



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 049-16
100 E. CONSTANCE AVENUE
MODIFICATIONS
AUGUST 17, 2016

APPLICATION OF BECKER STUDIOS, INC., APPLICANT FOR KENNY VAN ZANT, 100 E. CONSTANCE AVENUE, APN: 025-041-001, E-1 (SINGLE FAMILY RESIDENTIAL) ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX. 3 DU/ACRE) (MST2014-00625)

The 33,779 square foot site is currently developed with a 3,357 square foot two-story single-family residence with an attached 523 square foot two-car garage, a swimming pool and an "as-built" 139 square foot detached shed. The proposed project involves 365 square feet of first-floor additions, 121 square feet of second-floor additions and permitting the "as-built" 139 square foot detached shed. The property includes a designated historic Indian Laurel Fig tree to remain unaltered. The proposed total of 4,505 square feet on a 37,779 square foot lot is 92% of the guideline maximum floor-to-lot area ratio (FAR). This project will address violations identified in a Zoning Information Report (ZIR2014-00300).

The discretionary applications required for this project are:

1. A Front Setback Modification to allow the "as-built" shed in the required 30-foot front setback facing Constance Avenue (SBMC § 28.15.060 and SBMC § 28.92.110); and,
2. An Interior Setback Modification to allow the "as-built" shed in the required 10-foot interior setback (SBMC § 28.15.060 and SBMC § 28.92.110); and
3. A Modification to allow the "as-built" shed to be located within a front yard (SBMC § 28.87.170 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:

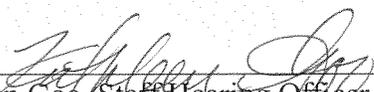
1. Staff Report with Attachments, August 11, 2016.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Florence J. Sanchez, Santa Barbara, CA.

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

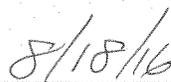
- I.** Approved the subject application making the following findings and determinations:
- A.** The Front Setback Modification to allow the detached shed with door to encroach into the required front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The “as-built” shed is appropriate because the encroachment into the front setback is minor, the property is site constrained due to the two front setbacks, the “as-built” shed is not visible from the street, and as the new door to the structure will not result in any further encroachment into the required front setback.
 - B.** The Interior Setback Modification to allow the detached shed with new door to encroach into the required 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 “as-built” shed is appropriate because of the grade change along the interior property line, the structure will not encroach any further into the setback than what was approved, the structure will provide needed storage for the property and the structure with new doors is not anticipated to adversely impact the adjacent neighbor.
 - C.** The Modification to allow detached accessory space to be located within the remaining front yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The “as-built” shed is appropriate because of the site constraints associated with the current development on site, the two front setbacks and as the shed is not visible from the street.
- II.** Said approval is subject to the following conditions:
- A.** The violations outlined in ZIR2014-0300 shall be abated as part of this proposal and shall be included in the Scope of Work for the project.

This motion was passed and adopted on the 17th day of August, 2016 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



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.