

RESOLUTION NO. 2024-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA CONDITIONALLY APPROVING A MAJOR VARIANCE FOR REDUCED INTERIOR SIDE SETBACKS AT 1716 H STREET (APN: 005-063-003)

WHEREAS, David Enos, the Applicant, is requesting approval to allow reduced setbacks from the adjacent properties to the north and south to construct a 2-story structure containing an accessory dwelling unit (ADU) and garage on the 1st floor, and a dwelling unit on the 2nd floor, on a 39-ft-wide and 110-ft-long (4,290-sf) interior lot with an existing single-family home at 1716 H Street (APN: 005-063-003); and

WHEREAS, the project site is located in the Residential High (R3) zoning district, with a High Density Residential (HDR) land use designation; and

WHEREAS, a Major Variance pursuant to Eureka Municipal Code (EMC) §155.412.140.C.2 is required to: (1) allow 4-ft interior-side setbacks from the northern and southern property lines for the 2nd-floor dwelling unit where the minimum setback standard is 5 ft; and, (2) allow a 0.7-ft setback from the southern property line for the 2nd-floor dwelling unit's access stairway for 100% of the southern-facing building wall where the minimum setback standard for stairways is 2 ft (stairways may project 3 ft into the 5-ft setback) not to exceed 50% of the building wall it's attached to; and

WHEREAS, the proposed 2-story structure will replace an existing legal-nonconforming 1-story garage adjoining the alley which does not comply with the 5-ft minimum interior-side setback standard as the garage is set back 3 ft from the northern property line and 1 ft from the southern property line; and

WHEREAS, per EMC §155.412.140.A (Purpose [of a Variance]), the purpose of a Variance is to allow for deviations from physical development standards when strict application of the standards creates a unique hardship due to unusual circumstances with the property; and

WHEREAS, a Major Variance is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka, and via Zoom, on August 14th 2024 at 5:30 PM, to consider the request; and

WHEREAS, the Planning Commission has reviewed the subject application in accordance with Eureka Municipal Code Chapter 155, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

1. There are unique circumstances applicable to the subject property, including its narrow and elongated shape, that do not generally apply to other properties in the vicinity.

2. The strict application of the Zoning Code would deprive the subject property of privileges enjoyed by nearby properties, such as legal-nonconforming structures with smaller interior side setbacks that could also add a 2nd-story dwelling unit above them.
3. The project will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zoning district as the subject property as described in the staff report.
4. The Variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zoning district as the subject property as there are several adjacent properties with existing structures non-conforming to current setback standards which are allowed to remain and be repaired and modified pursuant to the nonconforming building standards in EMC §155.424.040.
5. The project is exempt from CEQA, pursuant to §15303, Class 3, New Construction or Conversion of Small Structures which exempts the construction of limited numbers of new small structures including a duplex or similar multi-family residential structure totaling no more than four dwelling units; and §15305 Class 5, Minor Alterations in Land Use Limitations which exempts minor setback variances not resulting in the creation of any new parcel in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby approve the application.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 14th day of August, 2024, by the following vote:

AYES:	COMMISSIONER
NOES:	COMMISSIONER
ABSENT:	COMMISSIONER
ABSTAIN:	COMMISSIONER

Meredith Maier, Chair, Planning Commission

Attest:

Cristin Kenyon, Executive Secretary

