

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: September 28, 2004
Department Name: Planning and Development
Department No.: 053
Agenda Date: October 19, 2004
Placement: Departmental
Estimate Time: 1 hours
Continued Item: NO
If Yes, date from:
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TO: Board of Supervisors

FROM: Valentin Alexeeff, Director
Planning and Development

STAFF CONTACT: Florence Trotter-Cadena
934-6253

SUBJECT: Smullen Appeal of Telesco Detached Garage; 04APL-00000-00008 and
04LUP-00000-00377

Recommendations:

That the Board of Supervisors, consider the appeal of Mr. Richard Smullen of the Planning Commission's June 9, 2004 decision to uphold the Planning and Development Department's approval of a land use permit for a detached garage, and,

- a. Adopt the required findings as specified in the Planning Commission's Action letter dated June 15, 2004
- b. Deny the above referenced appeal, thereby upholding the Planning and Development Department's approval of Land Use Permit 04LUP-00000-00377; and,
- c. Grant de novo approval of the original Land Use Permit 04LUP-00000-00377.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

On April 21, 2004 a Land Use Permit (04LUP-00000-00377) was approved for a 960 square foot detached garage containing a restroom and laundry area. On April 26, 2004 an appeal was filed by Mr. Richard Smullen contesting the approval of the land use permit claiming that: (a) the proposed garage is located within the front yard when the rear yard is available; and (b) that the proposed garage has the potential to be converted to an illegal rental.

On June 9, 2004, the Planning Commission upheld the approval of the Land Use Permit (04LUP-00000-00377) for the 960 square foot detached garage.

On June 9, 2004 an appeal was filed by Mr. Richard Smullen claiming the detached garage: (a) a nonconforming structure for the area. Mr. Telesco was not interested in a facilitation meeting and requested that the item be scheduled to the Board of Supervisors as soon as possible.

APPELLANT ISSUES

1. The proposed detached garage is a nonconforming structure for the area.

The Telesco residence is setback approximately 130 feet from the centerline of Country Road. Other single family dwellings located on Country Road setback from 50 feet to 65 feet from the centerline of Country Road. The lots average in size from approximately 30,000 square feet to over 1 acre. The houses consist of one-story and two story homes constructed of wood and stucco with composition and tile roofs, ranging in size from approximately 2,000 to 3,000 square feet with two and three car garages. There are accessory structures (detached garages) in the surrounding areas that are located closer to the street than the main residence. The proposed detached garage will be screened by existing mature vegetation and an existing six foot high wood fence located on the north property line.

The proposed garage would meet the required setbacks for accessory structures located in the front yard and side yard areas. Article III requires that any structure be located 50 feet from the centerline of the street and 20 feet from the right of way line, but does not require accessory structures to be located in the rearyard. The proposed detached garage is located approximately 45 feet north of the existing single family dwelling.

Mandates and Service Levels:

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation.

Pursuant to Government Code Section 65091, mailed notice required to property owners within 300 feet of the project, including the real property owners, project applicant and local agencies expected to provide essential services, shall be done at least 10 days prior to the hearing.

Fiscal and Facilities Impacts:

A fee of \$435 for processing the appeal has been paid by the appellant.

Special Instructions:

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, Attn: Cintia Mendoza.

Planning and Development will prepare all final action letters and notify all interested parties of the Board of Supervisors' final action.

Concurrence: County Counsel

ATTACHMENTS:

- A. Planning Commission's Action Letter dated June 15, 2004
- B. Staff Report dated May 26, 2004
- C. Appeal Request, dated June 9, 2004
- D. Assessor's Parcel Page with Zoning