



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** January 22, 2008  
**AGENDA DATE:** January 30, 2008  
**PROJECT ADDRESS:** 1315 Ensenada (MST2006-00409)  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Zoning & Enforcement Supervisor *DJK*  
 Betsy Teeter, Planning Technician *BT*

### I. PROJECT DESCRIPTION

The 6,500 square foot project is currently developed with two (2) single-family residences and four (4) parking spaces. The proposed project involves a current enforcement case related to the location of the rear unit. The unit, which was built with a permit in 2001, was constructed within the required six-foot (6') interior yard setback.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project is a Modification to allow the "as-built" 1,085 square foot single family residence and 278 square foot attached carport to encroach within the required six foot interior yard setback. (SBMC §28.18.060.B);

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Joe Van Thyne	Property Owner:	Joe Van Thyne
Parcel Number:	017-231-007	Lot Area:	6,522
General Plan:	12 Units Per Acre	Zoning:	R-2
Existing Use:	1 Family Residence	Topography:	8% Slope
Adjacent Land Uses:			
	North – Multiple Family		East – Single Family Residence
	South – Ensenada Street		West – Single Family Residence

**B. PROJECT STATISTICS**

	Existing	Proposed
Living Area	985 s.f (front house) 1,085 s.f. (rear house)	No Change
Carport	278 s.f. (rear house)	No Change

**IV. DISCUSSION**

The subject property is under current zoning enforcement for encroachment of the “as-built” rear house, which was constructed within the interior setback. The 1,085 s.f., two story rear house was built in 2001-2002, after receiving a Modification for open yard (1,000 s.f. instead of the required 1,250 s.f.) on August 9, 2000 and ABR final approval on September 17, 2001. The approved plans showed the new structures to be at the required six-foot interior setback. However, a survey prepared on behalf of the adjacent property owner showed that the building was constructed within one foot of the property line in violation of the Uniform Building Code and the City of Santa Barbara Zoning Ordinance.

The owner attempted to purchase 64 square feet from the adjacent property owner and process a lot line adjustment application in order to bring the project into compliance with the Zoning Ordinance and provide the required interior setback. However, he was not able to complete the transaction and chose instead to pursue a modification to allow the new structures to remain within the setback.

It is Staff’s position that the purpose and intent of a required yard is to provide a buffer zone of separation between residential neighbors. Allowing construction that encroaches into the setback will result in impacts to the adjacent neighbor and therefore cannot be supported. The fact that the structure has already been constructed should not dictate Staff’s decision making process.

**V. RECOMMENDATION/FINDING**

Staff recommends that the Staff Hearing Officer deny this application by taking the position that the “as-built” house is not necessary to secure an appropriate improvement and does not meet the purpose or intent of the ordinance.

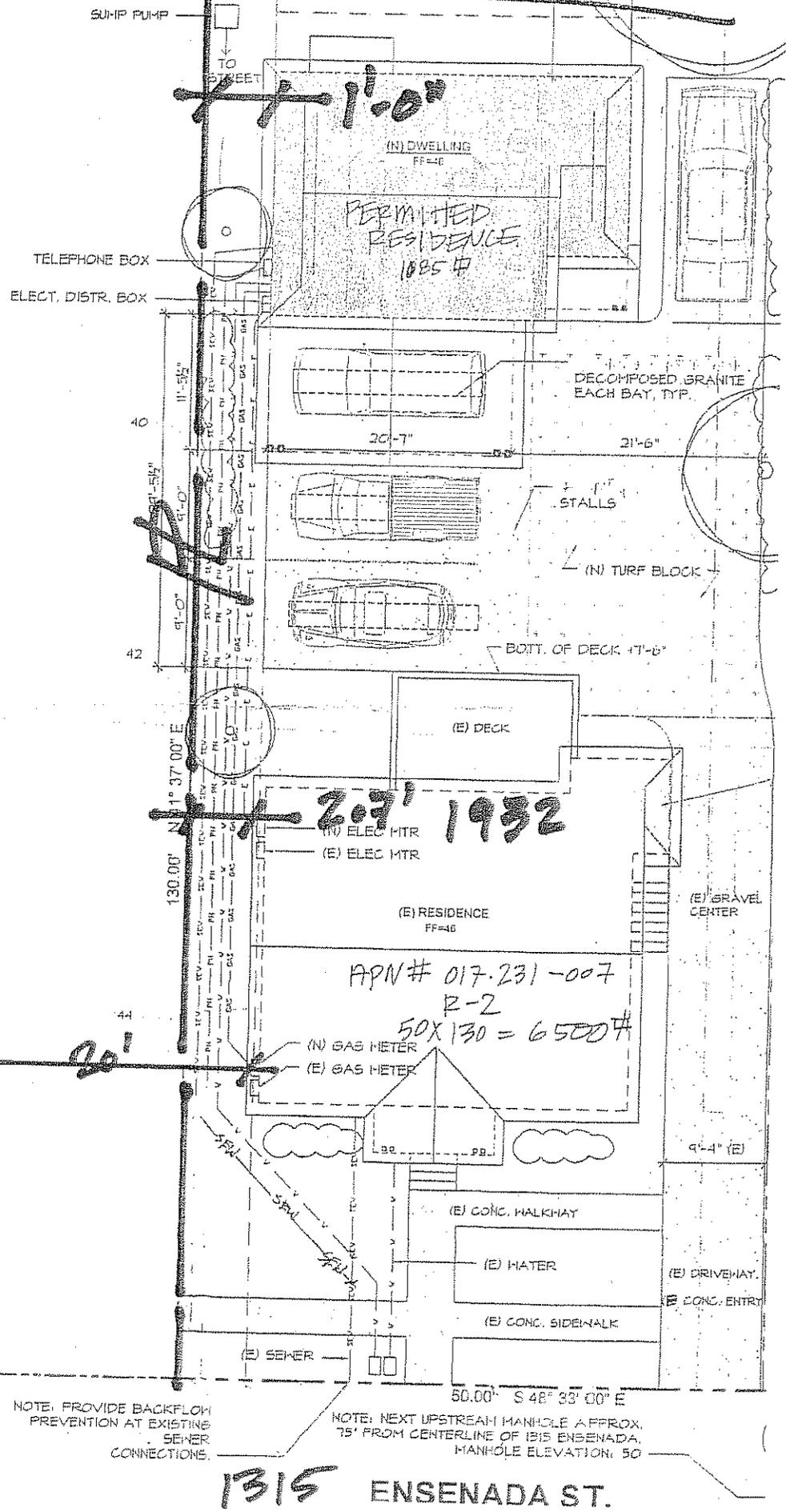
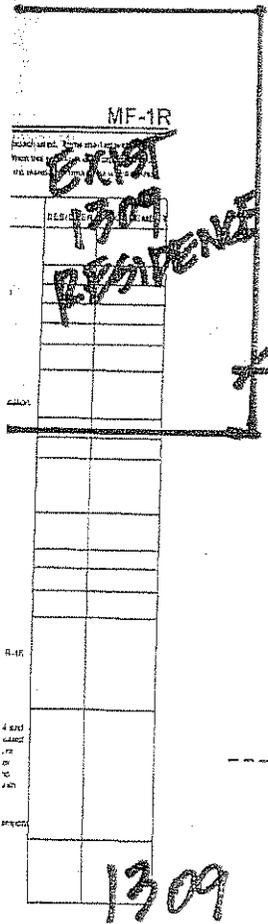
Exhibits:

- A. Site Plan
- B. Applicant’s Letter, December 3, 2007

Contact/Case Planner: Betsy Teeter, Planning Technician II  
(bteeter@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805)564-5470

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# SITE PLAN PERMIT SET 14'-0"



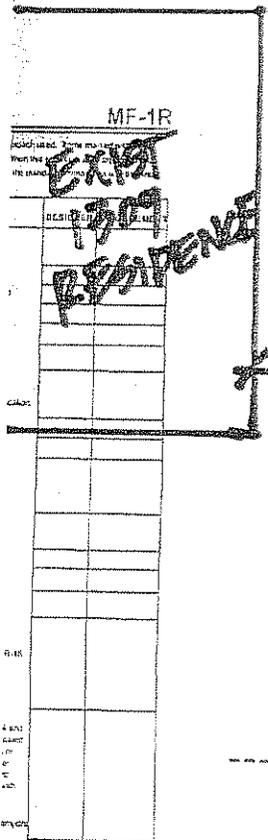
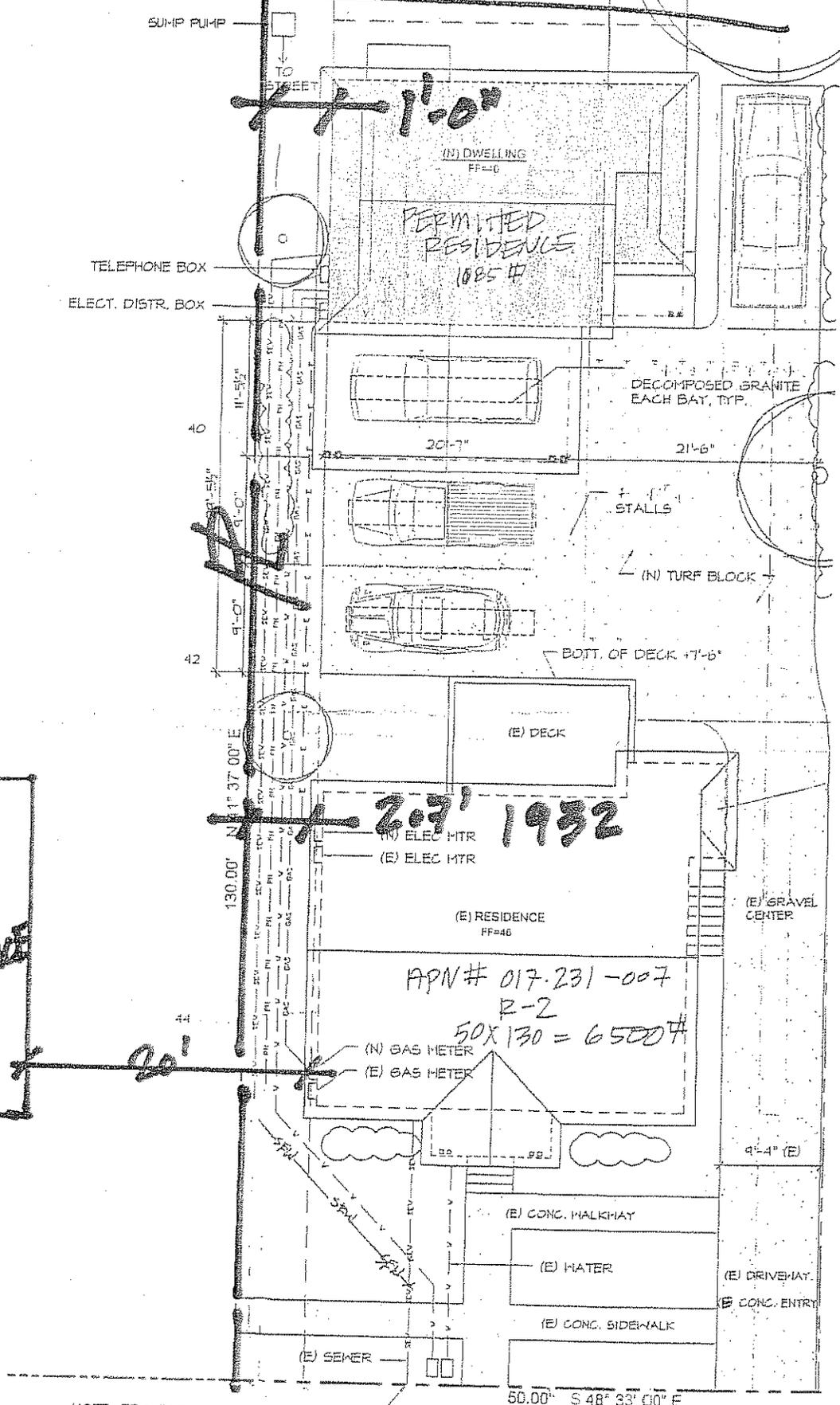
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1315 ENSENADA ST.

EXHIBIT A

# SITE PLAN PERMIT SET 14'-0"

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NOTE: PROVIDE BACKFLOW PREVENTION AT EXISTING SEWER CONNECTIONS.

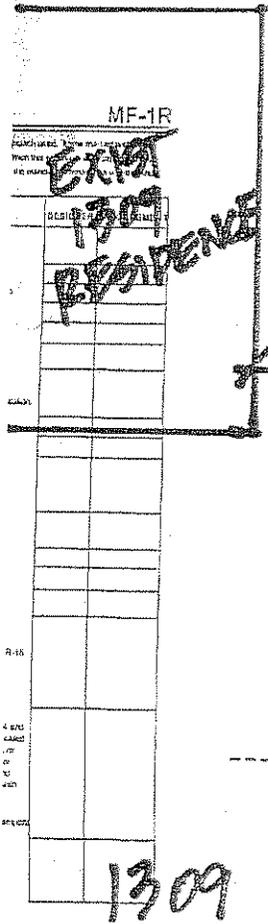
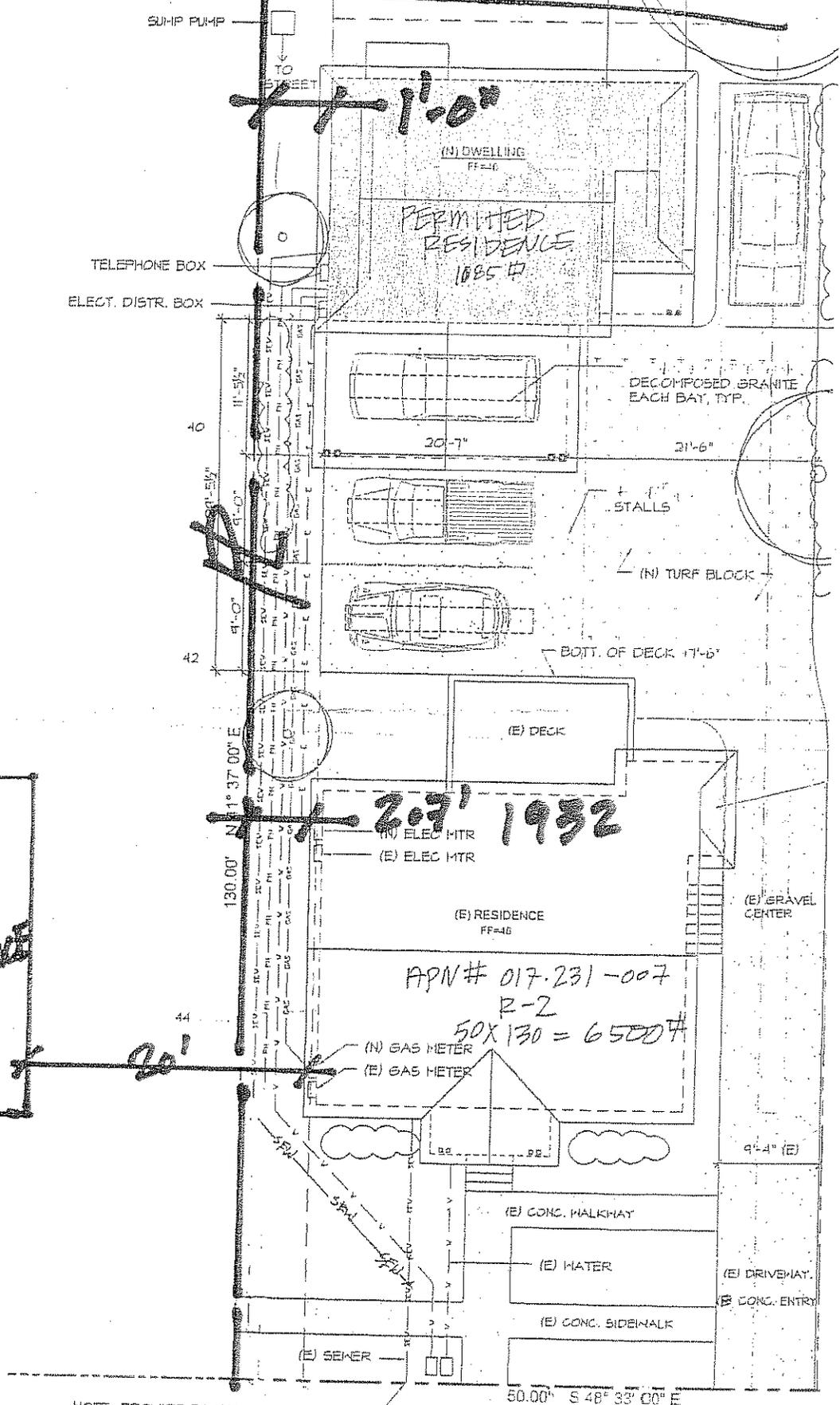
NOTE: NEXT UPSTREAM MANHOLE APPROX. 75' FROM CENTERLINE OF 1315 ENSENADA. MANHOLE ELEVATION: 50

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1315 ENSENADA ST.

# SITE PLAN PERMIT SET

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NOTE: NEXT UPSTREAM MANHOLE APPROX. 75' FROM CENTERLINE OF 1315 ENSENADA. MANHOLE ELEVATION: 50

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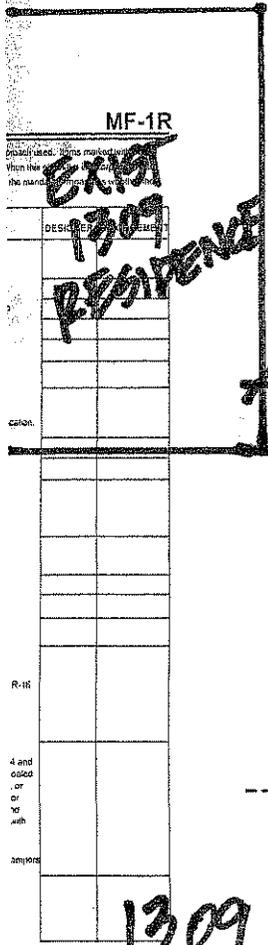
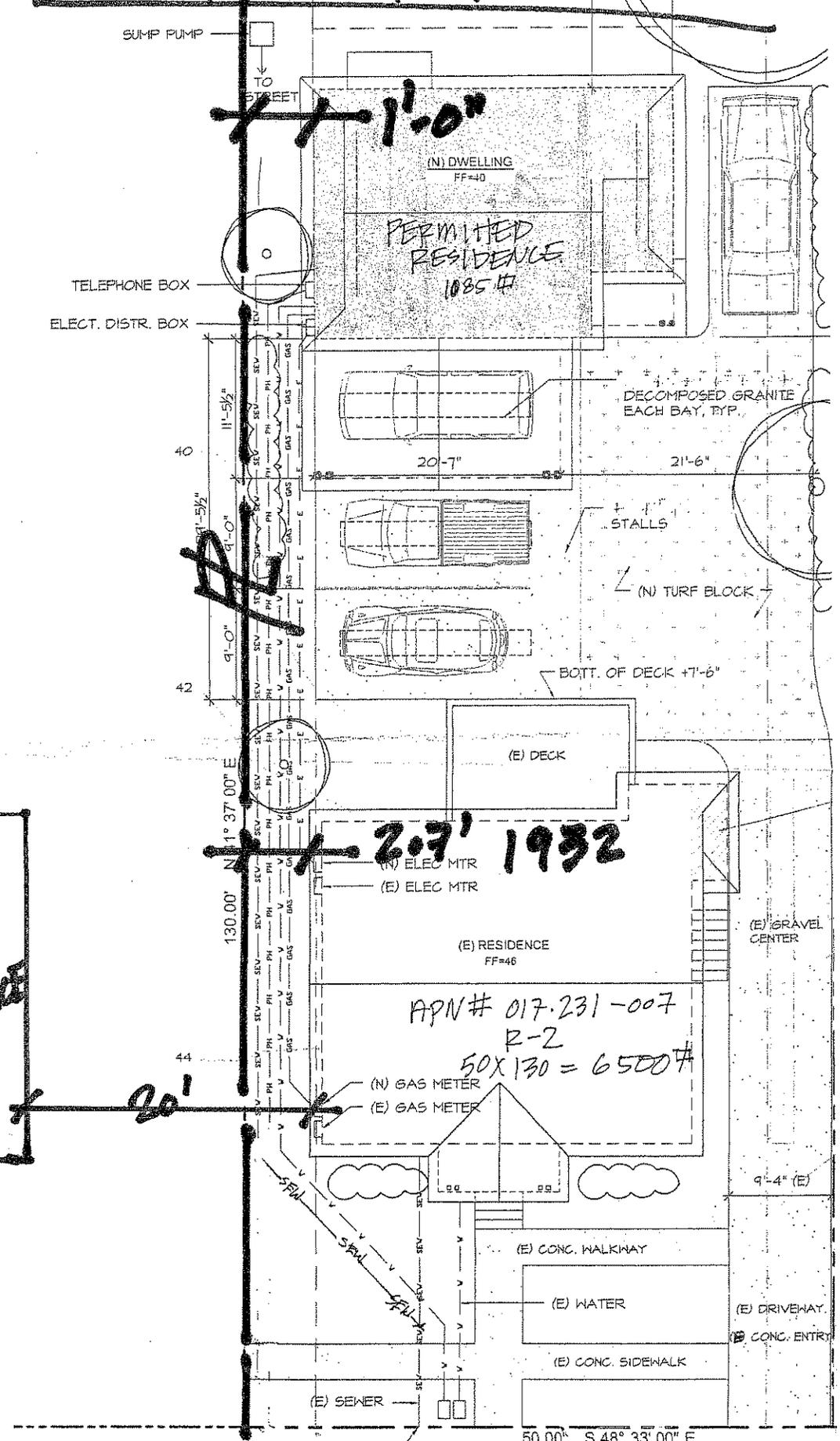
1315 ENSENADA ST.

APN# 017.231-007  
 R-2  
 50X130 = 6500#

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# SITE PLAN PERMIT SET

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1315 ENSENADA ST.

Joseph Van Thyne  
3716 Fortunato way  
Santa Barbara, CA 93105 805. 451.7314



December 3, 2007

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

Re: Modification Request for 1315A Ensenada Street, SB 93103; 017-231-007; R-2

Dear Staff Hearing Officer:

1. Existing Situation: There are two single family houses on this property. The front house is a two bedroom, one bath house (950 sf) built in 1932. The back unit is a permitted detached two bedroom, two bath house (1,085 sf) built in 2004 that encroaches into the required six foot side setback. All other setbacks are per the zoning requirements.
2. Modification Request and the Justification for the Request: The modification being requested is to allow the back unit to remain in its current location within the required interior yard setback. The encroachment will allow the current residents to remain without finding replacement housing. The modification will not impact future development for the owner of the neighboring property.

We worked very hard and diligently to meet all the zoning and permitting issues developing this home and the City inspectors issued a Certificate of Occupancy.

If the remedy of the zoning violation is to demolish the structure or remove a portion of the structure it will cause considerable financial hardship to my family and to that of my tenants. We have had the same single father and his high school daughter at this house for the past three years with below market rates. If this modification is not accepted it will displace a hard working family and cause them hardship finding comparable housing at the current market rental rates.

We attempted to process a lot line adjustment to facilitate the interior yard setback. The adjacent property owner was not willing to participate with this option.

There are other structures in the immediate vicinity with similar situations. For example, the two story structure at 1319 Carpenteria Street was built in 1985 and is only 3' from our back property line. The property to our North, 1319 Ensenada has a garage on the property line with no setback. Thus granting the modification will not give us a right not enjoyed by others in the vicinity.

Our intent is only to preserve what was approved and inspected by the City and avoid the considerable hardship that will occur if our Modification Request is not considered.

Thank you in advance for your consideration.