



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: December 12, 2007
AGENDA DATE: December 19, 2007
PROJECT ADDRESS: 510 Scenic Drive (MST2007-00597)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Zoning & Enforcement Supervisor *DJK*
 Roxanne Milazzo, Associate Planner *RM*

I. PROJECT DESCRIPTION

The 8,700 square foot project site is currently developed with a single-family residence and garage. The original breezeway that connects the residence to the garage has been enclosed and converted to residential floor area. The proposed project involves a request to legalize the enclosure. The discretionary application required for this project is a Modification to permit new construction within the required eight-foot (8') interior yard setback (SBMC§28.15.060).

Date Application Accepted: November 26, 2007 Date Action Required: February 26, 2008

II. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Mark Heathcote	Property Owner:	John Reagan
Parcel Number:	015-280-023	Lot Area:	8,715 sf
General Plan:	2 Units Per Acre	Zoning:	E-2
Existing Use:	Single Family Residence	Topography:	16%
Adjacent Land Uses:			
	North - Single Family Residence		East - Single Family Residence
	South - Montecito Country Club		West - Single Family Residence

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,460 sf	195 sf breezeway enclosure
Garage	480 sf	No Change
Accessory Space	None Existing	No Change

III. LOT AREA COVERAGE

Lot Area: 8,715 sf
Building: 2,720 sf; 31%
Hardscape: 3,215 sf; 37%
Landscape: 2,780 sf; 32%

IV. DISCUSSION

A recent record check revealed that the original breezeway for this property had been enclosed and converted to habitable space without benefit of permits. The applicant was notified and applied for a Modification to maintain the area. During preliminary consultations with the applicant, Staff advised the applicant that the new habitable space with openings into the setback would be a difficult request to support. It is the applicant's position that the enclosure maintains a uniform improvement with the existing garage, provides additional floor area that is well used by the occupants, and that only 24 square feet encroaches into the required yard. Staff strongly discourages use of the Modification process for legalization of "as-built" construction. Each case is reviewed with the criteria of: "If the applicant came in and proposed this scenario, would we direct them to pursue a Modification?" Due to the small amount of encroachment requesting relief, Staff thought the encroachment could be supported under the condition that the plans show any window being "fixed" and any exterior door being removed. The plan submitted did not reflect that direction and therefore Staff takes the position that this application results in additional habitable space with direct access into the required buffer zone and therefore is not appropriate.

V. RECOMMENDATION/FINDING

Staff recommends that the Staff Hearing Officer deny the project by taking the position that the addition of habitable space within the setback as proposed is not an appropriate improvement and it does not meet the purpose and intent of the Zoning Ordinance.

Exhibits:

- A. Site Plan
- B. Applicant's letter dated November 25, 2007

Contact/Case Planner: Roxanne Milazzo, Associate Planner
(rmilazzo@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805)564-5470

John Ross Reagan
Suzanne Aimee Miller Reagan
510 Scenic Drive,
Santa Barbara, CA 93103-2925

November 25, 2007

Staff Hearing Officer
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

RE: Modification Request for 510 Scenic Drive, Santa Barbara, CA 93103-2925
APN# 015-280-023
Zone E-2

Dear Staff Hearing Officer:

1. History of Residence

When we moved into our house on February 26, 2001, and later purchased in April 2005, we had no idea that our present day dining room had once been a breezeway linking the garage to the kitchen. We found this to be the case, much to our surprise, when we pulled the original blueprints to make plans for our re-model. We have been living in our home now for close to 7 years, the only home we have shared together here in Santa Barbara.

We purchased the house from my former employers who purchased this house in its present size and shape in 1978, though no doubt in better physical condition than it is now. In other words, this "breezeway" has been an integral part of this house for at least 30 years, and most likely close to 40 years.

This dining area is an important part of our home. We eat here, we have our fridge here, we have our food storage shelves here, we feed our dogs here, we have a TV here and we unload our groceries from the garage straight into our little room, then straight into the fridge and pantry areas. In other words, it is an important part of our home.

Our planned remodel is to make this area, as well as our entire house more comfortable and cozier to live in, a more attractive place for us to live in.

2. Modification Description

The modification being requested is to allow the enclosed structure to encroach three feet into the required eight-foot interior sideyard setback. The encroachment will allow for the dining area to keep in line and flow of the existing house. The modification will not affect the existing permitted roof and structure. The walls are non-supporting in-fill walls.

3. Benefits

By enclosing the area of the breeze way it reduces any noise that might take place in an open patio outside a kitchen. Also as part of the remodel, we will be replacing the single pane windows and doors with dual pane doors and windows, thus reducing sound transmission to the neighbor's house.

By not removing the existing nonconforming walls and constructing new walls, we are able to reduce and minimize the amount of noise and length of the construction next to the neighbors.

Currently the distance between the proposed addition and the neighbor's closest exterior wall would be fifteen feet.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John Ross Reagan", with a long horizontal line extending to the right.

John Ross Reagan

Suzanne Aimee Miller Reagan