation and for the "as-built" replacement of an FAU unit for the dwelling and for "as-built" exterior alterations at the property. The proposal will address violations outlined in an Enforcement Case (ENF2014-01089).

The discretionary applications required for this project are:

1. Modification to allow the detached "as-built" accessory structure to be located within the required five-foot building separation (SBMC §28.87.062 and SBMC §28.92.110); and
2. Interior Setback Modification to allow an "as-built" deck with a new railing to encroach into the required six-foot north interior setback (SBMC §28.15.060 and SBMC §28.92.110); and
3. Interior Setback Modification to allow an "as-built" deck with steps and a new railing to encroach into the required six-foot east interior setback (SBMC §28.15.060 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 15301 and 15305 (Existing Facilities and Minor Alterations in Land Use Limitations).

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 either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 5, 2015.
2. Site Plans

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

- I. Partially approved the subject application making the following findings and determinations:
 - A. The Modification of the distance between accessory buildings is necessary to secure an appropriate improvement on the lot and meets the purpose and intent of the Zoning Ordinance, which is to provide ventilation, visual separation and openness between buildings, and that the “as-built” addition to the detached accessory space is not anticipated to adversely impact the adjacent neighbors.
 - B. The north Interior Setback Modification for the deck and guardrail to encroach into the required north interior setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The one foot encroachment is not anticipated to substantially adversely affect adjacent neighbors.
- II. Denied the east Interior Setback Modification making the following findings and determinations:
 - A. The east Interior Setback Modification for the stairs, deck and guardrail to encroach into the east interior setback is not necessary to secure an appropriate improvement on the lot and does not meet the purpose and intent of the Zoning Ordinance because there is a reasonable design solution which would avoid the necessity for a modification and there are no site constraints that constitute an unreasonable hardship to justify approval of the requested modification.
- II. Said approval is subject to the following conditions:
 - A. The violations outlined in ENF2014-01089 shall be abated as part of this permit and shall be included in the Scope of Work.
 - B. The stairway, deck and proposed guardrail shall be removed out of the east interior setback and comply with the Zoning Ordinance.
 - C. A Zoning Compliance Declaration (ZCD) shall be recorded for the property.
 - D. All exterior lighting shall comply with the City’s Outdoor Lighting Ordinance.
 - E. The hedge along the east side of the driveway shall be pruned back so that it does not block access to the garage, subject to review and approval by the Public Works Department.

This motion was passed and adopted on the 11th day of November, 2015 by the Staff Hearing Officer of the City of Santa Barbara.

