



ZONING BOARD OF ADJUSTMENT

VARIANCE REQUEST FOR A REDUCED SETBACK

1229 E. 3RD STREET

EMILY TARANTINI
CURRENT PLANNING



VARIANCE REQUEST

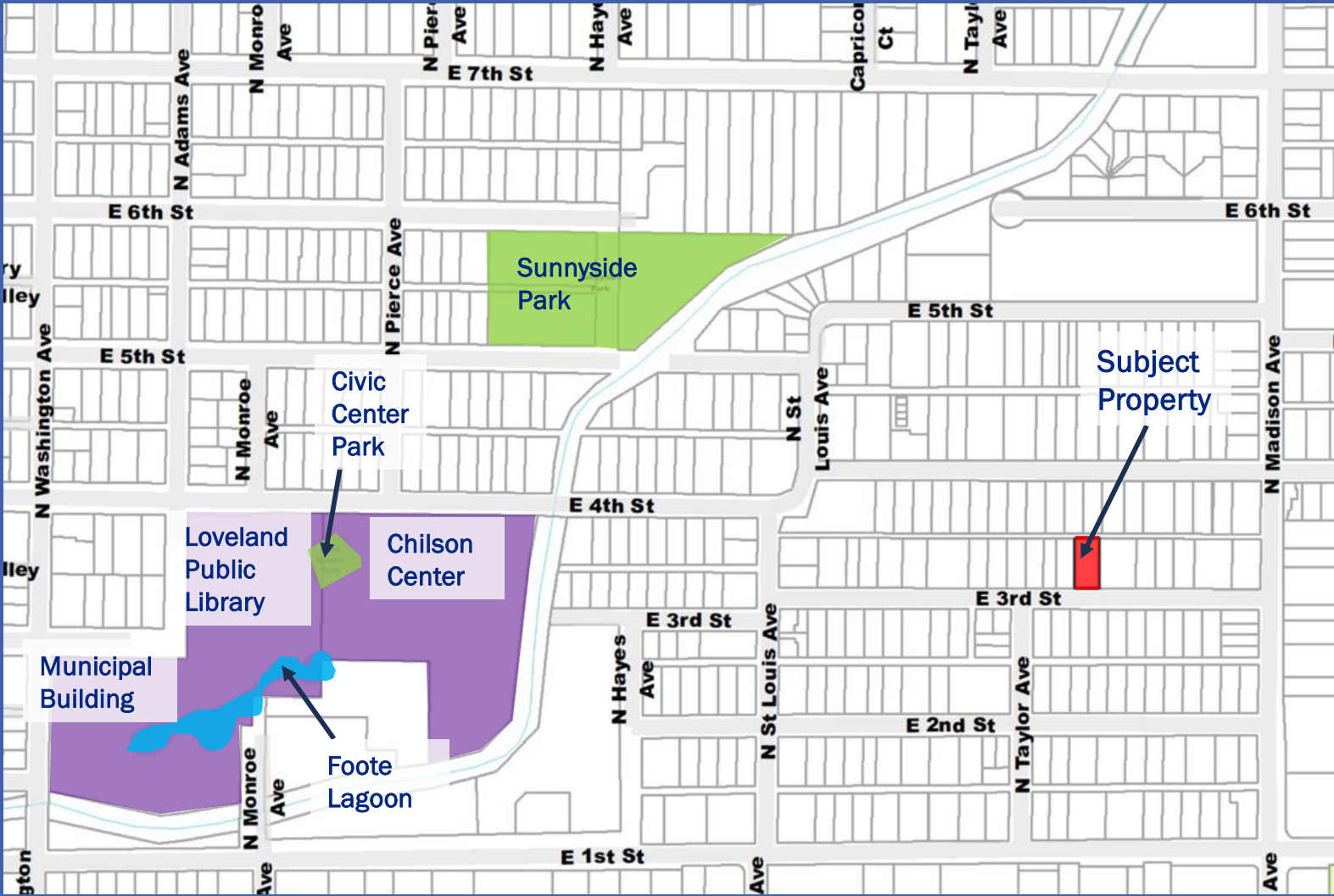
Reduction of the rear and side setbacks
to allow for an already constructed
Accessory Dwelling Unit (ADU) to remain
in place.

REQUIRED SETBACK	PROPOSED SETBACK
15 Feet to the rear property line (Alley side) 6 Feet to the side property line (Neighbor)	3 Feet 2 Feet

Vicinity Map

LOCATION

1229 EAST 3RD STREET



ADU OVERVIEW

THE ACCESSORY DWELLING UNIT (ADU)

- The ADU was constructed without a permit.
- The ADU is 400 SF in size. Measuring 20 Feet x 20 Feet x 15 Feet high.
- Constructed in the approximate area of a previously existing outbuilding.
- Located 3 Feet from the rear property line and 2 Feet to the side property line.

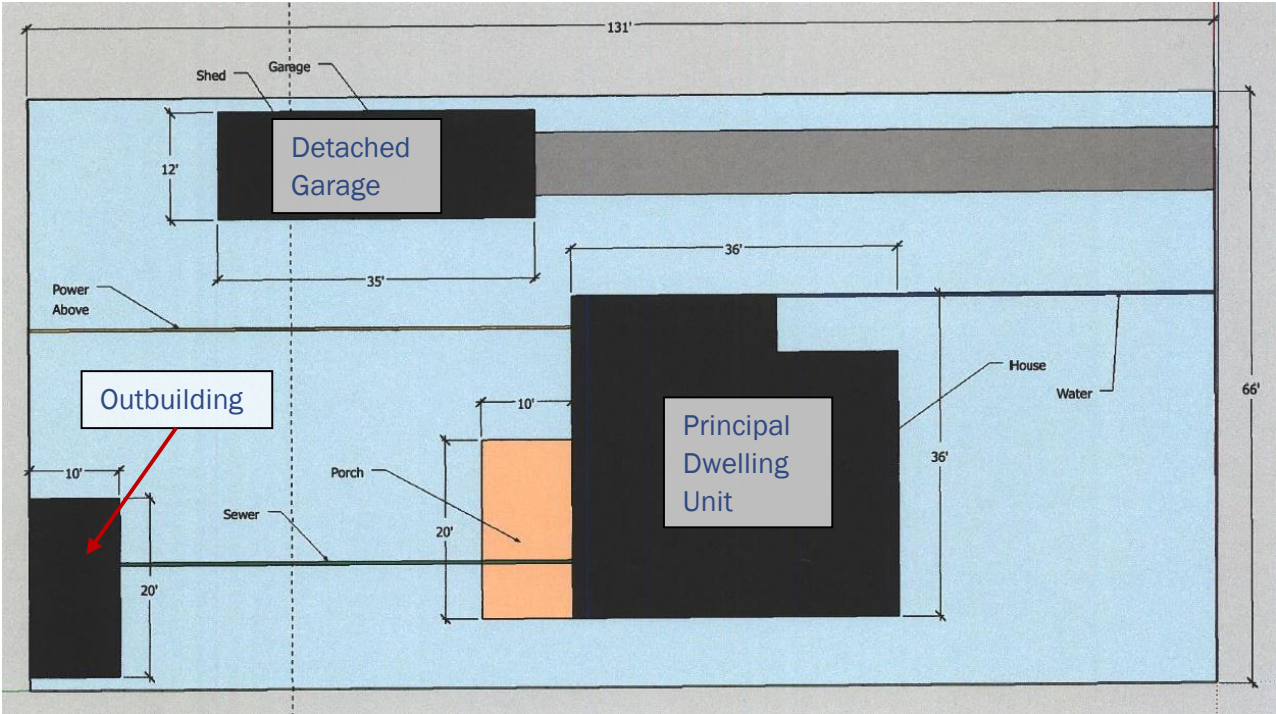


Image provided by applicant

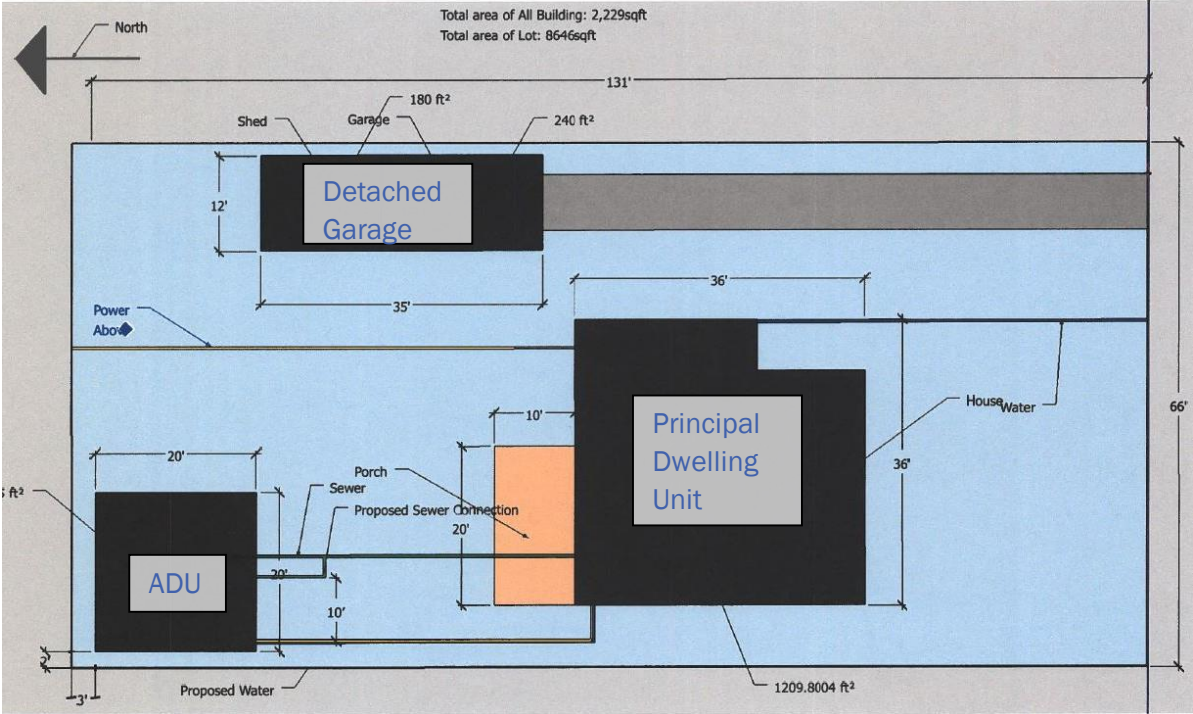
SITE PLAN - Before & After

1229 E. 3RD STREET

Before



After (Existing conditions)



Site plans provided by the applicant

PREVIOUS OUTBUILDING

1229 E. 3RD STREET



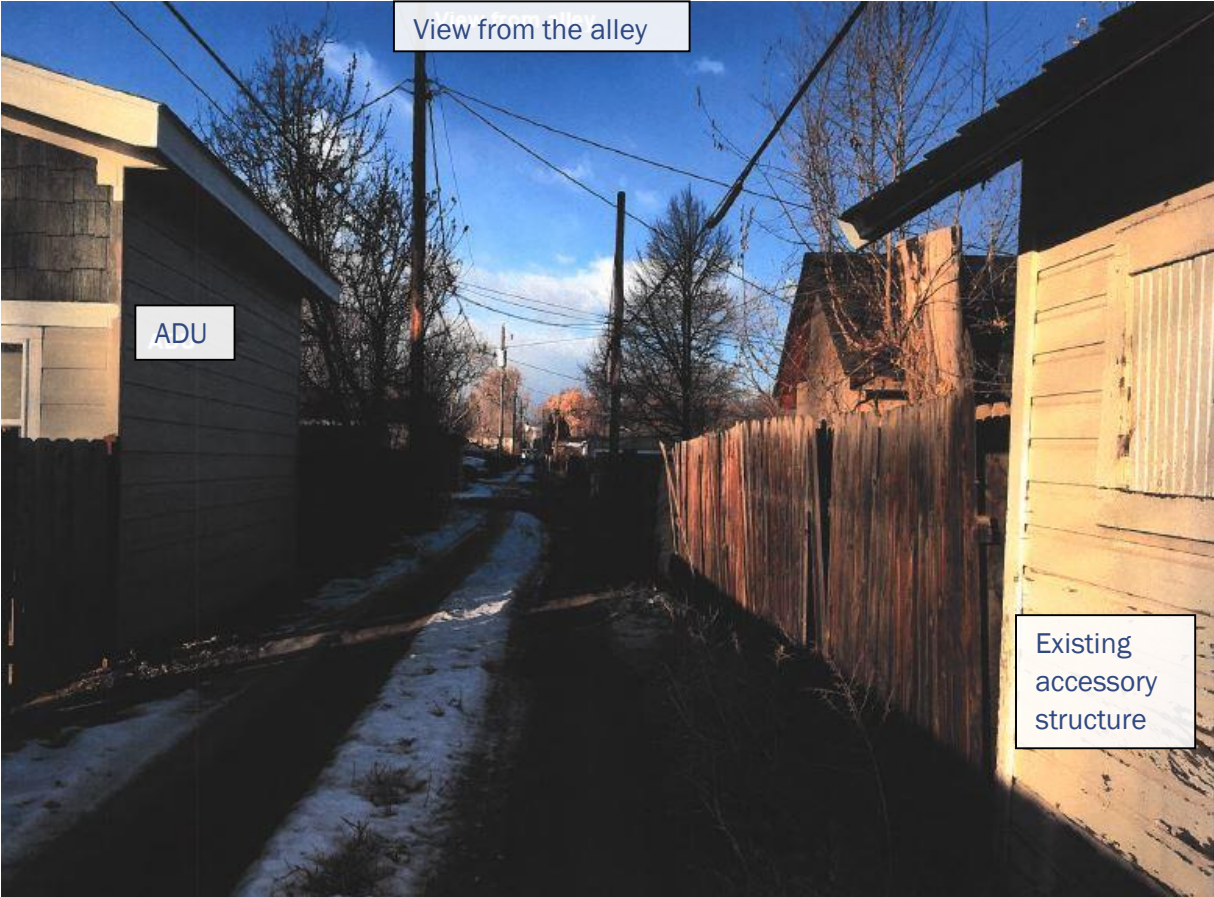
Image provided by the applicant

CONSTRUCTED ADU

1229 E. 3RD STREET



Images provided by the applicant



VARIANCE DETAILS & Hardship

1229 E. 3RD STREET



Existing mature tree

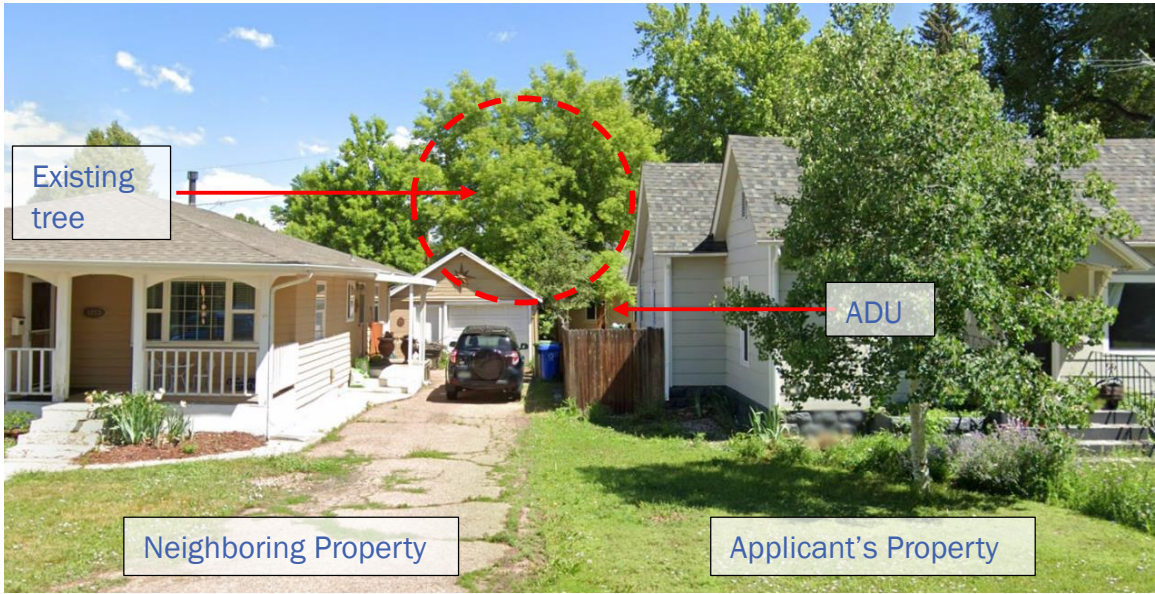
Approximate location of the 15-foot setback

ADU location with a 15-foot setback

ADU SETBACKS

Rear (Alley)	Required: 15 Feet Existing: 3 Feet
Side (Neighbor)	Required: 6 Feet Existing: 2 Feet

Street view provided by staff



Existing tree

ADU

Neighboring Property

Applicant's Property

Conceptual site plan provided by staff



1229 E. 3rd Street - ADU

ZBA CRITERIA & FINDINGS

7 FINDINGS THAT MUST BE MET TO RECOMMEND APPROVAL

- 1) Granting the variance will not substantially conflict with any adopted plans or policies of the City, or the purposes or intent set out in this Code. - *Has been met*
- 2) There are exceptional conditions creating an undue hardship, applicable only to the property involved, or the intended use thereof, which do not generally apply to the other land areas or uses within the same zone. - *Has been met*
- 3) The Applicant cannot derive a reasonable use of the property without approval of a variance. - *Has been met*
- 4) Granting the variance will not generally set a precedent for other applications (which would indicate that a text amendment to this UDC should be proposed and considered instead). - *Has been met*
- 5) Granting the variance will not be detrimental to any adjacent properties or the area. - *Has been met*
- 6) Granting the variance will not be detrimental to public health, safety, or welfare. - *Has been met*
- 7) Adequate relief cannot be reasonably obtained through a different procedure, such as the application of alternative compliance standards.- *Has been met*



1229 E. 3rd Street -ADU

STAFF

RECOMMENDATION & CONDITION

**ON THE BASIS THAT ALL FINDINGS HAVE BEEN MET, STAFF IS
RECOMMENDING APPROVAL WITH THE FOLLOWING CONDITION:**

RECOMMENDED CONDITION:

1. Prior to further construction on the ADU, or occupancy of the ADU, a building permit shall be submitted to the building division. The ADU structure cannot be occupied until a certificate of occupancy has been issued.



Variance AUD 1229 E 3rd St.



Adam and Emily Lum



History

The history of our property is long, and we are not sure when most of the buildings and additions were done. The previous building that was demolished was the divisor between 1229 E. 3rd St. and its western neighbor, 1213 E 3rd.

The previous structure was built with a 1" slab, 2"x4" rafters 18" on center, and 2"x4" support beams for the entire building. The concrete slab was heaving with giant cracks and holes. The walls and roof were sagging in areas, and the roof joists themselves had split and been previously repaired with sister studs.

All in all it was extremely structurally unsound, and especially unacceptable considering the children playing outside daily around it and cars driving past immediately behind it.



Photos of previous structure



Photos of previous structure

Current Alley Buildings

The current buildings pictured, much like the previous structure of 1229 E 3rd, border the alley with no fence to delineate the property line. Many of them encroach upon the alley even more than the current structure. These buildings are, in general, in fairly poor condition.

The photos that follow were taken from the neighboring homes within 50 yards.



Photos of a few of the current alley out-buildings



Photos of a few of the current alley out-buildings

Current Structure

-Building began in October of 2017

-Current status:

1. Finished exterior
2. Some electrical wiring has been put in, the studs are exposed, full roof insulation, and partial wall insulation.
3. Storage loft built
4. Drywall up only in small portion of building ready to be removed
5. Roughly 3' south and parallel from alley-way electrical lines, and sitting aside previous "foundation" about 4" east. (See photo)



Current structure next to previous
“foundation” at West property line.



Current Structure
(left)



Photo of current structure as of December 2019

An argument in favor of setback variance

As shown in this presentation, the current structure that has been built not does encroach upon the alley, and is much safer than many of the other buildings on the neighboring plots.

The neighbors to the west purchased their home with the new structure already under construction and have been very supportive of its progress and location. All parties desire for the building to remain where it is on the lot as there are other impediments to its being moved, not including the gross waste of resources.

The current ADU is not only an upgrade in curb appeal, but also drastically safer than the previous structure.