

Board of Adjustment

Staff Report

CASE NUMBER: BOA17-00284
LOCATION/ADDRESS: 108 W 8th Place
COUNCIL DISTRICT: District 1
STAFF PLANNER: Charlotte Bridges, Planner I
OWNER: Brandon Guida and Erin Farley
APPLICANT: James P. Lubay, All American Remodeling

REQUEST: *Requesting a Special Use Permit (SUP) for an addition to a single residence in the RS-6 District*

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a SUP to allow an addition to a legal, non-conforming a single residence in the RS-6 District.

STAFF RECOMMENDATION

Staff recommends **approval** of case **BOA17-00284**, *conditioned upon following:*

- 1. Compliance with the site plan submitted.*
- 2. Maintain existing 9' X 20' carport on the west side of the home.*
- 3. Remove the shed on the east side of the house and maintain one 9' X 18' uncovered parking space behind the front setback.*
- 4. Compliance with all requirements of the Development Services Division in the issuance of building permits.*

SITE CONTEXT

CASE SITE: Existing single residence – Zoned RS-6
NORTH: Existing single residence – Zoned RS-6
EAST: Existing single residence – Zoned RS-6
SOUTH: (Across 8th Place) Existing single residence – Zoned RS-6
WEST: Existing single residence – Zoned RS-6

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a SUP to allow a livable addition and a workshop addition to a legal, non-conforming single-residence located in a RS-6 District. In 2010, a previous property owner received a building permit for a 1,461 sq. ft. second story addition, a 9' X 20' carport, a 5'-6" X 28' covered patio and a 6' X 20' covered porch. As a part of the building permit approval, the site was required to meet all Zoning Ordinance requirements, including the provision of two parking spaces behind the front setback. In addition to the carport, another uncovered parking space was provided on the east side of the house behind the front setback. Now, the current property owner would like to construct a ±206 SF kitchen addition to the front of the home and a ± 396 SF, two-story workshop addition to the northeast corner of the home. As part of the building permit approval for these additions, the site will be required to meet all Zoning Ordinance requirements. However, the MZO was updated in 2011 and the parking requirement for single-residences changed from requiring two parking spaces behind the front setback to requiring two **covered** parking spaces. Currently, MZO 11-36-7.C states alterations or enlargements up to 50 percent of floor area of a legal, nonconforming single residence or duplex residence may be made without providing any additional parking space or changes to an existing driveway,

provided that such alterations do not increase the number of dwelling units on the lot and a SUP is approved. The plans approved for the 2010 building permit indicate 2,859 SF livable floor area for the single residence. The new additions total ±602 SF, which is only a 21% increase in floor area, and since there is only one dwelling unit on the lot, the proposed enlargement meets the basic criteria for the SUP if the two existing parking spaces (one covered, one uncovered) are maintained. Subsequent to the 2010 building permit, a storage building was placed in the area reserved for the required uncovered parking space. Staff has added conditions of approval to require continued maintenance of the two parking spaces provided in the 2010 building permit.

FINDINGS

- 1.1 The proposed additions are less than 50% of the floor area of a legal, nonconforming single residence and there is no increase in the number of dwelling units on the lot.
- 1.2 The property's existing single carport and uncovered parking space located behind the front setback were approved when building permit BLD2010-00569 was finalized.
- 1.3 Prior to the 2011 update, the MZO required two parking spaces located behind the front setback for a single-residence.
- 1.4 In 2011, the MZO was changed to require two **covered** parking spaces for a single residence.
- 1.5 The proposed project advances the goals and objectives of and is consistent with the policies of the General Plan and all other applicable City plan and/or policies;
- 1.6 The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the RS-6 District and conforms with the General Plan and with all other applicable City plan or policies.
- 1.7 The proposed project is not injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
- 1.8 Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

ORDINANCE REQUIREMENTS

Zoning Ordinance Sec 11-32-3: Parking Spaces Required:

- D.1. Single residences shall provide a minimum of 2 covered parking spaces per unit.

Zoning Ordinance, Section 11-36-7.C– Alterations and Enlargements to Nonconforming Structures

- C. Alterations or enlargements up to 50 percent of floor area of a legal, nonconforming single residence or duplex residence may be made without providing any additional parking space or changes to an existing driveway, provided that such alterations do not increase the number of dwelling units on the lot and a Special Use Permit is approved.

Zoning Ordinance, Section 11-70-5 – Special Use Permit:

- A. *Special Use Permit (SUP)*. A SUP is a discretionary permit issued by the Zoning Administrator or Board of Adjustment.
- E. *Required Findings*. A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.