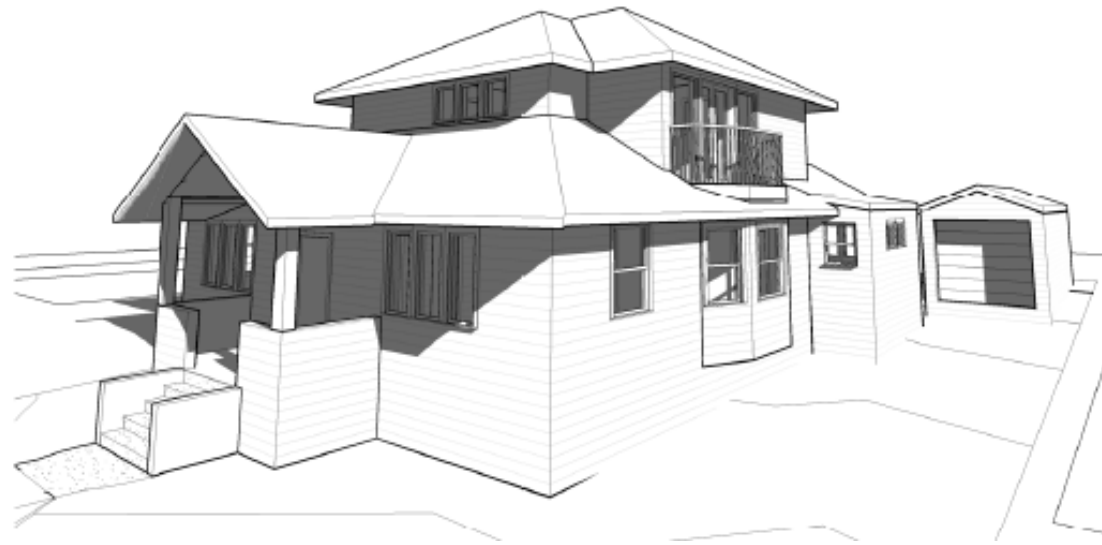


# ZAB Appeal: 2943 Pine Avenue

**September 28, 2021**

**Use Permit #ZP2020-0107**

**Allison Riemer, Assistant Planner, Land Use Planning Division**



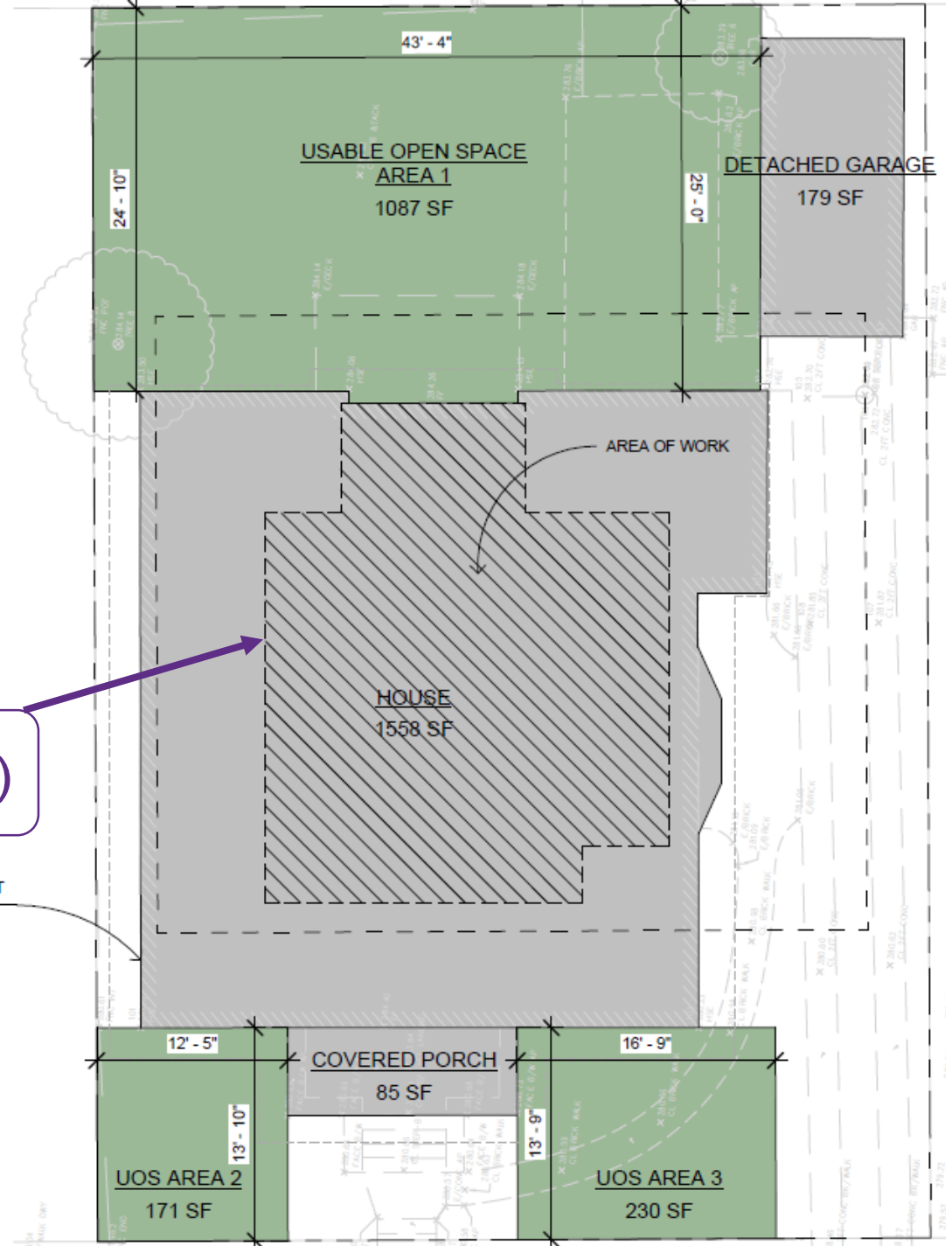


Lot Coverage of 42%  
(40% required)

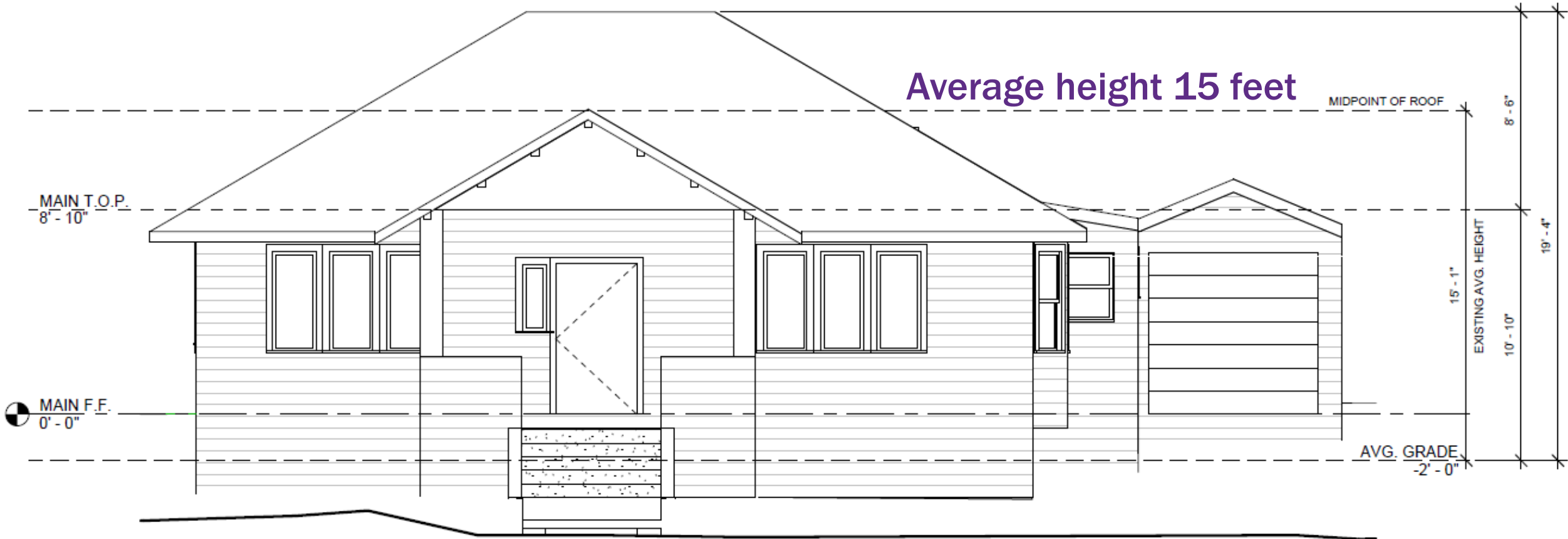
No change to building  
footprint or lot coverage.

Addition (hatched)

NO CHANGE TO E.  
FOOTPRINT OR LOT  
COVERAGE



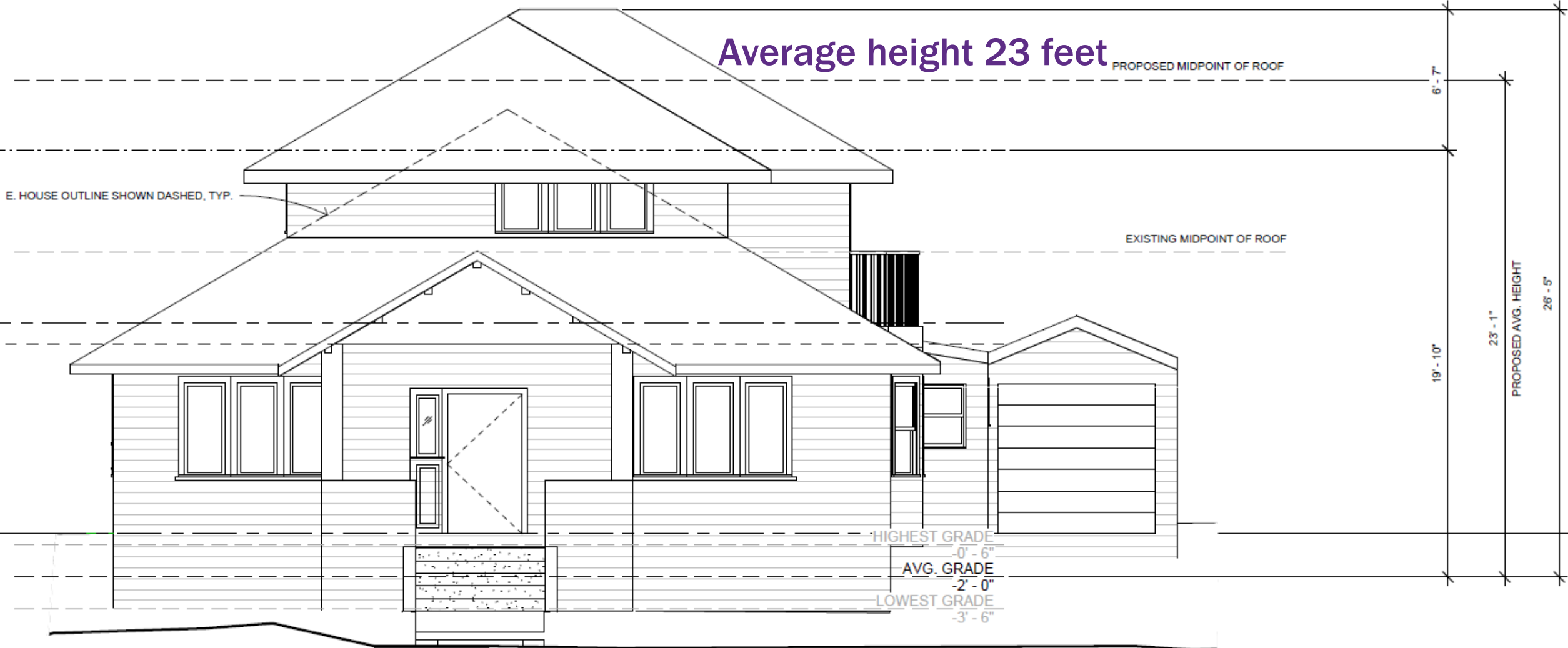
# Existing Front



① EXISTING WEST  
1/4" = 1'-0"

# Proposed Front

Average height 23 feet

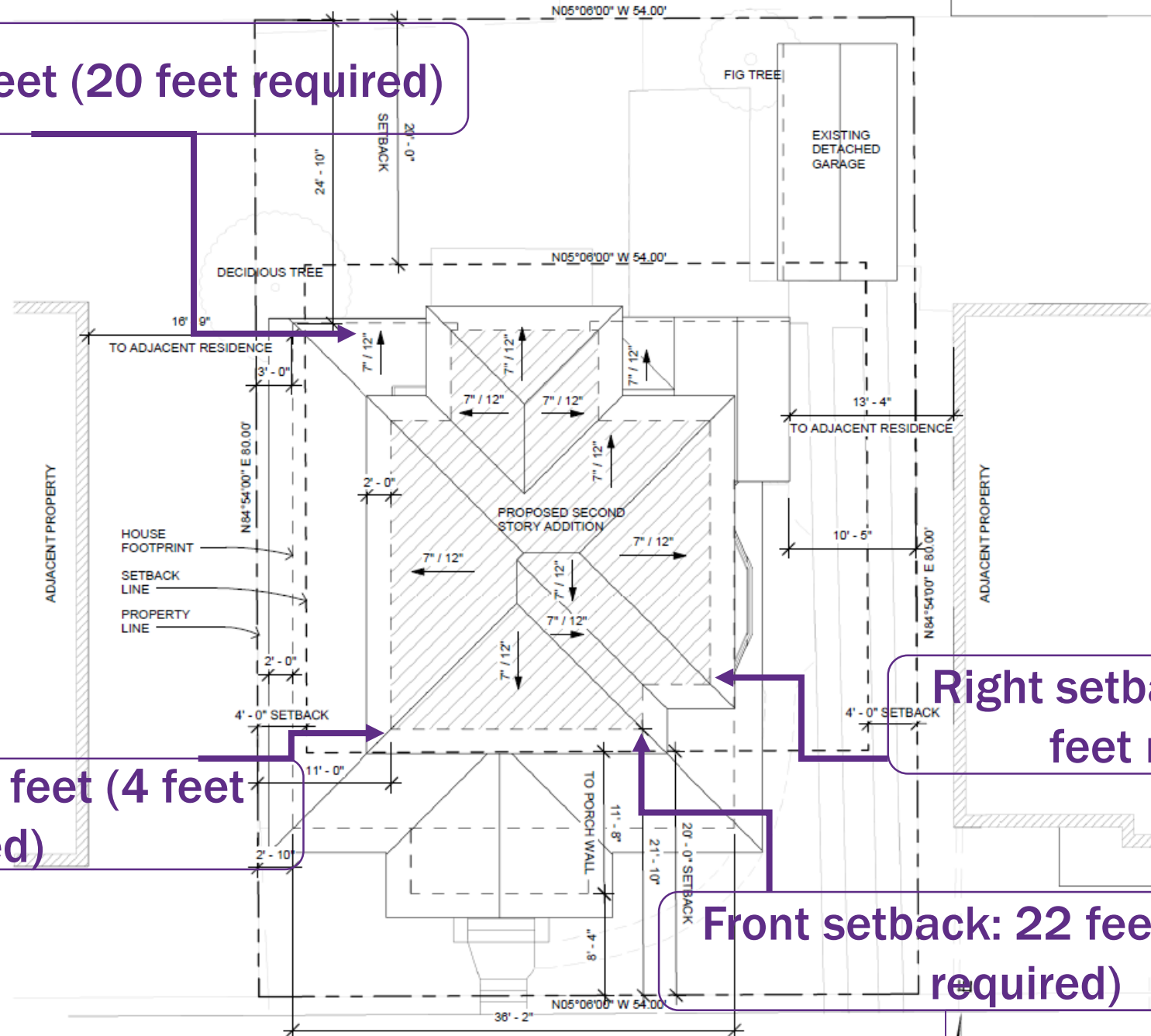


Rear setback: 25 feet (20 feet required)

Left setback: 11 feet (4 feet required)

Right setback: 17 feet (4 feet required)

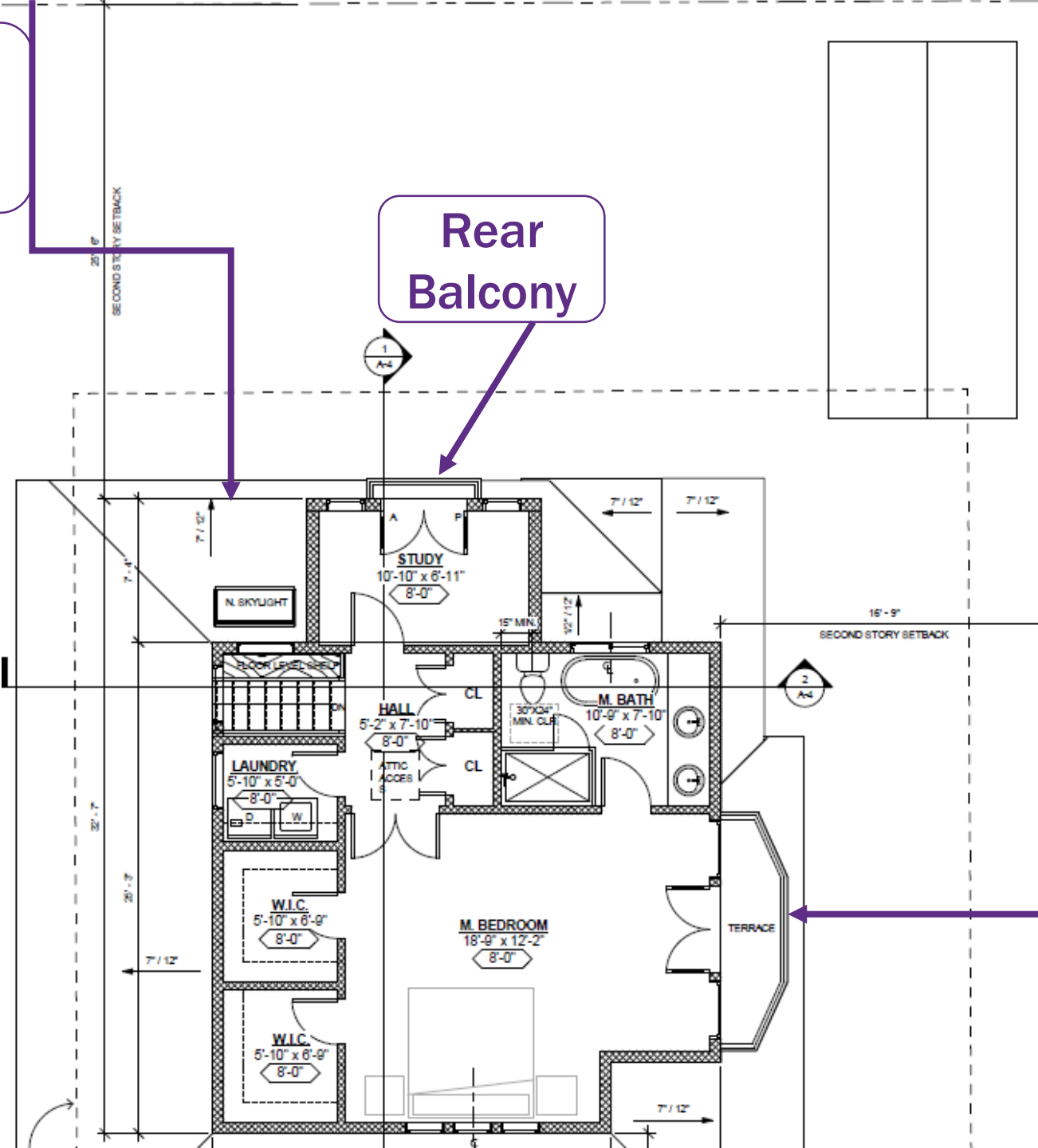
Front setback: 22 feet (20 feet required)



Rear setback: 25 feet (20 feet required)

Rear Balcony

Right-Side Balcony



# Timeline

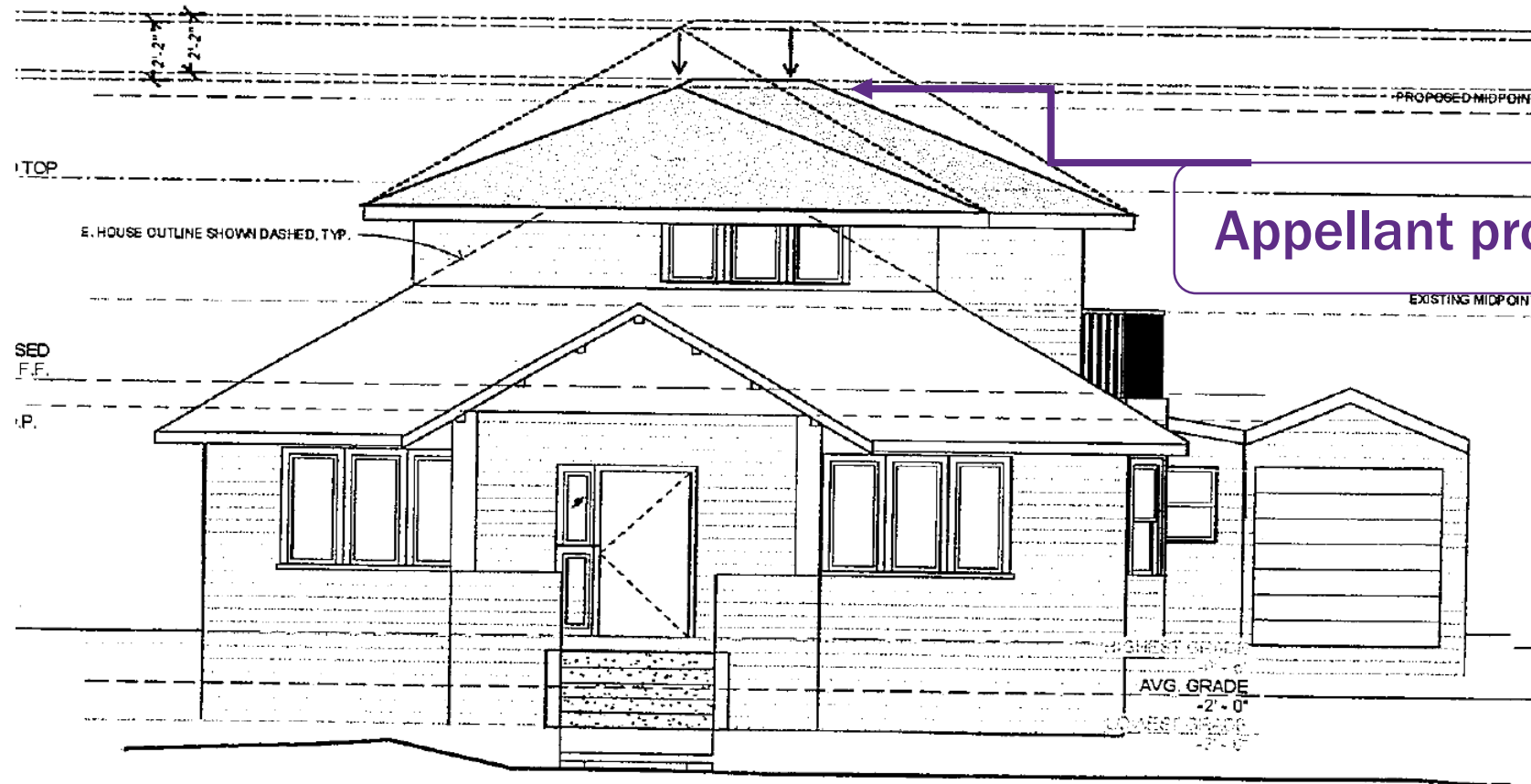
- **October 2020:** Use Permit application submitted
- **April 2021:** Approved by ZAB
  - Added conditions related to rear bathroom window
- **Appealed April 2021**
  - Appeal 1: 2918 Elmwood Ct
  - Appeal 2: 2916 Elmwood Ct





# Appellant 1 (2918 Elmwood Ct), Appeal Issue 1

**Appeal Points: Lower the roof by 2 feet 2 inches and reduce the roof pitch to reduce shading in yards and main rooms. Proposed roof is inconsistent with nearby houses.**



Appellant proposed front elevation

# Appellant 1 (2918 Elmwood Ct), Appeal Issue 1

## Response:

- **Design Review does not apply to the R-1 Single-Family Residential District and there is no requirement in the BMC that a new roof be consistent with surrounding roofs.**

2939 Pine



2943 Pine



2947 Pine



# Appellant 1 (2918 Elmwood Ct), Appeal Issue 1

## ***Response:***

- **Other two-story dwellings on the street**

2961 Pine

2963 Pine

2927 Pine



# Appellant 1 (2918 Elmwood Ct), Appeal Issue 2

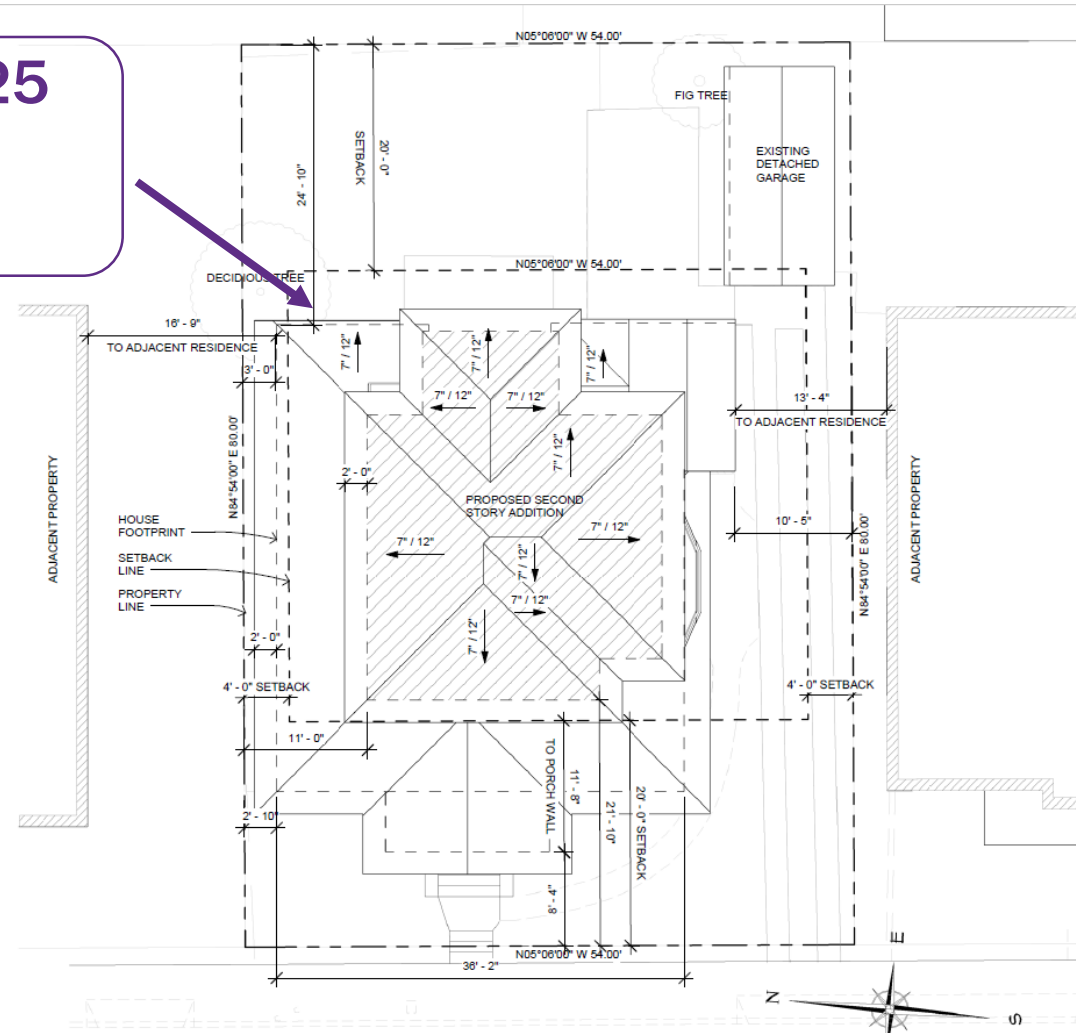
**Appeal Points: The “rear second-story balcony looms out over the rear yards of both 2918 and 2916 Elmwood Court.” The balcony should be removed or designed so it will not invade the privacy of 2918 and 2916 Elmwood Court.**



# Appellant 1 (2918 Elmwood Ct), Appeal Issue 2

**Response:** proposed balcony is outside of required rear setback, and balconies and decks may project 6 feet into the required rear yard.

Rear setback: 25 feet (20 feet required)



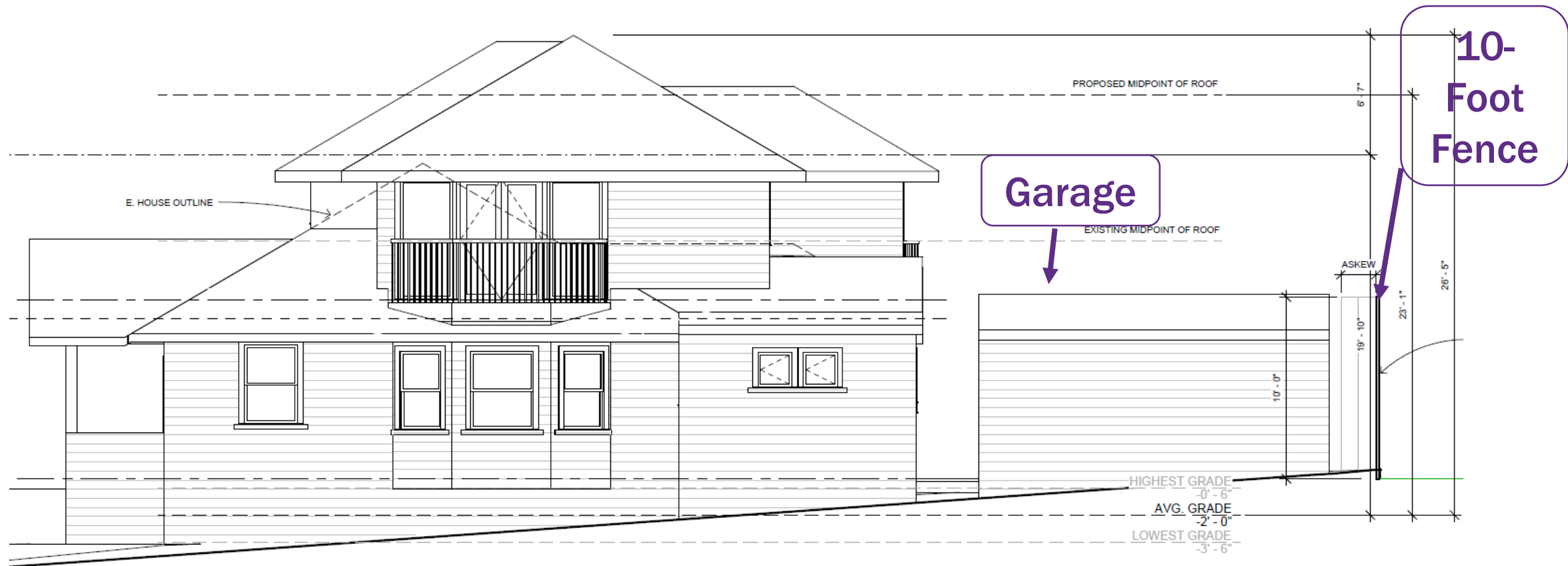
# Appellant 1 (2918 Elmwood Ct), Appeal Issue 3

**Appeal Points: Appellant states that the rear fence is only 6 feet high on their side of the fence, and applicant states that the fence is 10 feet high. Appellant requests that the AUP language be amended to permit a fence “no higher than the existing fence.”**



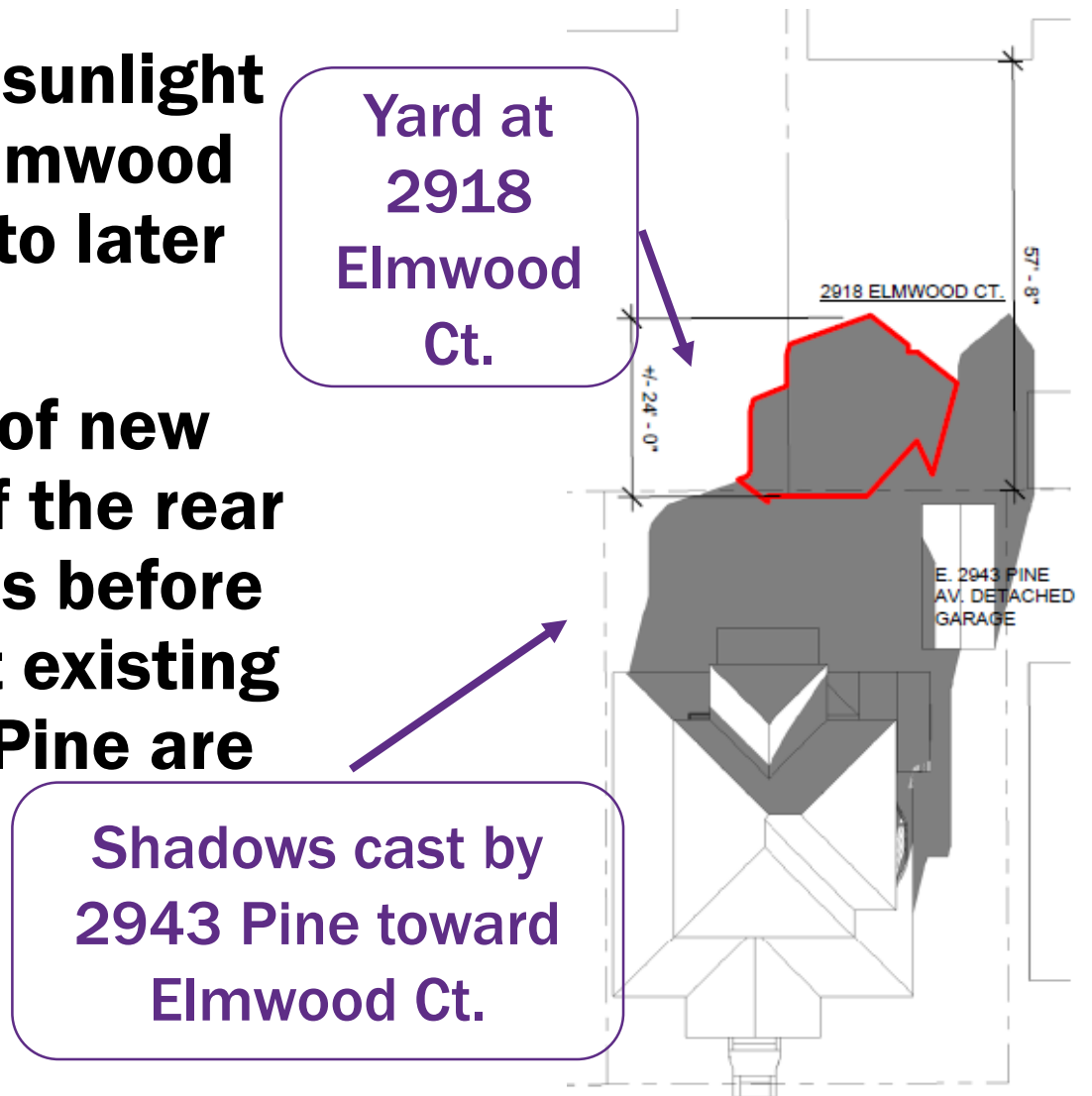
# Appellant 1 (2918 Elmwood Ct), Appeal Issue 3

**Response:** Approved plans show a 10-foot fence at the rear property line, approximately the same height as the detached garage.



# Appellant 2 (2916 Elmwood Ct), Appeal Issue 1

- **Appeal Points:** The addition blocks sunlight entering the dining area at 2916 Elmwood Ct. from the southeast in the early to later afternoons year-round.
- **Response:** There is a small portion of new shading on the southwest corner of the rear yard of 2916 Elmwood Ct. two hours before sunset on the summer solstice, but existing and proposed shadows from 2943 Pine are not cast onto the dwelling at 2916 Elmwood Court.





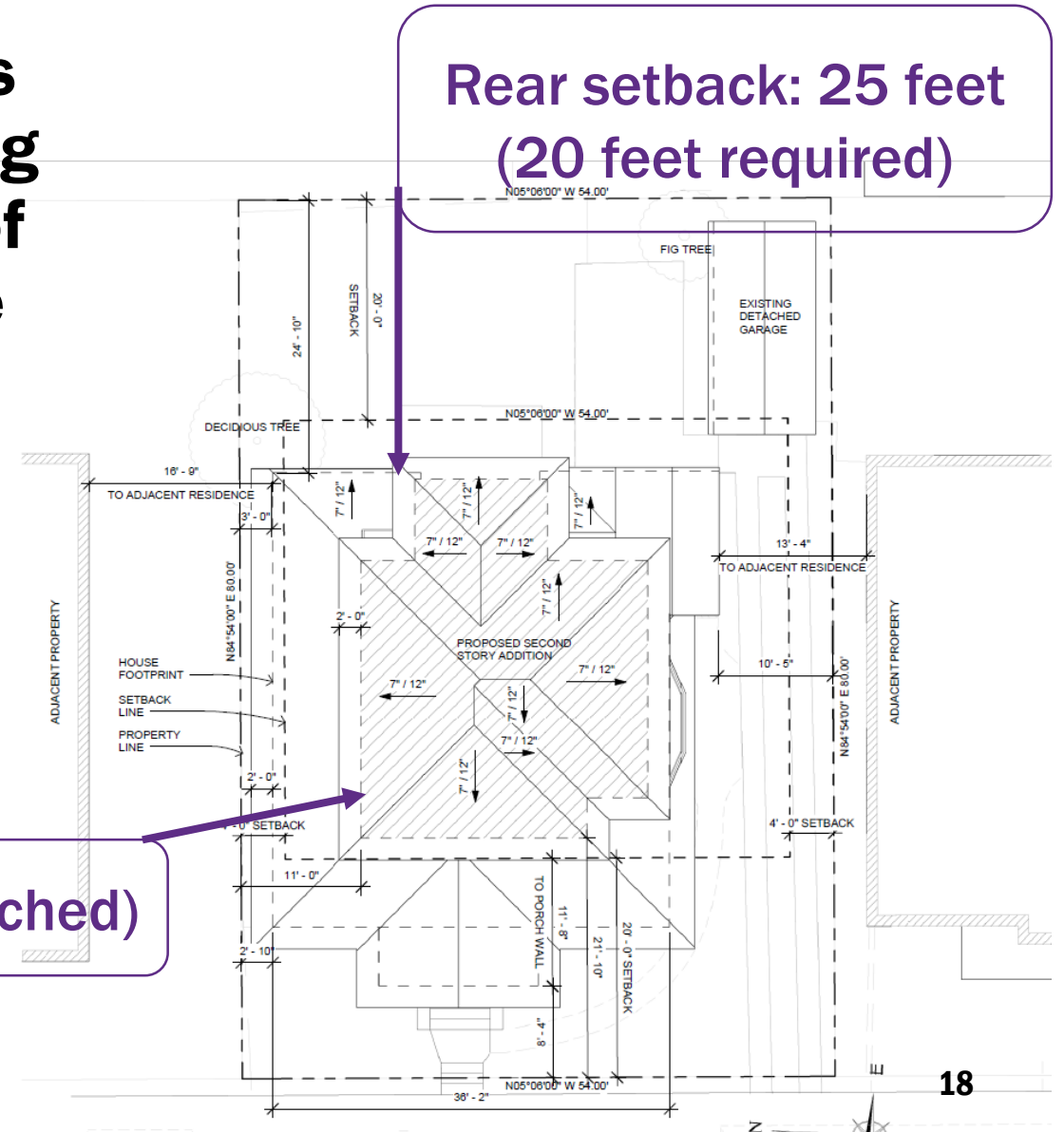
## **Appellant 2 (2916 Elmwood Ct), Appeal Issue 2**

**Appeal Points: An arborist report is needed to define the Critical Root Zone of the Coast Live Oak at 2918/2916 Elmwood Ct. Story poles need to be installed. The shadow studies need to be validated.**

# Appellant 2 (2916 Elmwood Ct), Appeal Issue 2

**Response:** The proposed addition does not expand the footprint of the existing dwelling, and the addition is outside of the 20-foot required rear setback. The addition would not be within the dripline of the oak tree.

**Story poles aren't required, and the shadow studies comply.**



# Staff Recommendation

**Staff recommends upholding ZAB approval:**

**Use Permit to add an addition with an average height of 23 feet 1 inch, a fifth bedroom, and a 10-foot fence at the rear and left side, on a lot that is existing non-conforming for lot coverage and certain setbacks, with the ZAB-approved conditions of approval related to the second-floor bathroom window.**

**Alternate City Council Action:**

**Continue the public hearing**

**Modify the ZAB decision and approve the Use Permit**

**Reverse the ZAB decision and deny the Use Permit**

**Remand to ZAB for consideration of specified issues**