



Planning Commission Staff Report

Date: December 12, 2012
Case No.: 6.527 VAR
Type: Variance
Location: 1948 South Barona Road
APN: 510-130-005
Applicant: Paul Hryn
General Plan: VLDR (Very Low Density Residential)
Zone: R-1-B (Single Family Residential)
From: Craig A. Ewing, AICP, Director of Planning Services
Project Planner: Glenn Mlaker, AICP, Assistant Planner

PROJECT DESCRIPTION:

The proposal is a request by Paul Hryn, property owner, for a Variance to Section 92.01.03(C)(2)(a) of the Palm Springs Zoning Code (PSZC) to reduce the required side yard setback of a non-conforming lot from five (5) feet to three (3) feet for the purpose of constructing a one-car garage on a property located at 1948 South Barona Road.

RECOMMENDATION:

That the Planning Commission approve Case No. 6.527 VAR, to allow the reduction of the required side yard setback of a non-conforming lot from five (5) feet to three (3) feet for the purpose of constructing a one-car garage on the property located at 1948 South Barona Road.

BACKGROUND AND SETTING:

The subject parcel is located in the Araby Commons neighborhood south of East Palm Canyon Drive. The total lot area is 8,211-square feet and is considered to be non-conforming within the R-1-B single-family residential zone. The subject lot is part of seven parcels first platted in 1938 fronting Barona Road south of East Morongo Road. Each of these parcels is similar in size with sixty feet (60') lineal street frontage by one hundred sixty (160') feet of depth. The parcel contains an existing Spanish Revival style house built in 1945 equaling 1,470-square feet with no covered parking. The house is a Class 3 historic structure due to the original construction date. The surrounding Land Uses are shown in the table below:

Table 1: General Plan, Zone and Surrounding Land Uses

	General Plan	Zone	Land Use
North	Very Low Density Residential	R-1-B	Single-Family Residence
South	Very Low Density Residential	R-1-B	Single-Family Residence
East	Very Low Density Residential	R-1-B	Single-Family Residence
West	Estate Residential	R-1-A	Single-Family Residence (Smoke Tree Ranch)

ANALYSIS:

Project Description:

The applicant proposes to construct a 241-square foot one-car garage on the south side of an existing house. The lot is considered to be non-conforming due to street frontage of sixty (60) feet. The Palm Springs Zoning Code (PSZC) requires interior lots in the R-1-B zone to have a minimum lot width facing a street of no less than one hundred twenty (120) feet. The PSZC allows for a reduced side yard setback for lots that are substandard in width by ten (10) percent of the width of the lot. Furthermore, in no case shall the side yard be less than five (5) feet. In using this standard, 10% of a 60 foot wide lot would equate to a side yard setback of six (6) feet. The existing south facing elevation of the house is setback thirteen (13) feet meeting the requirement. The proposed width of the garage will be ten (10) feet resulting in the variance request of a three (3) foot side yard setback.

Building permit records indicate that the house was constructed in 1945 without covered parking. The applicant has recently applied for the construction of a small casita in the rear yard. An Administrative Minor Modification (AMM) Case 7.1379 was granted for a rear yard setback reduction from fifteen feet to thirteen feet. Section 93.06.00(B)(3)(a) of the Palm Springs Zoning Code (PSZC) requires that buildings with insufficient off-street parking shall not be expanded unless covered parking is provided. The applicant proposed to add a one-car garage located three (3) feet from the property line. The new structure will be constructed of smooth plaster walls painted white with 2-piece mudded red barrel roof tiles to match the existing house. The height of the garage will be eight (8) feet at the reduced setback. The PSZC currently requires two covered

parking spaces; however, after the construction of the new garage the property will be considered legal nonconforming.

General Plan:

The neighborhood in which the site is located has a Very Low Density Residential (2.1 – 4.0 du/ac) General Plan designation. The purpose of this land use designation is to accommodate various types of low-density residential development, including traditional-single family homes. The Very Low Density Residential threshold is 2.1 dwelling units per acre and maximum density is 4.0 dwelling units per acre. The use, a single family residence, is consistent with the General Plan.

Zoning:

The subject property is located within the R-1-B (*Single Family Residential*) Zone and is defined as an interior lot. The development standards for an interior parcel within the R-1-B Zone are compared to the subject property in Table 2 below:

Table 2: R-1-B Lot Standards and Subject Property Lot Standards

	R-1-B Standard	Subject Property
Lot Width	120 feet	60 feet
Lot Depth	120 feet	166 feet
Lot Area	15,000 square feet	8,211 square feet

Table 2 above shows that the subject property is substandard in the required lot width and overall lot area. The parcel was originally platted in 1938 and has remained a lot of record and is considered non-conforming. The PSZC allows for exceptions to the required yard setbacks for non-conforming lots.

Lots substandard in width within the R-1-B Zone are subject to the setback requirements defined in Table 3 below.

Table 3: R-1-B Setback Standards and Subject Property Setback Standards

	R-1-B Standard	Subject Property
Front Yard	25 feet	20 feet
North Side Yard	6 feet	6 feet
South Side Yard	6 feet	13 feet
Rear Yard	15 feet	71 feet

The PSZC allows lots substandard in width to have a side yard setback of not less than ten (10) percent of the width of the lot. The subject lot width is sixty (60) feet resulting in a side yard setback of six (6) feet.

The Palm Springs Zoning Code (PSZC) Section 93.06.00(D)(29)(a) requires that single-family residences provide two (2) covered parking spaces. In addition 93.06.00(B)(3)(a) of the Palm Springs Zoning Code (PSZC) requires that buildings with insufficient off-street parking shall not be expanded unless covered parking is provided. The strict

application of the Zoning Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification due to its size and location. Staff believes that these circumstances are ground for supporting a variance for the construction of a one-car garage and recommends the draft findings provided below and in the attached draft resolution.

REQUIRED FINDINDGS:

State law requires four (4) findings be made for the granting of a variance. Staff has analyzed the findings in order below:

- 1) *Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The subject property is located within the R-1-B (*Single Family Residential*) Zone and is defined as an interior lot. The development standards for an interior parcel within the R-1-B Zone are compared to the subject property in Table 4 below:

Table 4: R-1-B Lot Standards and Subject Property Lot Standards

	R-1-B Standard	Subject Property
Lot Width	120 feet	60 feet
Lot Depth	120 feet	166 feet
Lot Area	15,000 square feet	8,211 square feet

Table 4 above shows that the subject property is substandard in the required lot width and overall lot area. The parcel was originally platted in 1938 and has remained a lot of record and is considered non-conforming. The PSZC allows for exceptions to the required yard setbacks for non-conforming lots.

Table 5: R-1-B Setback Standards and Subject Property Setback Standards

	R-1-B Standard	Subject Property
Front Yard	25 feet	20 feet
North Side Yard	6 feet	6 feet
South Side Yard	6 feet	13 feet
Rear Yard	15 feet	71 feet

The PSZC allows lots substandard in width to have a side yard setback of not less than ten (10) percent of the width of the lot. The subject lot width is sixty (60) feet resulting in a side yard setback of six (6) feet.

The Palm Springs Zoning Code (PSZC) Section 93.06.00(D)(29)(a) requires that single-family residences provide two (2) covered parking spaces. In addition 93.06.00(B)(3)(a) of the Palm Springs Zoning Code (PSZC) requires that buildings with insufficient off-street parking shall not be expanded unless covered

parking is provided. The strict application of the Zoning Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification due to its size and location.

- 2) *Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

The subject property is a substandard lot which is similar in size to neighboring properties. The lot is part of seven parcels first platted in 1938 fronting Barona Road south of East Morongo Road. Each of these parcels is similar in size with sixty feet (60) lineal street frontage by one hundred sixty (160) feet of depth. The adjacent property at 1958 South Barona Road previously received an Administrative Minor Modification (AMM) for a reduction to the rear yard setback for new construction. The surrounding non-conforming lots have been granted several setback reductions and the current request will not grant special privilege inconsistent with other properties. Staff considers this finding has been met.

- 3) *The granting of the variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

The variance will allow a side yard setback of three (3) feet. Condition of Approval Number Number BLD 1 requires that the applicant obtain all of the proper building permits for the structure. Therefore, the project is unlikely to be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which the subject property is situated.

- 4) *The granting of such variance will not adversely affect the general plan of the city.*

The neighborhood in which the site is located has a Very Low Density Residential (2.1 – 4.0 du/ac) General Plan designation. The purpose of this land use designation is to accommodate various types of low-density residential development, including traditional-single family homes. The Very Low Density Residential threshold is 2.1 dwelling units per acre and maximum density is 4.0 dwelling units per acre. The use, a single family residence, is consistent with the General Plan. A setback reduction for the construction of a one-car garage will not adversely affect the general plan of the city.

CONCLUSION:

The subject property's non-conforming size creates a special circumstance that limits the buildable area. In addition, the house was constructed in 1945 and does not meet today's off-street parking standards. On this basis, Staff is recommending that the Planning Commission approve Case 6.527 – VAR to allow reduction of the required


side yard setback from six (6) feet to three (3) feet for the construction of a one-car garage.

ENVIRONMENTAL DETERMINATION:

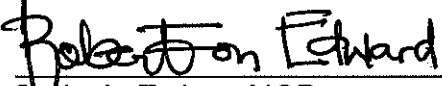
Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is a Class III exemption and is categorically exempt per Section 15303(a) (New Single-family residence).

NOTIFICATION:

A notice was mailed to all property owners within a four hundred foot radius in accordance with state law. As of the writing of this report, staff has not received any written correspondence.



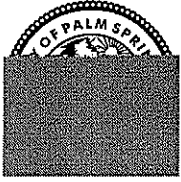
Glenn Mlaker, AICP
Assistant Planner



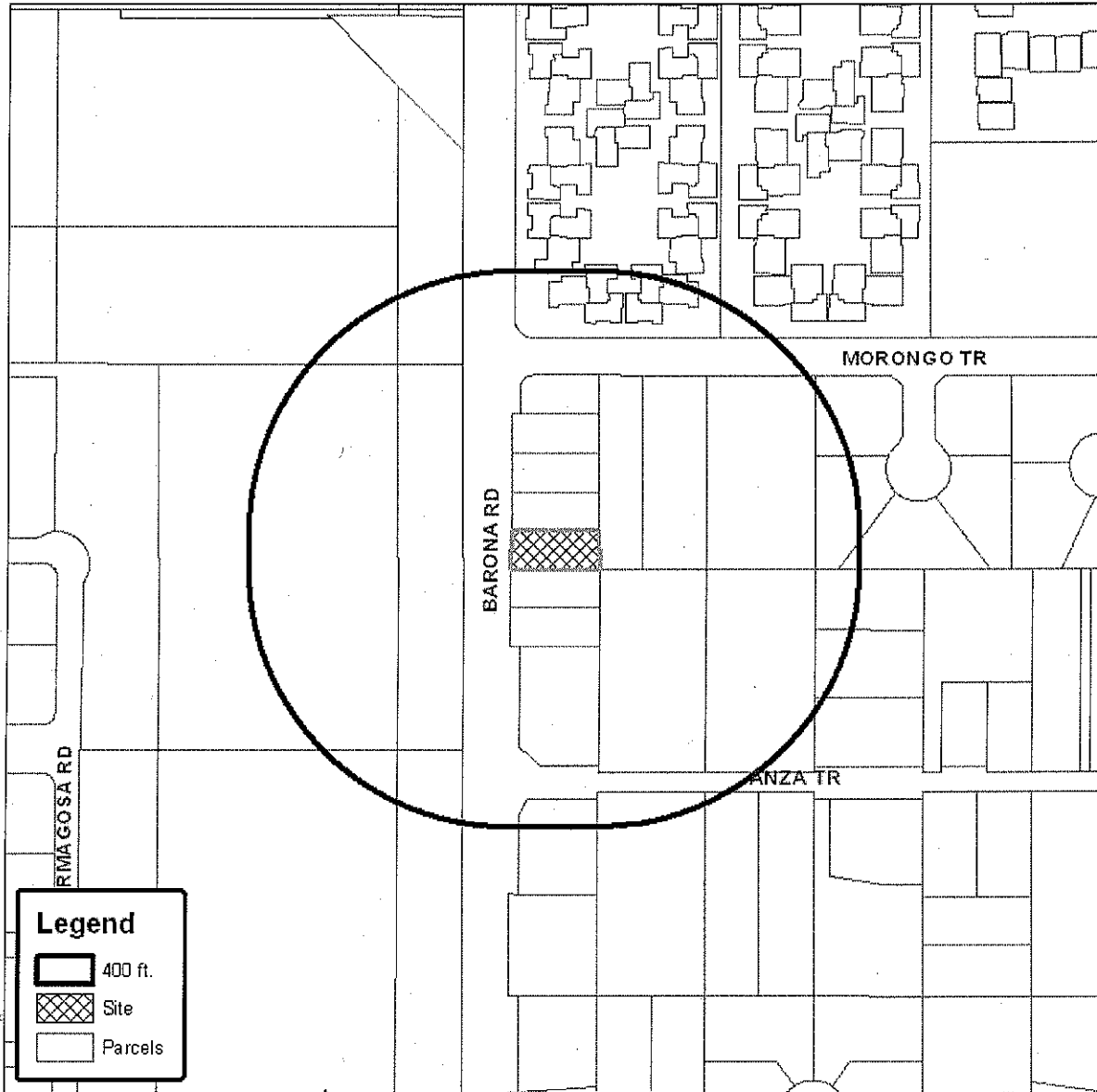
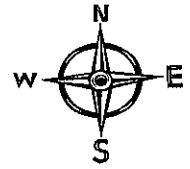
FOR Craig A. Ewing, AICP
Director of Planning Services

Attachments:

- Vicinity Map
- Draft Resolution with Conditions of Approval
- Site Plan / Building Elevations
- Site Photographs



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 6.527 VAR

APPLICANT: Paul Hryn

DESCRIPTION: A Variance request to reduce the side yard setback to three (3) feet for the construction of a new one-car garage on the south side of an existing house on a non-conforming lot at 1948 South Barona Road, Zone R-1-B, Section 25.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A VARIANCE TO ALLOW A THREE FOOT SIDE YARD SETBACK FOR THE CONSTRUCTION OF A 241-SQUARE FOOT ONE-CAR GARAGE FOR A SINGLE FAMILY RESIDENCE LOCATED AT 1948 SOUTH BARONA ROAD

WHEREAS, Paul Hryn ("the applicant") has filed a request for a variance to Zoning Code, Section 92.01.03(C)(2)(a), to reduce the required side yard setback from six feet to three feet for the construction of a 241-square foot one-car garage for the property located at 1948 South Barona Road, Zoned R-1-B, Section 25; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case No. 6.527 VAR, a Variance Application was given in accordance with applicable law; and

WHEREAS, on December 12, 2012, a public hearing on a request for a variance to Zoning Code, Section 92.01.03(C)(2)(a), was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and has been determined to be Categorically Exempt as a Class III exemption (single-family residence) pursuant to Section 15303(a) of the CEQA Guidelines; and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the meeting on the project, including but not limited to the staff report, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA Guidelines, the proposed project is Categorically Exempt under Section 15303(a) (New Single-family residence).

Section 2: Pursuant to Section 94.06.00 (Variance) of the Palm Springs Zoning Code, the Planning Commission finds that:

1. *Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The subject property is located within the R-1-B (*Single Family Residential*) Zone and is defined as an interior lot. The development standards for an interior parcel within the R-1-B Zone are compared to the subject property in Table 1 below:

Table 1: R-1-B Lot Standards and Subject Property Lot Standards

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The Palm Springs Zoning Code (PSZC) Section 93.06.00(D)(29)(a) requires that single-family residences provide two (2) covered parking spaces. In addition 93.06.00(B)(3)(a) of the Palm Springs Zoning Code (PSZC) requires that buildings with insufficient off-street parking shall not be expanded unless covered parking is provided. The strict application of the Zoning Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification due to its size and location.

- Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

The subject property is a substandard lot which is similar in size to neighboring properties. The lot is part of seven parcels first platted in 1938 fronting Barona Road south of East Morongo Road. Each of these parcels is similar in size with sixty feet (60) lineal street frontage by one hundred sixty (160) feet of depth. The adjacent property at 1958 South Barona Road previously received an Administrative Minor Modification (AMM) Case 7.1379 for a reduction to the rear yard setback for new construction. The surrounding non-conforming lots have

been granted several setback reductions and the current request will not grant special privilege inconsistent with other properties. Staff considers this finding has been met.

3. *The granting of the variance will not be materially detrimental to the public health, safety, convenience or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

The variance will allow a side yard setback of three (3) feet. Condition of Approval Number Number BLD 1 requires that the applicant obtain all of the proper building permits for the structure. Therefore, the project is unlikely to be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which the subject property is situated.

4. *The granting of such variance will not adversely affect the general plan of the city.*

The neighborhood in which the site is located has a Very Low Density Residential (2.1 – 4.0 du/ac) General Plan designation. The purpose of this land use designation is to accommodate various types of low-density residential development, including traditional-single family homes. The Very Low Density Residential threshold is 2.1 dwelling units per acre and maximum density is 4.0 dwelling units per acre. The use, a single family residence, is consistent with the General Plan. A setback reduction for the construction of a one-car garage will not adversely affect the general plan of the city.

NOW, THEREFORE, BE IT RESOLVED that based upon the foregoing, the Planning Commission approves the request for a variance to Zoning Code, Section 92.01.03(C)(2)(a) to reduce the required side yard setback from six feet to three feet for the construction of a 241-square foot one-car garage for property located at 1948 South Barona Road, subject to the conditions of approval attached herewith as Exhibit A.

ADOPTED this 12th day of December, 2012.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Case No. 6.527 – VAR

1948 South Barona Road

December 12, 2012

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 6.527 VAR, which allows for a side yard setback of three feet for the construction of a 241-square foot one-car garage per the approved site plan. The property owner shall maintain, at all times, a clear path of three feet along the side yard for emergency access purposes.
- ADM 2. The site shall be developed and maintained in accordance with the approved plans, date stamped December 12, 2012, which includes the site plan on file in the Planning Department.
- ADM 3. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 6.527 VAR. The City of Palm Springs will promptly

notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. The time limit for commencement of construction shall be two (2) years from the effective date of approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause. Such extensions shall be requested in writing and received prior to expiration of original approval.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

PLANNING DEPARTMENT CONDITIONS

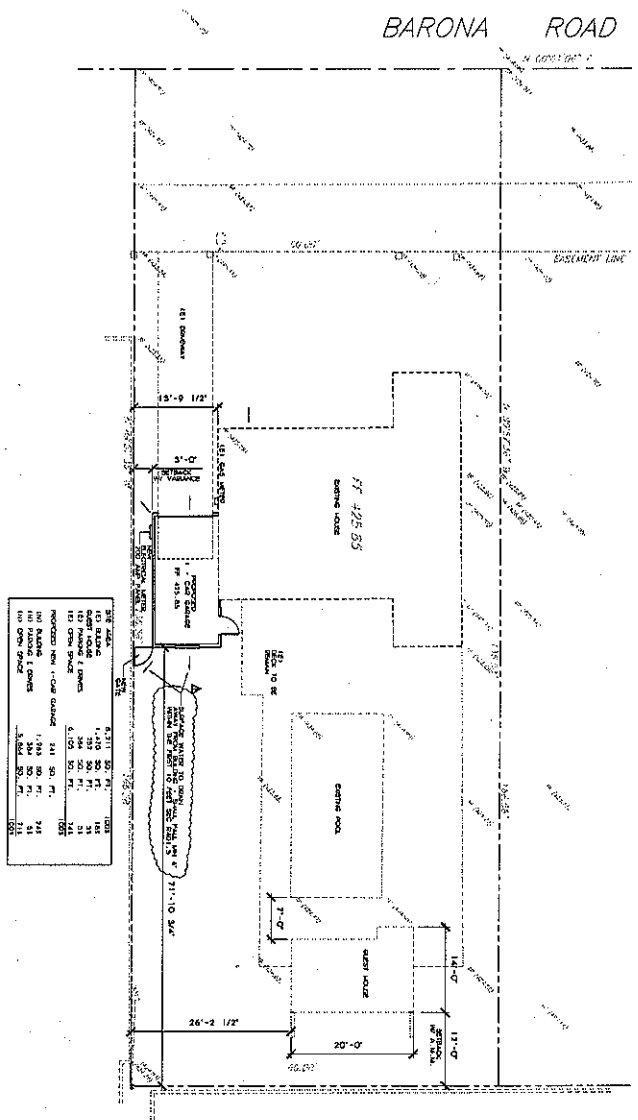
- PLN 1. Outdoor Lighting Conformance. Exterior lighting shall conform to Section 93.21.00, Outdoor Lighting Standards, of the Palm Springs Zoning Code.
- PLN 2. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Code.

BUILDING DEPARTMENT CONDITIONS

- BLD 1. The applicant shall obtain all appropriate building permits for the construction of the one-car garage.

END OF CONDITIONS

SITE PLAN
SCALE 1/8" = 1'-0"



NO. RAISED GARAGE	1	241	165
NO. OTHER GARAGE	0	0	0
NO. RAISED GARAGE	1	241	165
NO. OTHER GARAGE	0	0	0
NO. RAISED GARAGE	1	241	165
NO. OTHER GARAGE	0	0	0
NO. RAISED GARAGE	1	241	165
NO. OTHER GARAGE	0	0	0

A SETBACK VARIANCE FOR A SINGLE CAR GARAGE FOR:
PAUL & MONIKA HRYN
1948 SOUTH BARONA
PALM SPRINGS, CALIFORNIA
A.P.N. = 510-130-005

Cioffi
ARCHITECT



Δ	REVISION

SCALE 1/8" = 1'-0"
PROJECT NO. 1212
P.L.E. 1/12/88-TC
SHEET
A-1.1

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