

Variances Justification Findings

Variance A: To allow construction of a two-story residence on RC-zoned property located at 7530 and 7540 Spencer Court, where the Zoning Code allows for one story.

Variance B: To allow construction of a residence with a building height of 28 feet on RC-zoned property located at 7530 and 7540 Spencer Court, where the Zoning Code allows for a maximum height of 20 feet.

Factual Background

The project applicant seeks to construct an 18,900 square-foot, two-story single family residence on a 4.84-acre site (the "Project site") at 7530 and 7540 Spencer Court, in Riverside, CA (the "Project"). The Project site is located in the Residential Conservation ("RC") Zone. The RC Zone limits residential development to one-story and a maximum building height of 20 feet. (Riverside Municipal Code, § 19.100.040.)

Most residences surrounding the Project site are two-story homes that exceed 20 feet in height, including the residences located at 404, 411, 420, 427, 436, and 445 Green Orchard Place; 7376, 7383, 7385, 14005, and 14025 Crystal View Terrace; 18045, 18060, and 18065 Berry Road; and 314, 364, 376, and 388 Eternal Way.

While not all of these neighboring residences are zoned RC, many neighboring RC-zoned properties have received variances to allow two-story homes exceeding twenty feet in height, including the residences located at 7376, 7383, and 7385 Crystal View Terrace and 364, 376, and 388 Eternal Way.

The project applicant is requesting two variances to permit construction of a two-story residence at the Project site with a height of 28 feet. The variances are enumerated as Variance A and Variance B, as set forth above. Variance A and Variance B are justified under Section 19.720.040 of the City's Municipal Code, as explained in further detail below.

Findings

1. The variances do not grant or authorize a use or activity that is not otherwise allowed in the RC zone.

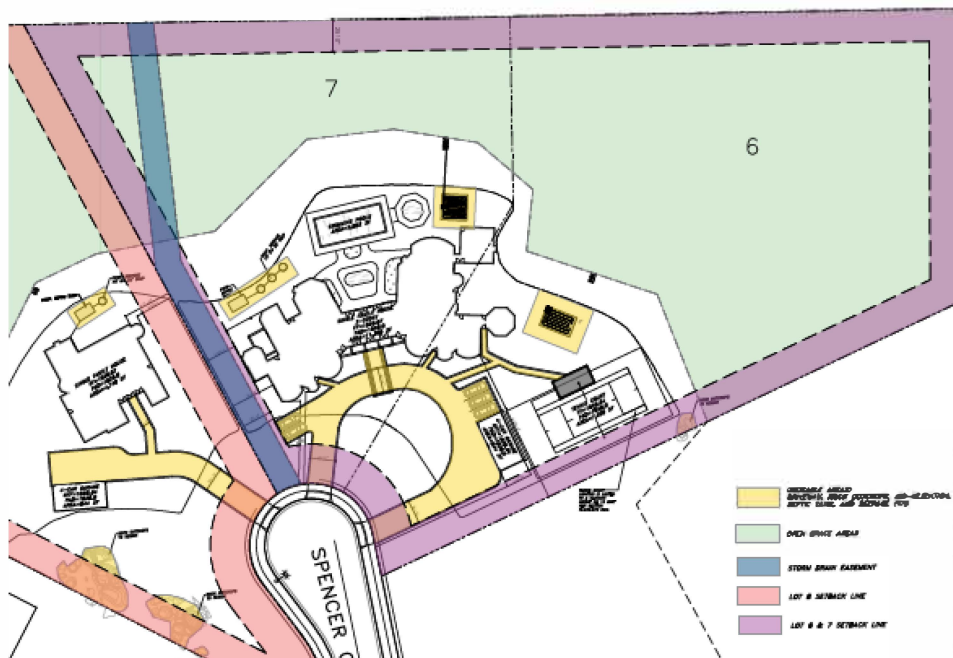
Variances A and B: The requested variances comply with this finding. The project site is located within the RC – Residential Conservation Zone, which allows for single-family residential uses. The proposed project

includes a single-family residence. The proposed variances for height and a second story do not authorize a use or activity contrary to single-family residential use.

2. There are practical difficulties or unnecessary hardships created by the strict application of the Zoning Code because of physical circumstances and characteristics of the property that are not shared by other properties in the zone.

Variances A and B: The requested variances comply with this finding. The Project site is burdened with circumstances and characteristics that are not shared by other properties in the RC zone or in the neighborhood.

The Project site is approximately 210,830 square feet (i.e., 4.84 acres). More than eighty percent of the Project site, however, is not buildable due to (1) the Project site's unique topography; (2) open space easements that burden the burden; (3) a public storm drainage easement that burdens the property; (4) an expansive driveway needed to facilitate sufficient fire turnarounds and minimum hose pull length to all portions of the building; (5) the implementation of a Water Quality Management Plan that requires the installation of two separate bio-retention basins at the Project site; and (6) the project's need to dedicate area for a septic field and septic tank. These factors all limit the area in which a residence can be constructed on the project site. Factors limiting development of the site are illustrated below:



The Project site is located on lots 6 and 7. The areas highlighted in purple above illustrate the lot setback line for lots 6 and 7. The areas in green illustrate the open space areas that cannot be developed. The areas in blue illustrate the storm drainage easement. And the areas in yellow demonstrate where the driveway, bioretention basin, septic tank, and seepage pits will be located. In short, the vast majority of the site is not buildable.

These circumstances are unique to the Project site. Surrounding properties are not similarly burdened by open space easements, storm drainage easements, the need for bio-retention basins or a septic tank, and the need to facilitate such an expansive driveway to meet fire safety needs. As a result, other properties in the neighborhood and in the RC-zone have a much higher percentage of their property available for development, as illustrated below:



As demonstrated above, the Project site (the usable area on the right pictured above) is unique among the surrounding properties, as it has the lowest percentage of buildable area among all parcels in the neighborhood.

The Project Site is roughly 210,830 square feet, but due to the constraints on the property, the Project proposes a single-family residence of approximately 18,900 square feet, with a first floor of 9,805 square feet, and a second floor of 9,095 square feet. The square footage of the proposed Project is thus less than 10 percent of the square footage of the Project site. No other surrounding property is improved with a residence

that constitutes ten percent or less of the square footage of the parcel it is situated upon.

Due to the unique topography and easements burdening the Project site, and given the uniquely low percentage of the Project site that can be developed, the strict application of the Zoning Code would result in practical difficulties and unnecessary hardship not experienced by other properties in the RC zone or in the area.

3. The variances do not grant special privileges that are not otherwise available to surrounding properties, and the variances will not be detrimental to the public welfare or to the property of other persons located adjacent to the subject property and in the vicinity.

Variances A and B: The requested variances comply with this finding.

The Zoning Code allows for variances to be granted where a property has physical circumstances and characteristics not shared by other properties in the zone. The Project site here exhibits unique physical characteristics that warrant the need for the requested variances.

Moreover, the proposed residence is consistent with other residences in the neighborhood. Most residences surrounding the Project site are two-story homes that exceed 20 feet in height, including the residences located at 404, 411, 420, 427, 436, and 445 Green Orchard Place; 7376, 7383, 7385, 14005, and 14025 Crystal View Terrace; 18045, 18060, and 18065 Berry Road; and 314, 364, 376, and 388 Eternal Way. The requested variances do not grant special privileges that are not otherwise available to surrounding properties.

The requested variances further will not be detrimental to the public welfare or to the property of other persons located adjacent or in the vicinity of the Project site. The Project site is not located on a hilltop, sensitive ridgeline, or other topographically sensitive area and will not interfere with or obstruct any private or public view. Moreover, the Project site is located at the end of a cul-de-sac, at the lowest elevation point on Spencer Court, and it will not have a height above mean sea level greater than any future home that may be developed on Spencer Court.

