



ITEM IV-B: VARIANCE – 112 IRENE AVENUE – WELLS’ SECOND UNIT – FILE# V 04-05

REQUEST

The applicant proposes to construct a 1,056 square foot one bedroom, two-story second residential unit with a detached single-car garage with access from the rear alley. Both buildings are proposed five feet from the rear and side property lines, where the Zoning Ordinance requires a 20 foot rear yard and five (5) foot side yard setback for the second residence and a seven (7) foot rear and side yard setback for the detached garage.

Applicant & Owner– Jo Ann Wells

SUMMARY RECOMMENDATION

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

- A. Adopt the three findings of fact for the Variance; and
- B. Approve the Variance subject to seven (7) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues. The applicant has reviewed the recommendations and is in agreement with all conditions of approval.

SITE INFORMATION

Location: 112 Irene Avenue, which is south of Douglas Boulevard and north of Bonita Street in the infill area of the City (see Attachment 1).

Roseville Coalition Of Neighborhood Associations (RCONA): This parcel is located within the Cherry Glen Neighborhood. To date we have not received any comments from the Neighborhood Association.

Parcel Size: 7,365 square feet

Topography: The property is generally level. The rear property line abuts a 20 foot wide public alley. (All of the blocks in the neighborhood have north-south mid-block alleys.) The 7,365 square foot parcel is currently developed with a 1,200 square foot single-family residence and a detached 200 square foot garage (see Exhibit A). The site does not have any significant landscape apart from the front yard shrubs and street trees.

History: The subject parcel is within the Cherry Glen Tract Subdivision, which was recorded in 1907 as part of the seminal growth spurt leading to the City’s incorporation in 1909. Many houses in the neighborhood appear to have been constructed in the early 20th century, prior to the City’s first Zoning Ordinance.

Adjacent Zoning and Land Use

Location	Zoning	General Plan Land Use	Actual Use Of Property
Site	Single Family Residential, R1	Low Density Residential, LDR-5	Single Family Dwelling
North	R1	LDR-5	Single Family Dwelling
South	R1	LDR-5	Single Family Dwelling
East	R1	LDR-5	Single Family Dwelling
West	R1	LDR-5	Single Family Dwelling

EVALUATION – VARIANCE

The applicant is requesting to construct a second dwelling unit with a detached garage in the back portion of a lot with an existing single-family dwelling and detached garage. A second dwelling unit may be either attached to or detached from the existing single-family dwelling. Second dwelling units shall also include permanent provisions for living, sleeping, eating, cooking, and sanitation within the unit. In addition, chapter 19.60 of the Zoning Ordinance (see Attachment 2) outlines development standards that second dwelling units must meet such as:

- Minimum lot sizes shall be 5,000 square feet (project site is 7,365 s.f.);
- Maximum floor area and coverage for detached second units shall not exceed 1,200 s.f. and 40% cumulative lot coverage,
- Parking shall be provided for both the primary and secondary units. This project requires a minimum of three (3) parking spaces. As proposed five (5) parking spaces will be provided;
- The appearance of the structure shall be compatible with the neighborhood and subordinate to the primary residence; and,
- Second dwelling units shall maintain the setbacks required in the zoning district in which it is located.

As proposed, the second dwelling unit and detached garage meet all of these standards with the exception of the setback requirements. For the R1 zone district the following setbacks apply for primary and secondary residences:

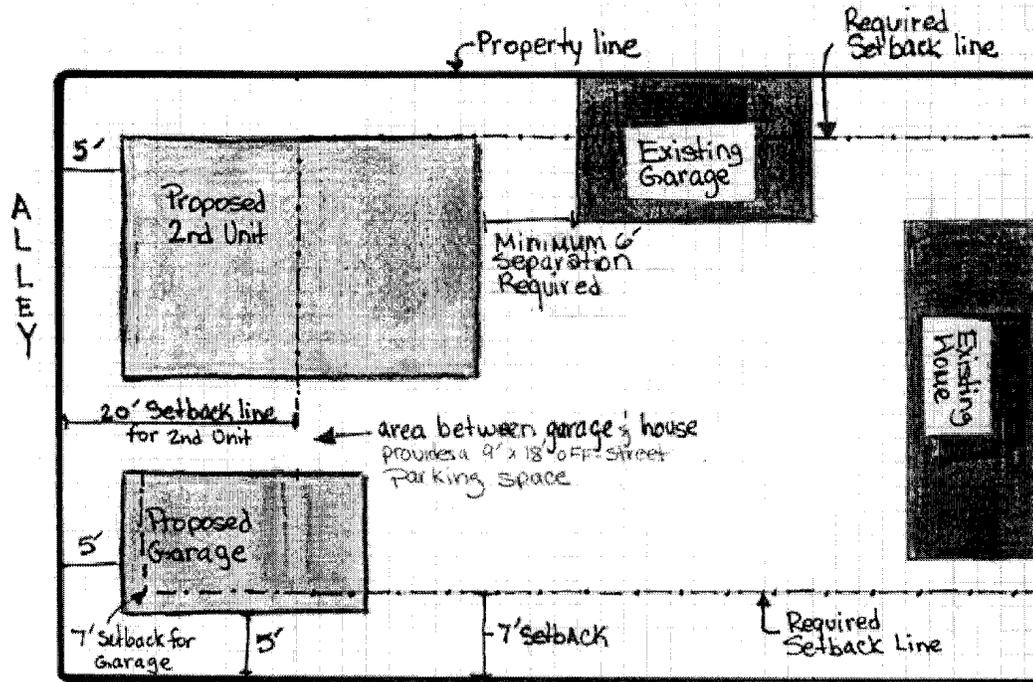
- Front - 20 feet;
- Side - five (5) feet; and,
- Rear – 20 feet.

The setbacks for a detached accessory structure (garage) are based on the height of the structure. The garage is 12 feet in height and therefore requires the following setbacks:

- Front - 20 feet;
- Side - seven (7) feet; and,
- Rear - seven (7) feet.

The following figure illustrates the required and proposed setbacks for the project:

Figure 1



The proposed second dwelling unit meets the front and side yard setback requirements. However, as proposed, the second dwelling unit will encroach 15 feet into the required 20 foot rear yard setback. A Variance is required to authorize this exception.

The detached garage meets the front yard setback, but will encroach two (2) feet into the required seven (7) foot side and seven (7) foot rear yard setbacks. Typically, deviations from required standards for accessory structures are approved administratively through an Administrative Permit. However, since the garage is part of the proposed second unit it is being evaluated as part of the variance request for the project as a whole.

FINDINGS

In accordance with the Section 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.***

As previously mentioned, the project site is located in the Cherry Glen subdivision, which was established in the early 1900s. As shown in the following figure, the neighborhood is characterized by back alley development and structures that are built within close proximity to property lines. This development pattern is very typical in older neighborhoods with mid block alleys.

Figure 2



Since 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. One purpose of setbacks and maximum coverage requirements is to provide separation and adequate circulation of light and air between structures. In this instance it is the use of the proposed structure as a second residence that is triggering the need for a larger rear yard setback (20 feet) and the Variance. If the building was to be used as an accessory structure (shed, garage, workshop, recreational/bonus room, etc) deviations to the setbacks or other development standards could be approved administratively since the proposal is consistent with the development patterns of the neighborhood.

As shown in Figure 1 and Exhibit A, there is an existing detached garage located at the rear of the primary residence in the middle of the lot. The location of this structure will not allow for the secondary unit to be placed on the lot without encroaching into either the six (6) foot separation requirement or the 20 foot rear yard setback.

The proposed reduction in rear yard setback would reduce the separation between this structure and those to the west. However, the 20 foot wide alley provides a permanent open space and extends the effective depth of all abutting parcels by 10 feet, including the subject site. The West Roseville Specific Plan and other recently approved projects with allow loaded garages have required a minimum of a four (4) foot driveway apron. Therefore the proposed five (5) foot setback from the alley provides adequate depth for vehicle turns in and out of the garage, and is a greater setback than many other buildings adjacent to the alley.

Based on the height of the detached garage (12 feet), the required side yard setback is seven (7) feet. It should be acknowledged that an attached garage of the same floor area and height, attached to the second residential unit would only be required to have a 5 foot side yard setback. In addition, there are many other properties in the neighborhood with accessory structures located less than five (5) feet from the side yard property line.

Staff finds the proposed project to be consistent with other developments in the neighborhood (back alley development pattern). Approval of the variance will allow the property owner to take advantage of the alley access, which provides a buffer between this lot and those to the west. In addition, the Variance allows for a usable rear yard area between the primary and second unit.

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.*

The proposed construction will occur in the unoccupied rear yard of this property with adequate separation from existing improvements on adjacent properties. The Planning Department sent notice to all property owners within 300 feet of this project. To date, no opposition has been expressed by neighbors. Staff have not identified any detrimental effects of this project upon the public health, safety and welfare; or upon property or improvements in the vicinity of the project site.

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.*

The proposed second dwelling unit and garage are uses and activities allowed in the R1 District. The Variance will allow construction in the required rear yard setback, where other adjacent and nearby properties also have structures. The proposed variance does not allow a use that is not otherwise authorized by the regulations of the Zoning Ordinance.

SUMMARY / CONCLUSION

Based on the evaluation and discussion above, staff believes that the Planning Commission can make the required findings to approve the application.

ENVIRONMENTAL DETERMINATION

The proposed project is exempt from environmental review pursuant to Section 15303a of the California Environmental Quality Act (CEQA) Guidelines (small structures).

RECOMMENDATION

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

- A. Adopt the three findings of fact for the Variance – Wells' Second Unit, 112 Irene Avenue – File #V 04-05; and
- B. Approve the Variance – Wells' Second Unit, 112 Irene Avenue – File #V 04-05 subject to seven (7) conditions of approval listed below.

CONDITIONS OF APPROVAL FOR VARIANCE #V 04-05

1. The project is approved as shown in Exhibits A - C and as conditioned or modified below:
 - a) The second dwelling unit and detached garage shall be constructed a minimum of five (5) feet from the rear property line. (Planning)
2. Provide two complete sets of plans. Contact the Building Department for a list of submittal requirements. (Building)

3. Building permit plans shall comply with all applicable code requirements (Uniform Building Code - UBC, Uniform Mechanical Code - UMC, Uniform Plumbing Code - UPC, Uniform Fire Codes - UFC and National Electrical Code - NEC), California Title 24 and the American with Disabilities Act - ADA requirements, and all State and Federally mandated requirements in effect at the time of submittal for building permits (contact the Building Department for applicable Code editions). (Building)
4. Clearance from the proposed building to the existing 12kV conductor at the alley shall comply with Roseville Electric Specifications for Residential Construction Page 9.1 unless otherwise approved by Roseville Electric. (Electric)
5. Electric service shall comply with current codes. (Electric)
6. Water and sewer services shall be handled in accordance with the April 2003 "Development Impact Fees for Second Dwelling Units". (Environmental Utilities)
7. The applicant shall pay sewer connection fees for the additional unit. (Environmental Utilities)

ATTACHMENTS

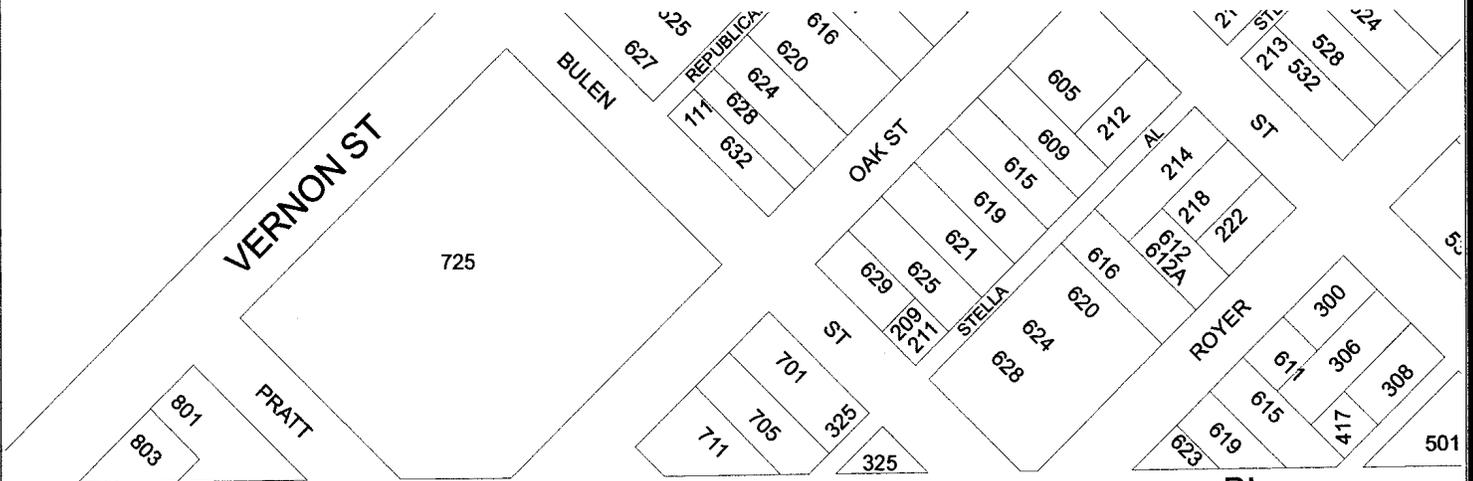
1. Vicinity Map
2. Zoning Ordinance Chapter 19.60 – Second Dwelling Units

EXHIBITS

- A. Site Plan
- B. Floor Plan
- C. Elevations

Note to Applicant and/or Developer: Please contact the Planning Department 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 Director at, or prior to, the public hearing.

Project Vicinity Map



DOUGLAS

108	110	112	116
117			
119		106	
121	AL	110	
123		112	
125		116	
129		120	
131		128	
133		130	
135	RAINIER	134	
137		136	
139 141	111	138	
105			

101	200	212	214	216	218	220	222
105			104				
107			106				
109	111		110				
113	113A		112				
117			116				
123	123 1/2		120				
127			124				
131	133		128-1				
			128-2				
135	143		132				
			136				
			140				

300	100
103	104
105	108
115	112
119/119A	116
121	122
123	124
127	128
131	132
133	136
137	140
141	142
143	307

SITE

400	418
	418 1/2
	106
	108
109	112
115	114
119	116
125	118
127	120
131	122
137	126
139	130
139 1/2	132
141	
419	

BONITA

201	110	124	126
215		200	202
225		204	204 1/2
227		206	
229 231		208	
233		212	212 1/2
301		214	
303		216	
305		220	
313		224	224A
315		226	226A
319			
321			
325			

202	200
	204
205	208
	208A
207	212
207 1/2	216
209	220
211	222
217	226
	226 1/2
221	228
221 1/2	
225	232
227	240
	248

201	310	200
205		206
209		210
211		214
215		216
217		220
223		226
227		228
231		230
235		232
239		236
241		
247	31	31
	31 1/2	

416	418	420	422
		420 1/2	
	205		206
	211		208
	211 1/2		212
	213		214
	219		216
	221		218
	225		232
	227		236
	231		236
	235		411
	241		411 A
	243		419



Project Name: Wells Second Residence
Project Location: 112 Irene Av.
Project File Number: V 04-05

CHAPTER 19.60– SECOND DWELLING UNITS

Section 19.60.010 - Purpose

This chapter provides criteria for the approval of second dwelling units. This chapter is adopted pursuant to the authority of Government Code Section 65852.2.

(Ord. 3014 (part), 1996.)

Section 19.60.020 - Second Dwelling Unit Defined

A second dwelling unit shall be as defined by Government Code Section 65852.2 and shall mean an attached or detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family dwelling is situated. It also includes an efficiency unit and a manufactured home as defined in the Health and Safety Code.

(Ord. 3959 § 1 (part), 2003; Ord. 3014 (part), 1996.)

Section 19.60.030 - Designated Area

Second dwelling units are permitted in the Single-Family Residential (R1), Small Lot Residential (RS), and Two-Family Residential (R2) zoning districts, provided the second dwelling unit complies with the standards as identified in Section 19.60.040.

(Ord. 3959 § 1 (part), 2003; Ord. 3014 (part), 1996.)

Section 19.60.040 - Design and Development Standards

The second dwelling unit may be either attached to or detached from the primary or previously existing dwelling unit. Second dwelling units shall be allowed only in compliance with the following standards:

- A. Minimum Lot Area.** 5,000 square feet.
- B. Maximum Coverage.** The maximum combined building coverage shall not exceed forty (40) percent.
- C. Setbacks.** A second dwelling unit shall maintain the setbacks required in the zoning district in which it is located. In addition, a minimum of ten (10) feet shall be maintained between the primary dwelling and a detached second unit.
- D. Floor Area.** The floor area of the second dwelling unit for an attached unit shall not exceed 30 percent of the existing dwelling's living area. The floor area of a detached unit shall not exceed 1,200 square feet.
- E. Minimum Facilities.** The second dwelling unit shall include permanent provisions for independent living, sleeping, eating, cooking and sanitation within the unit. The primary residence and the second dwelling unit may maintain separate utilities, subject to approval by the Environmental Utilities Department.
- F. Fees.** The owner shall pay to the City all applicable fees at the time the building permit is obtained for the second living unit.
- G. Appearance.** The unit shall be designed and constructed so as to be compatible with the existing neighborhood in terms of height, form, and materials and the unit shall be subordinate to the primary residence.

- H. Parking Requirement.** Parking required by this section is in addition to that required for the primary residence on the site by Chapter 19.26 (Off-Street Parking Requirements). Each one (1) bedroom or studio second unit shall provide at least one (1) off-street parking space. The parking requirement can be met by providing one (1) required parking space within the twenty (20) foot front yard setback and may be located in tandem with other on site parking.

Additional parking may be required if the second dwelling unit includes more than one (1) bedroom provided that a finding is made that the additional parking requirement is directly related to the second unit and is consistent with parking requirements applicable to existing residences in that zone.

- I. Effective Date.** The second dwelling unit clearance shall be valid for a period of two (2) years from date of Planning Department confirmation of compliance with the above design and development standards.
- J. Second Dwelling Unit With Nonconforming Primary Structure.** When the primary structure is nonconforming, a second unit in compliance with the above design and development standards is still permitted, providing that the second dwelling unit does not increase the nonconformity.

(Ord. 3959 § 1 (part), 2003; Ord. 3270 § 7, 1998; Ord. 3088 § 11, 1997; Ord. 3014 (part), 1996.)

PROJECT SUMMARY

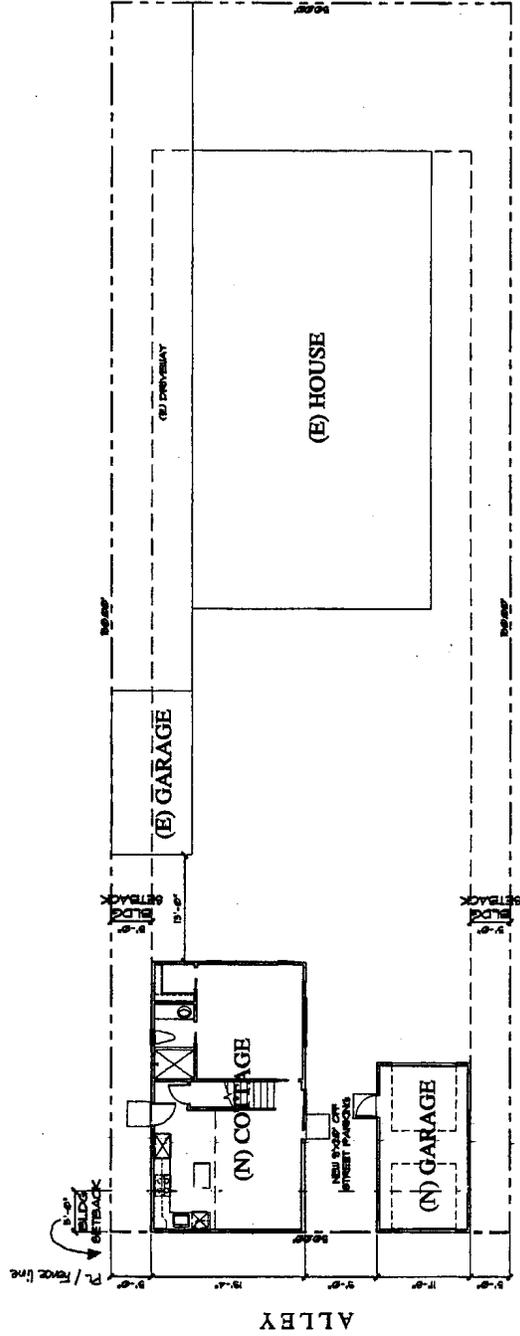
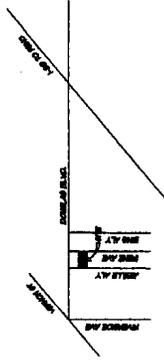
NEW 1 STORY COTTAGE W/ GARAGE

NEW 1 STORY COTTAGE W/ GARAGE	438 SF.
SQ. FTG. ENCLOSURE	438 SF.
LOWER FLOOR SQ. FTG.	438 SF.
UPPER FLOOR SQ. FTG.	0 SF.
TOTAL FLOOR SQ. FTG.	438 SF.
NEW GARAGE SQ. FTG.	241 SF.
EXISTING HOUSE SQ. FTG.	1969 SF.
EXISTING GARAGE SQ. FTG.	289 SF.
BUILDING CODE	CALIFORNIA BUILDING CODE 1991
CONTRACT NUMBER	P-3
CONSTRUCTION TYPE	V

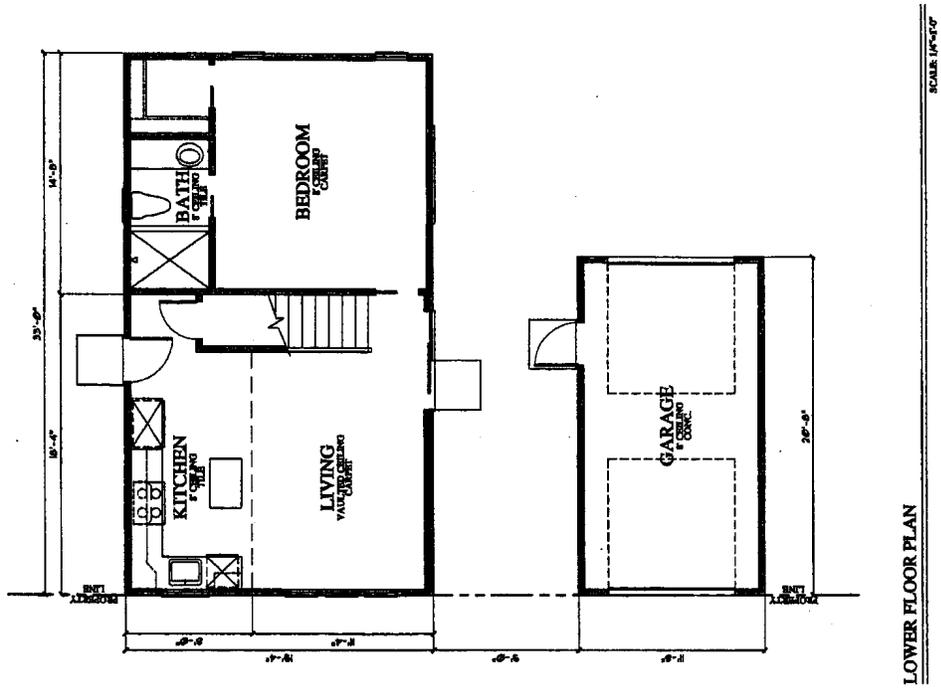
SHEET INDEX

1. COVER SHEET, SEE P. 1
2. FLOOR PLAN
3. FOUNDATION PLAN
4. ELECTRICAL PLAN
5. MECHANICAL PLAN
6. PLUMBING PLAN

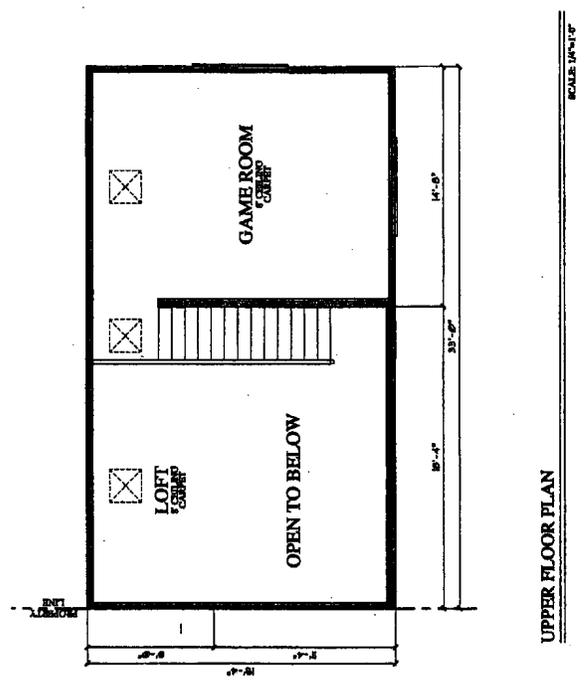
VICINITY MAP



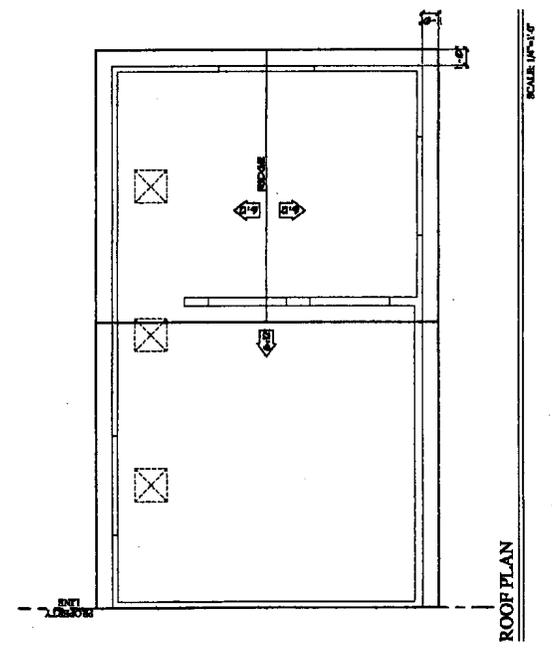
FLOOR PLAN
SCALE 1/8"=1'-0"



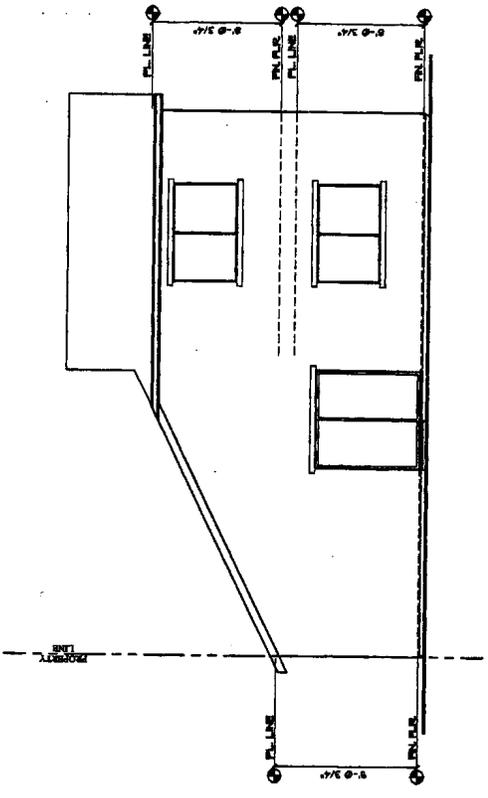
LOWER FLOOR PLAN



UPPER FLOOR PLAN

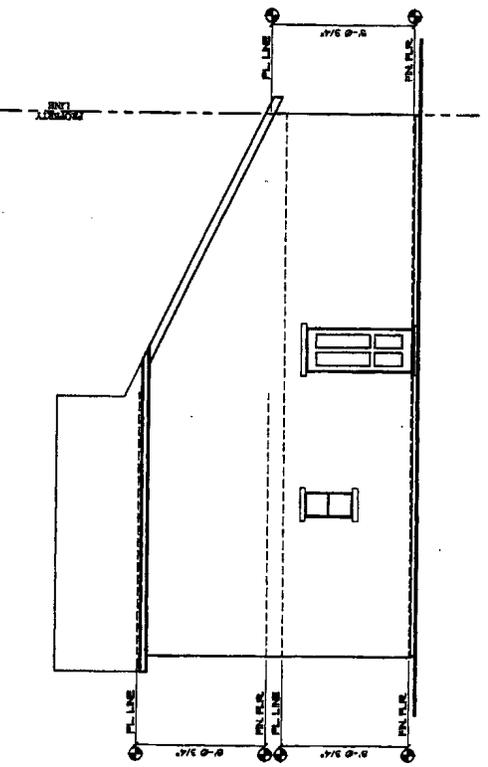


ROOF PLAN



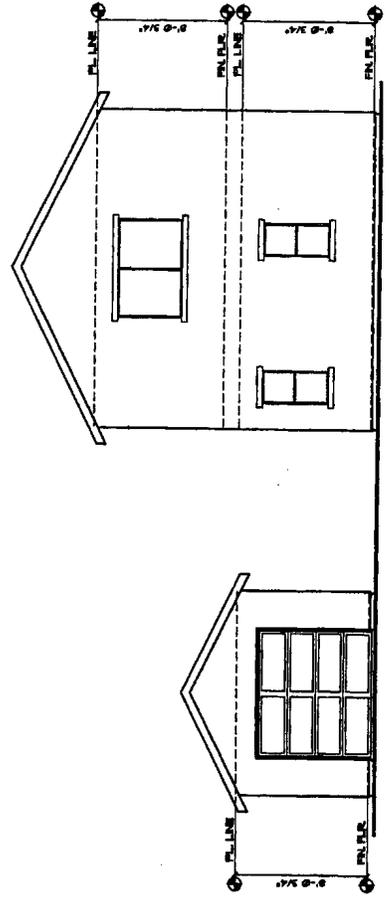
FRONT ELEVATION

SCALE 1/4"=1'-0"



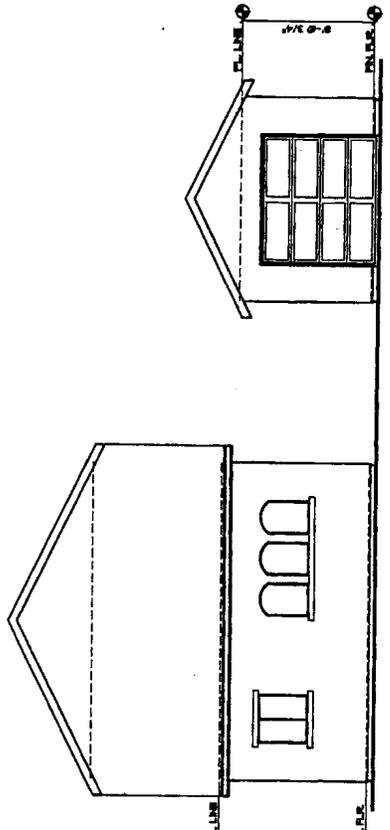
REAR ELEVATION

SCALE 1/4"=1'-0"



RIGHT SIDE ELEVATION

SCALE 1/4"=1'-0"



LEFT SIDE ELEVATION

SCALE 1/4"=1'-0"