



DATE: June 19, 2013

AGENDA ITEM # 1

TO: Design Review Commission
FROM: Sierra Davis, Assistant Planner
SUBJECT: 13-V-05 – 1990 Laver Court

RECOMMENDATION:

Approve variance application 13-V-05 subject to the listed findings and conditions.

PROJECT DESCRIPTION

This is a variance application for a single-story addition to allow a rear yard setback of nine feet, 10 inches from the rear property line; where a minimum setback of 25 feet is required. The following table summarizes the project:

GENERAL PLAN DESIGNATION: Single-family, Residential
ZONING: R1-10
PARCEL SIZE: 10,967 square feet
MATERIALS: Stucco, board and batten siding, composition roofing, stone chimney, wood trellis, all details to match existing.

	Existing	Proposed	Allowed/Required
LOT COVERAGE:	3,297 square feet	3,835 square feet	3,838 square feet
FLOOR AREA:	2,794 square feet	3,332 square feet	3,838 square feet
SETBACKS:			
Front (St. Joseph Avenue)	20 feet	No Change	25 feet
Rear	9 feet	No Change	25 feet
Right side (Laver Court)	14 feet	No Change	20 feet
Left side	23 feet	No Change	10 feet
HEIGHT:	18 feet	20 feet	20 feet

BACKGROUND

The subject house faces Laver Court, which by definition is the exterior side yard; the front property line, for zoning purposes, is along St. Joseph Avenue. The requested addition is at the rear of the property, which is functionally a side yard. The property has used the interior side yard as a back

yard. The City has granted variances for previous additions to the house have been made in the required front yard and rear yard setbacks.

In 1991 the variance was for an addition in the rear setback resulting in a nine-foot, four inch setback. The 2007 variance was for an addition in the front yard setback and resulted in a 20-foot setback.

DISCUSSION

The requested variance would be located in the required rear yard setback, however it will not result in a further encroachment. The addition will conform to the zoning regulations including the lot coverage and floor area ratio requirements.

Staff supports this variance because of the unusual orientation of the house on the property, where the strict application of the required rear yard setback deprives the property owner of a reasonable opportunity to add onto the structure. Functionally, the rear yard is used as a side yard; and the proposed addition meets a functional side yard setback and functional rear yard setback, therefore it is not a special privilege. Granting a variance for the addition doesn't harm persons or property since the addition maintains appropriate setbacks from the adjacent property line.

Procedurally the Design Review Commission acts on the variance application. If approved, then staff will administratively approve the design since it otherwise meets our design findings and Residential Design Guidelines.

MISCELLANEOUS

The plans show the front yard setback on St. Joseph Avenue as a 20 foot setback subject to the 2007 variance. The variance was granted for the structure to encroach into the front yard setback, however the required setback is still 25 feet.

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review under Section 15305 of the Environmental Quality Act because it involves a minor set back variances not resulting in the creation of any new parcel.

Cc: Patrick Burger, Architect/Applicant
Nipun and Anjali Saxena, Owners

Attachments:

- A. Application
- B. Area Map and Vicinity Map

FINDINGS

13-V-05—1990 Laver Court

1. With regard to approving the rear yard setback variance for an addition, the Design Review Commission finds the following in accord with Section 14.82.050 of the municipal Code:
 - a. That the granting of the variance is consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02:
 - b. That the granting of the variance will not be detrimental to the health, safety or welfare of persons living or working in the vicinity or injurious to property of improvements in the vicinity; and
 - c. That special circumstances applicable to the property, exists related to the orientation of the existing structure, where the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

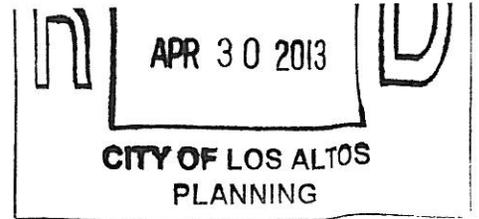
CONDITIONS

13-V-05—1990 Laver Court

1. The approval is based on the plans received on June 5, 2013 and the written application materials provided by the applicant, except as may be modified by these conditions.



ATTACHMENT A



CITY OF LOS ALTOS GENERAL APPLICATION

Type of Review Requested: (Check all boxes that apply)

Permit # 1105598

Table with 3 columns: One-Story Design Review, Sign Review, Multiple-Family Review, etc. Variance(s) is checked.

Project Address/Location: 1990 LAVER COURT
Project Proposal/Use: SFR
Current Use of Property: SFR
Assessor Parcel Number(s): 342-07-020 Site Area: 10,967 sq
New Sq. Ft.: 565 sq. Remodeled Sq. Ft.: 1,150 sq Existing Sq. Ft. to Remain: 1,697 sq
Total Existing Sq. Ft.: 2,803 sq Total Proposed Sq. Ft. (including basement): 3,838 sq.

Applicant's Name: PATRICK BURGER
Home Telephone #: 888-292-8828 Business Telephone #: 415-595-5457
Mailing Address: 441 BANBURY ST
City/State/Zip Code: HAYWARD CA 94544

Property Owner's Name: NIRUN & ANJALI SAXENA
Home Telephone #: 650-814-7527 Business Telephone #:
Mailing Address: 1990 LAVER CT.
City/State/Zip Code: LOS ALTOS, CA. 94024

Architect/Designer's Name: PATRICK BURGER Telephone #: 415-595-5457

*** If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. ***

(continued on back)



**Architectural
& Inspection Services**

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April 30, 2013

City of Los Altos
Planning Department

Subject: 1990 Laver Court - Submittal for Variance

To Whom It May Concern:

The existing property is a corner lot, and has a limiting footprint, relative to other properties contiguous to, or in the immediate neighboring vicinity of, the subject property.

The current Owners of the subject property applied for, and were granted, a Variance in 2008, for an addition, which encroached on the rear/side-yard setbacks. The Owners are desirous to improve their floor plan, and are now applying for a Variance – with the same circumstances and conditions that were extant during the course of the last Variance request – to allow an addition which encroaches in the same area (rear/side-yard setbacks). Please refer to the Site Plan, dwg A-1.0.

The proposed portion of the new addition that extends into the setback, is not visible from either Laver Court or St Joseph Ave., or the contiguous property on Laver Court. Given the limited nature of the new encroachment, and its being in the same area as the previous granted variance, we respectfully seek the Planning Departments approval of our request for a variance, for the contemplated new addition and remodel.

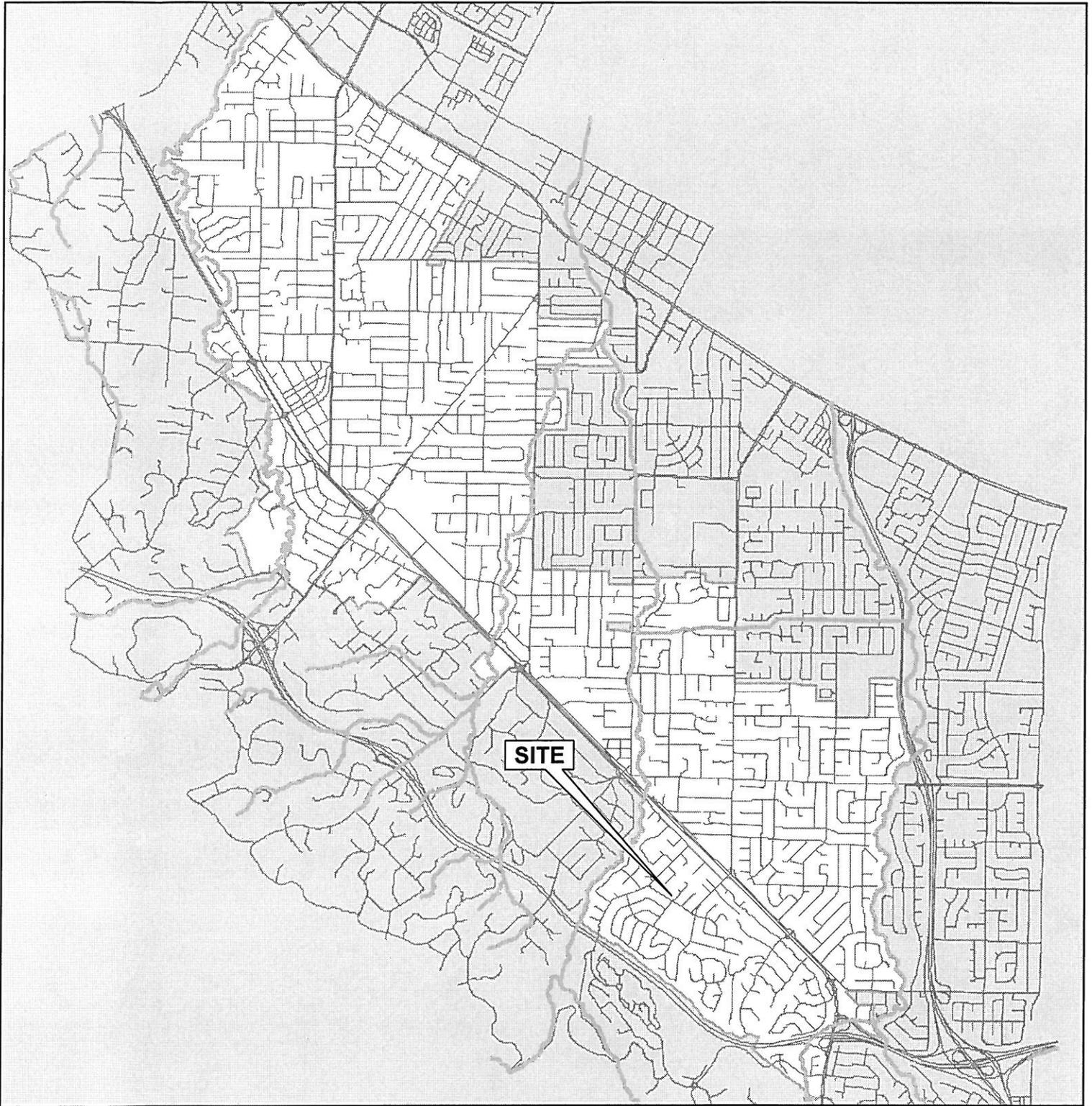
Please feel free to call with any questions or concerns regarding this matter.

Sincerely,


Patrick J. Burger



AREA MAP



CITY OF LOS ALTOS

APPLICATION: 13-V-05
APPLICANT: P. Burger/N. and A. Saxena
SITE ADDRESS: 1990 Laver Court

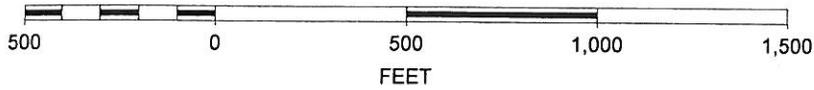


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

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