



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date: 09/28/00

Agenda Item: 3

TO: Planning Commission

FROM: Kristi Bascom, Assistant Planner

SUBJECT: **Variance No. 00-180-14 – Carlos Arias (Applicant/Owner)**
Request for a Variance to Build a 320 Square Foot Shed 3 Feet From the Side and Rear Yard Property Lines Where a 5-Foot Setback is Required - The Property is Located at 29225 Vagabond Lane in The RS (Single-Family Residential) Zoning District

RECOMMENDATION:

Staff recommends that the Planning Commission:

- 1) find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, *Minor Alterations to Land Use Limitations*; and
- 2) deny the variance subject to the attached findings.

BACKGROUND:

Setting

The property is located on the western side of Vagabond Lane, a private street which lies south of Folsom Avenue and east of Ruus Road in the Tennyson-Alquire neighborhood. The lot backs up to Piexoto Elementary School on Ruus Road. The rectangular property measures 56 feet by 214 feet (a total of 12,054 square feet), and is in the RS (Single-Family Residential) zoning district. The subject lot is similar in size to other lots on Vagabond Lane.

The lot is developed with a two-story single-family residence constructed in 1995 of 2,072 square feet. The dwelling has an attached two-car garage and is located in the rear portion of the lot, with a large garden area and one-car parking pad at the front of the lot. The owner ultimately intends to add a second residence at the front of the lot.

Project Description

This proposal includes the construction of a 320 square foot shed 3 feet from the rear and side yard property lines where 5 feet is required. The shed would measure 16 feet wide by 20 feet deep with a height of 12'6" and would be a manufactured building of set dimensions. (See Attachment C).

Because of the size of this structure, it is not possible to provide both the required rear and side yard setbacks at this location on the lot and to maintain the required 6 foot setback from the dwelling. Scaling back the size of the structure would allow it to meet all required setbacks, but the applicant wants to pursue siting this manufactured building of a set size.

Discussion

Staff recommends denial of the variance request. Although the impact of this proposal on the neighboring properties would be minimal, given that the property backs up to a school and on either side of the property are other residences on large lots, staff is unable to make the required findings for approval of a variance. In addition, because the size and configuration of this property does not differ greatly from others in the area, allowing a variance on this property would be granting a special privilege inconsistent with the limitations on other properties in the same district. A smaller shed could be placed on the property which would comply with the setback requirements.

ENVIRONMENTAL REVIEW:

The proposed project is Categoricaly Exempt from the California Environmental Quaky Act (CEQA) guidelines, pursuant to Section 15305, *Minor Alterations to Land Use Limitations*.

PUBLIC NOTICE:

On August 29, 2000, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Tennyson-Alquire Neighborhood Task Force, the Tennyson-Alquire Homeowners Association, the Warren Curtis Homeowners Association, and the Eastwood Homeowners Association. The Referral Notice provided an opportunity for persons to comment on the project. Staff did not receive any comments.

On September 18, 2000, a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records, in addition to the community groups listed in the preceding paragraph.

CONCLUSION:

Based on the fact that no findings can be made to support the granting of a variance for this project, staff recommends denial.

Prepared by.

Kristi Bascom

Kristi Bascom
Assistant Planner

Recommended by.

Dyana Anderly

Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Findings for Denial
- B. Area and Zoning Map
- C. Shed Design and Elevations
- D. Site Plan

FINDINGS

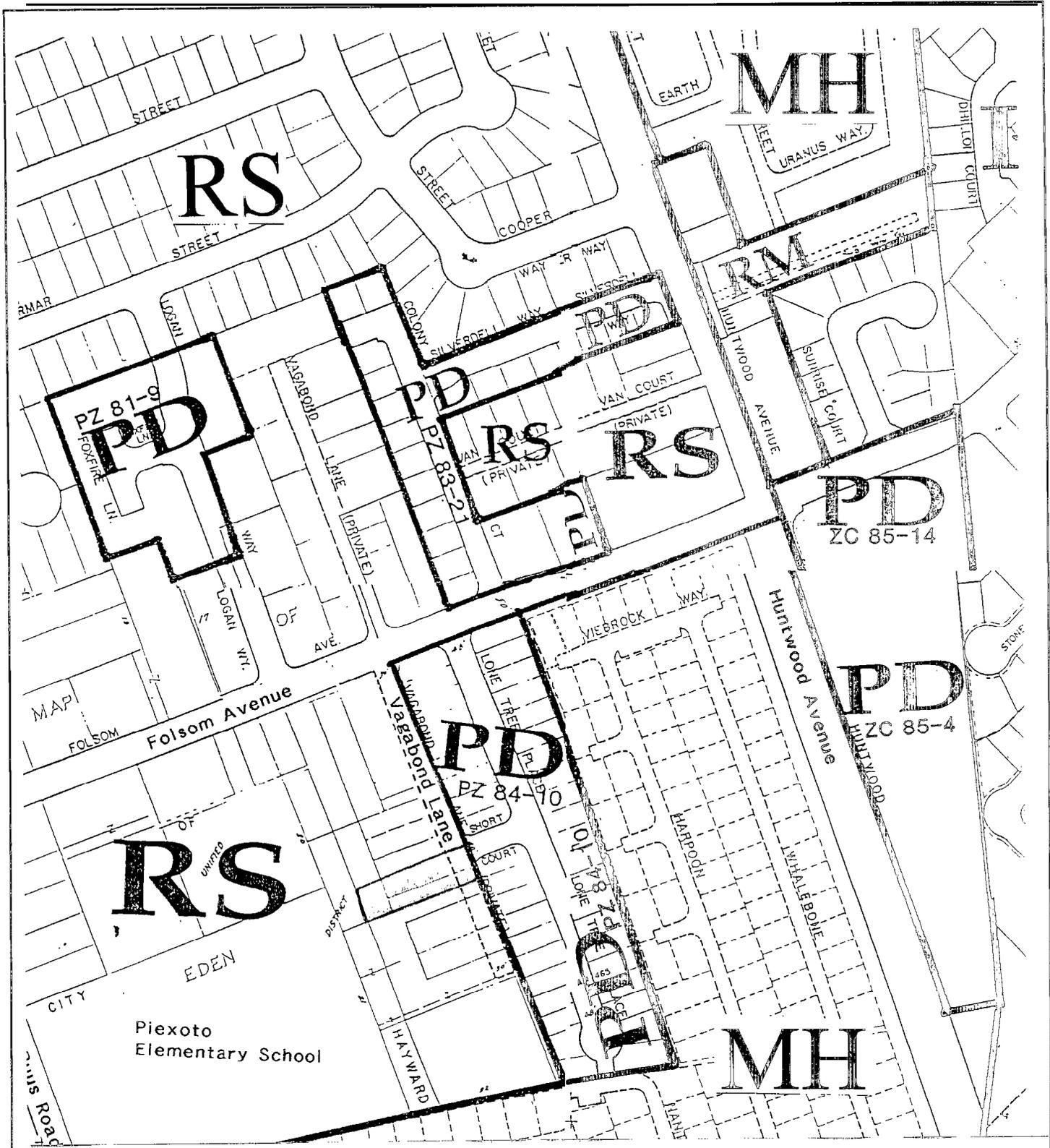
VARIANCE APPLICATION NO. 00-180-14

CARLOS ARIAS (APPLICANT/OWNER)

29225 VAGABOND LANE

Findings for Denial – Request for a variance to erect a 320 square foot shed 3 feet from the rear and side yard property lines where a 5 foot setback is required..

- A. That the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15303, *Minor Alterations to Land Use Limitations*;
- B. That there are no special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district;
- C. That the literal interpretation of this article would not cause a hardship or deprive the applicant of rights enjoyed by others in the same district in that a smaller shed can still be constructed in this location which would meet the setback requirements; and
- D. That the granting of a variance would grant a special privilege inconsistent with the limitations on other properties in the same district in that the subject property is not unique in its size or configuration and the siting of the house on the lot was the will of the applicant.



Area and Zoning Map

29225 Vagabond Lane

AUP 00-180-14

Carlos Arias (Owner/Applicant)