



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: June 5, 2014
AGENDA DATE: June 11, 2014
PROJECT ADDRESS: 1114 Del Sol Ave (MST2014-00201)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Suzanne Riegler, Associate Planner *SR*

I. PROJECT DESCRIPTION

Proposal to abate violations listed in ENF2013-00493 including “as-built” window changes. The proposed project includes the removal of four windows, the installation of two new windows, the permitting of an “as-built” chimney, patio cover and trellis, and an interior remodel. The discretionary application required for this project is an Interior Setback Modification to allow alterations to the residence within the required six-foot interior setback including a chimney, and new windows. (SBMC § 28.15.060 and SBMC § 28.92.110).

Date Application Accepted: 4/14/2014

Date Action Required: 7/11/14

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project as submitted.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Martha Hacking	Property Owner:	Tucker & Martha Hacking
Parcel Number:	045-062-13	Lot Area:	8,494 sq. ft.
General Plan:	Residential (3du/acre)	Zoning:	E-3/SD-3
Existing Use:	Residential	Topography:	9%

IV. DISCUSSION

The proposed project involves permitting “as-built” and proposed window alterations, and relocating an “as-built” chimney. The existing residence is legal non-conforming to the six-foot interior setbacks to the east and west of the residence. The residence encroaches eight-inches into the required interior setback to the east. The garage encroaches eight-inches into the required interior setback to the west.

The applicant is requesting an Interior Setback Modification to allow alterations to the residence within the required six-foot interior setback to the east, including new and relocated windows, and a relocated chimney. Staff is supportive of the requested modification, as the window alterations will occur on the first floor, and are not anticipated to adversely impact the adjacent neighbor to the east. The “as-built” chimney is located approximately three feet from the interior property line. SBMC§28.87.062 allows chimneys to encroach up to two-feet into the interior setback. The additional one-foot of encroachment is not anticipated to adversely impact visual separation between the building and the property line.

Staff received a phone call from an interested party abutting the property to the east, requesting that the fireplace not be allowed due to the neighbor’s own health concerns. The one-foot encroachment of the chimney is not anticipated to adversely impact the adjacent neighbor to the east any more than a chimney that conforms to the allowable encroachment, as described above.

This project is exempt from review by the Single Family Design Board.

V. FINDING

The Staff Hearing Officer finds that the Interior Setback Modification to allow proposed alterations within the setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed window alterations and chimney are appropriate improvements to the single-family residence that are not anticipated to adversely impact the adjacent neighbor to the east.

Exhibits:

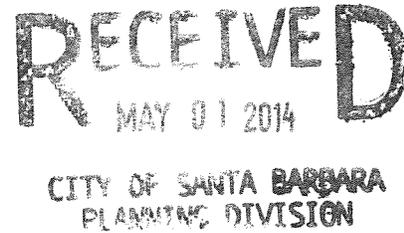
- A. Site Plan (under separate cover)
- B. Applicant's letter, dated April 17, 2014

Contact/Case Planner: Suzanne Riegle, Associate Planner
(SRiegle@SantaBarbaraCA.gov)
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Phone: (805) 564-5470 x 2687

Martha & Tucker Hacking
1114 Del Sol Ave
Santa Barbara, CA 93109

4/17/14

Staff Hearing Officer
City of Santa Barbara
PO Box 1990
Santa Barbara, CA 93102-1990



Re: Modification Request for 1114 Del Sol Ave, Parcel # 045-062-013, E3

Dear Staff Hearing Officer:

1. We purchased the property that had an unpermitted 2nd bath added with window as well as the front bedroom converted to a living room and windows moved on right side of house. We would like to remove 2 unpermitted windows, remove 1 permitted window and make 1 unpermitted window smaller on the right side of house. Total 2 windows on right side of house when work is completed. Also request to move the living room fireplace 2 ft to the left.
2. Modification requested to allow 2 windows (1 of which is original to house) and remove 3 windows (2 of which were unpermitted) on right side of house. Set back of house is 5'4" as originally built in 1953 so modification requested.
3. Benefits of modification:
 - Removing the unpermitted right side window in living room will grant more privacy to home owner and neighbor.
 - Removing permitted back bedroom right side window will grant more privacy to home owner and neighbor
 - Removing unpermitted 2nd bath window on right side (space to be converted to a closet) will grant more privacy to homeowner and neighbor
 - Reducing unpermitted window in "sewing room" on right side and renovating this space to new 2nd bath will grant more privacy to homeowner and neighbor.
 - Moving fireplace 2 ft to left will center the fireplace in the living room area. Currently there is no way to configure furniture without covering part of fire place which is a hazard.
 - Moving Master Bedroom window to be centered on Back bedroom wall will give home owner a nice view of back yard landscaping and furniture in room can be arranged in a more efficient way.

Sincerely,

Martha Hacking

EXHIBIT B