

REVISED DRAFT RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, APPROVING VARIANCE CASE NO. 14-VAR-001 TO INCREASE THE HEIGHT OF THE PROPOSED RESIDENCE AND TO DECREASE THE REQUIRED FRONT, REAR, AND SIDE YARD SETBACKS FOR REAL PROPERTY AT 28400 RENEE DRIVE.

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. An application was duly filed by Luke and Hayley Texidor, with respect to real property located at 28400 Renee Drive, (Assessor's Parcel No. 2061-021-002), requesting approval of a Variance (Case No. 14-VAR-001) from Zoning Ordinance Section 9607.1.A to allow the height of a single-family residence to exceed a height of 15 feet above the average elevation of the rear yard setback line; and from Section 9243.3.D and E to allow reduced front and rear yard setback from 25 feet to 20 feet; and from Section 9243.3.F to allow a reduced side yard setback from 22 feet combined with not less than 10 feet on one side to 20 feet combined with not less than 8 feet on one side. A public hearing to consider Case No. 14-VAR-001 was duly held on July 17, 2014, at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid meeting was duly given and published as required by state law.

Section 2. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section 3. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9676.2.E of the Agoura Hills Municipal Code, that:

A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

1. Section 9607.1A of the Zoning Ordinance requires where the average ~~garage~~ elevation of the rear lot line is above the average elevation of the front property line to conform to a maximum height of 15 feet above the average elevation of the rear setback line. The height of the residence is 33.5 feet, ~~high~~ and 10 feet above the 23.5-foot height maximum otherwise required for this lot. what would have been the maximum height. However, the ~~project~~ residence, as designed, is still below the 35-foot height requirement for the underlying RS zoning district. The topography of the lot ascends to the south side, rather than to the rear of the lot. As such, this lower rear lot line elevation deprives the applicant of a building height enjoyed by adjacent properties. The proposed building height of 33.5 feet would be compatible with the

~~neighborhood, relatively similar to the height of the adjacent two-story residences. The enforcement of the City's Hillside height limitation would result in substantial grading of the hillside.~~

2. The non-conforming parcel is 6,302 square feet in size, which is less than one-third of the 20,000 square-foot minimum size required for the RS zone. The parcel also has an average width of 85 feet, which is less than the 90-foot depth required of the RS zone. The RS zone requires a 22-foot combined side yard setback with not less than 10 feet on one side. The applicant is requesting an eight-foot side yard setback from the southern property line for the small southeast corners of the structure (approximately 12 square feet), where the living room, dining room, and bedroom are proposed, that encroach into the side yard setback area. The applicants have provided the narrowest side yard (south side yard) to be on the side where the adjacent residence is placed the furthest from their property, and provided the widest side yard (north side yard) where the adjacent residence is the closest to the property line. Although the parcel is non-conforming in width and size, the house footprint is less than the 35% maximum lot coverage of the zone. As such, the strict Code depriving such property of privileges enjoyed by other property owners in the immediate area within the same zoning district. Other residences in the immediate neighborhood have been granted a variance for reduced side yard setbacks (Pournaj, Carpenter, Kersey, and Payan). The applicants have attempted to meet the requirements of the Code and while working with the constraints of the lot without seeking to overbuild on the site. The applicants have attempted to limit privacy impacts on the neighboring properties' side yards by strategically placing landscaping along the property lines and locating the windows so as to limit view into adjacent yards and interior spaces.

3. The lot is ~~an~~ irregular in shaped ~~lot~~ with a non-conforming depth of ~~79-100~~ 85 69 feet. The RS zone requires a minimum lot depth of 100 feet. This non-conforming parcel depth limits the provision of conforming front and rear yards on the property. The house is situated as close as possible to the front lot line, while still providing a minimum driveway depth and thereby maximizing the remaining rear yard area. Because of this irregular shape lot, providing a 25-foot front and rear yard setback would not allow a required minimum 400 square-foot (requiring a 20-foot depth and width) garage in the most practical location on the lot.

B. The granting of the Variance, as conditioned, will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the zone in which the subject property is situated.

1. The highest point of the lot ascends to the south side of the lot, rather than to the rear. The rear property line elevation is approximately 8 feet above the front property line elevation and, therefore, deprives the applicant of a building height enjoyed by adjacent properties. A variety of one and two-story homes are found in the surrounding area and, therefore, The proposed two-story design would not be inconsistent with the neighboring properties. The proposed deviation of the height requirement will allow the applicants to construct a two-story design, which is similar to those on surrounding properties in the same zoning district, and would not be inconsistent with other properties in the vicinity. The adjacent single family residence to the south is a two-story structure which exceeds 15 feet in height. Although this lot exceeds the hillside height requirement and the overall slope average exceeds

~~10%, it was not required to conform to the hillside height requirement because an open space donation consisting of the steepest portion of the lot was utilized and, therefore, this donation area was not considered in the overall slope calculation, thus keeping it under the maximum 10% overall slope average. The project as proposed will not exceed the maximum allowable lot coverage of 35%.~~

2. The average width of the lot is non-conforming. If the lot had a conforming width of 90 feet, as required for the RS zone, the residence could have been situated in a manner which conforms to the development standards of the RS zone. The applicant is requesting a Variance of 4 feet combined for the side yards, although the width of the parcel is 5 feet less than required of the zone. Also, the sides of the residence have off-setting footprints. The side yards are measured from the closest corners of the building to the property line and do not account for distances from other portions of the side elevations. The proposed reduced side yard will allow the applicants to enjoy the same privileges enjoyed by most other properties in the same district. Neighboring structures on similar size lots have non-conforming side yard setbacks. The narrowest proposed side yard was chosen on the side where the off-site structures are situated the furthest from the property line.

3. A 25-foot front yard and rear yard setback could not be provided while allowing for an on-site driveway and garage that would meet the development standards of the RS zone Code requirements. The proposed front and rear yards will allow the applicants to enjoy the same privileges of this non-conforming lot enjoyed by other properties in the same zoning district.

C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.

1. The strict interpretation of the zoning ordinance ~~code~~ would result in the construction of a one-story, single-family residence in a neighborhood consisting of primarily two-story residences. To provide a building footprint similar in size, ~~and quality~~, the proposed project would require additional significant grading of the hillside lot, inconsistent with the goals and objectives of the City's Hillside Design Standards.

2. Strict interpretation of the zoning ordinance code would ~~result in a narrower building footprint with possibly fewer building insets on the side elevation. further reduce the width of the residence beyond the existing lot width limitations of this non-conforming parcel.~~ The proposed combined side yards of 18 feet meet the intention of the RS zoning district with a residential design that is compatible with the neighborhood character.

3. The strict interpretation of the zoning ordinance would deprive the applicant from providing a garage and required driveway in a manner that would meet the yard standards of the zone, without increasing the height of the residence or redesigning the project. An on-site driveway as well as a minimum of 400 square foot garage could not be provided in a practical location if a 25-foot front and rear yard is required.

D. The granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity.

1. ~~The residence is designed so as not to exceed two-stories in height, measuring from finished grade, thereby minimizing grading and allowing for light and air between parcels. The ability to exceed the maximum 15-foot hillside height requirement would allow the applicants a more aesthetically pleasing structure. The applicant would be able to use the varying rooflines and building articulation to break up any boxy massing. Windows on the sides of the house are placed to minimize impacts on the neighbors to the north and to the south.~~

2. ~~The sides of the residence are designed with off-setting footprints and elevations to allow for privacy between adjacent properties, as intended of the City's Architectural Design Standards and Conditions. Windows have been placed so as to not impact the neighbors' privacy. The applicants have designed and located the residence to help maintain privacy to the neighbors to the north and south. The applicants have selected to provide the narrowest side yard where the off-site are located the furthest from the dividing property line. Windows have been placed so as to not impact the neighbors' privacy.~~

3. ~~A reduced 20 foot front and rear yard setback would allow the applicant to provide an on-site driveway as well as a 400 square foot garage in a practical location on the site and will allow for greater separation between the residence and rear property line and preserve views of adjoining residents.~~

E. The granting of the Variance will be consistent with the character of the surrounding area.

1. ~~The proposed two-story design is of typical height of residences in the Indian Hills neighborhood. The proposed two-story terraced design with varying rooflines is similar to other residences in the Indian Hills neighborhood and meets the Residential Neighborhood Compatibility Guidelines. The granting of the variance will be consistent with the neighboring building to the south. The neighboring building to the south is a two-story, single family dwelling that exceeds the maximum hillside height requirement of 15 feet above the average elevation of the rear yard setback line.~~

2. ~~The two-story terrace design and its location on the parcel are consistent with designs of residences on hillside lots, and the provision of 18-foot combined side yards will be retained, allowing for sufficient separation between adjoining properties. Residences on similar size lots, in the vicinity, have non-conforming side yards.~~

3. ~~Twenty-foot front and rear yards will be provided. The house is situated as close as possible to the street, while providing for a required driveway, consistent with hillside developments in the neighborhood. The Indian Hills area is comprised of lots averageing 7,000 square feet in size. A current development in this area (Blinkinsoph) has been granted a setback variance for a front yard setback reduction.~~

Section 4. Based on the aforementioned findings, the Planning Commission hereby approves Case No. 14-VAR-001, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

Section 5. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED, and ADOPTED this 17<sup>th</sup> day of July, 2014, by the following vote to wit:

AYES: (0)

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

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Michael Justice, Chair

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Mike Kamino, Secretary