

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS APPROVING
VARIANCE NO. 06-VAR-006

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY
FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section I. An application was duly filed by Leo Roit with respect to the real property located at 28161 Laura La Plante Drive, Assessor's Parcel Number 2061-016-053, requesting the approval of a Variance from Zoning Ordinance Section 9243.3.D to allow a reduced front yard setback. The request for the Variance was filed in conjunction with an application for a Conditional Use Permit Review (Case No. 06-CUP-013) and an Oak Tree Permit (Case No. 06-OTP-030) for the development of a 2,124 square-foot single-family residence and a 441 square-foot, attached garage on an 8,000 square foot lot. A public hearing was duly held on June 21, 2007 at 6:30 p.m. in the Council Chambers at City Hall, 30001 Ladyface Court, Agoura Hills, California; and that notice of time, date and place and purpose of the aforesaid was duly given.

Section II. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid Public Hearings.

Section III. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance regarding the Variance request described in Section I, that:

A. The size, shape, topography, location or surroundings, the strict application of this article deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification. The RS zone requires a 25-foot front yard setback from the structure to the front property line. In a typical situation, the front property line coincides with the street pavement edge. In this case, the street was developed between 43 feet from the southwest corner of the parcel and 12 feet from the southeast corner of the parcel, away from the right-of-way outlined on recorded tract maps. The alignment of Laura La Plante Drive and the right-of-way alignment do not coincide, resulting in an area in front of the residence that remains within public right-of-way. The request to place the structure closer to the right-of-way does not impede traffic safety as there is ample space between the roadway and the front yard for egress and ingress. The line-of-sight to the eastbound traffic is preserved and the distance between the residence and the street will appear as a conforming front yard. In addition, the distance between the residence and the easement provide sufficient space to park vehicles in the driveway and minimize the need to park in the street. The provided length of the driveway will remain greater than most non-conforming driveways found in the neighborhood.

B. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone. The neighboring structures on similar sized lots have non-conforming front yard setbacks. The proposed residence will be placed 12-43 feet from the existing street alignment. Much of the residence will be placed a greater distance from the street than the 25-foot minimum yard setback.

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. In this particular situation, the southeast corner of the house, where no vehicular access is proposed, would be located 12 feet from the side property line and 15 feet from the front property line. An additional 20 feet of easement exist to the edge of the pavement providing essentially 35 feet of setback to the right-of-way. At the southwest corner of the house where the garage and driveway are proposed, the structure would be located 10 feet from the side property line and about 9 feet from the front property line with an additional 44 feet to the edge of the pavement on flat land, providing ample storage for vehicles. A 25-foot setback for the entire width of the garage would cause unnecessary hardship to the applicant when, visually, safety impacts and visual impacts have been reduced. Moreover, the lot is non-conforming in terms of size and depth and would be a physical hardship to provide the 25 foot front yard setback from the property line without causing further impacts to Oak trees and the existing topography.

D. That 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. The proposed front yard allows for access to the garage from the street, as well as for parking of vehicles on the driveway serving the residence without encroaching into the travel lane. The location of the residence will not impact adjacent neighbors and on-site Oak trees will be retained.

E. The granting of the Variance will be consistent with the character of the surrounding area. The residence is single-story and the distance between the house and street is no less than other properties in the neighborhood.

Section IV. The project is a request for one, single-family residence and is exempt from the California Environmental Quality Act (CEQA), per Section 15303 and does not require adoption of an environmental impact report or negative declaration.

Section V. Based on the aforementioned findings in Section III the Planning Commission hereby approves Variance Case No. 06-VAR-006. This Variance is valid only in conjunction with Conditional Use Permit Review Case No. 06-CUP-013 and Oak Tree Permit Case No. 06-OTP-030.

PASSED, APPROVED, and ADOPTED on this 21st day of June 2007 by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Steve Rishoff, Chairman

ATTEST:

Doug Hooper, Secretary