

Project Description and Justification

435 8th Street – Variance for New Single-Family Residence

This application requests variances from certain Municipal Code requirements governing setbacks and open space for residential development.

The subject site is a 1009 square-foot lot in the R-3 zone, measuring 25' wide by 40.4' deep. Currently on the site is a one-story single-family residence with 480 square feet of living area, built in 1923. The lot currently has no parking spaces, and there is no curb cut. The applicant proposes to replace the existing structure with a three-story-over-basement, single-family residence, with three off-street parking spaces -- two enclosed and one open guest space. The new garage will face 8th Street, which is the only means of vehicle access to the lot.

Variances Requested

Section 17.44.090(C) of the Municipal Code requires garages fronting a public street to be set back a minimum of 17 feet from the exterior edge of the nearest public improvement, such as a sidewalk. The applicant requests approval of a 9-foot setback from the sidewalk.

Section 17.16.080 of the Municipal Code permits only 100 square feet of a dwelling's usable open space to be located on a roof deck. The applicant requests approval to count 218 square feet of open space on a roof deck as usable open space.

Justification and Findings for Variances

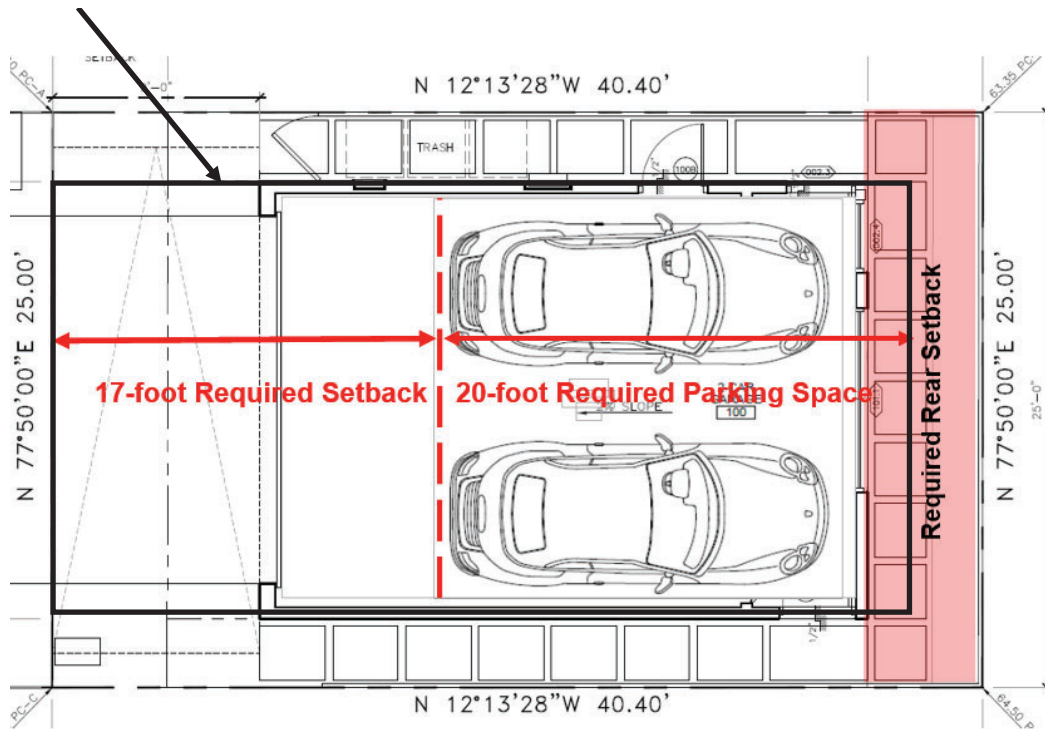
Finding 1: There are exceptional or extraordinary circumstances, limited to the physical conditions applicable to the property involved.

9-Foot Garage Setback

Compliance with the 17-foot-garage-setback requirement precludes the applicant from building a single-family residence on the subject lot. A 17-foot driveway leading to a 20-foot-long enclosed garage would occupy the entire buildable footprint of the lot, leaving no living area on the ground floor and no way to access any living area on the floors above. In addition, compliance with the 17-foot garage-setback would require the garage to extend into the required rear yard setback. See Figure 1. In sum, the dimensions of the lot preclude any parking space design that can support a single-family residence or comply with the rear setback requirement. The applicant has proposed a 9-foot garage setback, which is the largest garage setback that can be provided while still allowing room for a stairway to access the living area of the house and compliance with the rear-yard setback.

Figure 1

Area required by code for driveway and garage spaces



Open Space

The potential living area of any dwelling built on the site is limited to the buildable footprint of the second and third floors, or 575 square feet per floor. There is no available living area on the first floor, because it is occupied by the required garage and the staircase necessary to reach the second floor.

Of the available 575 square feet per floor, approximately 110 square feet is required for stairway access to each floor, leaving approximately 465 square feet of living space per floor. The code requires at least 200 square feet to be allotted to outdoor usable open space, with the added requirement that open space be at least 50% open to the sky. Therefore, 50% any deck area on the second and third floors cannot be covered by living area. This reduces living area by another 100 square feet above and beyond the 200 square feet of open space. In other words the open space requirement reduces living space by a total of 300 square feet, or 150 per floor. This leaves approximately 315 square feet of living space on each of the second and third floors.

Finding 2: A variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone, and denied to the property in question.

9-Foot Garage Setback

Without the requested variance to the 17-foot setback requirement, it is physically impossible to build a habitable structure on the property. The applicant would therefore be denied the right enjoyed by other owners of residentially-zoned property to build a new home on their property.

Open Space

The 100-square-foot limit on usable roof deck open space imposes an undue burden on a property owner of a 1,009 square-foot lot. Neighboring properties do not experience the same restriction as that imposed on the applicant, because they are twice as large, or larger. There are two similarly sized lots nearby, at 422 8th Street and 809 Cypress Avenue, and the homes on those lots do not have any usable open space, other than on their roof decks. Granting the requested variance would allow the applicant to enjoy rights comparable to the owners of these properties. Furthermore, the applicant would provide the required 300 square feet of total open space and would meet the intent of the code by providing a substantial amount usable open space below the roof deck.

Finding 3: The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.

9-Foot Garage Setback

The granting of the setback variance will be materially beneficial to the public welfare and neighboring properties, because it will allow the net addition of three off-street parking spaces, thereby lessening the demand for street parking. The new curb cut will not result in a loss of parking, because street parking is not permitted in front of the subject lot. Without the variance, no new dwelling can be constructed on the property, so no new off-street parking will be created.

Open Space

The purpose of the open space requirement in the zoning code is to limit building bulk and mass and to provide a connection between building occupants and the neighborhood through the availability of outdoor living space. These two goals will be fully met, notwithstanding the requested variance. The applicant's proposed design provides a street-facing deck on the second floor, similar to the properties on either side of the applicant's lot. In contrast, the buildings across from the applicant's lot have no street-facing usable open space and almost no windows. Therefore, the requested variance would have no detrimental effect on the public welfare or neighboring properties.

Finding 4: The granting of the variance will not adversely affect the comprehensive General Plan.

The applicant's proposed design of a new home on the subject lot is consistent with the intent of applicable provisions of the Zoning Code and the General Plan. The proposed development will not change the existing use as a single-family dwelling and the residence will retain a compatible relationship with adjacent neighbors and the neighborhood in general. It also will increase off-street parking, which is consistent with General Plan goals.