



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: November 6, 2019

TO: Hearing Officer

SUBJECT: Minor Variance #11911

LOCATION: 925 E. Elizabeth Street

APPLICANT: Anthony Rosc

ZONING DESIGNATION: RS-6 LD-16 (Single-Family Residential, 0-6 units per acre, Landmark District 16, Historic Highlands)

GENERAL PLAN DESIGNATION: Medium Density Residential

CASE PLANNER: Abdu Lachgar

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Variance #11911 with conditions in Attachment B.

PROJECT PROPOSAL: Minor Variance: To allow the encroachment of a 358 square-foot, covered patio within the required 25-foot required rear yard setback of an existing 1,424 square-foot single-family residence. A Minor Variance is required to encroach into the required setback.

ENVIRONMENTAL DETERMINATION: This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 1 §15301, Existing Facilities), and there are no features that distinguish this project from others in the exempt class; therefore there are no unusual circumstances. This section specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. The project would add 384 square feet to an existing residence and the use would remain as single-family.

BACKGROUND:

Site Characteristics: The site is a 5,198 square-foot, rectangular shaped lot located on the northerly side of Elizabeth Street between Lake Avenue and Catalina Avenue. The property is rectangular and measures approximately 80 feet deep by 65 feet wide. The site is currently developed with a 1,424 square-foot one-story, single-family residence and a 200 square-foot detached, one-car garage.

Adjacent Uses:
North – Multi-Family Residential
South – Single-Family Residential
East – Single-Family Residential
West – Single-Family Residential

Adjacent Zoning:
North – RM-16 LD-16 (Multi-Family Residential, City of Gardens, 0-16 units per acre, Landmark District 16, Historic Highlands)
South – CO SP-1a LD-16 (North Lake Specific Plan Overlay 1a, Commercial Office, Landmark District 16, Historic Highlands)
East – RS-6 LD-16 (Single-Family Residential, 0-6 units per acre, Landmark District 16, Historic Highlands)
West – RS-6 LD-16 (Single-Family Residential, 0-6 units per acre, Landmark District 16, Historic Highlands)

Previous Zoning Cases on This Property: None

PROJECT DESCRIPTION:

The applicant, Anthony Rosc has submitted a Minor Variance application to allow the encroachment of a 358 square-foot, covered patio within the required 25-foot required rear yard setback of an existing 1,424 square-foot single-family residence. The request includes a Minor Variance to allow the unenclosed patio to provide a 13’11” rear yard setback, where the minimum required is 25’. The site is located within the RS-6 LD-16 (Single-Family Residential, 0-6 dwelling units per acre, Landmark District 16, Historic Highlands) zoning district. No trees are proposed to be removed as part of the project. A Minor Variance is required to encroach into the required setback.

The proposed 358 square-foot unenclosed patio would be one story in height and at the rear of the residence to create a covered patio and would not be visible from the street. The existing single-family residence was constructed in 1918. The subject property is substandard in lot size with an approximate area of 5,198 square feet (80 feet deep and 65 feet wide) where the minimum area of new parcels in the RS-6 zone is 7,200 square feet.

As a result of the existing lot shape, required setbacks, and location of existing improvements, including the residence itself, garage, and driveway, the applicant is proposing the unenclosed patio within the area to the north of the single-family residence, within the required rear yard

setback. The proposed project would comply with all applicable development standards of the Zoning Code for the RS-6 zoning district, with the exception of the proposed deviation from the minimum rear yard setback requirement.

ANALYSIS:

The minimum required rear yard setback for a house on a site located within the RS-6 zoning district is 25 feet. The existing residence, which was constructed in 1918, is nonconforming related to the rear yard setback, as it already encroaches into the required rear yard with a 17-foot setback in lieu of the required 25-foot setback. The Zoning Code does not allow the unenclosed patio to be located within a required rear yard setback, unless approved with a Minor Variance. The unenclosed patio is proposed to be located in the northern portion of the site, 13'11" from the rear property line.

A Minor Variance application allows the City to review whether a deviation from the Zoning Code can be granted for a project. It may only be granted when five specific findings are made in the affirmative. These findings relate to special circumstances related to the property; not granting of special privilege; meeting the intent and purpose of the subject property's zoning district and the Zoning Code; that the request would not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare; and that cost of complying with the Zoning Code regulations was not a consideration.

The subject site is a substandard size rectangular lot located on the northerly side of Elizabeth Street between Lake Avenue and Catalina Avenue. The lot configuration results in a lot that is substantially shorter in depth than typical single-family lots in the vicinity. The majority of the lots on the property blockface are 202 feet in length while this property is only 80 feet in length. The irregular configuration of the lot subsequently results in setback and buildable areas different from those of traditional rectangular shaped lots in the area. Staff finds that there are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district. The existing residence is considered legal nonconforming as it is already located within the required rear yard setback. Due to these conditions, the existing residence and its garage are sited towards the center of the site; leaving only the areas between the residence and the front and side property lines for limited construction opportunities based on the configuration of the lot and existing residence. The development area is further reduced by the location of the existing residence and garage.

The proposed project would comply with all applicable development standards of the Zoning Code for the RS-6 zoning district, with the exception of the proposed deviations from the minimum rear yard setback requirements.

GENERAL PLAN CONSISTENCY:

The subject site is designated as Medium Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood would be maintained. The unenclosed patio would be consistent with the adopted General Plan policies, including Policy 21.3 (Residential Neighborhoods – Neighborhood Character), which encourages development to maintain elements of residential street that unify and enhance the character of the neighborhood. The proposed patio would not alter the existing character of the neighborhood, thus maintaining the character of the streetscape and same visual appearance as the existing homes along Elizabeth Street.

COMMENTS FROM OTHER DEPARTMENTS:

The proposed project was reviewed by the Department of Public Works, Department of Transportation, Fire Department, Building and Safety Division, and Design and Historic Preservation Section. None of the departments have any comments at this time and would review the project during the building permit plan check process to ensure compliance with applicable code requirements.

CONCLUSION:

Staff concludes that the findings necessary for approving the Minor Variance to allow the encroachment of a 358 square-foot, covered patio within the required 25-foot required rear yard setback of an existing 1,424 square-foot single-family residence. The proposed project meets all other applicable development standards required by the Zoning Code. The approval of the Minor Variance request would allow the property owner enjoyment of typical residential activities, while reducing impacts to the surrounding residential neighborhood. Conditions of approval would ensure that the project is compatible with the surrounding area. Therefore, staff recommends approval of the Minor Variance, subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

Attachments:

Attachment A: Minor Variance Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR VARIANCE #11911

Minor Variance: To allow the encroachment of a 358 square-foot, covered patio within the required 25-foot required rear yard setback of an existing 1,424 square-foot single-family residence.

1. *There are exceptional or extraordinary circumstances or conditions applicable to the development site that do not apply generally to sites in the same zoning district.* The subject site is a substandard size rectangular lot located on the northerly side of Elizabeth Street between Lake Avenue and Catalina Avenue. The lot configuration results in a lot that is substantially shorter in depth than other lots in the vicinity. The majority of the lots on the property blockface are 202 feet in length while this property is only 80 feet in length. The irregular configuration of the lot subsequently results in setback and buildable areas different from those of traditional rectangular shaped lots in the area. The existing development is located in the center of the lot and the detached garage is located to the rear of the residence. Due to the size of the lot, the site is required to comply with setback requirements that nearby residential properties are not subject to, such as rear yard setbacks. Due to the size of the lot and existing conditions, the potential area for new development is limited once the required setbacks are applied. With the exception of the requested Minor Variance, the proposed project complies with all other applicable development standards.
2. *Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.* The usable area of the lot is limited due to the existing development on the property, the substandard size of the lot and resulting required setbacks. The patio will be 13'11" from the rear property line and will be attached to the rear of the house. Granting of the Minor Variance would allow the property owner to utilize this portion of the property for "backyard" activities typical of a single-family residence and would not significantly impact neighboring residences.
3. *Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.* The project will be required to obtain building permits ensuring that the construction will be safe. Conditions of approval will ensure that the project remains compatible with the surrounding area in that it would be an unenclosed patio located to the rear of the property.
4. *Granting the application is consistent with the General Plan and the purposes of Title 17 of the Municipal Code and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.* The subject site is designated as Medium Density Residential in the General Plan Land Use Element. The use of the site would remain a single-family residence; therefore, the character of the single-family neighborhood will be maintained. The single-story addition would be consistent with the adopted General Plan policies, including Policy 21.3 (Residential Neighborhoods – Neighborhood Character), which encourages development to maintain elements of residential street that unify and enhance the character of the neighborhood. The addition will not alter the existing character of the neighborhood, as it will continue the façade of the existing residence, thus maintaining the character of the streetscape and same visual appearance as the existing homes along Elizabeth Street. The project will comply with all the applicable development standards of the Zoning Code except for the Minor Variance requested to encroach into the required rear yard setback.

5. *Cost to the applicant of strict compliance with a regulation is not the primary reason for the granting of the Variance.* The cost to the applicant of complying with the City's development standards has not been considered in the review of this application.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MINOR VARIANCE #11911

The applicant or successor in interest shall meet the following conditions:

General

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans stamped "Approved at Hearing, November 6, 2019," except as modified herein.
2. The right granted under this application must be enacted within 24 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
3. This approval allows for the encroachment of a 358 square-foot, unenclosed covered patio within the required 25-foot required rear yard setback of an existing 1,424 square-foot single-family residence with a reduced rear yard setback of 13'11".
4. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
5. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
6. The proposed project, Activity Number **PLN2019-00383** is subject to the Inspection Program by the City as well as the Mitigation Monitoring and Reporting program. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact Abdu Lachgar, Current Planning Section, at (626) 744-7124 to schedule an inspection appointment time.