



CITY OF HAYWARD

AGENDA REPORT

Meeting Date 11/6/03
Agenda Item 2

TO: Planning Commission

FROM: Carl T. Emura, Associate Planner

SUBJECT: Variance No. PL-2003-0477 – Rudolph Thomas (Applicant/Owner) – Request for a Variance to Allow a Carport with a 1-Foot Side Yard Setback Where 5-Foot Is Required and a 3-Foot Setback from the Building Where 6-Foot Is Required and for Exceptions to the B Street Special Design Streetcar District Requiring Parking to the Rear of the Front Building and an Architectural Design that Reflects the Early Character of B Street

The Property Is Located at 412 B Street In a Medium Density Residential (RM) District – Special Design District I (SD1)

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines;
2. Deny the application subject to the attached findings

DISCUSSION:

The property is 50 feet wide by 150 feet deep and flat. The property is developed with a single-family dwelling and a detached garage (18'x18' exterior dimensions) located just beyond the rear of the house. A driveway on the east side of the house connects the garage to the street. The interior dimensions of the garage do not meet current standards for garages, which call for a depth of at least 19 feet and a width of 20 feet. The applicant, who has three relatively large vehicles, indicates that the garage will accommodate only one vehicle. In order to provide shelter for his vehicles, the applicant constructed a carport over the driveway along the side of his house without the benefit of a building permit. A building inspector subsequently cited him.

The applicant would like to retain the carport and is requesting a variance. The 395-square-foot carport is 11 feet wide (measured from edge of eaves), 36 feet deep and 9'-

10" tall, with a relatively flat roof. The Zoning Ordinance requires that a detached accessory structure 120 square feet or greater be located a minimum of 5-feet from the side property line and at least 6-feet from the house. These requirements are intended to allow light and air on adjacent properties and the dwelling and to provide an adequate passageway between the dwelling and the accessory structure. The applicant constructed the carport only 1-foot from the side property line and 3-feet from the house.

The property is located in the "B" Street special Design Streetcar District, which has special siting requirements in order to preserve the character of the Cannery Area. A requirement of this Design District states, "*Parking shall be located to the rear of front building.*" While the applicant's garage is consistent with this siting pattern, the carport sits beside the front building and so is out of character with this District. The architectural requirements of the District call for a design that is sympathetic to the original Victorian, Colonial Revival, or Craftsman styles. The applicant's house was built in 1930, and in staff's opinion, the design of the carport is inconsistent with the design of the house. An exception to this design criterion of the Special Design District would be necessary to approve the carport.

In order to approve a variance all three findings must be made:

1. There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints;
2. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification; and
3. The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the same vicinity and zone in which the property is situated.

It is staff's opinion that the property possesses no special circumstances or physical constraints that would justify the approval of a variance. The property is similar in shape and size to other properties in the area. No other variances for side yard setbacks for carports or accessory structures have been approved in the surrounding properties. Approving the variance would be granting the applicant a special privilege not afforded other properties in the vicinity. Furthermore, if the variance would be approved, the applicant would have to comply with Uniform Building Code requirements. The Planning Commission does not have the authority to waive Uniform Building Code requirements. Based on the submitted plans, may require the following modifications:

1. A one-hour wall would be required on both sides of the carport that is 3 feet or less from the side property line or house. The one-hour wall would require 5/8-inch sheet rock on both sides of the wall.
2. No roof overhang would be allowed on the side of the carport that is 3 feet or less from the side property line or house. Therefore, the existing eaves would have to be removed.

3. A 30-inch parapet wall would be required on each side of the carport that is 3 feet or less from the side property line or house.
4. The existing house overhang would be required to be reduced to one foot where it is 3 feet or less from the carport.
5. A property survey would be necessary to determine the exact location of the property lines.

The building code requirements would result in a carport that is even more out of character with house, surrounding homes, and the Special Design District. Enclosing the sides of the carport would afford a width of only 9'10" within to park, which does not meet the City's minimum width requirement of 11 feet. It would also be awkward, if not unworkable, to park the applicant's large vehicles within the carport.

The applicant's property is relatively deep. As an alternative to the carport, the applicant could raze the existing garage and build a new three-car garage at the rear of the property that would be harmonious with the design of the house, the requirements of the Special Design District, and would not require variances.

Environmental Review:

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, Class 5 (a), Minor Alterations of Land Use Limitations.

Public Notice:

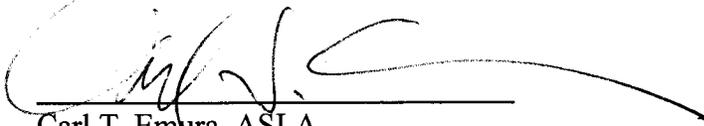
On August 14, 2003, a notice describing the variance application was mailed to all property owners and tenants within 300 feet of the subject property and the Burbank Neighborhood Task Force.

On October 27, 2003, a Notice of Public Hearing for the Planning Commission meeting was mailed to property owners and tenants within 300 feet of the subject property and to all interested parties.

Conclusion:

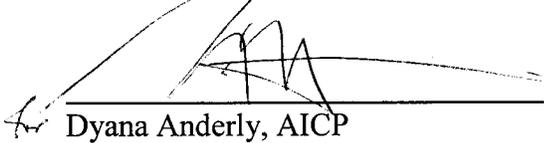
In staff's opinion, findings cannot be made that would support a variance. The design and location of the carport is inconsistent with the Special Design District, and the property is deep enough to accommodate a garage that meets the needs of the applicant while meeting setback requirements.

Prepared by:

A handwritten signature in black ink, appearing to read 'Carl T. Emura', written over a horizontal line.

Carl T. Emura, ASLA
Associate Planner

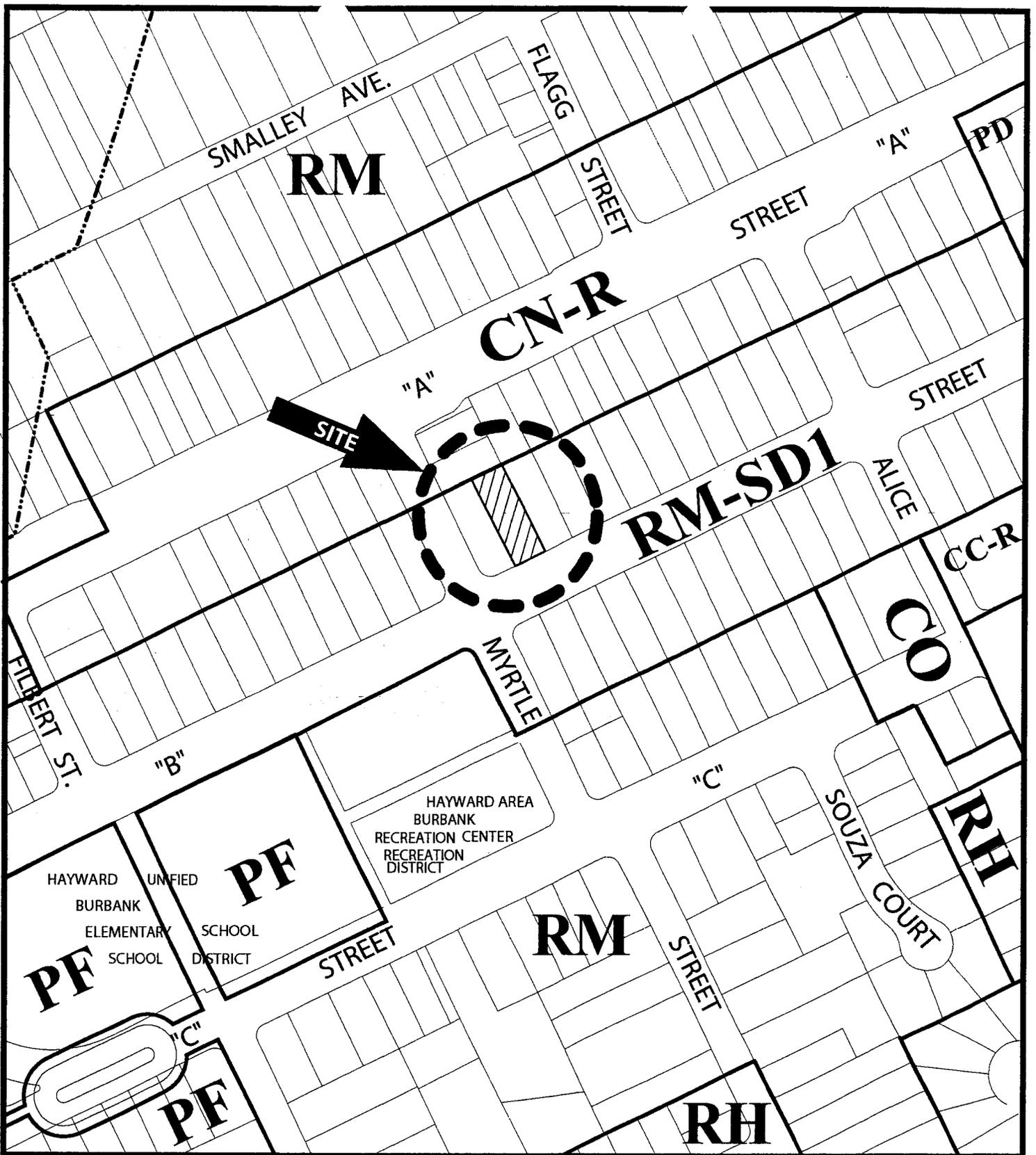
Recommended by:

A handwritten signature in black ink, appearing to read 'Dyana Anderly', written over a horizontal line.

Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Letter from Applicant
- C Findings for Denial
Plans



Area & Zoning Map

PL-2003-0477 VAR

Address: 412 B Street

Applicant: Thomas Rudolph

Owner: Thomas Rudolph

- CC-R-Central City-Residential
- CN-R-Neighborhood Commercial-residential
- CO-Commercial Office
- PF-Public Facilities
- PD-Planned Development
- RH-High Density Residential RHB 7
- RM-Medium Density Residential RMB 3.5, RMB 4
- SD-Special Design



Rudolph W. Thomas
412 B Street
Hayward, CA 94541

RECEIVED

AUG 11 2003

PLANNING DIVISION

August 11, 2003

To Whom it May Concern:

I have an older home built in 1930. When I moved here the driveway was already laid out 2 feet from the property line, which is the primary design of this neighborhood. I built my carport in accordance with my driveway restrictions.

There are other carport/garages built in the same fashion in this neighborhood.

I put a lot of thought into the design and used quality materials to make it as aesthetic as possible. I had a canvas carport, that I bought from Costco, which I had to strap down to my neighbor's fence to keep it from moving.. I see a lot of these structures in my area. I wanted something more sturdy and pleasing to the eye.

Thank You for Your Consideration



R. W. Thomas

Project #
PL-2003-0477 VAR

ATTACHMENT B

**CITY OF HAYWARD
PLANNING DIVISION**

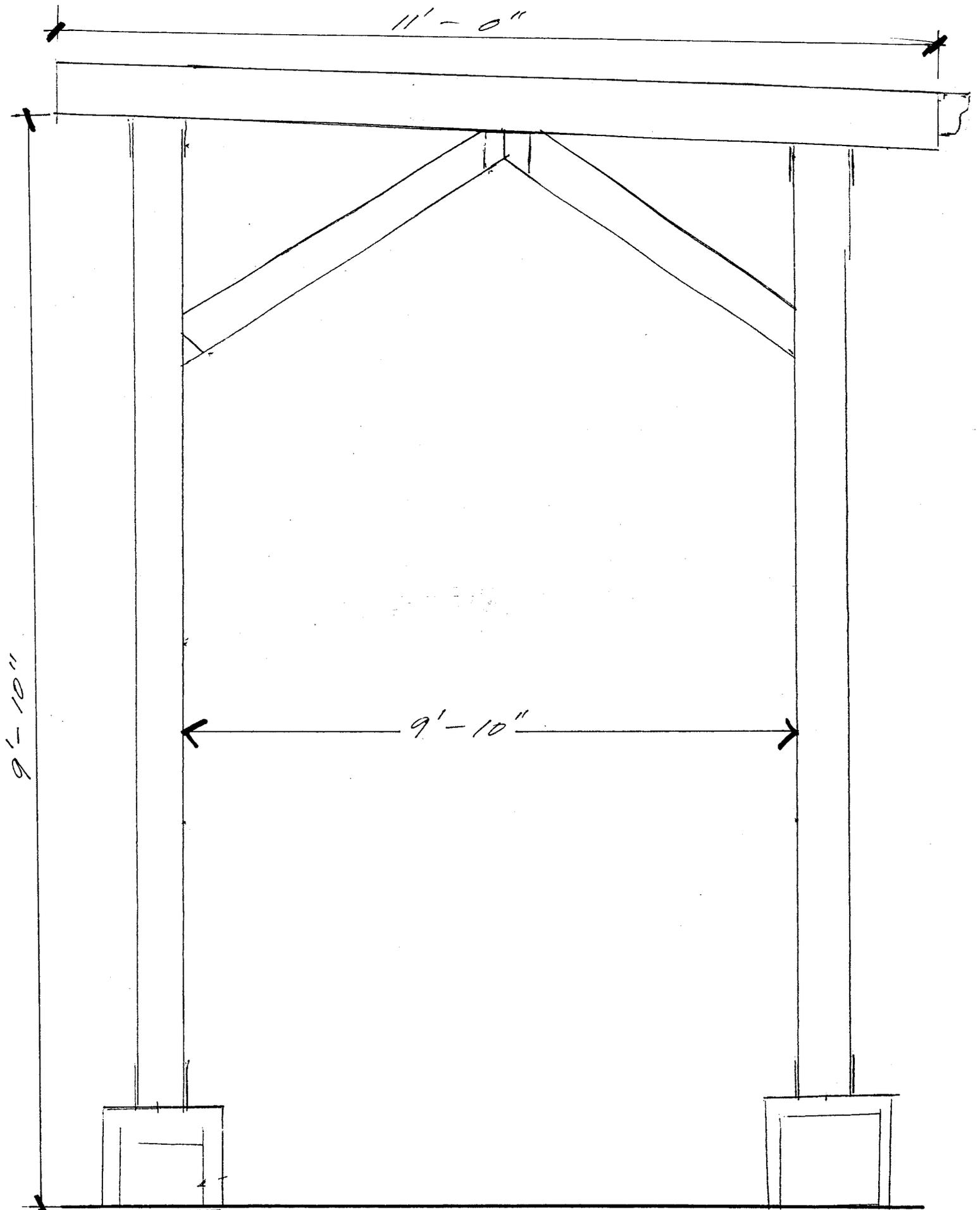
November 6, 2003

VARIANCE NO. PL-2003-0477 – Ruldoph Thomas (Applicant/Owner)– to allow a carport with a 1-foot side setback where 5-feet is required and a 3-foot primary building setback where 6-feet is required.

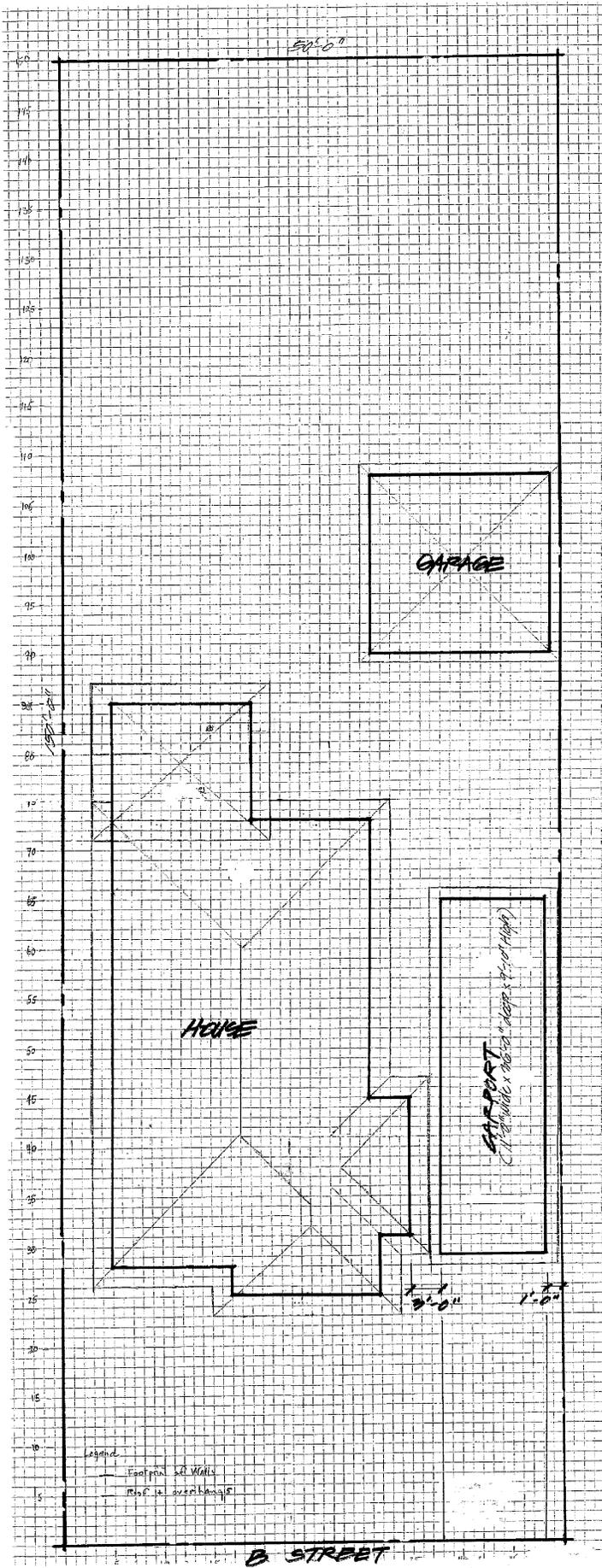
The site is located at 412 B Street in the Medium Density Residential (RM) District - Special Design District I (SD1), (APN: 431-0008-076).

FINDINGS FOR DENIAL

- A. Administrative Use Permit PL 2003-0477, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from CEQA review under Section 15305, Class 5a, Minor Alterations in Land Use Limitations.
- B. There are no special circumstances applicable to the property in that the lot is a typical rectangular shaped lot.
- C. Strict application of the Zoning Ordinance does not deprives such property of privileges enjoyed by other properties with similar circumstances in that no other variances have been approved for the reduction of side and primary building setbacks for a detached accessory structures on properties in the vicinity.
- D. The variance would constitute a grant of a special privilege inconsistent with the limitations upon other properties with similar circumstances in the vicinity and zoning district in which the property is situated in that no other variances have been approved for the reduction of side and primary building setbacks for a detached accessory structure on properties in the vicinity.



FRONT ELEVATION



SITE PLAN