



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 029-06

1680 FRANCESCHI ROAD

MODIFICATION

JUNE 21, 2006

**APPLICATION OF WM. HOWARD WITTAUSCH FOR JANET NANCARROW FRENCH
1680 FRANCESCHI ROAD, APN 019-102-028, A-1 ONE-FAMILY RESIDENCE ZONE,
GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE (MST2005-00176)**

The project consists of a 310 square foot "as-built" Yurt accessory structure. The structure, which was built without permits, was constructed within the front and required thirty-five foot (35') front yard setbacks. On April 20, 2005, the Modification Hearing Office made the required findings and approved the structure as it exists. Failure to obtain the required building permit resulted in the expiration of the Modification approval. This is a request to reinstate that approval.

The discretionary application required for this project is a Modification to permit an accessory structure within the front yard and the required thirty-five foot (35') front yard setback (SBMC §28.87.160 & 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 15305 (ENV2004-00414).

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 or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 21, 2006.
2. Site Plans
3. Correspondence received in support of the project:
 - a. Evelyn and Jim Cavins, 1711 Franceschi Road

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

- I. Approved the project making the findings that the project does not violate the purpose and intent of the Zoning Ordinance and that the Modification is necessary to secure the improvement which is appropriate for the site.

II. Said approval is subject to the following conditions:

1. The Approval is for the structure as presently proposed, and involves the same canvas materials, the color of the materials, and the height and shape of the structure. Any repair or replacement of any part of the structure shall be replaced in kind with the same materials.
2. Upon sale of the property, this structure could be relocated as long as it is not in the front yard setback of the back yard without the need for another modification for the accessory building in the remaining front yard. There are other opportunities for other kinds of accessory buildings utilizing up to 500 square feet.

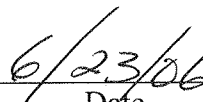
Ms. Weiss asked the applicant if they understood the amended Conditions of Approval, and the applicant replied positively.

This motion was passed and adopted on the 21 day of June, 2006 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 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.
3. **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.

4. **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 not 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.