

ITEM V-B: **ADMINISTRATIVE PERMIT – 6 SOMER RIDGE DRIVE – Eddlemon Patio Cover –**
FILE# 2005 PL-112 (AP-000080)

REQUEST

The applicant requests approval of an Administrative Permit to allow a 1' 6" side yard setback and 1' rear yard setback for a 12' tall patio cover, where a 5' side and rear yard setback is required.

Applicant / Property Owner – Ron Eddlemon

SUMMARY RECOMMENDATION

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

- A. Open the public hearing and discuss the project;
- B. Continue the Administrative Permit to the June 8, 2006 Planning Commission meeting.

SUMMARY OF OUTSTANDING ISSUES

In August of 2005 the property owner at 6 Somer Ridge Drive constructed a patio cover without the proper zoning clearance and building permits. The City received a complaint and upon investigation found that the patio cover does not meet the setback requirements of the Zoning Ordinance. The applicant filed for the Administrative Permit after being informed of the violation.

The adjacent neighbor, located at 4 Somer Ridge Drive, is not in agreement with Staff's recommendation to grant the exception and leave the patio cover in its existing location. Staff has proposed several mitigation alternatives, but the applicant and the appellant have been unable to reach an agreement.

BACKGROUND

The subject property is located at 6 Somer Ridge Drive within the Infill Area of the City of Roseville (Attachment 1). The property is zoned Single Family Residential (R1) and is located between two residential homes and abuts the Light of the Gospel Missionary Church. The applicant has requested an Administrative Permit to allow a twelve-foot (12') tall patio cover to encroach into the required side and rear yard setback (Exhibit A). The Zoning Ordinance allows for exceptions to these standards upon approval of an Administrative Permit. The applicant has applied for an Administrative Permit with the intent of keeping the patio cover in its current location.

Given the proximity of the patio cover to the adjacent property, the neighbor located at 4 Somer Ridge Drive is concerned about the visibility of the structure. Staff has discussed alternatives with both the applicant and appellant. Staff suggested the applicant move or modify the structure to meet the required side yard setback. The applicant has stated that based on the type of construction, the patio cover must be torn down and rebuilt in order to meet the required setbacks.

Staff has also suggested the applicant plant trees along the property line adjacent to 4 Somer Ridge Drive. Given the limited space between the applicant's covered patio and property line, the trees would need to be planted on the appellant's lot. Staff believes that this would provide for adequate screening. The applicant has also volunteered to replace the "good neighbor" fence that is shared by both property owners, and apply for an Administrative Permit to increase the fence height to 8'. The new fence would

improve both properties, as well as provide for increased screening. In both cases the appellant was dissatisfied with the proposed mitigation. Because an acceptable alternative could not be agreed upon, staff has evaluated the applicant's request to maintain the patio cover at its current location.

SITE INFORMATION

Location: 6 Somer Ridge Drive, Infill Area, APN 471-020-020

Roseville Coalition Of Neighborhood Associations (RCONA): This parcel is located within the Cirby Side Neighborhood Association.

Total Size: .24 acres (10,286 square feet)

Site Access: Access is provided via a driveway off Somer Ridge Drive.

Adjacent Zoning and Land Use:

Location	Zoning	General Plan Land Use	Actual Use Of Property
Site	Single Family Residential (R1)	Low Density Residential (LDR4)	Single Family Residence
North	Planned Development (PD62)	Low Density Residential (LDR4)	Light of the Gospel Missionary Church
South	R1/ Attached Housing (R-3)	LDR4/ High Density Residential, HDR 17.5	Single Family Residence /Somersett Hills Apartments
East	R1	LDR4	Single Family Residence
West	R1	LDR4	Single Family Residence

EVALUATION

Section 19.78.060.A of the City of Roseville Zoning Ordinance requires that three findings be made in order to approve an Administrative Permit. The three findings are listed below in ***bold italic text*** and are followed by an evaluation.

1. The proposed use or development is consistent with the City of Roseville General Plan.

The subject property has a General Plan land use designation of Low Density Residential (LDR 4). The Low Density Residential (LDR) land use designation is intended for detached single-family dwellings and associated accessory structures. Patio covers are permitted accessory structures to single-family residences. The General Plan relies on the Zoning Ordinance to regulate the placement of patio covers on residential lots.

2. The proposed use or development conforms with all applicable standards and requirements of the Zoning Ordinance.

The subject property is zoned Single Family Residential (R1). Patio covers are permitted accessory structures for single-family dwellings in the R1 zone, subject to the standards established under the Zoning Ordinance. The Zoning Ordinance requires patio covers up to fifteen feet (15') high to maintain a minimum 5' setback from the side and rear property lines.

Aside from the setback issue, the patio cover meets all applicable standards and requirements of the Zoning Ordinance.

3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health safety, or welfare of persons residing or working in the area, or be detrimental or injurious to the public or private property or improvements.*

The Planning & Redevelopment Department's evaluation of the proposed patio cover is separated into discussions of neighborhood compatibility, safety, and utilities as discussed below.

Neighborhood Compatibility: The 500 square foot patio cover consists of a cement base, wood columns, and a lattice roof with corrugated tin metal (Attachment 2). The materials, colors, and appearance of the patio cover are complementary to the architecture of the existing home. Staff supports the architectural design as proposed.

Prior to constructing the patio cover the applicant spoke with the appellant to inform her of the proposed construction. The appellant claims that the applicant did not disclose the true location of the patio cover. The patio cover is located 18" from the property line adjacent to 4 Somer Ridge Drive and approximately 7' from the appellant's home. The structure is 12' high, measured from the applicant's pad grade. Based on the topography of the appellant's lot, the height of the structure measured from the appellant's pad grade to the top of the structure is 10' 4".

Staff has evaluated the potential impacts of the patio cover on the adjacent property and finds that the proximity of the structure does affect the property located at 4 Somer Ridge Drive. The structure is visible from the appellant's side and rear yard (Attachments 3 & 4).

Staff finds that increasing the height of the fence to 8' and planting additional trees along the property line will address the neighbor's concerns by adequately screening the patio cover. In addition, Staff believes that the benefits of the proposed mitigation outweigh the cost of moving the structure back 3' 5" to the required 5' setback. However, the applicant will be required to obtain an Administrative Permit in order to increase the fence height to 8'.

Safety: The plans have been submitted and reviewed by all applicable departments. The building department has included Condition #5 to ensure that the patio cover and other associated structures comply with the building code. Staff has not identified any potential health or safety impacts associated with this project.

Utilities: There are no public utility easements located in the backyard. The water meter and sewer connection for the site are located in the front yard. Given the fact that the utility connections are in the front yard, Staff is not concerned about the impacts of the patio cover on the existing utilities.

SUMMARY / CONCLUSION

On balance, when we weighed the cost to relocate the patio cover versus the benefit gained by the neighbor, we thought the same benefit could be achieved by increasing the fence height and planting additional landscaping. Staff recommends that the Planning Commission continue the Administrative Permit to the June 8, 2006 hearing date, so that the increased fence height can be added to the request. However, should the Planning Commission disagree with Staff's recommendation, an alternative action is available.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, which exempts new construction of small facilities and structures.

RECOMMENDATION

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

- A. Adopt the three findings of fact as stated in the staff report for the Administrative Permit – 6 Somer Ridge Drive – Eddlemon Patio Cover – File # 2005PL-112 (AP-000080); and
- B. Approve the Administrative Permit – 6 Somer Ridge Drive – Eddlemon Patio Cover – File # 2005PL-112 (AP-000080), as shown in Exhibit B.

CONDITIONS OF APPROVAL FOR ADMINISTRATIVE PERMIT #AP-000080

- 1. The project is approved as shown in Exhibits A & B and as conditioned or modified below. (Planning & Redevelopment)
- 2. This permit shall be valid for a period of two (2) years from this date and shall expire on **May 11, 2008**. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, that this approval shall be extended for no more than one year from **May 11, 2008**. (Planning & Redevelopment)
- 3. The plans submitted to the Building Department for permits shall indicate all approved revisions/alterations as approved by this permit, including all conditions of approval. (Building)
- 4. The patio cover shall not exceed 12 feet in height per CBC appendix chapter 31. (Building)
- 5. 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)
- 6. The applicant shall construct a new 8' tall fence adjacent to 4 Somer Ridge Drive within 30 days of the approval date. (Planning & Redevelopment)
- 7. The applicant shall be responsible for purchasing three trees of the appellant's choice. The trees shall be planted along the property line between 4 Somer Ridge Drive and 6 Somer Ridge Drive within 30 days of the approval date. Should the appellant decided not to have the required mitigation effectuated within 30 days of the approval date, the applicant will not be required to take any further action. (Planning & Redevelopment)

ALTERNATIVE ACTION

- A. Adopt Findings of Fact for denial as follows:

1. **The proposed use or development is not consistent with the City of Roseville General Plan.**
2. **The proposed use or development does not conform with all applicable standards and requirements of the Zoning Ordinance.**
3. **The location, size, design and operating characteristics of the use or development is not compatible with and will adversely affect or be materially detrimental to the health safety, or welfare of persons residing or working in the area, or be detrimental or injurious to the public or private property or improvements.**

- B. Deny the Administrative Permit and direct the applicant to bring the patio cover into compliance with the Zoning Ordinance within 60 days.

ATTACHMENTS

1. Vicinity Map
2. Photo of patio cover
3. Photos of patio cover from neighbor's backyard
4. Photos of the patio cover from neighbor's side yard

EXHIBITS

- A. Site Plan

<p>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.</p>
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