

## **RESOLUTION NO. ZA-2023-055**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A ZONING VARIANCE APPLICATION FOR A 146 SQUARE-FOOT EXISTING ADDITION TO A PRIMARY HOME, FLUSH WITH THE EXISTING SIDE SETBACK OF THE PERMITTED PRIMARY HOME, AT A SIDE SETBACK OF 4.1-4.5 FEET AT 2113 TERRACE WAY, SANTA ROSA, APN 181-540-036**

The Santa Rosa Zoning Administrator has completed the review of your application. Please be advised that your application for a reduction to the side setback related to unpermitted construction of an addition to the primary home, has been granted based on your project description and official approved exhibit date stamped received June 8, 2023. The Santa Rosa Zoning Administrator has based this action on the following findings:

- A. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self-created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards. The existing conditions on the subject property create an unnecessary and non-self-created hardship in that an unpermitted addition was constructed on the property in the mid-1970s to create another bedroom. The current property owners purchased the property three years ago. The unpermitted addition is consistent and flush with the existing setbacks of the primary home, which was constructed and permitted in 1951. It would be impractical to demolish the existing, unpermitted one foot of building that is within the required five-foot setback.
- B. A non-self-created hardship peculiar to the subject property does exist by reason of the conditions, and that these conditions are not common to all or most of the properties in the immediate area which are also within the identical zoning district. The existing addition on the property was constructed in the mid-1970s without benefit of building permit application and approval by a previous owner, which was not disclosed; therefore, this is a non-self-created hardship. Additionally, it is common in this subdivision for homes to have a side yard setback of less than five feet. The condition is not common to all or most properties in the immediate area because many properties were constructed with reduced side setbacks with building permit approval.
- C. Granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the vicinity which are within the identical zoning district as the subject property, and that a Variance, if granted, would not constitute a special privilege to the subject property which is not held or enjoyed by neighboring properties within the identical zoning district. Granting of the Variance will

allow for the retention of the existing square footage of the home with the benefit of all square footage being permitted and the existing unpermitted portion being brought up to current California Building Code compliance, as well as provide for the entire structure to be insured. Several properties on this block were originally constructed with four-foot side setbacks or less.

- D. The Variance would not be of substantial detriment to adjacent properties and would not be in conflict with the purposes and intent of this Zoning Code, the General Plan, any applicable specific plan, or the public interest or welfare. The addition to the subject property was completed in the mid-1970s, and there is no code enforcement violation record for this addition. The reduction in the side yard setback would not be detrimental to other adjacent properties because it is consistent with existing construction of other homes in the subdivision.
- E. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been found to be Categorically Exempt from further evaluation under CEQA, pursuant to Section 15301 (Existing Facilities) in that no new construction is proposed and the addition did not result in an additional 50 percent of the floor area of the existing home.

This entitlement would not be granted but for the applicability and validity of each and every one of the below conditions and that if any one or more of the below conditions is invalid, this entitlement would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval. The approval of the project is contingent upon compliance with all the conditions listed below. Use shall not commence until all conditions of approval have been complied with. Additional permits and fees are/may be required. **It is the responsibility of the applicant to pursue and demonstrate compliance.**

- 1. A building permit is required for construction of the project. Building permit plans must show that the northwesterly wall line is one hour fire rated construction or has an equivalent construction acceptable to the Building Official.
- 2. Construction hours shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturday. No construction is permitted on Sunday and holidays.
- 3. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
- 4. No additional construction is permitted at the reduced side setback. Future plans for this elevation must be consistent with the approved side setback demonstrated in the dimensioned photos submitted with this application. All new construction beyond the area permitted for a Variance shall comply with current Zoning Code development standards.

This Zoning Variance approval for reduction of the side setback related to an unpermitted addition at 2113 Terrace Way, is hereby approved on this 16th day of November 2023. If conditions have not been met or if work has not commenced within two years from approval date, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration. The approval is subject to appeal within ten calendar days from the date of approval.

Attachments:

- 1) Plans
- 2) Photos of As-Built Addition

APPROVED: \_\_\_\_\_  
KRISTINAE TOOMIANS, ZONING ADMINISTRATOR