

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING VARIANCE NO. 06-VAR-005

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

Section I. An application was duly filed by Keith Blinkinsoph for Mary Thompson with respect to the real property located north of Lewis Place, east of 28425 Lewis Place, Assessor's Parcel Numbers 2061-022-029 and 030, requesting the approval of a Variance from Zoning Ordinance Section 9243.3.D. to allow a reduced front yard setback to 17 feet and from Section 9606.2.A. to increase the wall height in the front yard to 6 feet. The request for the Variance was filed in conjunction with an application for a Conditional Use Permit Review (Case No. 04-CUP-003) for the development of a 2,547 square-foot single-family residence with a 523 square-foot, attached garage and a 420 square-foot attached patio cover on a 13,129 square-foot lot. A public hearing was duly held on July 19, 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 requests described in Section I, that:

1. That because of special circumstances applicable to the subject property, including 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 parcel is 13,129 square feet in size, which represents 65% of the 20,000 square-foot minimum size for the zone. The topographic slope of the property is approximately 60% with limited flat pad area. The RS zone requires a 25-foot front yard setback from the structure to the front property line. In order to minimize grading and avoid building an extensive foundation system, the applicant proposes to stay as close as possible to the leveled grade along the street. Many front yards in the neighborhood are non-conforming as well relative to front yard setbacks.

The topography of the lot requires use of retaining walls in the front yard for pedestrian and vehicular access. Although these walls would exceed the height prescribed for a front yard (3.5 feet), they are to be used to provide access to the front door, the garage and the stair case on each side of the house. These walls will be partially obscured by landscaping growing from a planter built at the base. The highest wall would not exceed the maximum

allowable retaining wall height that can be built outside of the front yard setback area (6 feet). Additionally, the walls are designed to taper down to meet the rear yard elevation and will not be raised above the Lewis Place street elevation.

2. That 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.

Neighboring structures on lots with steep topographic slopes have obtained Variances for their construction. Two types of Variances are typically granted, a reduced setback for the front, rear or side yards and retaining walls exceeding the height of 3.5 feet outside of the buildable area. The lots served by Laura La Plante Drive, Renee Drive and Lewis Place are steep and either narrow or short. The higher the lot from the valley floor is placed, the least likely a sufficiently large flat and easily developable pad can be found. As a result, many projects have benefited from Variances for a reduction in setback but have still maintained a design suitable for hillside development. Walls are proposed to provide on-site access from the public right-of-way. Walls of a lower height could not provide for an on-site, leveled driveway slope that would meet the Municipal Code requirement.

3. That 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.

The required front yard setback would require the footprint to be further into the lot creating a construction hardship for the placement of a driveway and access to the rear of the property. Access to the lot is limited to Lewis Place. In addition, a 20-foot wide on-site driveway as well as a minimum of a 400 square-foot garage could not be provided in a practical location without providing retaining walls in the front yard in excess of 3.5 feet in height.

4. 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.

Although the project would not provide for a required 25-foot deep front yard, the proposal complies with the City Hillside Ordinance which requires that the residence not exceed the 15 feet in height above the front property line elevation, thereby limiting view impacts to the residences across the street. Windows have been placed so as to not impact the neighbors' privacy. Additionally, the applicant is providing retaining walls to be able to store vehicles in the driveway and access to the side yards. The public right-of-way will not be impacted by the shorter driveway. The City Geotechnical Consultant has approved the project as to the Planning and Feasibility issues based on existing conditions of the land and the proposed construction. The slopes are required to be landscaped to stabilize the soils and the drainage plan

was analyzed so as to not impact neighboring properties. The project will be built to meet current Building Code standards.

5. That the granting of the Variance will be consistent with the character of the surrounding area.

Other residences on similar sized lots in the vicinity have non-conforming front yards. The brown, keystone retaining wall system will be screened from public view with landscaping. The proposed two-story, terraced design is similar to other residences in the Indian Hills neighborhood.

Section IV. Based on the aforementioned findings in Section III the Planning Commission hereby approves Variance Case No. 06-VAR-005. This variance is valid only in conjunction with Conditional Use Permit Review Case No. 04-CUP-003.

PASSED, APPROVED, and ADOPTED on this July 19, 2007 by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Steve Rishoff, Chairperson

ATTEST:

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Doug Hooper, Secretary