

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 55, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ROC-21911 - APPLICANT/OWNER: SHELLEY JACKSON**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 15, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL, subject to:**

**Planning and Development**

1. Condition Number 4 from Variance (V-0139-89) which stated: The approval of this variance is limited to only these applicants. If the property is sold or rented, the guest house shall be converted back to a storage room or garage shall be removed.
2. The existing accessory structure shall be owner occupied and shall not be permitted for use as a rental unit.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Review of Condition to delete Condition Number 4 of an approved Variance (V-0139-89) which stated that the approval of this variance is limited to only these applicants. If the property is sold or rented, the guest house shall be converted back to a storage room or garage for an existing second dwelling where only one dwelling is permitted on 0.19 acres at 1247 Douglas Drive.

The structure has been in place since prior to 1989, the exact date of construction is unknown. The existing structure is deemed appropriate as the applicant obtained the proper certificate from the Department of Building and Safety indicating the building is safe and was in conformance to Building Code at the time. A condition of approval has been added to ensure that the structure shall not be permitted to be used as a rental property. Approval of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/17/90 *	The City Council approved a Variance (V-0139-89) to allow an existing second dwelling to be converted to a guesthouse where neither is permitted; and to allow the existing accessory structure three feet six inches (36) from the main dwelling where six feet is the minimum separation required. The Board of Zoning Adjustment recommended approval. Staff recommended denial.
09/16/92	The City Council denied a request for a Review of Condition number four of an approved Variance (V-0139-89) which stated that: The approval of this Variance is limited only to these applicants. If the property is sold or rented, the guest house shall be converted back to a storage room or garage.
<b><i>Related Building Permits/Business Licenses</i></b>	
01/24/91	A Certificate of Inspection was issued by the Department of Building and Safety stating that no violations were observed.
05/15/97	A building permit (#97009977) was issued for a patio cover/lattice on the subject property. A final inspection was conducted on 04/24/98.
<b><i>Pre-Application Meeting</i></b>	
04/16/07	A pre-application meeting was held. Submittal requirements for this application were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.19

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (200-foot)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**ANALYSIS**

The existing structure on the property obtained a certificate from the Department of Building and Safety in 1991 regarding compliance with Building Codes. No violations were noted and a copy is in the original case file. The structure has been in place since before 1989, the exact date of construction is unknown. A condition has been added to this application to ensure that the second dwelling shall not be used as a rental property as was indicated on 04/24/06. However, having obtained the proper certificates from Building and Safety and given to length of time that this structure has been in place it is deemed appropriate that the structure remain on the property so long as the structure is owner occupied. Approval of this request is recommended.

It is noted that the existing structure is permissible at this location with the proper zoning applications under the current requirements for a habitable accessory structure. If constructed under current Code the structure would require a Variance as it is located within 36 of the main dwelling where a setback of six feet is the minimum required, and the floor area exceeds 50% of the floor area of the main dwelling (59%).

**Conditions of approval from Variance V-0139-89:**

1. Obtain a building permit for the guesthouse as required by the Department of Building and Safety.

2. Approval of this request does not constitute a waiver from the Building Code or other construction standards of the Department of Building and Safety.

3. Payment of a \$200.00 fine with payment plan to be worked out with staff.
4. The approval of this variance is limited to only these applicants. If the property is sold or rented, the guest house shall be converted back to a storage room or garage.

## **FINDINGS**

The existing second structure is deemed appropriate as the applicant obtained the proper certificate from the Department of Building and Safety. The structure shall not be permitted to be used as a rental property. Approval of this request is recommended.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT** N/A

**NOTICES MAILED** 272

**APPROVALS** 0

**PROTESTS** 0