



ITEM IV-C: VARIANCE – 122 SOUTH LINCOLN STREET – BOND PROPERTY VARIANCE – FILE# 2008PL-024 (V-000056)

REQUEST

The applicant requests approval of a Variance to reduce the required side yard setback from 5' to 1'6" for an existing 550 square-foot detached garage that will be converted to a single-family residence. Pursuant to Section 19.74.020(b) of the Roseville Zoning Ordinance, approval of a Variance is required to allow exceptions to setbacks exceeding 35 percent of the development standard.

Applicant & Owner– Steve Bond

SUMMARY RECOMMENDATION

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

- A. Adopt the three (3) findings of fact for the Variance; and
- B. Approve the Variance subject to fourteen (14) 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.

SITE INFORMATION

Location: 122 S. Lincoln Street, approximately 200 feet south of Sutter Avenue, in the City's Infill area.

Roseville Coalition of Neighborhood Associations (RCONA): The parcel is located within the Folsom Road Neighborhood Association (17), which is currently active. A project notice was mailed to the board members of the neighborhood association. To date, no comments have been received from the association.

Parcel Size: The 9,934 square-foot interior lot measures 205 feet in length, and varies in width from 45 to 50 feet (see Exhibit A).

Zoning/Current Use: The parcel is zoned Two-Family Residential (R2) and is developed with a 690 square foot single-family residence, 120 square-foot tuff shed, 275 square-foot one-car garage, and 550 square-foot garage currently being used for storage.

History: The primary residence was constructed in 1907, while no records were available for the accessory structures. The current owners purchased the property in 2002. Recently the owners applied for a building permit to convert the 550 square-foot garage to living space and to expand it by 300 square feet. As noted on the site plan, the proposed addition will comply with the appropriate development standards; however, based on the existing structures proximity to the side property line, the Building Division informed the owners that approval of a Variance for a reduced setback would be required prior to issuance of building permits.

Figure 1



EVALUATION

The applicant is now requesting approval of a Variance to allow a 3'6" encroachment into the northern side yard setback in order to accommodate the conversion of an accessory building (garage) into a dwelling unit. The applicant plans to construct a 300 square-foot addition (consisting of a bathroom and kitchen), which will formally convert the use of the accessory building to a dwelling unit (see Attachment 1). The 300 square-foot addition will comply with all applicable standards and will not increase the non-conformity of the existing structure. As such, staff's analysis will focus on the conversion of the existing structure to a single-family dwelling located on an R2 lot.

According to Zoning Ordinance Section 19.10.030, two dwelling units per lot are principally permitted in the R2 district, subject to the following standards (Residential Zone General Development Standards):

Minimum Lot Area: The minimum lot size for an interior R2 lot is 6,000 square feet.

- The subject lot is 9,934 square feet, which exceeds the standard.

Maximum Coverage: The maximum combined building coverage in the R2 zoning district shall not exceed 40 percent.

- The combined lot coverage of the existing/proposed structures (including the 300 square-foot addition) will total 1,935 square feet, or approximately 19 percent lot coverage, which is well below the development standard for the R2 zoning district.

Setbacks: Per Section 19.60.040 of the Zoning Ordinance, an R2 lot requires a 10-foot separation between dwelling units, 20-foot front yard setback, 20-foot rear yard setback and 5-foot side yard setback.

- All existing structures located on the subject property comply with the applicable development standards, with the exception of the existing 550 square-foot garage.
- The existing garage is located 14' from the nearest structure, is setback 114' from the front property line, 39'9" from the rear property line, 29'9" from the south property line, and 1'6" from the north property line.
- The 1'6" (north) side yard setback does not meet the required setback standard and with the conversion of the garage to a dwelling unit a Variance is required to authorize the reduced setback; further discussion is provided in the Findings section of the report.

Minimum Facilities: All single-family dwellings shall include permanent provisions for independent living, sleeping, eating, cooking and sanitation within the unit. The residences may maintain separate or joint utilities, subject to approval by the Environmental Utilities Department.

- With the conversion of the garage to a single-family dwelling and the planned 300 square-foot addition, the proposed dwelling unit will have separate sleeping, eating, cooking and sanitation facilities, consistent with the standard.
- The application has been reviewed by Environmental Utilities. The property owner may be required to upgrade the water and sewer services, based on the total number of plumbing fixtures (faucets, toilets, showers, etc.) for both the existing and proposed dwelling units. This determination will be made when building plans are submitted to the Building Department.

Fees: The owner shall pay to the City all applicable fees at the time the building permit is obtained for the additional dwelling unit.

- The City collects these fees prior to the issuance of a building permit, consistent with the standard.

Appearance: The dwelling unit shall be designed and constructed so as to be compatible with the existing neighborhood in terms of height, form, and materials.

- The existing structure to be converted is single-story.
- The existing 690 square-foot residence on the lot is a single-story structure, and there are single story homes of various sizes in the immediate neighborhood.
- The property owner plans to improve the existing condition of the structure by enhancing the building materials with the inclusion of new horizontal lap siding, a new composition shingle roof, and new paint. The proposed materials will be compatible with the existing home and the surrounding properties (see Exhibit B).
- Based on the proposed modifications, the unit will be compatible with the neighborhood and consistent with the standard. Condition 2 has been added which requires the use of high-quality materials and colors compatible with the surrounding homes.

Parking: Parking for an R2 lot shall be 2 parking spaces per dwelling. The required parking may be provided within the twenty-foot front yard setback and may be in tandem with other on site parking.

- The existing driveway off South Lincoln Street is 110 feet in length and will provide room for several vehicles. In addition, the driveway provides access to a one-car garage and to a paved vehicle parking area behind the existing residence.
- The site has enough space to accommodate two vehicles for each residence (minimum of four spaces) which is consistent with the standard.

FINDINGS

In accordance with 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.***

The existing garage is an accessory structure that was constructed approximately 50 years ago. At that time, the structure may have met the appropriate setback requirements; however, it does not comply with the current development standards. The conversion of the accessory structure to a primary structure (a dwelling unit) triggers different setback requirements. The proposed 300 square-foot addition will meet the appropriate standards, but the existing structure will not. Based on the narrow width of the lot (50' at the widest point) and the fact that the structure is existing, staff finds the current request appropriate.

- 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 applicant is entitled to have two single-family dwellings on the subject property in the R2 district. As discussed above, several of the surrounding properties have structures located within the required rear and side yard setback. As such, the requested setback reduction is consistent with other properties in the area. Approval of the Variance will not impact any existing improvements to the property, and will in fact serve to improve the subject property's and neighborhood appearance.

The conversion of the garage to a living unit will increase the activity level of the building. However, as stated above, this is not inconsistent with the existing character of the other properties in the vicinity and the proposed Variance does not allow a use that is not otherwise authorized by the regulations of the Zoning Ordinance. As such, staff has 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.

The plans associated with this request have been reviewed by affected City Departments and their comments are included as Conditions of Approval. The Building Department's comments require that the structure obtain a building permit and comply with all current building code requirements. Based on the proximity of the existing structure to the property line, the Building Department requires that the structure be constructed with a 1-hour fire wall and prohibits any openings in the building adjacent to the northern property line. The Building Department's requirements are reflected in Conditions 3 - 11.

The Planning & Redevelopment Department sent notice to all property owners within 300 feet of the project site and a letter discussing the proposed project was mailed to the Folsom Road Neighborhood Association. In addition, the applicant personally notified adjacent property owners of the current request (see Attachment 2). To date, the Planning & Redevelopment Department has not received any comments from surrounding neighbors or interested individuals.

- 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 dwelling unit is permitted in the R2 Zoning District. The Variance will allow the conversion of a building currently located within the required side yard setback, where other adjacent and nearby properties also have structures. As such, the proposed Variance does not allow a use that is inconsistent with the existing character of the neighborhood and 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 request.

ENVIRONMENTAL DETERMINATION

The application is exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines per Section 15305(a) pertaining to setback variances not resulting in the creation of a new parcel and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures.

RECOMMENDATION

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

- A. Adopt the three (3) findings of fact for the VARIANCE – BOND PROPERTY VARIANCE – 122 SOUTH LINCOLN STREET – FILE #2008PL-024 (V-000056); and
- B. Approve the VARIANCE – BOND PROPERTY VARIANCE – 122 SOUTH LINCOLN STREET – FILE #2008PL-024 (V-000056) subject to fourteen (14) conditions of approval listed below.

CONDITIONS OF APPROVAL FOR VARIANCE #2008PL-024 (V-000056)

1. The project is approved as shown in Exhibits A & B, and as conditioned or modified below. (Planning & Redevelopment)
2. Materials and colors used on the exterior of the proposed dwelling unit shall be compatible with those used on the existing home. (Planning & Redevelopment)
3. With the inclusion of the 300 square-foot addition, the existing structure shall be brought up to current code. This includes no openings within the wall shown to be 18" parallel to property line, no eave/overhang and 1 hour wall construction. (Building)
4. Construction Documents submitted for plan check and permit shall comply with all applicable code requirements including the 2001 California Building Code, 2001 California Mechanical Code, 2001 California Plumbing Code, 2004 California Electrical Code, 2001 California Fire Code and all state and federal mandated requirements in effect at the time of submittal for building permit. (Building)
5. Exterior walls and openings shall be protected as required by 2007 CBC 702.1 & Table 602 with regard to building location to property lines. (Building)
6. Exterior walls shall have the fire resistance and opening protection as set forth in 2007 CBC 702 & 704 and in accordance with such additional provisions as are set forth in Chapter 6 & 7. Projections beyond the exterior wall shall comply with Section 704.2. (Building)

7. Openings shall be limited to 25% of the wall area, per story, when the exterior walls are located greater than 3' but less than 5' to the lot line, as measured from the outermost face of the exterior wall, as required by 2007 CBC 704.8. (Building)
8. Occupancy separations shall be provided between the various groups and divisions of occupancies as set forth in 2007 CBC Table 508.3.3 and as provided for in Section 706 & 406.1.4. (Building)
9. The design criteria used in the City of Roseville is as follows:
 1. Seismic Design Category & Site Class per Section 1613
 2. Exposure B
 3. 85 mph basic wind speed
 4. 3" per hour max. rainfall
 5. No snow loading
 6. Climate zone 11 (Building)
10. Construction documents submitted for plan check and permit must be signed by the preparer and all engineering must be wet stamped and signed by a licensed architect or engineer. (Building)
11. Limitations for residential conventional construction in Seismic Design Category C, D or E shall apply. Engineering may be required. See 2007 CBC 2308.12 for provisions. (Building)
12. The electric meters/main switches for both the primary residence and the proposed dwelling unit are to be located at a single service point at the southwest corner of existing garage structure. (Electric)
13. The applicant may be required to upgrade the water and sewer services, based on the total number of plumbing fixtures for both the existing and proposed dwelling unit. This determination will be made when building plans for the proposed dwelling unit are submitted to the Building Department. (Environmental Utilities)
14. The applicant will be required to pay applicable sewer connection and water connection fees for the proposed dwelling unit. (Environmental Utilities)

ATTACHMENTS

1. Floor Plan
2. Letter to adjacent residents

EXHIBITS

- A. Site Plan
- B. Elevations

Note to Applicant and/or Developer: Please contact the Planning & Redevelopment 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.