

# ZONING ADMINISTRATOR DECISION HOMEOWNER VARIANCE



## DECISION NO. 2015-19

**HEARING DATE:** September 9, 2015

**DECISION DATE:** September 21, 2015

**FILE NO:** PVAR15-006

**SUBJECT:** A request for a Variance to deviate from the minimum Development Code standard for the interior side yard setback, from 10 feet to 1 foot 10 inches, to accommodate a 360 square foot addition to an existing detached 360 square foot, two-car garage on approximately 0.244 acres of land located within the Armsley Square Historic District, within the RE (Residential Estate) zoning district located at 410 West Armsley Square. (APN: 1047-341-10); **submitted by Bradley Ball**

### STAFF

**RECOMMENDATION:**  Approval  Approval subject to conditions  Denial

## PART A: BACKGROUND & ANALYSIS

BRADLEY BALL, herein after referred to as "the applicant," has filed an application requesting Variance approval, File No. PVAR15-006, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) **Project Setting:** The project site is developed with a one-story single family residence and a detached two-car garage on 0.244 acres of land located at 410 West Armsley Square within the Armsley Square Historic District, and is depicted in *Exhibit A: Aerial Photograph*, attached. Designated in 2000, the Armsley Square Historic District is one of Ontario's most prominent historic neighborhoods and features scored sidewalks, large front yard setbacks, an eclectic mix of period architecture homes, ornamental king standard street lights, and mature camphor trees in the parkway.

Existing land uses, and General Plan and zoning designations surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
<i>Site</i>	Single Family Residential	LDR (Low Density Residential)	RE (Residential Estate)
<i>North</i>	Single Family Residential	LDR (Low Density Residential)	RE (Residential Estate)
<i>South</i>	Single Family Residential	LDR (Low Density Residential)	RE (Residential Estate)
<i>East</i>	Single Family Residential	LDR (Low Density Residential)	RE (Residential Estate)

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
<i>West</i>	Single Family Residential	LDR (Low Density Residential)	RE (Residential Estate)

**(b) Project Analysis:**

(1) Background— The applicant has requested a Variance from the minimum Development Code standard for the interior side yard setback requirement of 10 feet, to 1 foot 10 inches, to accommodate a 360 square feet addition to an existing detached 360 square feet two-car garage. The existing detached garage has a legal nonconforming interior side yard setback from the east property line of 1 foot 10 inches. At its regular meeting on August 13, 2015, the Historic Preservation Subcommittee (HPSC) was briefed on the application and did not have any comments or concerns with the project as proposed. While the HPSC is not required to act on the Variance application, the HPSC was provided the opportunity to review and comment on the requested Variance.

(2) Site Design/Building Layout – The project site has a rectangular shaped configuration, with a lot width of 60 feet and lot depth of 176 feet, depicted in *Exhibit B: Site Plan*. The site is developed with a one-story single family residence and a detached two-car garage. The existing single story residence is 2,080 square feet, and the existing detached garage is 360 square feet. The proposed garage addition of 360 square feet, depicted in *Exhibit C: Floor Plan*, will bring the total lot coverage percentage to 26.5%. The existing garage is accessed from Armsley Square through a 13 foot wide driveway that leads to the rear of the property through an attached porte-cochere. The proposed garage addition will be attached to the rear of the existing garage and will have a second bay accessible from the rear alley that runs along the north of the property.

The project site is located within the RE (Residential Estate) zoning district. The intent of the RE zoning district is to provide for single family development on larger lots along with densities in the range of one to 3.5 dwelling units per acre. For the purpose of subdivision, the Development Code requires a minimum lot width of 70 feet for interior lots, and 80 feet for corner lots. The project site is an interior lot with a legal nonconforming lot width of 60 feet and is one of the narrowest lots in the neighborhood. The nonconforming lot width and the existing garage's location on the site are exceptional conditions that do not apply generally to other properties in the same zoning district.

(3) Architecture— The subject property, known as the Swenson House, was constructed in the Mediterranean Revival style of architecture. This home was built by Eric and Anna Lager in 1929, and was designated as a Contributor to the Armsley Square Historic District on March 21, 2000. The home has many of the elements typically found in the Mediterranean Revival style including arched and deep recessed windows, both front and center courtyards, a red tile barrel roof, and smooth plaster walls. This particular architectural style lends itself well to additions as the hipped roof on the front façade easily conceals additions attached to the flat roof at the rear of the structure.

The detached garage, which is also a historic resource, includes similar architectural elements that are featured on the house, such as decorative red clay tile on the front facing shed roof, smooth plaster walls, and deep recessed windows. The existing garage has a parapet roof that is approximately one foot high. The addition will have a three foot parapet to meet current building codes. This additional height at the rear of the existing garage will not be visible from the public right of way, it will be screened by the porte-cochere and the hipped roof treatment on the front of the existing garage. The addition will be clad in stucco to match the existing, will not be visible from the public right of way and is depicted in *Exhibit F and G: Site Photos*.

The addition proposes to extend the existing rectangular shape of the garage and is the most architecturally compatible configuration. If the addition was constructed with the required 10 foot side yard setback, the building would become L-shaped thereby resulting in the inappropriate alteration of the historic resource. Additionally, placing the garage addition anywhere else on the property would result in excess paving on the site. The addition as proposed will not detract from the primary architectural style of the main dwelling unit or the existing detached garage and will utilize existing driveways and entrances, resulting in the least potential impact to the resource and neighborhood.

Due to the non-conforming lot size, existing non-conforming setback, and the architectural style of the residence and garage, staff is in support of this Variance for a reduced interior side yard setback and recommends approval, subject to the attached conditions.

**(c) Airport Land Use Compatibility Plan:** This project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

**(d) Departmental Review:** Each City department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are attached to this report.

**(e) Public Notification:** The subject application was advertised as a public hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper). In addition, notices were mailed to all owners of real property located within 300 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

**(f) Correspondence:** As of the preparation of this Decision, Planning Department staff has not received any written or verbal communications from the owners of properties surrounding the project site or from the public in general, regarding the subject application.

**PART B: RECITALS**

WHEREAS, the City of Ontario has received a request for Variance approval as described in Part A, above; and

WHEREAS, Ontario Municipal Code Section 9-1.0405(f) provides that the Zoning Administrator has the responsibility and authority to review and act upon Variances; and

WHEREAS, all members of the Development Advisory Board of the City of Ontario were provided the opportunity to review and comment on the requested Variance, and no comments were received opposing the proposed use; and

WHEREAS, on September 9, 2015, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

- (a) Elly Antuna, Assistant Planner, presented the staff report on the proposed Variance, indicating the staff recommendation of approval. Following staff's presentation, the Zoning Administrator opened the public hearing.
- (b) The Zoning Administrator asked staff if there would be sufficient spacing between the proposed garage addition and the eastern neighbors existing garage for maintenance.
- (c) Staff stated that they did not know at this time if there would be sufficient space.
- (d) The Zoning Administrator asked the applicant if his neighbors were aware of the proposed addition and if there was sufficient space for maintenance.
- (e) Bradley Ball, the applicant, explained the project and spoke in favor of the application. The applicant stated that the surrounding neighbors are aware of the project and that the existing garage setback provides sufficient space for basic maintenance.
- (f) There being no one else to offer testimony regarding the application, the Zoning Administrator closed the public hearing.

WHEREAS, all legal prerequisites to the adoption of this Decision have occurred.

**PART C: THE DECISION**

NOW, THEREFORE, it is hereby found, determined and resolved by the Zoning Administrator of the City of Ontario as follows:

- (a) All facts set forth in this Zoning Administrator Report and Decision are true and correct.

**(b)** Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby makes the following Variance findings:

**(1)** The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Development Code. The Development Code encourages the preservation of historical buildings and districts and recommends that additions should be placed at the rear or side of structures to minimize visual impacts. The 360 square feet addition at the rear of the existing garage would be the most compatible design and would result in the least visual impacts to the historic resource. Placement of the garage addition on any other area of the property would result in additional paving for driveway access, causing an unnecessary physical hardship.

**(2)** There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zoning district. The subject property's lot width is 60 feet while the minimum lot width in the RE Zoning District for interior lots is 70 feet, resulting in an existing legal nonconforming interior side yard setback. These characteristics are unique to the property and do not generally apply to other properties in the same zoning district.

**(3)** The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district. Pursuant to Development Code Article 14 (Residential Districts) the construction of a detached accessory structure up to 1,050 sf is allowed provided that the detached accessory structure contains parking required pursuant to Sec. 9-1.3010 of the Development Code. The project site is an interior lot with a legal nonconforming lot width of 60 feet and is one of the narrowest lots in the neighborhood. The nonconforming lot width and the existing garage's location on the site are exceptional conditions that do not apply generally to other properties in the same zoning district.

**(4)** The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district. Due to the existing legal non-conforming status a reduced building setback is necessary in order to adequately accommodate the proposed garage addition and not adversely impact the character of the historic resource. The project site configuration is narrower than others in the surrounding area. As a result, the project site has conditions not found with other surrounding properties and granting a reduction in the interior side yard setback for this property will not constitute special privilege.

**(5)** The granting of the Variance will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity. Granting a Variance to reduce a building side-yard setback will not negatively affect the general public welfare, nor create any impacts to the other existing residences in the area.

Furthermore, adding the additional 360 sf at the rear of the existing two car garage reduces the potential visible impacts from the public right of way.


(c) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Sections § 15303 (Class 3 New Construction or Conversion of Small Structures) and § 15305 (Class 5 Minor Alterations in Land Use Limitations) of the State CEQA Guidelines.

(d) The Zoning Administrator hereby finds and determines that the proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

(e) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PVAR15-006, subject to the conditions of approval attached hereto and incorporated herein by this reference.



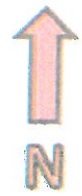
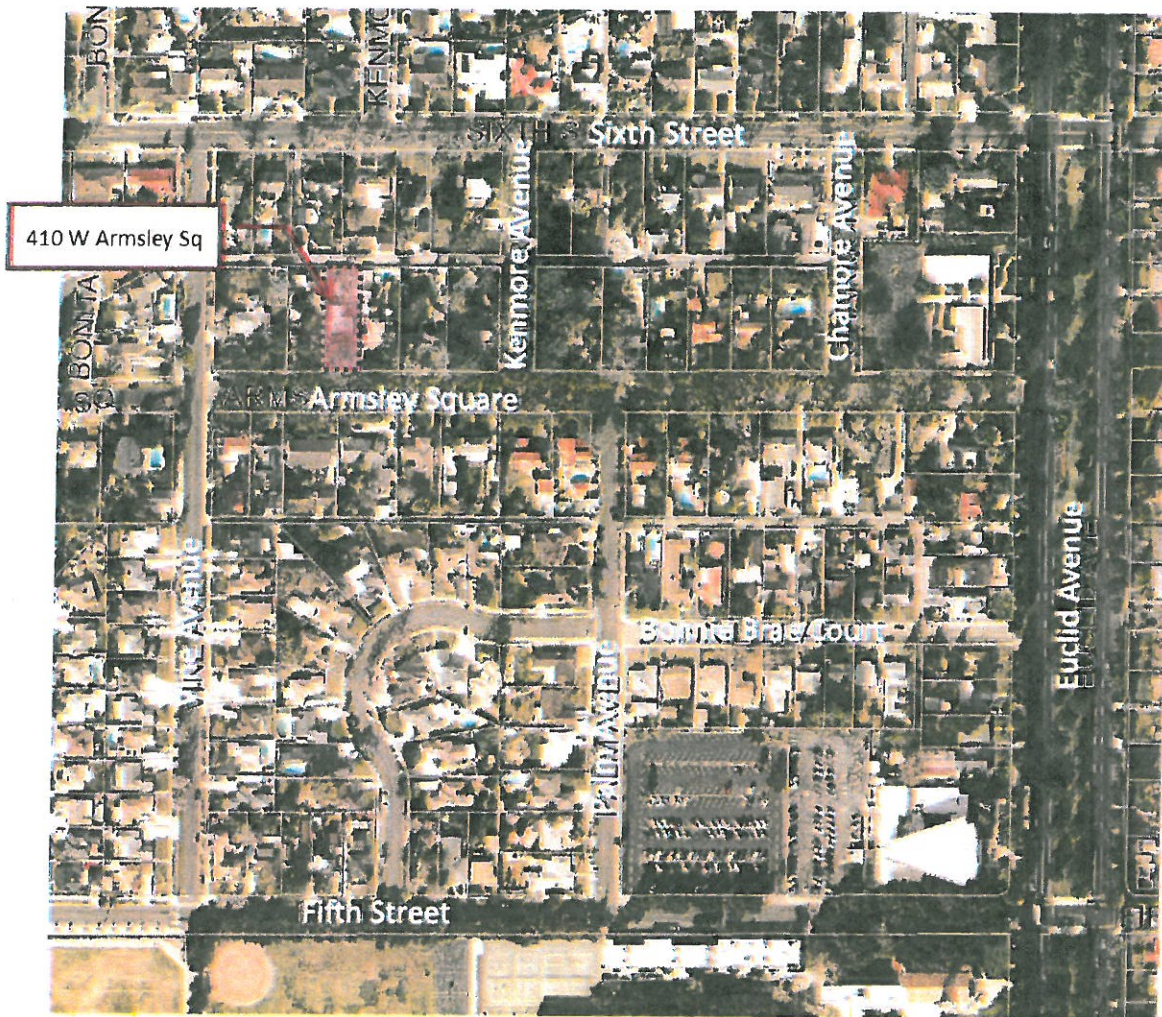
APPROVED by the Zoning Administrator of the City of Ontario on this 21<sup>st</sup> day of September, 2015.



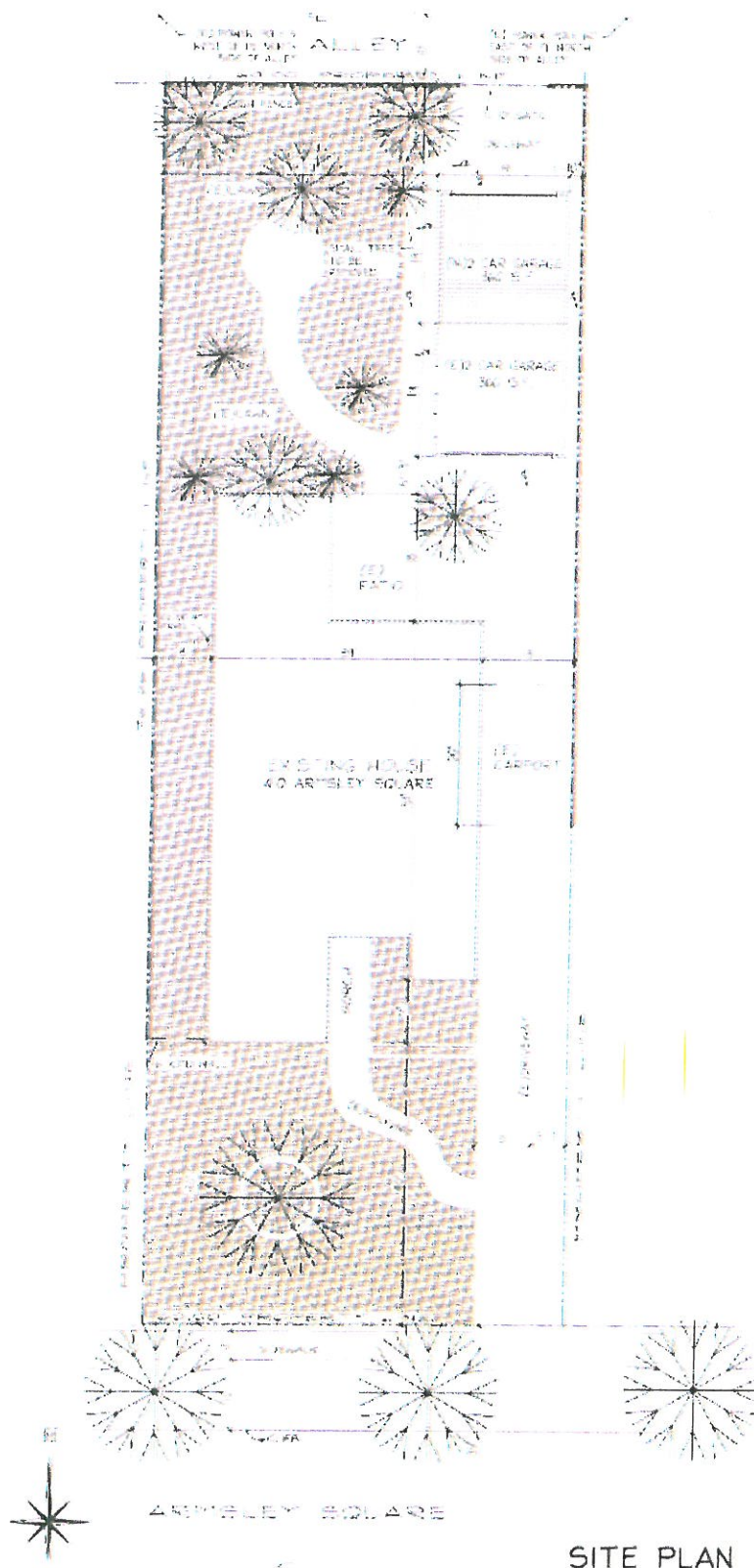
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Scott Murphy  
Zoning Administrator

**Exhibit A: Aerial Photograph**

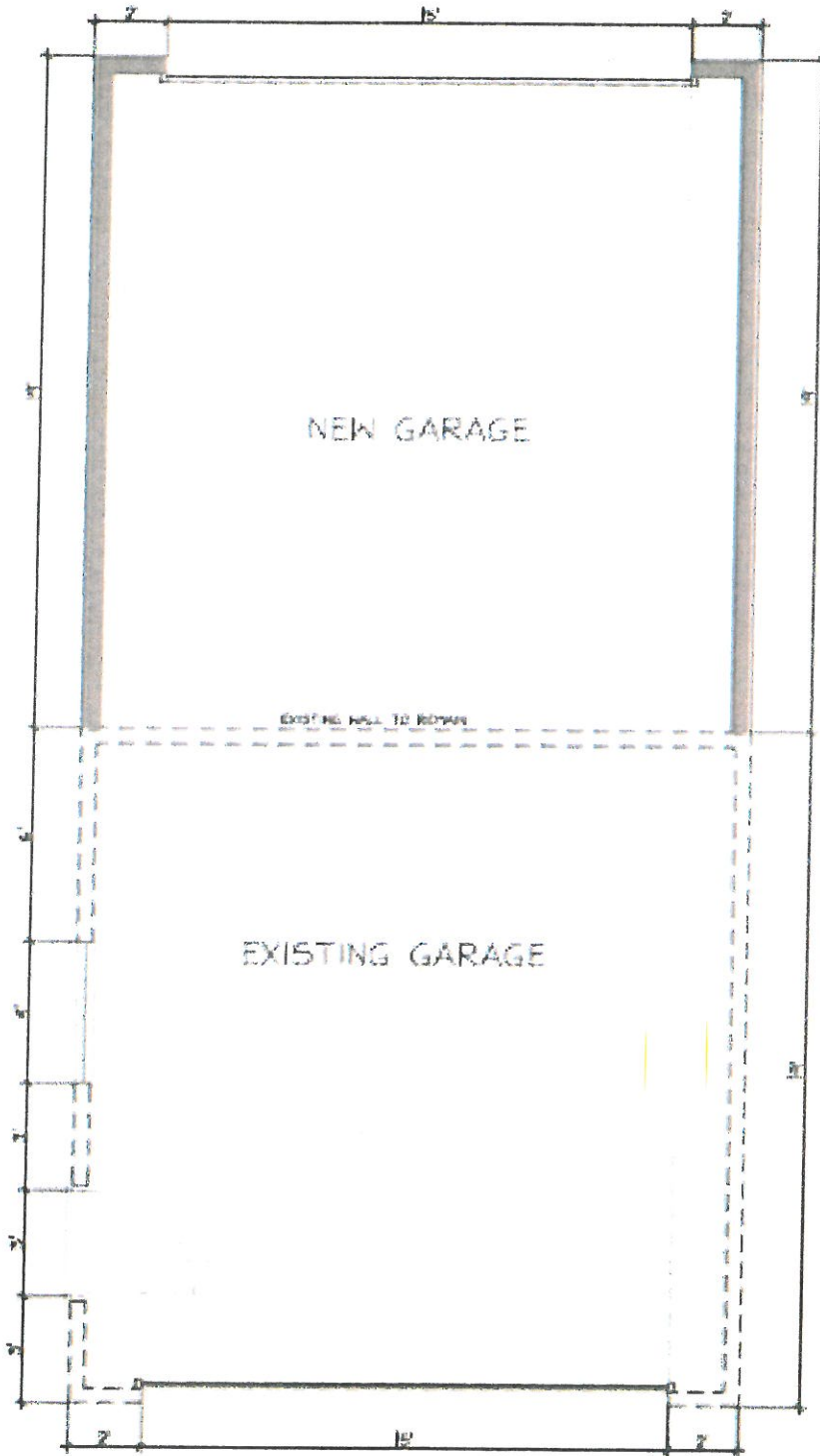


**Exhibit B: Site Plan**



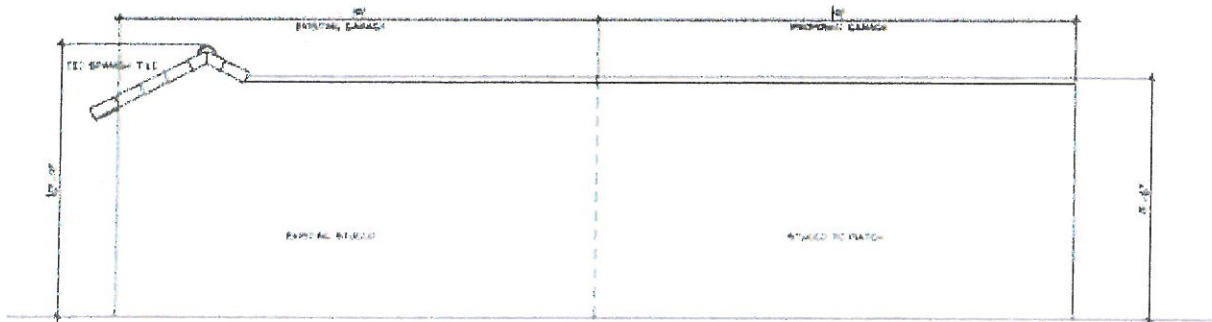


**Exhibit C: Floor Plan**

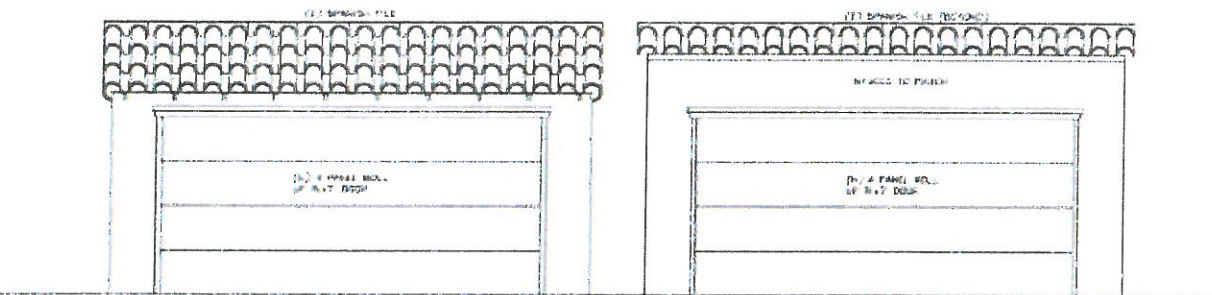


FLOOR PLAN (NEW & EXISTING)

**Exhibit D: Elevations**

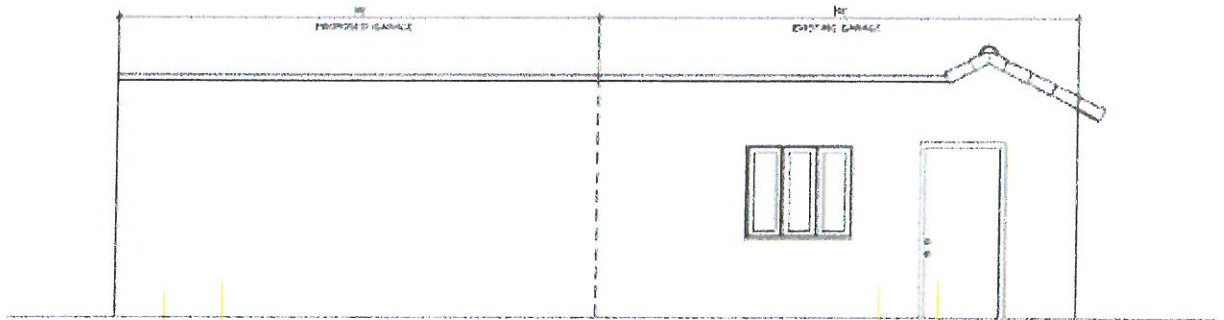


EAST ELEVATION (EXISTING & NEW)



SOUTH ELEVATION (EXISTING)

NORTH ELEVATION (PROPOSED)



WEST ELEVATION (NEW & EXISTING)

**Exhibit E: Site Photos**



410 West Armsley Square, view from street

**Exhibit F: Site Photos**



Existing garage: roof treatment to match main dwelling unit

**Exhibit G: Site Photos**



Existing garage: architectural elements including deep recessed windows and siding and trim to match main dwelling unit



**PLANNING DEPARTMENT  
CONDITIONS OF APPROVAL**

**File No. PVAR15-006**

**Date:** September 1, 2015

**Project Description:** A request for a Variance to deviate from the minimum Development Code standard for the interior side yard setback, from 10 feet to 1 foot 10 inches, to accommodate a 360 square foot addition to an existing detached 360 square foot, two-car garage on approximately 0.244 acres of land located within the Armsley Square Historic District, within the RE (Residential Estate) zoning district located at 410 West Armsley Square. (APN: 1047-341-10); **submitted by Bradley Ball**

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**Reviewed by:** Elly Antuna, Assistant Planner  
**Phone:** (909) 395-2414; **Fax:** (909) 395-2420

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**CONDITIONS OF APPROVAL**

**The above-described Variance application shall comply with the following conditions of approval:**

**1.0 Standard Conditions of Approval.** The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 1020-021, on March 16, 2010. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or the City Clerk.

**2.0 Special Conditions of Approval.** In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

**2.1 Time Limits.** Project approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

2.2 Architectural Treatment.

(a) All materials and colors on addition shall match existing garage and main dwelling unit.

2.3 Environmental Review.

(a) The proposed project is categorically exempt from environmental review in accordance with Sections § 15303 (Class 3 New Construction or Conversion of Small Structures) and § 15305 (Class 5 Minor Alterations in Land Use Limitations) of the California Environmental Quality Act Guidelines.

(b) The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

(c) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(d) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

2.4 Additional Fees.

(a) After project's entitlement approval and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

(b) Within 5 days following final application approval, the  Notice of Determination (NOD),  Notice of Exemption (NOE), filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board", which will be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in the 30-day statute of limitations for the filing of a CEQA lawsuit being extended to 180 days.