



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: June 14, 2006
AGENDA DATE: June 21, 2006
PROJECT ADDRESS: 1680 Franceschi Road (MST2005-00176)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Danny Kato, Zoning & Enforcement Supervisor
Roxanne Milazzo, Associate Planner *DK*

I. PROJECT DESCRIPTION

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.

II. REQUIRED APPLICATIONS

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).

Date Application Accepted: May 24, 2006 Action Required: August 24, 2006

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Howard Wittausch	Property Owner:	Janet Nancarrow-French
Parcel Number:	019-102-028	Lot Area:	41,851 Square Feet
General Plan:	Residential 3 Units/Acre	Zoning:	A-1 Single-Family Residential
Existing Use:	Single-Family Residential	Topography:	3% Slope
Adjacent Land Uses:			
	North - Residential		East - Residential
	South - Residential		West - Residential

B. PROJECT STATISTICS

Living Area	4,189 Square Feet
Garage	400 Square Feet
Accessory Space	314 Square Feet

C. LOT AREA COVERAGE

Lot Coverage		
-Building	4,503 Square Feet	10.8 %
-Paving/Driveway	8,519 Square Feet	20.36%
-Landscaping	28,829 Square Feet	68.88%

IV. DISCUSSION

The project site abuts Francheschi Road for a distance of over 350 linear feet, and therefore has a large amount of front yard. Although the Zoning Ordinance restricts accessory structures from being located in the area between the front lot line and the first wall of the residence, the intent is to preserve front yards by prohibiting storage rooms and the like from being placed in front of the house.

The existing development on this property is accessed off a private easement, which results in the actual rear yard area functioning as the front yard, and the actual front yard functioning as the rear. The legal front yard, which is heavily screened by vegetation, provides a private outdoor living area as intended by the ordinance. It is Staff's position that the location of the Yurt is appropriate and should be allowed to be maintained in that location.

Staff strongly discourages the use of the Modification process for the legalization of illegal structures. The applicant asks that Staff understands that she did not realize a canvas structure would need a permit, that the area that clearly functions as a back yard on her property is really the front yard, or that the edge of the pavement on Franceschi Road is not her front lot line.

V. RECOMMENDATION/FINDING

Staff recommends that the Staff Hearing Officer approve 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.

Exhibits:

- A. Site Plan
 - B. Applicant's letter dated May 23, 2006
 - C. Neighborhood letters
- Contact/Case Planner: Roxanne Milazzo, Associate Planner
(rmilazzo@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805)564-5470

WILLIAM HOWARD WITTAUSCH
ARCHITECT ♦ CIVIL ENGINEER
POST OFFICE BOX 287
SANTA BARBARA, CALIFORNIA 93102-0287

(805) ~~965~~ 8766 - 965-6849 (FAX)

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RECEIVED

MAY 23 2006

CITY OF SANTA BARBARA
PLANNING DIVISION

March 29, 2005

Roxanne Milazzo, Assistant Planner
Planning & Development
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Re: 1680 Franceschi Road, Santa Barbara (APN 019-102-028)
(ENF2004-00414, BLDG2004-01134)

Dear Roxanne,

This letter represents an application for a modification to permit an accessory building constructed on the subject property without permit. The structure, constructed in January 2004 as a temporary accessory storage building and work space, is located approximately 13 feet from the edge of the public right of way on Franceschi Road, is 20 feet in diameter, 12 feet high, and encloses a floor area of about 300 SF. Manufactured by Pacific Yurts, Inc. in Cottage Grove, Oregon, the structure was delivered to and assembled on the site. Attached for your review is the manufacturer's Set Up Manual which specifies materials and installation instructions. Also attached are 1) Master Application, 2) Owner/Agent Authorization, 3) application fee, 4) site plan, 5) photos, and 6) Certificates of Flame Resistance, Flame Spread Ratings.

From previous correspondence, it is my understanding there are 3 issues:

1. Modification to encroach in the front yard setback. (SBMC 28.15.060) **87.160**
2. Modification to permit an accessory building in a front yard. (SBMC 28.15.060)
3. The structure is located in the High Fire Hazard District and does not comply with District requirements for exterior walls and roof coverings.

With respect to encroachment, the Zoning Information Report dated 7/23/03 refers to a "... stone framed pond . . . in front yard." The property is a corner lot with front and garage doors facing a legally permitted, private cul-de-sac off Franceschi Road. There is no access from Franceschi Road. Originally developed as part of a 5-lot subdivision, the subject property has a fire department access easement from the cul-de-sac. The yurt is located at a bend in Franceschi Road, approximately 34 feet from center line of right-of-way at the closest point, opposite the main and driveway entrances facing the cul-de-sac.

With respect to High Fire requirements, the yurt's roof and walls consist of fire retardant vinyl laminated polyester fabric placed over a layer of reflective insulation material mechanically secured to the structural frame. The fabric has a Flame Spread Rating (FSR) of 20 and when used in combination with the reflective insulation provides fire resistance equivalent to a Class I material. One window which is framed into the lattice is double glazed and the pair of french doors on each side of the window are single glazed. The domed skylight is 1/4" acrylic plastic. In addition, there are 7 equally spaced view panels, 4 feet by 3 feet, cutout of the fabric. Each panel is reinforced by screen cloth sewn into

EXHIBIT B

Roxanne Milazzo

March 29, 2005

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the fabric on the inside, with a clear plastic panel secured to the fabric with velcro strips on all sides. This assembly is protected by a fabric flap which rolls down to completely cover the view panel and which is mechanically fastened at the base of the building. When the flaps are rolled up, the building is vulnerable in much the same way as when doors and windows are open. The structure is further protected by an existing on-site 1½" standpipe (with fire hoses) and a City fire hydrant both located within 50 feet of the structure. To augment the degree of protection, the Owner proposes to install a roof-mounted fire-sprinkler system. The Owner understands that "fire sprinklers shall not be substituted for the fire retardant requirements" under Section 3703.4 of Ordinance 5256. However, the Owner requests a modification on the basis that the yurt is detached from the main residence, is relatively small in size, and is without combustible eaves, decks or other horizontal projections. The combined effect of fire retardant fabrics, fire sprinklers, and proximity to hydrants both on and off site reduces the hazard, increases fire safety.

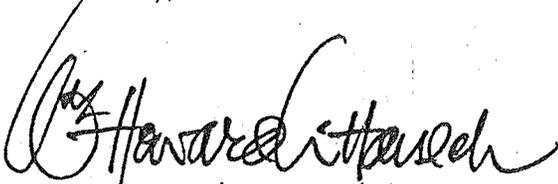
The Owner is aware of neighborhood concerns about public views. While the roof is visible from some private properties at certain angles, the yurt is effectively screened at street level by both landscaping and fencing: hedges 8 feet high, oak trees 25 feet high and 40 feet across, and a 6 foot high continuous wooden fence along the property line. Architecturally, the Owner is also aware that while many yurts exist in the area, each must be approved on a case by case basis. It is my understanding from the Owner that there are neighbors who support the project and who might be willing to send letters on behalf of the Owner.

At the time the Owner constructed the yurt, she believed accessory structures less than 500 square feet in area constructed within the A-1 zone did not require a permit, and that the yurt was located in the back yard, not the front. Building & Safety first learned of the yurt being construction after she requested an electrical inspection. While building codes and municipal ordinances ensure "public health, welfare and safety", as written, they do not recognize this kind of construction.

For these reasons, the Owner first applied for a High Fire Hazard Modification, then to the Building & Fire Code Board of Appeals. It was not the Owner's intent to deceive or side step the review and/or inspection process. She is prepared to follow through with a complete application for building permit with all documentation in anticipation of the review process to which she is entitled.

If you have any questions or suggestions or should you require additional information or documentation, please call me. We look forward to bringing you more photos, and as-built drawings as needed.

Sincerely,



Wm. Howard Wittausch
Architect, Civil Engineer

cc: Janet Nancarrow-French

public input

April 12, 2005

RECEIVED

MAY 23 2006

Roxanne Milazzo, Assistant Planner
Planning & Development
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

CITY OF SANTA BARBARA
PLANNING DIVISION

Re: 1680 Franceschi Road, Santa Barbara (APN 019-102-028)
(ENF2004-00414, BLDG2004-01134)

Dear Ms. Milazzo,

We are neighbors of Don and Janet French and are writing in support of their requested application for a modification to permit an accessory building (yurt) on their property.

We feel that the existing structure is unobtrusive and well-screened by vegetation, trees and fencing and do not object to its location. It does not detrimentally impact the neighborhood or any private or public views.

We support their modification application.

NAME

ADDRESS

Nancy Salvo 1679 Franceschi Road

James J. Kelly 1693 Franceschi Rd, 93103

Jim Wooster 1703 Franceschi Rd

[Signature] 1726 Franceschi Rd

Jim Richmond 1726 Franceschi Rd

Donell T. M. Perkins 1550 FRANCESCHI RD

Kate Rotman 1676 Franceschi Rd

Kenell Rame 1676 Franceschi Rd.

Shirley Ward Force 1674 FRANCESCHI RD

~~Ray G. G.~~ 1734 FRANCESCHI RD.

Milazzo, Roxanne

From: Evelyn Cavins [ecavins@yahoo.com]
Sent: Tuesday, June 13, 2006 2:15 PM
To: Milazzo, Roxanne
Subject: RE: 1680 Franceschi

We just feel that there are setbacks for reasons - to maintain the integrity of the neighborhood.
Evelyn and Jim Cavins

--- "Milazzo, Roxanne" <RMilazzo@SantaBarbaraCA.gov>
wrote:

> I am in receipt of your E-Mail and will represent your position at the
> public hearing next week if you are unable to attend
> - Can you give me
> the reason(s) behind your objection? I have entered your name and
> address into the case file so that you are kept advised on all public
> hearings related to this application - Roxanne

> -----Original Message-----

> From: Evelyn Cavins [mailto:ecavins@yahoo.com]
> Sent: Monday, June 12, 2006 10:45 PM
> To: Milazzo, Roxanne
> Subject: 1680 Franceschi

> We live directly across the street from this property and would like
> to see the structure moved to fall in compliance with the normal
> setbacks.
> Thank you
> Jim and Evelyn Cavins
> 1711 Franceschi Road
> Santa Barbara, California 93103

> _____
> Do You Yahoo!?
> Tired of spam? Yahoo! Mail has the best spam protection around
> <http://mail.yahoo.com>

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