

RESOLUTION NO. 11496

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A ZONING VARIANCE FOR AN ENCROACHMENT INTO THE REQUIRED SIDE YARD SETBACK AND A REDUCTION IN THE REQUIRED RESIDENTIAL PARKING DIMENSIONS FOR CONSTRUCTION OF A DRIVE WAY ADDITION FOR THE EXISTING SINGLE FAMILY HOME LOCATED AT 2615 SUNRISE AVENUE - FILE NUMBER ZV09-005.

WHEREAS, the Community Development Department of the City of Santa Rosa received an application for a Zoning Variance pursuant to the provisions of Title 20 of the Santa Rosa City Code from Genevieve Moran for a Variance to allow an encroachment into the side yard setback and variance from residential parking dimension standards for the existing single family home located at 2615 Sunrise Avenue; and

WHEREAS, the Planning Commission at its meeting held at City Hall in the City of Santa Rosa on November 12, 2009, heard and considered evidence regarding the proposed Zoning Variance and made findings in connection therewith; and

WHEREAS, said Planning Commission, after due consideration, investigation and study made by itself and in its behalf, and after due consideration of all evidence and reports offered at said meeting, does find and determine the following:

- 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.
- b. A non-self created hardship peculiar to the subject property does exist by reason of the lot access and slope, 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.
- c. Granting the Variance is necessary for the preservation and enjoyment of site access and parking 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.
- 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.
- e. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been granted a Class 3 Categorical Exemption under Section 15303.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Santa Rosa does hereby approve the requested Zoning Variance to allow an encroachment into the side yard setback and variance from residential parking dimension standards for the existing single family home for the Moran Driveway Addition located at 2615 Sunrise Avenue, subject to the following conditions:

1. A building permit is required for any demolition, grading, and legalization of the existing retaining wall originally constructed without the benefit of permits. Engineered plans, details, and calculations are required to be submitted with building permit plans. The project architect or engineer will need to design a guard (guard rail per 2001 CBC) at the walkway to sustain lateral loads per CBC Section 1607.7 or provide engineered rational analysis.

2. This decision shall approve the setback and parking dimensions identified on plans dated August 27, 2009 and for the residence located at 2615 Sunrise Avenue.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 12<sup>th</sup> day of November, 2009, by the following vote:

AYES: (7) Allen, Banuelos, Bartley, Caston, Cisco, Poulsen, Duggan,  
NOES: (0)  
ABSTENTIONS (0)  
ABSENT: (0)

APPROVED: \_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_  
EXECUTIVE SECRETARY