



TOWN OF FAIRFAX

STAFF REPORT

July 1, 2020

TO: Mayor and Town Council

FROM: Linda Neal, Principal Planner
Ben Berto, Director of Planning and Building Services

SUBJECT: Consider a Variance for 181 Meernaa Avenue (APN . 002-162-20) to have a second driveway per Town Code Chapter 12.12 and Code § 12.12.050 and 12.12.060 to access the Planning Commission approved second carport; categorically exempt from CEQA, §15301(a) and (e)(1).

RECOMMENDATION

- 1) Conduct Public Hearing
- 2) Adopt Resolution approving Application # 20-06 for a Variance to allow a second driveway for 181 Meernaa Avenue .

BACKGROUND

On May 21, 2020 the Fairfax Planning Commission approved a Conditional Use Permit, Tree Removal Permit and Excavation Permit to allow a 123 square-foot expansion and remodel of the 1,199 square-foot first floor of the existing single-family dwelling to create a 1,322 square foot primary residence. The current 260 square foot ground floor of the existing residence would be added to and converted to a 660 square-foot accessory dwelling unit (ADU). The ADU is exempt from Town Council and Planning Commission review. The Commission considered the project plans in their entirety, including the proposal for the second driveway, and approved the project as proposed, subject to the variance for the second driveway being approved by the Town Council prior to issuance of the project building permit. No issues concerning the second driveway were identified during the public hearing and the neighbors were supportive, with no persons raising any concerns about the project design.

A new driveway is proposed to a new two-car carport under the ADU addition. The carport would provide the one required parking space for the ADU, as well as one additional space for the primary residence. Both spaces would be covered. An additional two uncovered parking spaces would be located in the driveway leading to the carport. An existing parking space in an existing carport would be retained, so a total of five parking spaces would be provided onsite.

The Town Council last reviewed a driveway variance at their April 2019 meeting.

DISCUSSION

Driveways are covered by Title 12: Streets, Sidewalks, and Public Places. Please note driveway variances are not under the zoning code and, thus, do not require Planning Commission recommendation/approvals. Specifically, Town Code § 12.12.050 limits residential properties to one driveway entrance and requires that if a property has 2 driveways, they shall be no less than 40 feet apart. However, Town Code § 12.12.090 gives authority to grant exceptions to this regulation to the Fairfax Town Council based on the following findings:

1. There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, building or uses in the same district.
2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and
3. The granting of the application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The proposed second driveway approach is subject to approval of a variance from the Town Council.

The second driveway accessing the site is necessary because the Town Code requires that new Accessory Dwelling Units (ADU's) located more than ½ mile from a bus stop be provided with one parking space [Town Code § 17.0548.010(7)(A) and (B)]. The site is currently legal non-conforming with parking provided for only one vehicle while the Code requires 2 parking spaces for a single-family residence [Town Code § 17.048.010(A) and (B)]. While creating the required one 9-foot x 19-foot parking space for the ADU, the applicants are voluntarily creating an additional covered, 9 foot x 19 foot, parking space for the main residential unit, bringing it into compliance with the current Town Code parking regulations. An additional two uncovered, parking spaces will be created in the driveway.

Creating additional parking by widening the existing carport would more disruptive to the site, requiring additional tree removals and the new carport area would not comply with current front setback regulations and would encroach into the public roadway easement (see attached project site plan). Proposing an additional 2 parking spaces underneath the proposed accessory dwelling unit where the site is already being disturbed for the project construction will have a minimal impact on neighboring properties while providing off-street parking for the residents and freeing up the on-street parking along the property frontage for neighbors without their own on-site parking and the general public.

The proposed carport driveway approach would be situated only 24 feet from the existing carport driveway approach. Town Code requires a separation of no less than 40 feet. However, because the 2 driveways would access the same property and the existing and proposed parking structures would maintain substantially different setbacks from the edge of the paved road, 5 feet is maintained by the existing carport and 22 feet would be maintained by the new carport, conflicts are expected to be minimal.

Many of the homes in the Deer Park Drive neighborhood were developed prior to 1961, at a time when on-site parking was not required and fewer people owned automobiles. This has now resulted in many of the Town's narrow streets being posted for parking on one side only and street parking being in short supply. This proposal, while removing one on-street parking space, will provide 4 on-site spaces, improving the site and the neighborhood parking stock.

FISCAL IMPACT

None at this time

ATTACHMENTS

- A. Resolution
- B. Existing and proposed site plans and elevations