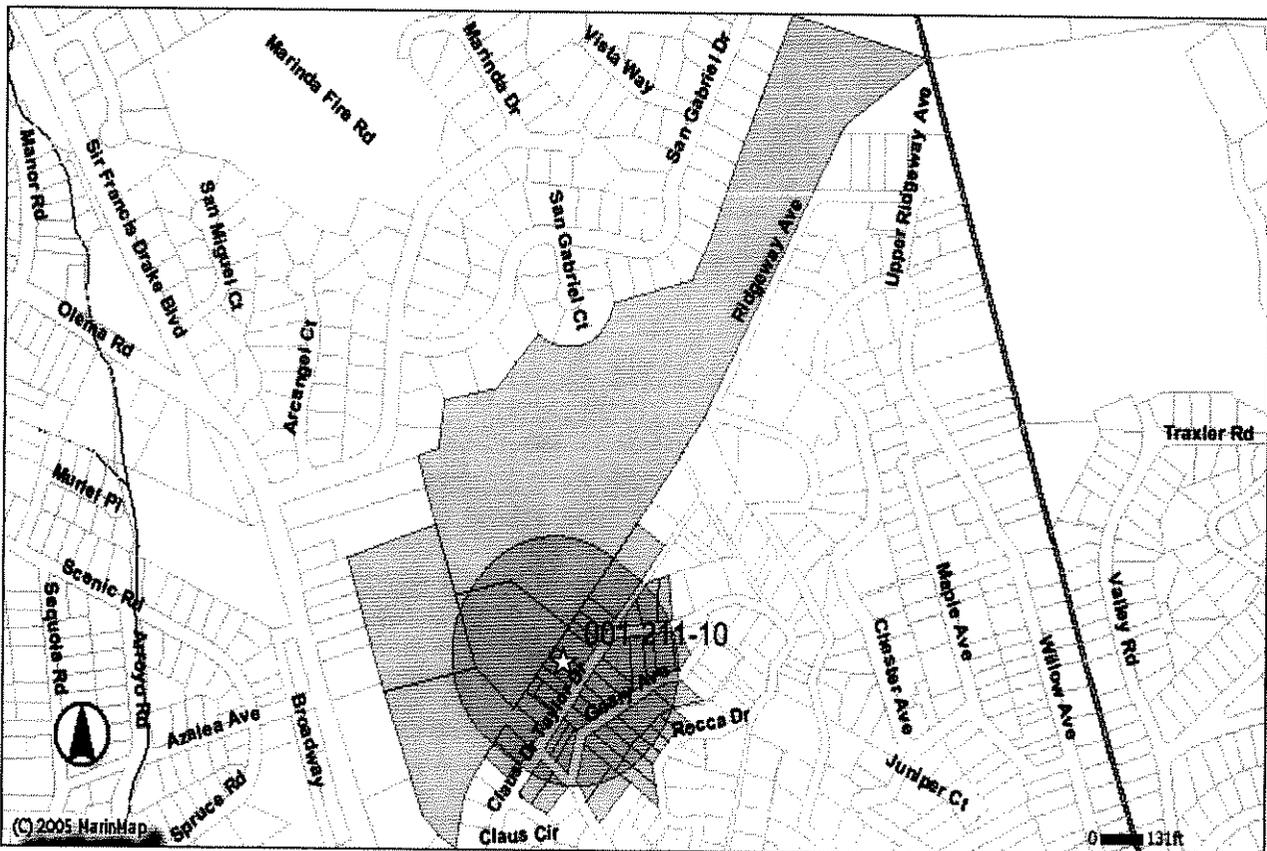


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: September 15, 2011
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: 69 Taylor Drive; Assessor's Parcel No. 001-211-10
ZONING: Residential Single-family RS 6 Zone District
PROJECT: Storage Shed
ACTION: Use Permit and Setback Variances; Application # 11-19
APPLICANT: Rene Verduin
OWNER: Rene Verduin and Heinz Engel
CEQA STATUS: Categorically exempt, § 15303(e)



69 TAYLOR DRIVE

BACKGROUND

The site is 2,400 square feet in size, 24 feet wide, and slopes up from Taylor Drive at an average rate of 20%. The site is developed with a 648 square foot residence and a 400 square foot carport. The residence was constructed in 1921. The existing carport was constructed in 1964 after the Planning Commission approved a setback variance to allow it to be constructed on the front property line. The records show that there was a storage shed on the property when the existing owner purchased it but it was lower in height and was built on the side property line.

DISCUSSION

The applicant is proposing to construct a new 100 square foot shed that reaches up to 15 feet in height from the bottom of the foundation to the tallest part of the shed and is located 8 inches from the southern side property line.

The shed complies with the requirements for accessory structures in the Residential RS 6 Zone as follows:

	Front setback	Rear setback	Combined front rear setback	Min. Side setbacks	Combined side setbacks	FAR	Lot Coverage	Height limit
Required/ permitted	6ft	12ft	35ft	5ft & 5ft	20ft	.40	.35	Accessory structures - 15ft and 1 story
existing	0ft (carport)	45ft	45ft	2.5ft & 1ft	3.5ft	.28	.37	N/A
proposed	0ft	17ft	17ft	8in & 1ft	1ft 8in	.84	.84	15 ft and 1 story

The project requires the approval of the following discretionary permits:

A Use Permit: Town Code § 17.080.050 requires that a Use Permit be obtained prior to any improvements on a property not meeting the minimum size and width requirement for the Residential RD 5.5-7 Zone. A parcel with a 20% slope would have to be 12,000 square feet in size and 125 feet wide to meet the minimum size and width requirement [Town Code § 17.080.050(C)]. The project site is only 2,400 square feet in size and 24 feet wide. Therefore, the proposed shed requires a Use Permit.

Minimum Side, Combined Side and Combined Front/Rear Setback Variances:

The project requires Variances because the storage structure will maintain the substandard setbacks described in the table above.

The structure is the same size, square footage wise, as the old shed but it has been shifted over slightly to maintain an 8 inch setback and it has been increased in height from roughly 7 feet to 13 feet and has been placed on a 2 foot slab foundation for a total height of 15 feet.

Because the shed will be the same size as the previously existing shed, the already non-conforming lot coverage will not be increased.

The residence is a typical Fairfax cottage with no storage/closets and the site is extraordinarily small. The proposed structure will provide much needed secure storage space while maintaining a greater side setback than the previous shed.

The shed does not exceed the permitted 15 foot height limit for accessory structures [Town Code § 17.080.060(B)].

The neighboring property to the south at 67 Taylor Drive has a storage shed located immediately adjacent to the proposed storage shed within the required side yard setback. This shed was approved by the Town in 1984. The residence to the north at 75 Taylor Drive is located on a 66 foot wide lot with the residence located over 38 feet away from the proposed shed and at a higher elevation.

Many properties in the Town of Fairfax have sheds located within required setbacks, especially those developed with older residences that were originally used as summer cottages and were developed without closets, garages or storage areas. The new shed location will increase the side yard setback and the structure will not exceed the permitted height limit or increase the non-conforming lot coverage. Therefore, the project will not change the residential character of the neighborhood.

The shed does not require a building permit because the applicant is not planning to run electrical or water to the building and it is only 100 square feet in size. The Building Code does not require building permits for structures less than 120 square feet in size unless they have power or water.

Other Agency Comments/Requirements

No other agency or department had any comments/requirement for the project.

RECOMMENDATION

Open the public hearing and take testimony.

Close the public hearing.

Move to approve application # 11-19 based on the following findings and subject to the following conditions of approval:

Recommended Findings

1. The approval of the use permit shall not constitute a grant of special privilege because there are many other small properties, including the one next door at 69 Taylor Drive and another at 35 Clause Drive where discretionary permits have been approved by the Commission for accessory structures. .
2. The development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises because the structures complies with the 15 foot height limit and it maintains a greater setback than the previously existing shed.

3. Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and Zoning Ordinance which allows accessory storage sheds in residentially zoned neighborhood [Town Code § 17.080.040(B)].
4. Approval of the use permit will result in equal or better development of the premises than would otherwise be the case because it is located where the previous shed existed and will not be relocated to an undisturbed, vegetated area of the property.
5. The site is only 2,400 square feet in size and 24 feet wide. Therefore, the strict application of the Zoning Ordinance regulations will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification of having an accessory storage shed.
6. The setback variances being granted will not constitute a grant of special privilege because there are other storage/accessory structures in the Fairfax Heights Subdivision located on substandard lots and within required setbacks.
7. The strict application of the Zoning Regulations would eliminate the owner's ability to provide storage for her very small 648 square foot residence which would be an excessive and unreasonable hardship.
8. The granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated because the shed is set back from the public roadway and it maintains a greater setback from the west property line than the previously existing site.

Recommended Conditions:

1. If the applicant decides at some future date to run electrical to the storage shed, she shall first obtain an electrical permit from the Building Department.
2. The shed is approved as depicted on the submitted plans and project description dated received by the Town of Fairfax August 17, 2011. Notwithstanding section # 17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved shed design will require a modification of Application # 11-19. Any construction based on a design that has been altered without the benefit of an approved modification of Variance 11-19 will result in the job being immediately stopped and red tagged.
3. The applicant or owner shall defend, indemnify, and hold harmless the Town of Fairfax or its agents, officers, and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute.

ATTACHMENTS

Applicant's supplemental information and plans

AUG 17 2011

To Whom It May Concern:

8/14/2011 RECEIVED

I am submitting a variance application to the town of Fairfax because I recently purchased the property at 69 Taylor Dr. The house is approximately 600 square feet on a very small lot. I have very little storage space and I am looking to improve my property as well as create space to store important items. When I bought the house there was an existing storage shed. I intended to put windows in it and discovered that it was rat infested, with nests and dead animals. I chose to take this down.

My son, who worked construction this summer was given some very nice windows from a job. We decided to replace the old shed with a new one that was attractive and functional. We designed a 10 x 10 x 15 high shed and began to build it. The project was stopped as it came to the attention to the town of Fairfax because it was too close to the neighboring fence. Even though the old shed was even closer to the fence.

I am asking that my shed be built. It effects only one neighbor who's property is to the north of me. They have a double lot and when they go up to the back of their property they are able to see my shed.

I intend to make my shed look attractive and it will match the design of my home.

Thanks you for your careful consideration,

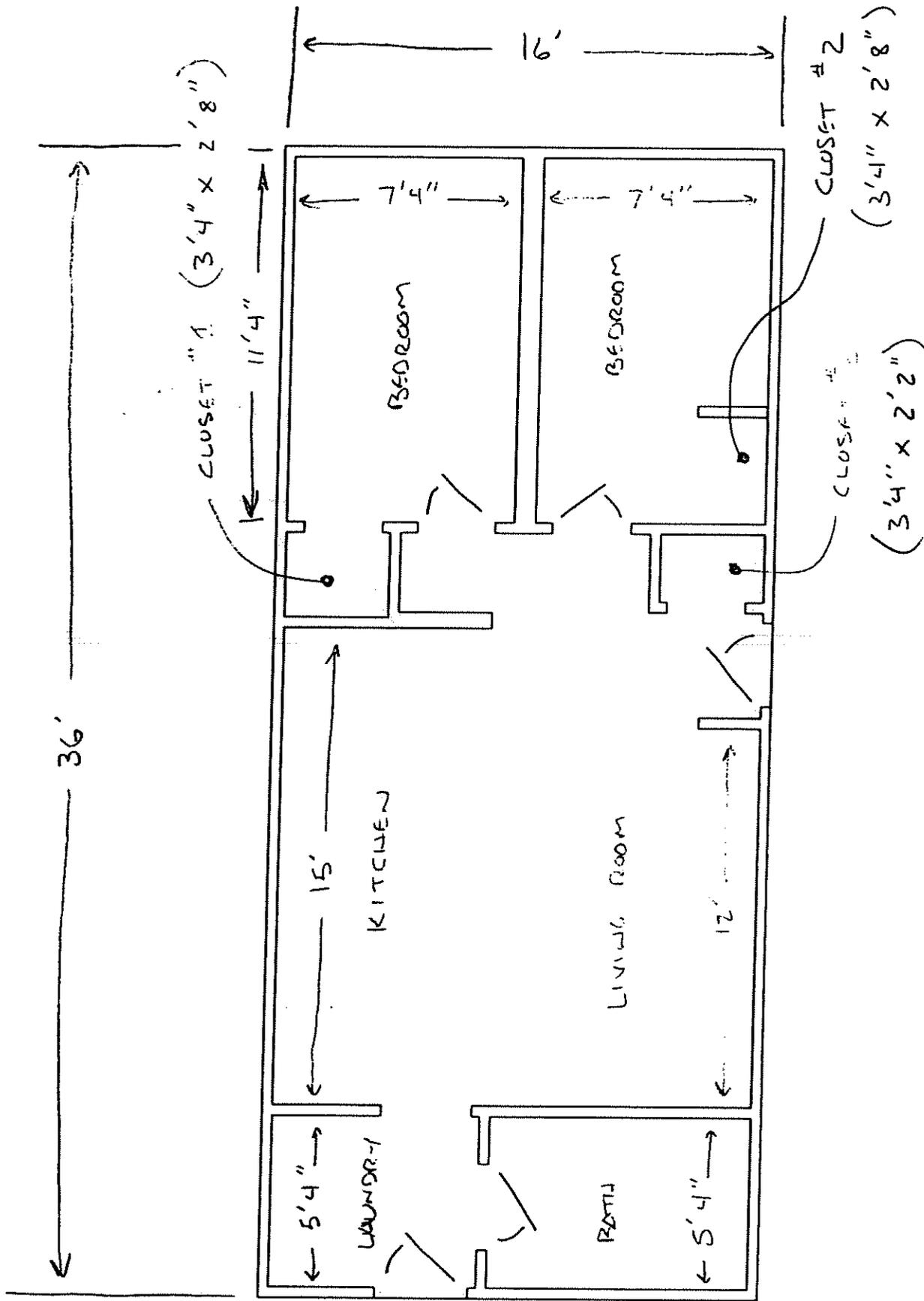
Sincerely,

Rene Verduin

69 Taylor Dr.

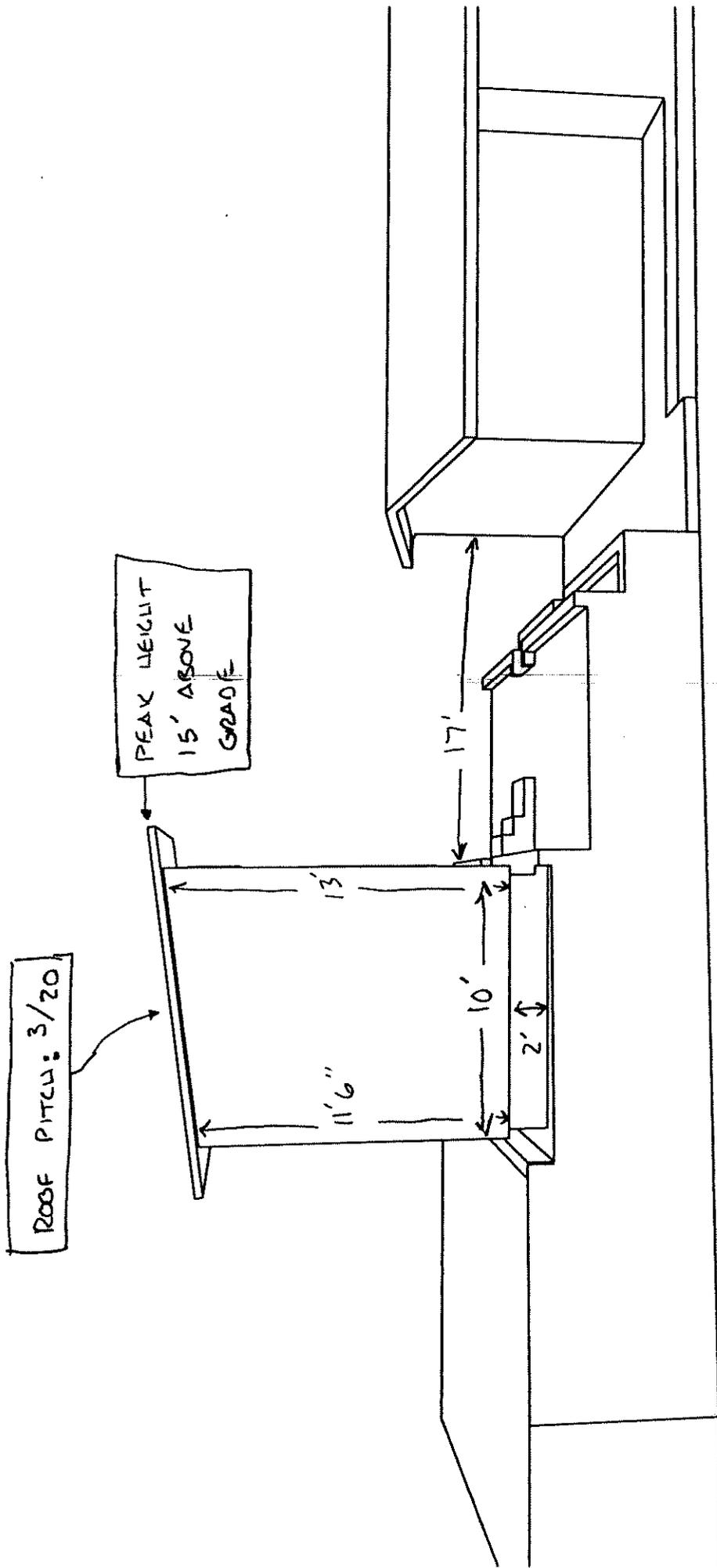
Fairfax, Ca.

EXHIBIT # A

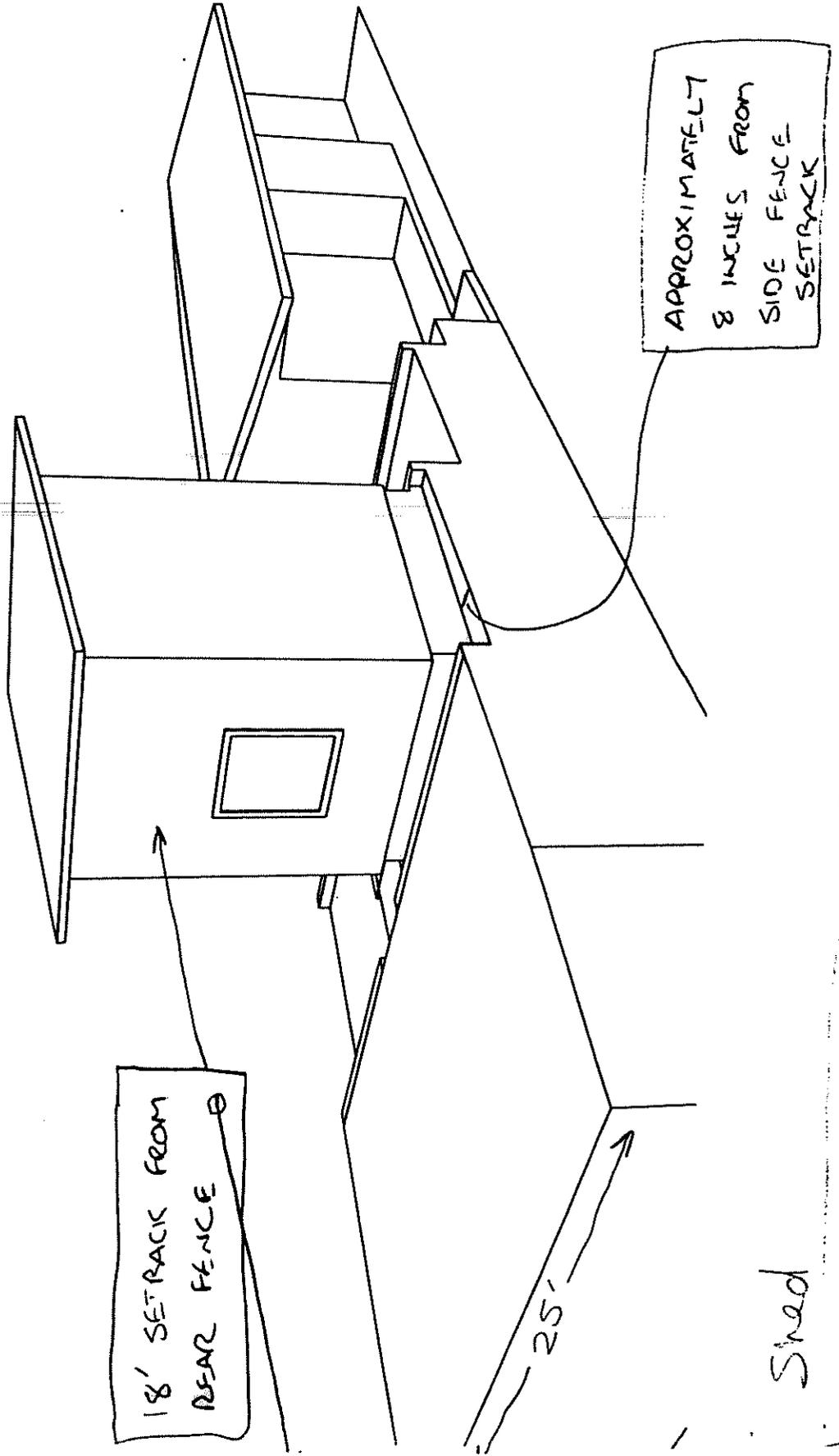


House Floor Plan

69 TAYLOR DRIVE



Shed
69 TAYLOR DRIVE



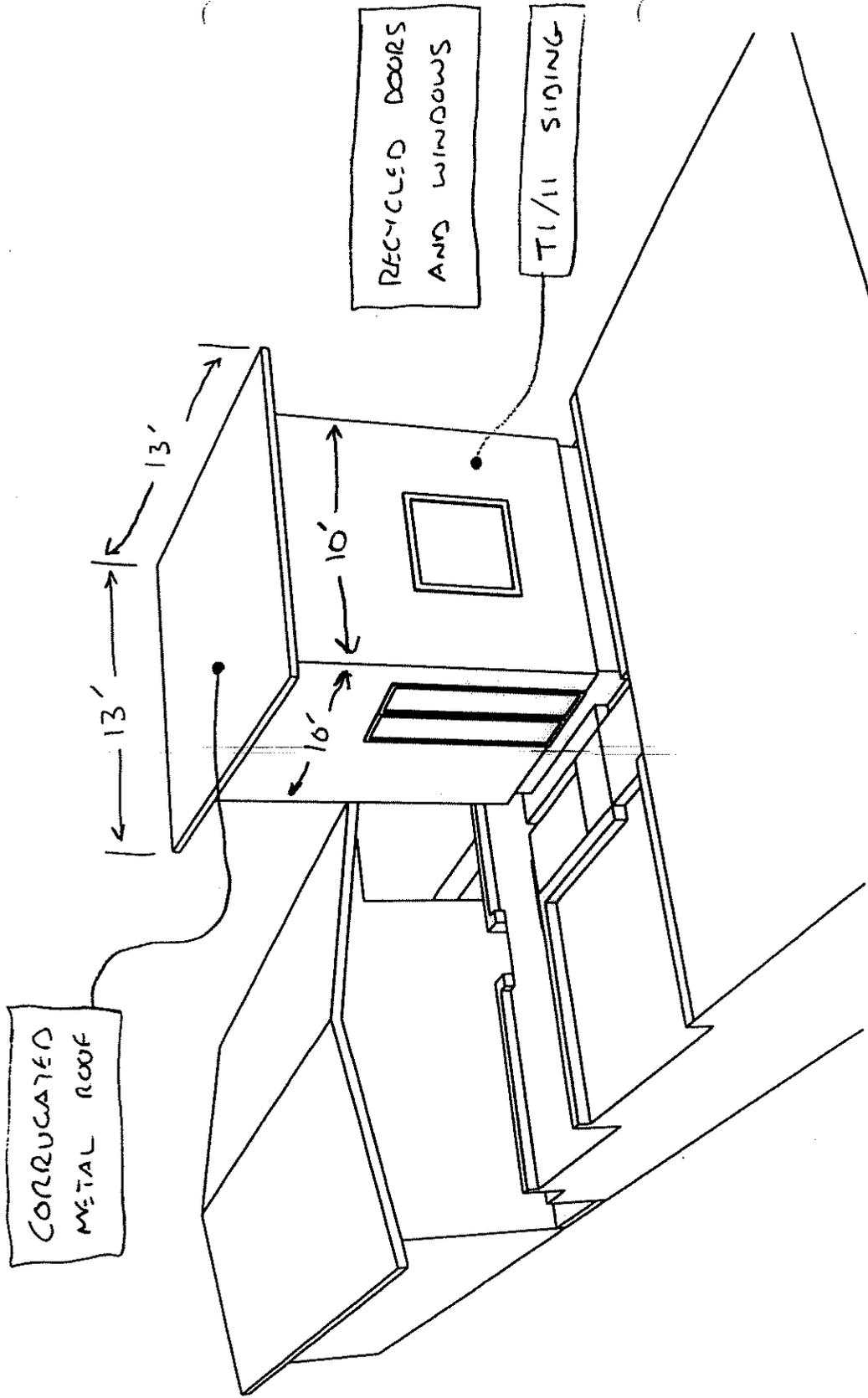
18' SETBACK FROM
BEAR FENCE

APPROXIMATELY
8 INCHES FROM
SIDE FENCE
SETBACK

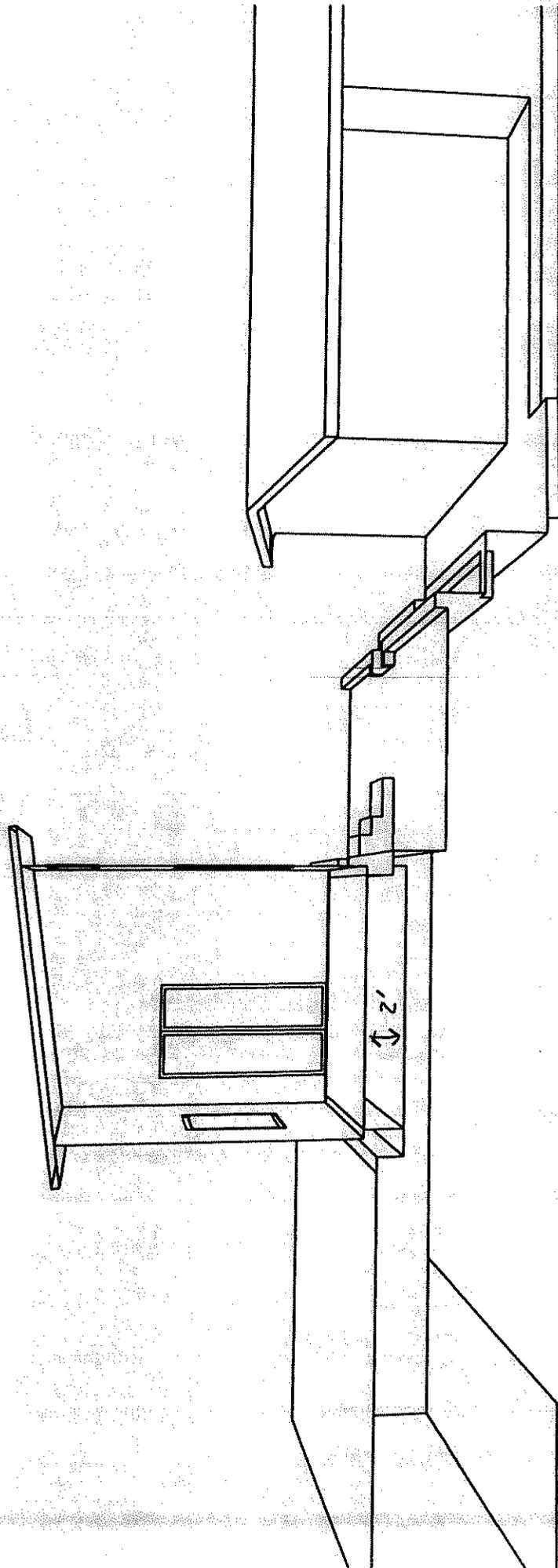
25'

Shed

169 TAYLOR RD



Shed
[69 TAYLOR DRIVE]



Cross Section Shed

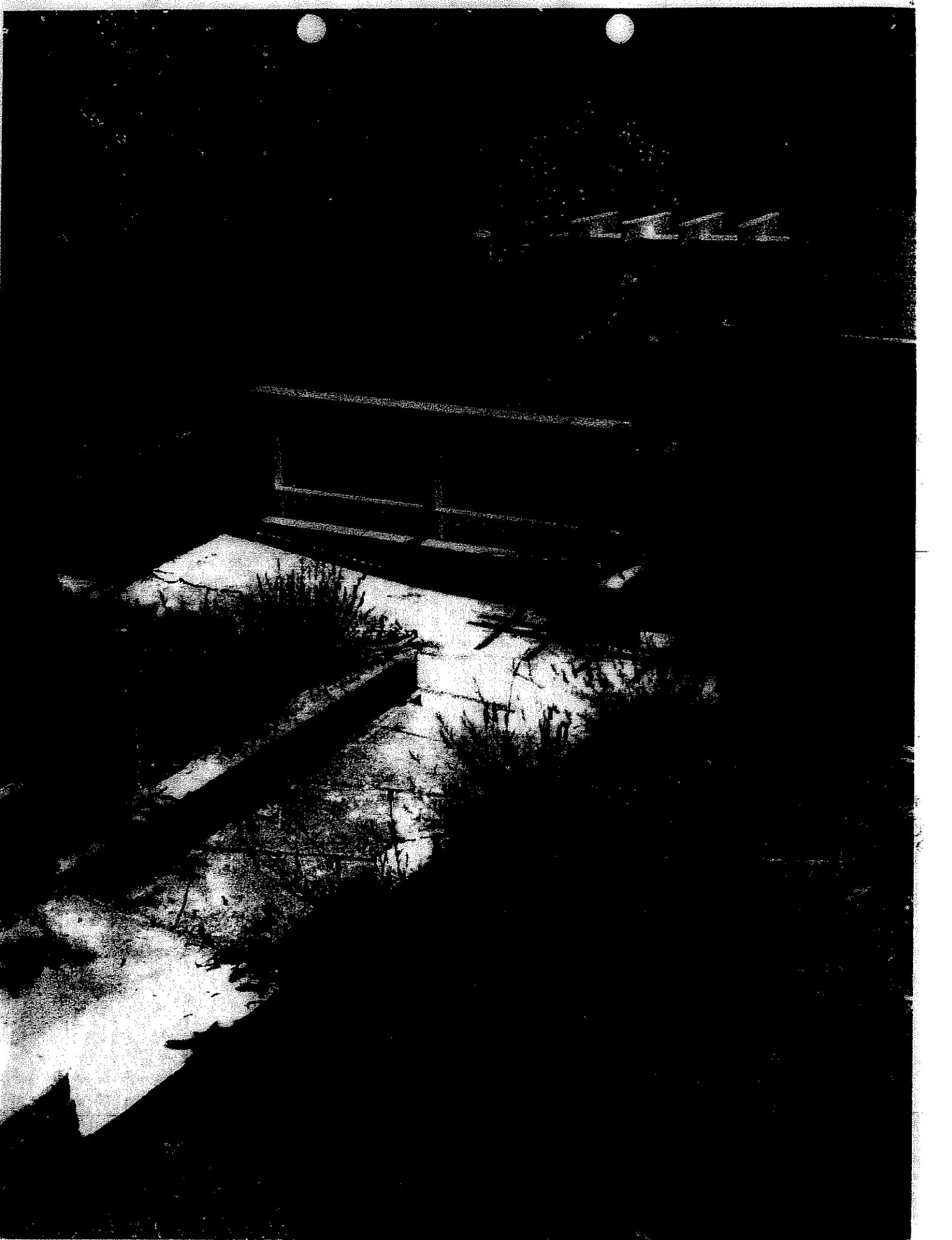
69 TAYLOR DRIVE

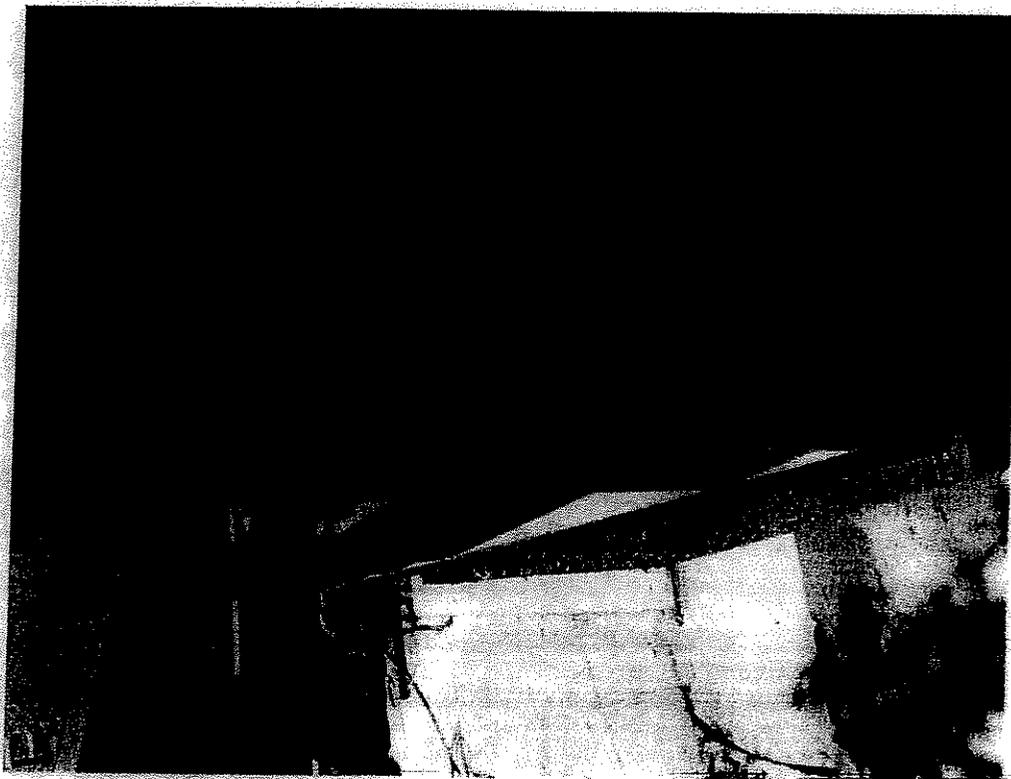




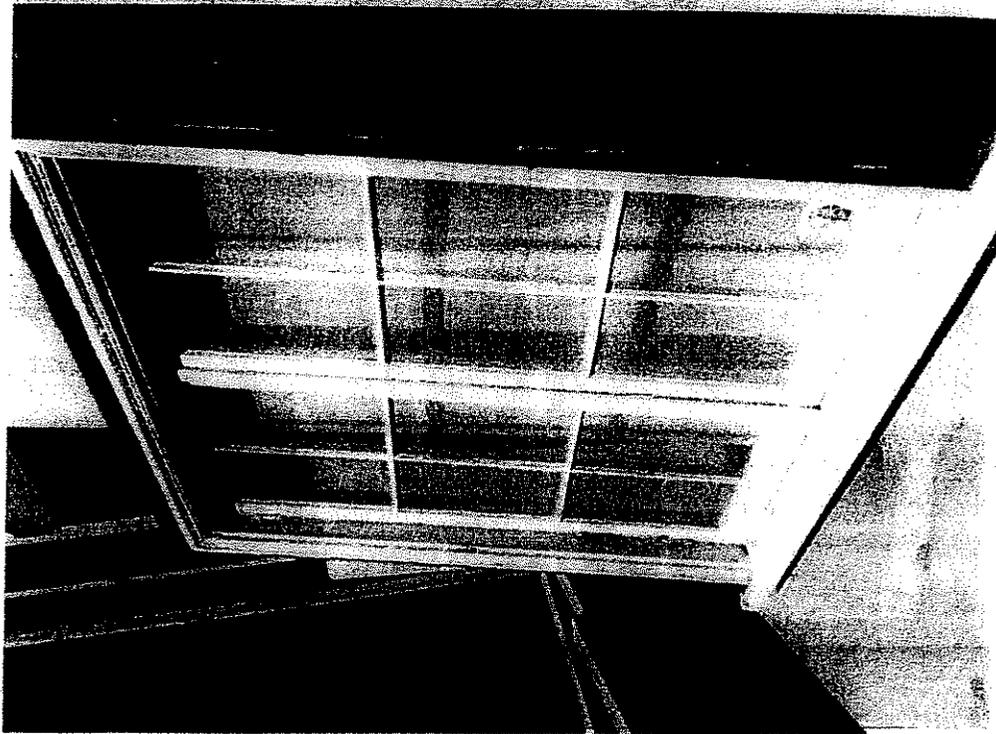












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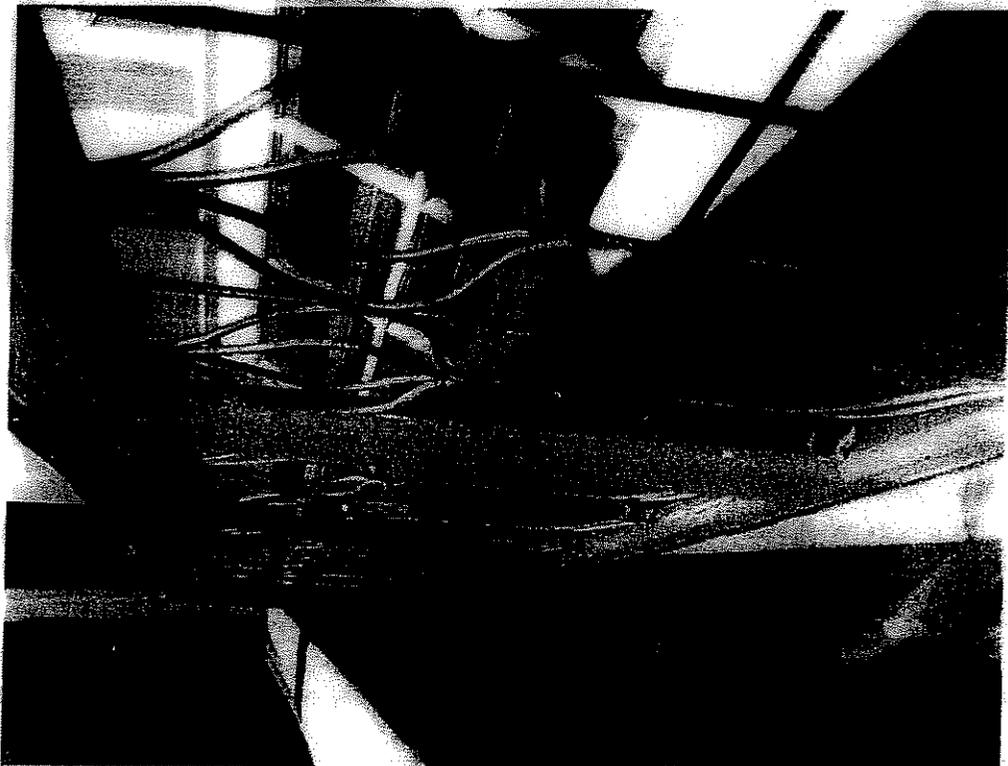


Figure 10-10

