



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 073-09  
2628 BORTON DRIVE  
MODIFICATION  
AUGUST 26, 2009

**APPLICATION OF KURT MAGNESS, PROPERTY OWNER, 2628 BORTON DRIVE,  
APN 041-260-022, E-3 ONE-FAMILY RESIDENCE/SD-3 COASTAL ZONE OVERLAY  
ZONES, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2009-00359)**

The 6,300 square foot project site is currently developed with a single family residence and attached garage. The proposed project involves relocating the garage door to the side which faces the street. The discretionary application required for this project is a Modification to permit alterations to a structure located within the required 20' front setback (SBMC §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 15301 & 15305.

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one people appeared to speak in favor or opposition of the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 19, 2009.
2. Site Plans
3. Correspondence received in support of the project:
  - a. W. R. Brice, 2630 Borton Drive, Santa Barbara, Ca
  - b. Clara and Richard Pinnocle, 2626 Santa Barbara, Ca
  - c. Steve Willson and Samantha Thompson, 2624 Borton Drive, Santa Barbara, Ca
  - d. Debra Vance, 2629 Borton Drive, Santa Barbara, Ca
  - e. Albert and Jean Escalera, 2606 Borton Drive, Santa Barbara, Ca
  - f. Raedine Werthman, 2618 Borton Drive, Santa Barbara, Ca
  - g. Marjorie M. Blum, 2612 Borton Drive, Santa Barbara, Ca
4. Correspondence received expressing concern for the project:  
Paula Westbury, 650 Miramonte Drive, Santa Barbara, Ca

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

- I. Approved the subject application making the finds that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. Relocating the garage door allows existing driveway area to be used for outdoor enjoyment and reduces the safety issues associated with the current configuration.
- II. Said approval is subject to the condition that the portion of hedge located along the driveway within 20' of the front lot line be reduced and maintained at a maximum height of 3 ½' as required by the Ordinance, and that outstanding land use issues be resolved prior to the issuance of a building permit.

This motion was passed and adopted on the 26th day of August, 2009 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.



\_\_\_\_\_  
Gloria Shafer, Staff Hearing Officer Secretary

8-27-2009

\_\_\_\_\_  
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. **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.
5. **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.

