

**ITEM 5.2:**      **Variance – INFILL PCL 10 – Dyer Variance – File # PL21-0249**

**REQUEST**

The applicant requests a variance to the required 20 foot front setback which will allow an addition to the home with a 12'1" front setback. The addition will maintain the same setback as the existing home. The variance request would also allow the front porch to be constructed with the addition that varies from the required front porch setback. The porch would provide an 8'4" setback to the front property line.

Applicant/Owner – Gary Dyer

**SUMMARY RECOMMENDATION**

The Planning Division recommends that the Planning Commission take the following actions:

- A. Adopt the three (3) findings of fact and approve the Variance subject to two (2) conditions of approval.

**SUMMARY OF OUTSTANDING ISSUES**

There are no outstanding issues associated with this request. The applicant has reviewed and is in agreement with the recommended conditions of approval.

**BACKGROUND**

The project site is located on Roseville Street near the southeast corner with Valencia Avenue in the Infill area of the City (Figure 1). The property is zoned Single-Family Residential (R1) and has a land use designation of Low-Density Residential (LDR-5). Surrounding uses are all low-density residential. The property is a part of the Sierra Vista Park subdivision which was created in 1906, before the City incorporated in 1909. Many houses in the neighborhood were constructed in the early 20th century, prior to the City's first Zoning Ordinance.

The lot was created by subdividing a larger lot on the corner of Roseville Street and Valencia Avenue at some time prior to 1952 and has an irregular shape. The lot is eighty-five (85) feet wide at the front lot line and 60 feet wide on the rear lot line, though they are not parallel. The lot is approximately 80 feet deep at its longest point. The 4,776 square foot parcel is currently developed with an 800 square-foot single-family residence and a detached approximately 80 square-foot shed (see Exhibit A).

The current project request is for a variance to allow construction of an addition to the home with a 12'1" front setback. The addition will maintain the same setback as the existing home. The variance request would also allow the front porch to be constructed with the addition that varies from the required front porch setback. The porch would provide an 8'4" setback to the front property line. Each addition would vary from their respective development standards by approximately 40%. Chapter 19.74.020 of the Zoning Ordinance states that the Planning Commission shall be the approving authority for any variance exceeding 35% from a development standard.

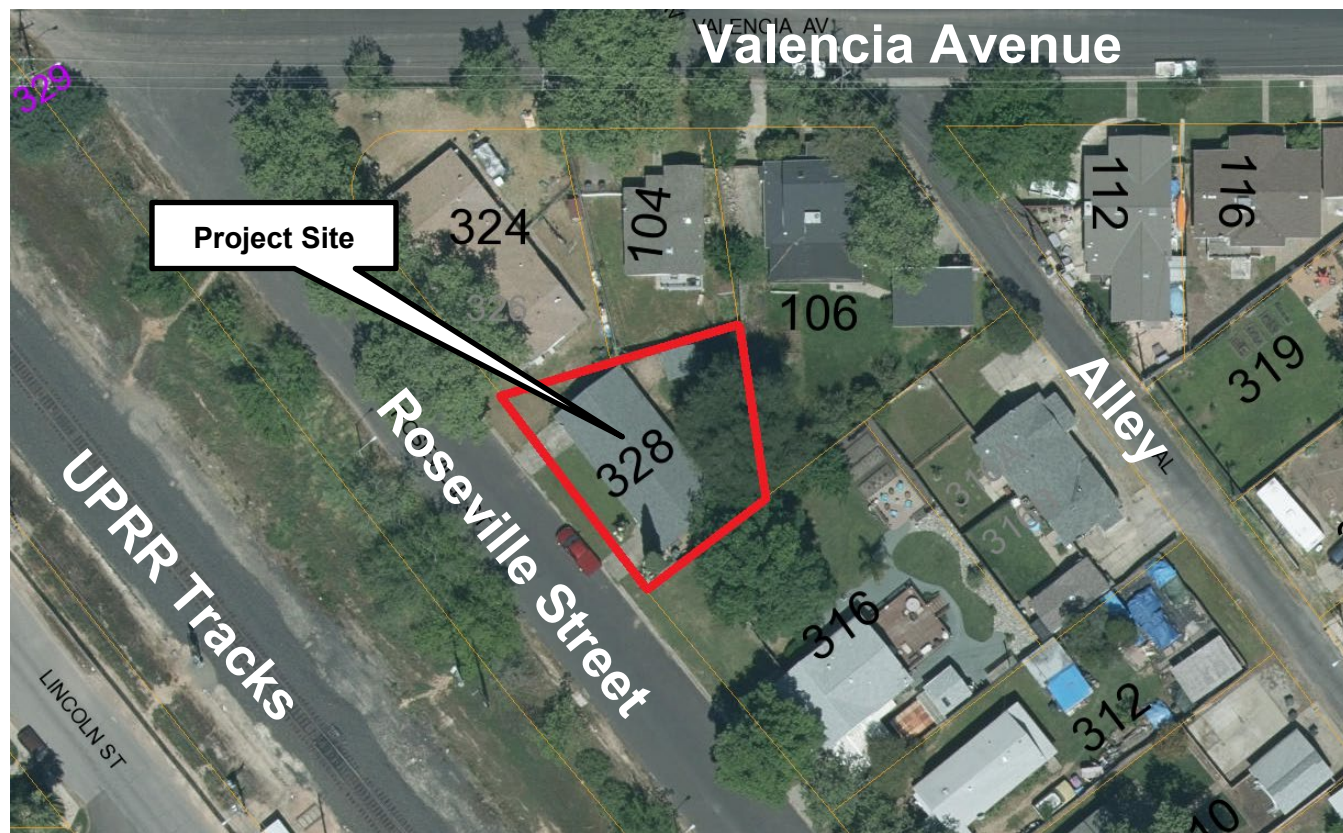
**SITE INFORMATION**

**Address:** 328 Roseville Street

**Parcel Size:** .11 acres (4,776 square feet)

**Topography and Setting:** The project site is a developed infill parcel on a generally flat lot.

Figure 1: Project Location



## **EVALUATION**

In accordance with Chapter 19.78.060.G of the Zoning Ordinance, three (3) findings must be made in order to approve a Variance. The required findings for a Variance are listed below in ***italicized bold*** print and are followed by an evaluation:

- 1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the provisions of this Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical land use district classification.***
- 2. The granting of the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.***
- 3. The granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel and will not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity and under identical zoning classification.***

As previously referenced, the project site is located in the Sierra Vista Park subdivision, which was established in the early 1900s. As shown in Figure 1 the neighborhood is characterized by small lots and structures that are built within close proximity to property lines. This development pattern is typical of older neighborhoods of the City.

Because the subject property is located within a neighborhood that was largely developed prior to the establishment of zoning standards, many of the existing structures do not meet current setback

requirements. This is particularly true of setbacks from public streets. When the homes in the area were constructed, there was no standard front setback requirement and the results are homes with a range of front setback distances with some as little as 5 ft. The home at 328 Roseville Street has a front setback of 12 feet 1 inch. The existing home does not meet some of the key development standards that would be required if the same home were built today including minimum lot size and minimum front setback distance. Table 1 compares the existing home with proposed addition to the current Zoning Ordinance requirements.

**Table 1. Zoning Ordinance Comparison**

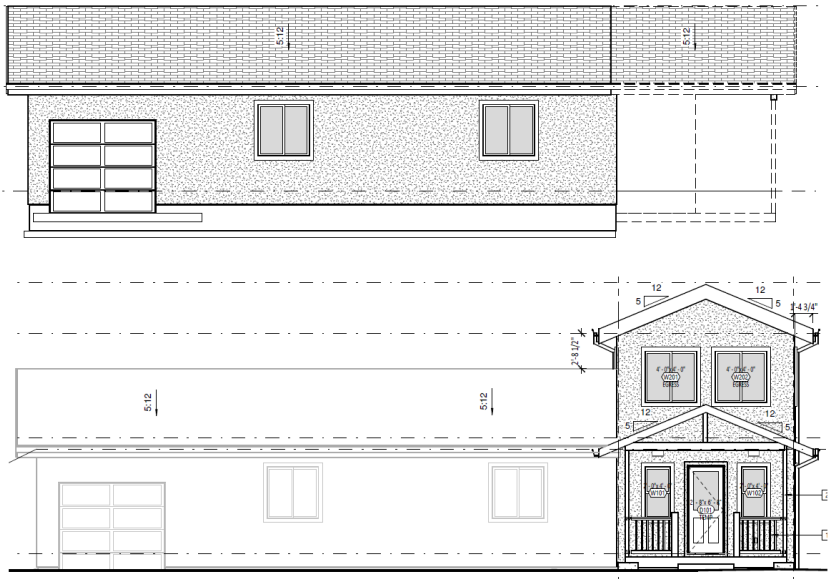
Development Standard	R1 Zoning Ordinance Requirement	Proposed 328 Roseville St	% Difference
Minimum Lot Area	6,000 sf	3,596 sf	40%
Minimum Lot Width	60 ft	76 ft	n/a
Lot Coverage	35%	24%	n/a
Building Height	35 ft	20 ft 8 in	n/a
Front Setback	20 ft	12 ft 1 in	40%
Side Yard Setback	5 ft	5 ft	n/a
Rear Yard Setback	20 ft	27 ft	n/a
Front Porch Setback	14 ft	8 ft 4 in	40%

The small lot area and existing reduced front setback for the home are a special circumstance that deprives the property of privileges enjoyed by other properties with the same land use designation. Enforcing the setbacks adhering to the current Zoning Ordinance would deprive the property owner from constructing an addition to their home in a way that is usable.

The granting of the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located because the addition is a minor expansion of an existing condition. The variance request is for a reduction in the required front yard setback. The project will increase the lineal width of the house by approximately 13 feet 4 inches. The project includes the demolition of an existing carport structure and replacement with a two-story addition. The design and materials of the addition will match those of the existing home to create a seamless front elevation. The existing carport area at the side of the home has already been informally enclosed to create more usable area for the home and replacing it with a new purpose-built structure will be an aesthetic and safety improvement. Figure 2 compares the existing and proposed front elevation.

The granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel and will not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity because the addition does not change the use of the home or increase the land use density of the property.

**Figure 2. Existing (above) and Proposed (below) Home**



**PUBLIC OUTREACH**

The proposed project was distributed to the various agencies and departments which have requested notice of City applications, and all comments were considered and incorporated into the Conditions of Approval, as appropriate. Notice of the application was also distributed to the Roseville Coalition of Neighborhood Associations. No comments were received. A public notice of the Planning Commission hearing was published on August 27<sup>th</sup>, 2021, and was distributed to all property owners within 300 feet of the project site. To date, no comments have been received.

**CONCLUSION**

Staff has reviewed the development plans for the variance and found them to be consistent with the applicable standards and guidelines. As discussed above and with the following conditions, staff supports approval of the proposed project.

**ENVIRONMENTAL DETERMINATION**

This project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305, "Minor Alterations in Land Use Limitations". The project involves a minor setback variance not resulting in any changes to land use density and is therefore exempt per the CEQA guideline listed above.

**RECOMMENDATION**

The Planning Division recommends the Planning Commission take the following actions:

- A. Adopt the findings of fact as stated in the staff report and approve the **VARIANCE – INFILL PCL 10 – Dyer Variance – FILE # PL21-0249** subject to two (2) conditions of approval.

**CONDITIONS OF APPROVAL FOR VARIANCE FILE # PL21-0249**

1. This Variance approval shall be effectuated within a period of two (2) years from this date and if not effectuated shall expire on **September 9, 2023**. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than a total of one year from **September 9, 2023**. (Planning)
2. A building permit is required for the new addition and remodel of the existing house.

**Exhibits**

A. Plans

**Note to Applicant and/or Developer:** Please contact the Planning Division staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing.