



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** September 2, 2009  
**AGENDA DATE:** September 9, 2009  
**PROJECT ADDRESS:** 2201 Stanwood Drive (MST2008-00413)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
 Renee Brooke, AICP, Senior Planner *RLB*  
 Roxanne Milazzo, Associate Planner *RM*

### I. PROJECT DESCRIPTION

The 51,836 square foot project site has frontage on both Stanwood Drive and Orizaba Lane. Current development on site consists of a single family residence and detached accessory building. The proposed project involves a 238 square foot "as-built" porch enclosure to the residence and conversion of the 455 square foot "as-built" accessory building into a garage and workshop. The structure will be expanded by 39 square feet to meet the minimum required dimensions for a two-car garage. The discretionary application required for this project is a Modification to permit new floor area within the required 35' front setback off of Orizaba Lane (SBMC §28.15.060).

Date Application Accepted: August 10, 2009      Date Action Required: November 10, 2009

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to conditions.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant:	Tony Xiques	Property Owner:	Mr. & Mrs. Vaitys
Parcel Number:	019-034-003	Lot Area:	51,836 sf
General Plan:	1 Unit Per Acre	Zoning:	A1
Existing Use:	One-Family Residence	Topography:	27% Slope

#### Adjacent Land Uses:

North – Stanwood Drive  
 South – Orizaba Lane

East - One-Family Residence  
 West - One-Family Residence

**B. PROJECT STATISTICS**

	<b>Existing</b>	<b>Proposed</b>
Living Area	1,725 sf	238 sf “as-built”=1,963 sf
Garage	None Existing	400 sf
Accessory Space	455 sf “as-built”	94 sf

**C. PROPOSED LOT AREA COVERAGE**

Building: 2,368 sf 4%      Hardscape: 3,091 sf 6%      Landscape: 46,377sf 90%

**D. FLOOR-AREA RATIO (FAR) GUIDELINE ONLY**

Max. Allowed FAR: 0.10      Proposed FAR: 0.05 = 48.1% of Max. Allowed FAR

**IV. DISCUSSION**

The project site is currently developed with a single family residence and detached accessory building. City records show a single family residence and detached 15' X 18' carport which were constructed in 1951. Both of the existing structures are located within the required 35' front setback off of Orizaba Lane.

For the past 20 years there has been on-going issues related to the illegal use of the carport (which has been enclosed and converted) as habitable space, and a porch overhang on the house that was enclosed to expand the residential floor area by approximately 250 square feet. This application is a request to abate the outstanding violations and provide regulation sized parking for the property. In order to legalize the “as-built” construction, the accessory structure needs to be expanded in depth by approximately 40 square feet to meet the 20' X 20' minimum interior dimensions for a two-car garage. The additional accessory floor area that currently exists (approximately 103 square feet) is proposed to remain for use as a workshop and half-bath, and is located outside the front setback. The area added to the residence by enclosing the porch overhang enlarges the original floor plan to provide larger bathrooms, a closet, an area for laundry amenities, and expansion of the master bedroom. Due to the difference in grade between Orizaba Lane and the building pad, plus existing vegetation, the expanded area of the residence is not visible from the road.

It is Staff's practice to discourage use of the Modification process for the legalization of “as-built” construction, particularly when it results in new floor area within a front setback. However, Staff acknowledges the limited building area which exists due to topography, vegetation, and a drainage channel that runs through the property, and understands that this is the secondary front yard for the property. This project was reviewed by the Single Family Design Board (SFDB) on June 8, 2009, and continued indefinitely to the Staff Hearing Officer with comments that both the garage addition and the infill under the porch area are acceptable considering that the areas are not visible from the street and that the property has two 35 foot front setbacks.

V. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modification is consistent with the purpose and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The Modification to permit new floor area within the required front setback allows for minor expansion of the original floor plan which is not visible from the road and is located in the secondary front setback of a constrained lot, legalization of existing zoning and building violations on site, and allows for minor expansion to provide conforming parking for the property.

Said approval is subject to a condition that a Zoning Compliance Declaration be recorded against the property's title, and that a building permit be obtained for the abatement of all outstanding violations within 30 days of this approval.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter dated July 30, 2009

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



# DESIGN SYSTEMS

Residential Design & Drafting

P.O. Box 3861, Santa Barbara, CA 93130 Tel/Fax (805) 682-5753 DEXIGNS@aol.com www.designsystems.com

July 30, 2009

Roxanne Milazzo  
Modification Hearing Officer  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101

RE: 2201 Stanwood Dr., Santa Barbara, CA 93103; APN 019-034-003; Zoned A-1

Dear Ms. Milazzo,

My clients, Vic and Judith Vaitys, purchased a 1,725 sq. ft. house (all sq. ft. figures net) with a 455 sq. ft. detached garage on a 52,272 sq. ft. (1.2 AC.) lot in the Hillside Design District in 1974. It was permitted and built in 1951 to comply with all zoning ordinances in effect at the time. Although the house fronts on Stanwood Dr., the only vehicular access is from the rear from Orizaba Ln., which was originally a private driveway, but was acquired by the city ca.1978, thus turning it into a public road. This resulted in the property having (2) two front yards with a new 35' setback from the *new* public right of way on Orizaba Ln.

Upon putting the house on the market in 2007, my clients requested Zoning Information Report #ZIR2007-594. This uncovered a number of zoning and building violations, which generated enforcement case #ENF2007-1003.

The (3) three main issues of ENF2007-1003 have to do with **1) converting the original detached garage into habitable space, thereby eliminating the required covered parking, 2) enclosing an existing covered porch at the main house, and 3) remodeling the interior of the main house without the required building permit.**

The Zoning Modification being requested is to allow the construction of a 2'-4" extension to the front of the existing garage that currently encroaches into the side and (secondary) front setbacks and to allow the "as-built" enclosure of an existing rear covered porch that currently encroaches into the (secondary) front setback.

The main benefits of approving a Zoning Modification would be to allow Vic and Judith Vaitys to abate the above violations by:

- Reverting the guest house back to a garage so as to comply with current parking requirements.
- Legalizing the conversion of the covered porch to habitable space. This would not involve encroaching any further into the new 35' (secondary) front yard setback than what was originally permitted as a covered porch.

Exhibit B

- To allow the more efficient use of the space as interior space rather than as a small unusable rear porch.

Thank you for your consideration, and please feel free to call me at the above number should you have any questions or comments regarding our request.

Sincerely,

Tony Xiques  
DEXIGN Systems

Cc/VV, JV