

ITEM IV-B: VARIANCE – 516 VINE WAY – INGRID CLEGG VARIANCE - FILE# 2007PL-192 (V-000051)

REQUEST

The applicant requests approval of a Variance to convert an existing 960 square foot detached garage to a second dwelling unit. The structure's rear yard setback is 8' - 6" where a 20' setback is required. Lot coverage for the two dwelling units will be 41.5%.

Applicant & Owner– Ingrid Clegg

SUMMARY RECOMMENDATION

The Planning 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 twelve (12) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

The applicant is in agreement with the recommended conditions of approval. There are no outstanding issues.

SITE INFORMATION

Location: 516 Vine Way, one block north of Darling Way, on the southeast corner of the point where Vine Way and Vitale Street meet, in the City's infill area.

Roseville Coalition of Neighborhood Associations (RCONA): This parcel is located within the Hillcrest Neighborhood (16), which has an active neighborhood association.

Parcel Size: The parcel is an 8,087 square foot corner lot. The lot's width is 75 feet at both the north (adjacent to Vine Way) and south property lines, while the lot depth is ±120 feet along the property's west boundary (adjacent to Vitale Street) and ±112 feet along the eastern property line.

Existing Setbacks: Front (Vine Way) – 25'
Street Side (Vitale St.) – 15'
Interior Side (East side) – 8' - 6"
Rear – (South Side) – 8' - 6" to 10' - 5"

Zoning/Current Use: The parcel has a zoning designation of Single Family Residential (R1) and is developed with a 1,814 square foot, single-family residence. A 960 square foot structure which was previously used as a garage and carport is located approximately 13' - 6" south of the residence. This structure is connected to the house with a breezeway roof.

History: The subject parcel is within the Vitale Tract Subdivision, which was recorded in 1958. This subdivision included lots for 15 single-family residences, including the subject property. Existing homes in the Vitale Tract range in size from 1,685 to 2,650 square feet.

The existing residence was constructed in 1960 and included a one-car garage and carport (with the existing 8' - 6" rear yard setback), which were attached to the residence with a breezeway roof. In July of 2003, the property owner applied for a building permit to partially enclose the carport, add a bathroom and workspace. Although the permit was approved in November of 2003, the permit fees were not paid, nor was the permit issued to the property owner. Subsequent complaints to the Building Department's Code Enforcement Division revealed that the carport had been enclosed, and rough interior framing, electrical, and plumbing had been installed inside the structure. The construction work referenced was done without issuance of a building permit.



The current property owners purchased the property in 2007 in the condition referenced above. They applied for a building permit to finish the enclosure of the carport as a second dwelling unit and were advised that, since the structure did not meet the 20-foot rear yard setback requirements, it would be necessary to apply for and receive approval of a Variance for a reduced setback.

Adjacent Zoning and Land Use



EVALUATION – VARIANCE

The applicant's request is to complete the enclosure of the existing garage/carport structure as a 960 square foot second dwelling unit. Consistent with existing state law, second units that conform to the Zoning Ordinance standards (Chapter 19.60 – Second Dwelling Units) are permitted by right and do not require public review. The Zoning Ordinance and state law state that second units must comply with setback requirements applicable to residential construction in the zone in which the property is located. The existing structure, completed in 1960, has a rear yard setback of 8' - 6" where a 20-foot setback is required, thereby requiring the request for a variance.

Prior to the current owners' purchase of the property and subsequent request for a Variance to complete the enclosure of the garage/carport structure, numerous complaints regarding the property's "unfinished" condition had been received by the Building Department's Code Enforcement Division. The applicants have received positive comments from nearby residents who support the application for the Variance to complete the carport enclosure project that was started by prior owners in 2003.

Per the Zoning Ordinance, a second dwelling unit is principally permitted in the R1 district and may be either attached to or detached from the existing single-family dwelling, subject to the following standards (Chapter 19.60, Second Dwelling Units):

Minimum Lot Area: A second dwelling unit may be established on lots of at least 5,000 square feet.

- The subject lot is 8,087 square feet, which exceeds the standard.

Maximum Coverage: Per Zoning Ordinance Section 19.10.030, pertaining to residential development standards, maximum combined building coverage in the R1 zoning district shall not exceed 45 percent for a single-story residence.

- The combined lot coverage of the existing single-story home and garage structure (including the covered breezeway area between the primary residence and garage structure) that the applicant proposes to convert to a second dwelling unit is ±3,363 square feet, or approximately 41.5 percent lot coverage, which does not exceed the development standard for the R1 zoning district¹.

Setbacks: A second dwelling unit shall maintain the setbacks required in the zoning district in which it is located. Per Section 19.60.040 of the Zoning Ordinance, a detached second dwelling unit must maintain a 10-foot building separation from the primary unit. The rear yard setback requirement for the home and/or a second unit is 20 feet.

- The existing garage structure is 13' - 6" from the existing house, which exceeds the zoning standard for detached units. The structure is considered detached because of its distance from the primary residence; although the breezeway roof serves to physically connect the structure with the primary residence.
- As discussed previously under Site Information, the existing garage structure has a minimum rear yard setback of 8' - 6", which does not meet the zoning standard. A Variance is required to authorize a reduced setback.

Floor Area: The floor area of a detached second dwelling unit shall not exceed 1,200 square feet.

- The existing structure that the applicant proposes to convert to a second dwelling unit is 960 square feet of floor area, which is below the zoning standard. There will be no increase in square footage of the either the garage structure or primary residence.

¹ In 2004, the City's Zoning Ordinance was updated to increase the maximum lot coverage for single-story homes in the R1 zoning district from 40% to 45%. Zoning Ordinance Chapter 19.10.030 was modified to reflect this change; however, Chapter 19.60 (Second Dwelling Units) was inadvertently not updated to also reflect this change.

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.

- 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 second living unit.

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

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.

- The existing structure to be converted to a second dwelling unit is single-story.
- The existing 1,814 square foot residence on the lot is a single-story structure. There are single story homes ranging in size from 1,685 square feet to 2,650 square feet in the immediate neighborhood.
- The proposed second unit will be subordinate in floor area to the existing residence.
- Materials and colors of the second dwelling unit will be compatible with the existing home. The second unit will, therefore, be compatible with the neighborhood and subordinate to the existing residence and consistent with the standard. Condition 2 has been added which requires use of materials and colors that will be compatible with the existing home.

Parking: Parking for a second dwelling unit shall be provided in addition to the parking required for the primary residence. A one bedroom or studio unit shall provide at least one off-street parking space. The required parking may be provided with one space located within the twenty foot front yard setback and may be in tandem with other on site parking. Additional parking may be required for additional bedrooms.

- The existing driveway on Vitale Street provides access to a paved vehicle parking area between the existing residence (within the breezeway area) and the structure to be converted to a second dwelling unit.
- The vehicle parking area has enough space to accommodate two vehicles for the primary residence and one vehicle for the second dwelling unit.
- The second dwelling unit will have one bedroom; therefore only one parking space is required.
- The combined parking equals three 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 subject property is located within a subdivision that was built in the 1959-1960 timeframe, prior to establishment of current zoning standards. Staff has observed that other residences in the area have rear and side yard setbacks which are less than current zoning standards. As previously discussed, the applicant proposes to convert the existing garage/carport structure to a second dwelling unit. The structure has been in its current location, with the 8' - 6" setback from the adjacent property to the south, since 1960. Conversion of the structure to a second dwelling unit will have no impact on the current setback from the adjacent property.

This Variance request is to allow a reduction in the rear yard setback requirement. As stated previously, the subject property is a corner lot. The existing structure has a unique orientation on the property, with the actual front yard setback (north side) along Vine Way, while the side yard setback, and driveway (west side) face Vitale Street (see Exhibit A). Because of the orientation of the existing residence, the south side of the home and garage (with the existing 8' - 6" setback) is considered the rear yard setback area. However, since the property's driveway is off Vitale Street, the existing 8' - 6" setback on the south portion of the property has the appearance, and "feel" of a side yard setback. The zoning standard for a side yard setback is five feet (5').

Staff has concluded that the structure's unique orientation on the lot and the fact that the structure to be converted has been in its current location since 1960 are special circumstances that allow approval of the requested variance.

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.

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. No new structures will be built, nor will the existing structure be modified in any way that would impact the adjacent properties. 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. The Building Department's requirements are reflected in Conditions 2 - 7.

The applicant is entitled to build a second unit on the subject property, per Section 65852 of the Government Code (State of California Planning and Zoning Laws), and Chapter 19.60 of the City's Zoning Ordinance.

As discussed above, other properties in the area have residences with rear and side yard setbacks that do not meet current zoning standards; therefore, the requested setback reduction is consistent with other properties in the area. Approval of the proposed Variance will not impact any existing improvements to the property, and will in fact; serve to improve the subject property's and neighborhood appearance, as the structure has been in an "unfinished" state since 2003.

A Public Hearing Notice regarding the project was mailed to property owners within 300 feet of the subject property. Additionally, a letter discussing the project was mailed to the Hillcrest Neighborhood Association. The Planning Department was contacted by an adjacent neighbor who wanted to verify that there was adequate parking, and that the structure was not increasing in size. Staff met with the neighbor and provided additional information about the project, to their satisfaction. Staff has not received any additional comments or concerns about the proposed Variance.

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 is a permitted use in the R1 Zoning District. The Variance will allow the existing garage/carport structure to be converted to a second dwelling unit without changing the existing setbacks or the separation between the proposed second dwelling unit and the primary residence.

The California Legislature, as stated in State Government Code Section 65852, has found that “second units are a valuable form of housing in California.” Additionally, it is the Legislature’s intent that second-unit ordinances adopted by local agencies provide for the creation of second units and that provisions included in the ordinance do not unreasonably restrict the ability of homeowners to create second units in zones in which they are authorized by local ordinance. State law and the City’s Zoning Ordinance permit second units as an acceptable residential use.

The proposed variance does not allow a use (a residence) that is not otherwise authorized by the regulations of the Zoning Ordinance and/or California Law.

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 proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303(a) pertaining to second dwelling units, and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures.

RECOMMENDATION

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

- A. Adopt the three (3) findings of fact for the Variance – Ingrid Clegg Variance – 516 Vine Way – File #2007PL-192 (V-000051); and
- B. Approve the Variance – Ingrid Clegg Variance – 516 Vine Way – File #2007PL-192 (V-000051) subject to twelve (12) conditions of approval listed below.

CONDITIONS OF APPROVAL FOR VARIANCE #2007PL-192 (V-000051)

- 1. The project is approved as shown in Exhibit A, and as conditioned or modified below. (Planning & Redevelopment)
- 2. Materials and colors used on the exterior of the second dwelling unit shall be compatible with those used on the existing home. (Planning & Redevelopment)
- 3. 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)

4. Exterior walls and openings shall be protected as required by Table 5A with regard to building location to property lines. (Building)
5. Exterior walls shall have the fire resistance and opening protection as set forth in Table 5-A and in accordance with such additional provisions as are set forth in Chapter 6. Projections beyond the exterior wall shall comply with Section 705 and as set forth in 503.2.1. (Building)
6. Occupancy separations shall be provided between the various groups and divisions of occupancies as set forth in Table 3-B and as provided for in Section 302.4. (Building)
7. The design criteria used in the City of Roseville is as follows:
 - a. Seismic zone 3
 - b. Exposure B
 - c. 75 mph basic wind speed
 - d. 4" per hour maximum rainfall
 - e. No snow loading
 - f. Climate zone 11 (Building)
8. 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)
9. The existing overhead service drop does not comply with California Public Utilities Commission General Order 95 (G.O. 95) minimum standards and must be relocated and/or modified to comply with G.O. 95 during the conversion of the garage to a second dwelling unit. (Electric)
10. The electric meters/main switches for both the primary residence and second dwelling unit are to be located at a single service point at the southwest corner of existing garage structure. (Electric)
11. 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 second dwelling unit are submitted to the Building Department. (Environmental Utilities)
12. The applicant will be required to pay applicable sewer connection and water connection fees for the second unit. (Environmental Utilities)

ATTACHMENTS

1. Aerial Photograph Depicting Location of 8' - 6" Setback
2. Original 1960 Floor Plan Depicting Layout of Residence, Garage & Carport

EXHIBIT

- A. Site Plan

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.

