

SITE INSPECTION CONTACT:
 Applicant + Council

TOWN OF ATHERTON
 PLANNING COMMISSION APPLICATION



	TYPE OF APPLICATION	FEE
	Appeal	\$750.00
	Conditional Use Permit/ Special Structure Permit	\$2,684.24
	Environmental Impact Report	Actual cost
	Final Parcel Map	\$2,684.24
	General Plan Amendment	\$5,162.00
	Heritage Tree Removal Permit	\$2,064.80
	Initial Review/Negative Declaration	\$2,064.80
	Lot Line Adjustment	\$1,548.60
	Lot Line Redesignation	\$2,684.24
	School Master Plan	\$774.30
	Tentative Parcel Map	\$2,684.24
X	Variance	\$2,684.24
	Zoning Ordinance Amendment	\$5,162.00

SITE ADDRESS: 81 FAIR OAKS LANE APN 060-313-060

Provide a brief description of the proposed project: SMALL ADDITION REQUEST (91 SQUARE FEET) TO EXISTING SINGER FAMILY HOME TO ALLOW FOR A USABLE FUNCTIONING MUDROOM/LAUNDRY ROOM WITH A BATHROOM IN PROXIMITY TO THE POOL AND DRIVEWAY (WHICH IS THE FAMILY'S ENTRY). LOT SHAPE CREATES HARDSHIP ON OWNERS WITH VERY LIMITED BUILDING AREA.

PROPERTY OWNER:

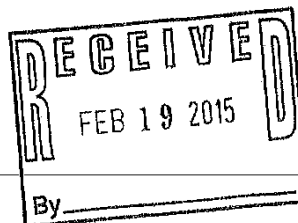
Name: MINTA HSU
 Mailing Address: 81 FAIR OAKS LN ATHERTON 94027
 Phone: 650.303.7167
 Email: MINTAHSU@GMAIL.COM
 Signature: Minta Hsu

APPLICANT:

Name: MINTA HSU + HEATHER CAMPBELL-GLAUSER
 Mailing Address: 81 FAIR OAKS LN ATHERTON 94027
 Phone: 650.303.7167 + 650-862-5232
 Email: MINTAHSU@GMAIL.COM / heather@cdesign-studio.com
 Signature: Minta Hsu + Heather Campbell-Glauer

FOR CITY COMPLETION:

Amount Paid: 2684.24 Received by: Kelli Date Submitted: 2/19/15
 Project #: VAR15-0001





DATE: PLANNING COMMISSION MEETING OF MARCH 25, 2015

TO: THE PLANNING COMMISSION

FROM: STEPHANIE DAVIS, AICP, SENIOR PLANNER

SUBJECT: REQUEST FOR A VARIANCE TO ALLOW A GROUND FLOOR ADDITION TO THE MAIN RESIDENCE TO BE CONSTRUCTED CLOSER THAN IS ALLOWED TO THE SIDE SETBACK LINE AT 81 FAIR OAKS LANE (APN 060-313-060)

RECOMMENDATION:

Planning Staff recommends that the Planning Commission conduct the public hearing and approve the Variance subject to the findings below. Staff believes that all four of the findings required for a Variance can be met, as outlined below.

1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, where the strict application of the Zoning Title deprives such property of privileges enjoyed by other property owners in the vicinity and under identical land use zoning district classification.

Basis for finding: Staff feels that this finding can be met, as the size, shape and amount of curved street frontage of this property is unique in Town and deprives the property owner of privileges enjoyed by others.

2. Granting the Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

Basis for finding: Staff feels that this finding can be met as the granting of a Variance at this property would not be considered the granting of a special privilege inconsistent with the limitations placed upon other properties in the vicinity as other properties in the vicinity do not have as excessive, curved, sideyard frontage along public right-of-way and subsequently would not be as restricted by minimum setback requirements.

3. Granting the Variance will not adversely affect the interest of the public or the interest of the residents and property owners in the vicinity of the premise in question.

Basis for finding: Staff feels this finding can be met. Existing vegetation and fencing will screen the location of the proposed small, ground floor addition. The area of the proposed ground floor addition does not directly abut any of the neighboring properties and is oriented towards the dead-end of the cul-de-sac street, thus would not have a significant visual impact on surrounding neighbors.

4. The granting of the Variance is consistent with the objectives of the General Plan and the Zoning Code.

Basis for finding: Staff feels this finding can be met as the project provides sufficient setbacks between properties, sufficient space for landscape screening, and is setback from the right of way.

INTRODUCTION:

The subject site located at 81 Fair Oaks Lane, is a corner lot approximately 11,238 square feet (0.26 acres) with an existing single-story residence, swimming pool, and detached garage. The detached garage is located in the northeast corner of the site and accessed from an existing driveway off of the cul-de-sac of Fair Oaks Lane. The property itself is generally rectangular in shape, however the right side property line is curved in lineage and generally follows the angle of the Fair Oaks Lane cul-de-sac. Sixty-two percent (62%) of the property line boundaries of the site abut this cul-de-sac. The front property line is the narrowest frontage facing Fair Oaks Lane at the south side, while the much longer property line abutting the cul-de-sac portion of Fair Oaks Lane is the designated side property line. The property is surrounded by single-family residences and located within the R1-B zoning district. The property is relatively flat with a fair amount of existing vegetation along the frontage abutting Fair Oaks Lane and the cul-de-sac of Fair Oaks Lane. There are four palm trees and two birch trees in generally proximity to the area of the proposed addition; none of which are heritage trees.

The owners are proposing to construct a 91 square foot ground floor addition to enlarge an existing powder room and create a new mud room and entry to the house, as well as an outdoor, covered shower.

ANALYSIS:

The minimum sideyard setback for the property is 28 feet given the lot's width. However, the lot, moving away from the front of the home towards the rear, becomes narrower as the side property line angles inward at a curve instead of following a linear line. This curved angle of the property line follows the direction of the Fair Oaks Lane cul-de-sac and begins "curving" into the property itself, thus reducing the width. A small piece of the existing home at the front right corner slightly encroaches into the required sideyard setback, which is considered legal non-conforming.

The applicant is requesting a 91 square foot ground floor addition to bump out an existing powder room at the rear of the home and create a new mudroom. The proposed addition is located 20 feet from the side property line, as opposed to 28 feet which is the standard requirement as noted above. Of the 91 square feet proposed, approximately 28 square feet is

being located within the standard allowable building area of the lot, and the remaining 63 square feet encroaches in the required setback and thus requesting the variance. The area of the proposed addition is located at the right, rear area of the property and oriented towards the property's detached garage; located in the far right rear yard. The mudroom proposed will also allow for a secondary, more direct means of access to the main residence as it is located closer to the garage than the existing front entry.

Additionally, part of the improvements proposed is an outdoor shower, which is uncovered and attached the area of the main residence addition. The outdoor shower does not count towards floor area, nor would be included as part of this variance application as it is uncovered and partially enclosed by a fence.

Proposed Addition:

Setbacks	Required	Provided
Front	30'	83
Side	28	20
Rear	30	58

In the letter of request, the applicant indicates the intent of the addition is to allow for a usable, functioning mudroom and laundry room with a bathroom in proximity to the existing swimming pool and driveway. The applicant further states that the driveway is the family's entry to the home. Due to the curved side property line as discussed above, combined with the location of all other existing improvements on the property (main residence, swimming pool, and detached garage), alternative buildable areas of the lot (as it relates to a ground floor addition to the main home) become more limited. The proposed siting of the addition takes advantage of a flat, unimproved area of the lot and is located such as not to abut any surrounding properties which greatly reduces any negative impacts to the neighbors. The applicant needs to demonstrate a unique situation with their parcel. There are numerous lots on cul-de-sacs throughout the Town, however, this lot is unique for several reasons. First, the amount of property frontage directly facing the cul-de-sac is relatively excessive, at 62 percent. Second, on this same side of the lot with excessive property frontage, the lot line that follows the cul-de-sac does not continue in a linear line, but curves inward towards the interior of the property. Given the location of the existing swimming pool, main residence and subsequent side and rear setback requirements, moving the addition to other portions of the lot would likely result in some proposed encroachment into the setback area. The area of the lot where the proposed addition is situated allows for a ground floor addition to be located in the standard buildable area of the main residence to the greatest extent feasible. Staff believes that the lot line shapes and lot area configuration of the site is unique and findings can be made to grant the Variance.

To date, the Planning Department has not received any public comment regarding this proposal.

CONCLUSION:

The criteria under which the Planning Commission may grant a Variance are contained in Atherton Municipal Code Chapter 17.16, and governed by State Law. The Planning Commission may grant a variance if it makes the four findings listed in the Recommendation section of the staff report. As indicated above, due to the site constraint resulting from the lots excessive, curved frontage along two pieces of public right of way; this constitutes a unique situation within the Town.

It is Planning Staff's professional opinion that the proposal would not constitute granting a special privilege and that there are special conditions that apply to this parcel and is therefore recommending approval of the Variance request.

ALTERNATIVES:

The Planning Commission could approve, deny, or modify the request.

FISCAL IMPACT:

All costs covering the processing of this application are paid for by the applicants.

ENVIRONMENTAL IMPACT:

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15303, Class 3, which permits new construction.

FORMAL MOTION:

I move that the Planning Commission approve the Variance at 81 Fair Oaks Lane based on the findings and for the reasons enumerated in the Staff Report, subject to the conditions listed in the draft Variance Certificate to allow a 91 square foot, ground floor addition be constructed closer than is allowed to a side property line.



Stephanie Davis, AICP, Senior Planner

Attachments:

1. Draft Variance Certificate
2. Letter of Request from Minta Hsu and Heather Campbell-Glausher, dated February 19, 2015
3. Proposed Plans, dated February 19, 2015



Town of Atherton

Town Administrative Offices
91 Ashfield Road
Atherton, California 94027
650-752-0500
Fax 650-688-6528

**TOWN OF ATHERTON
PLANNING COMMISSION**
Draft VARIANCE CERTIFICATE

THIS IS TO CERTIFY THAT the Atherton Planning Commission at a regular meeting thereof, held on Wednesday, March 25, 2015 did grant a Variance to Minta Hsu pursuant to Atherton Municipal Code Sections 17.16, 17.33 and 17.54 to allow for a 91 square foot ground floor addition to an existing residence 20 feet from the side property line at 81 Fair Oaks Avenue (Assessor's Parcel Number 060-313-060). The Variance was approved subject to the following conditions:

1. Construction of the addition shall be in substantial compliance with the plans prepared by CD Design Studios, date stamped received February 19, 2015 and reviewed by the Planning Commission March 25, 2015. Any substantive changes to the plans shall be reviewed by the Planning Commission.
2. If no action has been taken in one year, this variance will become null and void.
3. A separate formal application for the proposed construction shall be submitted to the Planning Department.
4. The Variance is limited to the addition shown on the plans prepared by CD Design Studios received by the Town on February 19, 2015 and does not establish a setback for future additions to the residence.

Lisa Costa Sanders
Town Planner

Effective Date: _____
Atherton, CA

CITE INSPECTION CONTACT.
Applicant + Council

TOWN OF ATHERTON
PLANNING COMMISSION APPLICATION



	TYPE OF APPLICATION	FEE
	Appeal	\$750.00
	Conditional Use Permit/ Special Structure Permit	\$2,684.24
	Environmental Impact Report	Actual cost
	Final Parcel Map	\$2,684.24
	General Plan Amendment	\$5,162.00
	Heritage Tree Removal Permit	\$2,064.80
	Initial Review/Negative Declaration	\$2,064.80
	Lot Line Adjustment	\$1,548.60
	Lot Line Redesignation	\$2,684.24
	School Master Plan	\$774.30
	Tentative Parcel Map	\$2,684.24
X	Variance	\$2,684.24
	Zoning Ordinance Amendment	\$5,162.00

SITE ADDRESS: 81 FAIR OAKS LANE APN 060-313-060

Provide a brief description of the proposed project: SMALL ADDITION REQUEST (91 SQUARE FEET) TO EXISTING SINGLE FAMILY HOME TO ALLOW FOR A USABLE FUNCTIONING HUDROOM/LAUNDRY ROOM WITH A BATHROOM IN PROXIMITY TO THE POOL AND DRIVEWAY (WHICH IS THE FAMILY'S ENTRY). LOT SHAPE CREATES HARDSHIP ON OWNERS WITH VERY LIMITED BUILDING AREA.

PROPERTY OWNER:

Name: MINTA HSU
 Mailing Address: 81 FAIR OAKS LN ATHERTON 94027
 Phone: 650.303.7167
 Email: MINTAHSU@GMAIL.COM
 Signature: Minta Hsu

APPLICANT:

Name: MINTA HSU + HEATHER CAMPBELL-GLAUSER
 Mailing Address: 81 FAIR OAKS LN ATHERTON, 94027
 Phone: 650.303.7167 + 650-862-5232
 Email: MINTAHSU@GMAIL.COM / heather@cdesign-studio.com
 Signature: Minta Hsu + Heather Campbell-Glauer

FOR CITY COMPLETION:

Amount Paid: 2684.24 Received by: Kelli Date Submitted: 2/19/15
 Project #: VAR15-00001

