

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: December 4, 2008

APPLICANTS: David and Karen Kovisto
29765 Quail Run Drive
Agoura Hills, CA 91301

CASE NOS.: 08-SPR-013 and 08-VAR-004

LOCATION: 29765 Quail Run Drive (A.P.N. 2053-031-064)

REQUEST: Request for approval of a Site Plan/Architectural Review to enclose an existing 165 square-foot, second-story deck to an existing 3,142 square-foot, two-story, single-family residence; and a Variance request from Zoning Ordinance Section 9243.3.F for side yard setbacks of 7.25 feet and 9.25 feet (16.5 feet combined), instead of the required side yard setbacks of 22 feet combined with not less than 10 feet on one side. The residence has existing side yard setbacks of 5.25 feet and 5.33 feet (10.58 feet combined).

ENVIRONMENTAL ANALYSIS: Categorically Exempt from CEQA per Section 15301(e).

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Site Plan Architectural Review Case No. 08-SPR-013 and Variance Case No. 08-VAR-004, subject to conditions, based on the findings of the attached draft Resolutions.

ZONING DESIGNATION: RS-(3)-10,000 (Residential Single Family - three dwelling units per gross acre – 10,000 square foot minimum lot size) zone.

GENERAL PLAN DESIGNATION: RS (Single-Family Residential)

I. BACKGROUND AND PROJECT DESCRIPTION

The applicants/property owners, David and Karen Kovisto, are proposing to add 165 square feet of living space to an existing 3,142 square foot, two-story residence by enclosing an existing uncovered, second-story deck. The property is 6,880 square feet in size and is located at 29765 Quail Run Drive in the RS-(3)-10,000 (Residential Single Family – maximum three dwelling units per gross acre –10,000 square foot minimum lot size) zone. The applicants are also requesting a Variance for side yard setbacks of 7.25 feet and 9.25 feet (16.5 combined), instead of the required side yard setbacks of 22 feet combined with not less than 10 feet on one side.

The Zoning Ordinance allows the Director of Planning and Community Development to review and approve second-story additions that exceed 50% of the total square footage of the first-story of the residence. Since this request involves a Variance for the side yards, the Zoning Code requires Planning Commission’s review of this application.

The existing residence and the proposed addition are permitted uses in the Single-Family Residential (RS) zone and will meet the required development standards, relative to lot coverage, rear yard setback, and building height. Listed below are the proposed development data pertaining to the project:

Pertinent Data

	<u>Existing</u>	<u>Proposed</u>	<u>Allowed/Required</u>
1. Lot Size:	6,880 sq. ft.	6,880 sq. ft.	10,000 sq. ft.
2. Lot Width:	53 ft.	53 ft.	90 ft. min.
3. Lot Depth:	124 ft.	124 ft.	100 ft. min.
4. Building Size:			
Residence:	3,142 sq. ft.	3,307 sq. ft.	N/A
Garage:	<u>615 sq. ft.</u>	<u>615 sq. ft.</u>	<u>400 sq. ft. min.</u>
Total:	3,757 sq. ft.	3,922 sq. ft.	N/A
5. Building Height:	26 ft.	26 ft.	35 ft. max.
6. Bldg. Lot Coverage:	31%	31%	35% max.
7. Building Setbacks:			
Front (north):	21 ft.	21 ft.	25 ft. min.
Rear (south):	40 ft.	40 ft.	25 ft. min.
Side (east):	5.25 ft.	7.25 ft.	10 and 12 ft. min.
	(Residence)	(2 nd story addition)	
Side (west):	5.33 ft.	9.25 ft.	10 and 12 ft. min.
	(Residence)	(2 nd story addition)	

II. STAFF ANALYSIS

Site Plan

The existing house is two-stories in design and is located on the north side of Quail Run Drive, adjacent to Thousand Oaks Boulevard to the (rear) north. The proposed 165 square foot addition (deck enclosure) is proposed above the kitchen at the rear northeast corner of the existing residence. The addition will be 40 feet from the rear (north) property line. The proposed addition will be constructed by enclosing an existing deck on the second floor. The proposal would increase the size of the residence by 5%, from 3,142 square feet to 3,307 square feet. The footprint of the residence will not change; therefore, the total lot coverage of 31% for this site will remain the same, keeping below the maximum allowable site coverage of 35%.

The residence was constructed in 1986, prior to the adoption of the City Zoning Code in 1987 and is, therefore, considered legal nonconforming. The existing, non-conforming 5.33-foot side yard setback from the west property line and the 5.25-foot side yard setback from the east property line will remain. The Zoning Ordinance allows for single-story room additions to maintain existing side yard setbacks. Second-story additions may also be placed directly above a first-story, provided that the minimum combined side yards are met for the second-story addition. In this instance, the proposed combined side yard setback for the second-story addition is 16.5 feet, which does not comply with the required 22-foot minimum combined setback requirement for the RS-10,000 zone (10 and 12 feet minimum). Therefore, the applicant is requesting approval of a Variance to build the second-story room addition 7.25-feet from the east side property line with an existing 9.25-foot setback on the west side yard. Meeting the minimum 10-foot side yard setback will restrict the second-story room addition, by 2.75 feet, from aligning with the east side building wall.

Architectural Review

The proposed addition will match the existing house consisting of white colored stucco and green trim with a charcoal brown colored tile roof. The proposed addition will be 23 feet in height, which is less than the 35 foot maximum height limit of the zone, and 3 feet less than the overall height of the residence. The applicants provided staff with attached pictures of a similar two-story room addition above the existing kitchen to an identical house on Quail Run Drive, directly to the east.

Environmental Review

The project consists of an addition of less than 2,500 square feet and less than 50% of the floor area of the existing single-family residence and is, therefore, categorically exempt from the California Environmental Quality Act Guidelines, per Section 15301(e) (Existing Facilities).

Variance Findings

The applicant is requesting a Variance from the Zoning Ordinance Section 9243.3.F for side yard setbacks of 7.25 feet and 9.25 feet (16.5 foot combined), instead of the minimum 22 feet combined with not less than 10 feet on one. In order for the Planning Commission to grant approval of the Variance, five (5) findings must be made pursuant to Section 9676.1.E of the Zoning Ordinance. Listed below are the required findings and staff's analysis of each finding:

1. Required Finding:

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

Staff Analysis

The subject property is restricted by its nonconforming size and width. The lot is 6,880 square feet in area, which is 69% of the minimum 10,000 square foot lot size required of the zone. The lot has a width of 53 feet. The minimum lot size for the zone is a width of 90 feet according to Zoning Ordinance Section 9243.3.C. Thus, because of the constraints of the lot size, width of the lot and placement of the building there is limited space elsewhere on the property to build the addition, therefore, converting the existing deck to living area is the most logical location to build the addition.

2. Required Finding:

That 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 zone.

Staff Analysis

Approval of this Variance would not constitute the granting of special privileges. Other neighboring homes have similar additions. The non-conforming size, width of the lot, and placement of the building precludes the applicant from building an addition within the development standards required for lots that are almost double the size of the applicant's parcel.

3. Required Finding:

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.

Staff Analysis

By requiring the room addition to meet the minimum required combined side yard setback would result in an offset of 2.75 feet to the second floor, rather than aligning with the existing east side of the structure, which results in impractical design of the room addition. The addition functionally serves the existing house.

4. Required Finding:

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.

Staff Analysis

The addition will be built in accordance to the requirements of the Building and Safety requirements. The location of the proposed addition will preserve adequate light, air, and privacy to the adjoining residences in that the addition would replace an existing deck that was used by the residents. Thus, no additional privacy of adjoining neighbors would be lost.

5. Required Findings:

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

Staff Analysis

Other neighboring homes have similar additions. The proposed addition will not increase the building height and the residence will remain two-stories in height. Although the addition would be visible from Thousand Oaks Boulevard, it would be located more than 40 feet from the public right-of-way. The proposed addition will match the existing residence and neighborhood in regards to its design colors and material as called for in the Community Design Element of the General Plan.

III. RECOMMENDATION

Based on the foregoing review and analysis, Staff recommends that the Planning Commission adopt a motion to approve Site Plan/Architectural Review Case No. 08-SPR-013 and Variance Case No. 08-VAR-004, subject to Conditions, based on the findings of the attached draft Resolutions.

IV. ATTACHMENTS:

- Draft Resolution for Site Plan/Architectural Review and Conditions of Approval
- Draft Resolution for Variance and Conditions of Approval
- Reduced Photocopies of the Architectural Plans
- Photos of Neighboring Home
- Vicinity Map

Case Planner: Renee Madrigal, Assistant Planner

DRAFT RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 08-SPR-013

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

Section 1. An application was duly filed by David and Karen Kovisto with respect to the real property located at 29765 Quail Run Drive, Assessor's Parcel Number 2053-031-064, requesting approval of a Site Plan/Architectural Review Case No. 08-SPR-013 to enclose an existing 165 square-foot, second-story deck to an existing 3,142 square-foot residence. A public hearing was duly held on December 4, 2008, at 6:30 p.m. in the Council Chambers of 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 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission of the aforesaid public hearing.

Section 3. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance, that:

A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located. The proposed project is located within the Residential Single-Family zone (RS), which provides general design standards for residential developments. An addition to a single-family residence is an allowed use in the RS zone. Minimum development standards have been met with regard to lot coverage, rear yard setback, and building height.

B. The proposed use, as conditioned, and the manner in which it will be operated or maintained will not be detrimental to the public health, safety or general welfare. The location of the proposed second-story addition will preserve adequate light, air, and privacy to the adjoining residences in that the addition would replace an existing deck used by the residents. The proposed addition will be compliant with the City Building Standards.

C. The proposed use, as conditioned, shall not conflict with the character and design of the buildings and open space in the surrounding area in that the exterior building materials include white colored stucco and green trim with a charcoal brown colored tile roof that will match the existing residence and will be compatible with the neighborhood.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance, except for approved variances, regarding building height, lot coverage and front and rear yard setbacks. The construction will meet the

development standards for the RS zone by complying with and/or exceeding the limits of the building height, lot coverage, and rear yard setback.

E. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The proposed addition serves an understandable and efficient relationship between its purpose and the land use which it serves, and is compatible with the surrounding community in regards to its design, materials, colors, and height, as called for in the Community Design Element of the General Plan.

F. The proposed use, as conditioned, preserves and enhances the particular character and assets of the surrounding area and its harmonious development. The proposed addition will consist of materials and colors that are consistent with the architecture of the surrounding area. The proposed second-story addition is a logical expansion to the existing single-family residence and will be constructed in accordance with the development standards of the Residential Single-Family zone, with the exception of the required side yard setbacks.

Section 4. The project is a request for a 165 square foot room addition to an existing single-family residence and is exempt from the California Environmental Quality Act (CEQA), per Section 15301(e).

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Site Plan/Architectural Review Case No. 08-SPR-013, subject to the attached conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 4th day of December, 2008, by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

John O'Meara, Chairperson

ATTEST:

Doug Hooper, Secretary

CONDITIONS OF APPROVAL
(Case No. 08-SPR-013)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicants agree in writing that the applicants are aware of, and accept all conditions of this permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformance with the approved Site Plan, Floor Plan, Building Elevation Plans and Roof Plan.
4. Except as modified herein, all exterior materials and colors of the addition shall match the materials and colors proposed and approved with this permit.
5. It is hereby declared to be the intent that if any provision of this permit is held or declared invalid, the permit shall be void and the privileges granted herein shall lapse.
6. It is further declared and made a condition of this action that if any condition herein is violated, and if the applicants have been given written notice to cease such violation but have failed to comply for a period of thirty (30) days, the permit shall be void and the privileges granted herein shall lapse.
7. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the permit or on the approved Site Plan.
8. No occupancy shall be granted for any building until all Conditions of Approval have been complied with as determined by the Director of Planning and Community Development.
9. Unless this permit is used within two (2) years from the date of City approval, Case No. 08-SPR-013 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
10. All structures shall conform with the requirements of the Division of Building and Safety of the City of Agoura Hills.

11. The applicants shall comply with the school impact fee requirements of the Las Virgenes Unified School District. The current fee is \$2.63 per square foot.
12. No roof-mounted equipment, other than attic ventilation systems and solar panels, as allowed by the Municipal Code, shall be permitted.
13. Prior to the issuance of a Building Permit, the applicants shall pay the Fire District Development Fee, at the rate in effect at the time of Building Permit issuance. The current rate is \$0.9223 per square foot of new floor area.
14. The applicants shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a Building Permit. The current fee is \$1.41/\$1,000 of building valuation. Actual fees will be determined at the time of building permit issuance.
15. No construction activity shall occur between the hours of 7:00 p.m. and 7:00 a.m., Monday through Saturday. Construction activity is also prohibited on Sundays and holidays, per Municipal Code Section 4100.

BUILDING AND SAFETY

16. Exterior elements and materials must be in compliance with all Fire Zone 4 requirements, Agoura Hills Building Code, Sec.6402.1.
17. Dual pane windows shall be utilized as required for Fire Zone 4 compliance.
18. Projects shall demonstrate the use of Class-A roofing material.

FIRE DEPARTMENT CONDITIONS

19. The applicant shall comply with all conditions of the Los Angeles County Fire District prior to the issuance of a building permit.

END

DRAFT RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS APPROVING
VARIANCE NO. 08-VAR-004

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

Section 1. An application was duly filed by David and Karen Kovisto with respect to the real property located at 29765 Quail Run Drive, Assessor's Parcel Number 2053-031-064, requesting the approval of a Variance from Zoning Ordinance Section 9243.3.F for side yard setbacks of 7.25 feet and 9.25 feet (16.5 feet combined), instead of the required side yard setbacks of 22 feet combined with not less than 10 feet on one side. A public hearing was duly held on December 4, 2008 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 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid Public Hearings.

Section 3. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance regarding the variance requests described in Section 1, that:

A. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification. The subject property is restricted by its nonconforming size and width. The lot is 6,880 square feet in area, which is 69% of the minimum 10,000 square foot lot size required of the zone. The lot has a width of 53 feet. The minimum lot size for the zone is a width of 90 feet according to Zoning Ordinance Section 9243.3.C. Thus, because of the constraints of the lot size, width of the lot and placement of the building there is limit space elsewhere on the property to build the addition, therefore, the existing deck is the most logical location to build the addition.

B. That 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 zone. Approval of this Variance would not constitute the granting of special privileges. Other neighboring homes have similar additions. The non-conforming size, width of the lot, and placement of the building precludes the applicant from building an addition within the development standards required for lots that are almost double the size of the applicant's parcel.

C. 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. By requiring the room addition to meet the minimum required combined side yard setback would result in an offset of 2.75 feet to the second floor, rather than aligning with the existing east side of the

structure, which results in impractical design of the room addition. The addition functionally serves the existing deck.

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 addition will be built in accordance to the requirements of the Building and Safety requirements. The location of the proposed addition will preserve adequate light, air, and privacy to the adjoining residences in that the addition would replace an existing deck that was used by the residents. Thus, no additional privacy of adjoining neighbors would be lost.

E. That the granting of the Variance will be consistent with the character of the surrounding area. Other neighboring homes have similar additions. The proposed addition will not increase the building height and the residence will remain two-stories in height. Although the addition would be visible from Thousand Oaks Boulevard, it would be located more than 40 feet from the public right-of-way. The proposed addition will match the existing residence and neighborhood in regards to its design colors and material as called for in the Community Design Element of the General Plan.

Section 4. The project is a request for a 165 square foot room addition to an existing single-family residence and is exempt from the California Environmental Quality Act (CEQA), per Section 15301(e).

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Variance Case No.08-VAR-004, subject to the attached conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED, and ADOPTED on this 4th day of December, 2008, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

John O'Meara, Chairperson

ATTEST:

Doug Hooper, Secretary

CONDITIONS OF APPROVAL
(Case No. 08-VAR-004)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicants have agreed in writing that they are aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved Site Plan; Elevation Plans; Floor Plans, and Roof Plan.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. Unless the approval is used within two (2) years from the date of City approval, Case No. 08-VAR-004 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

END

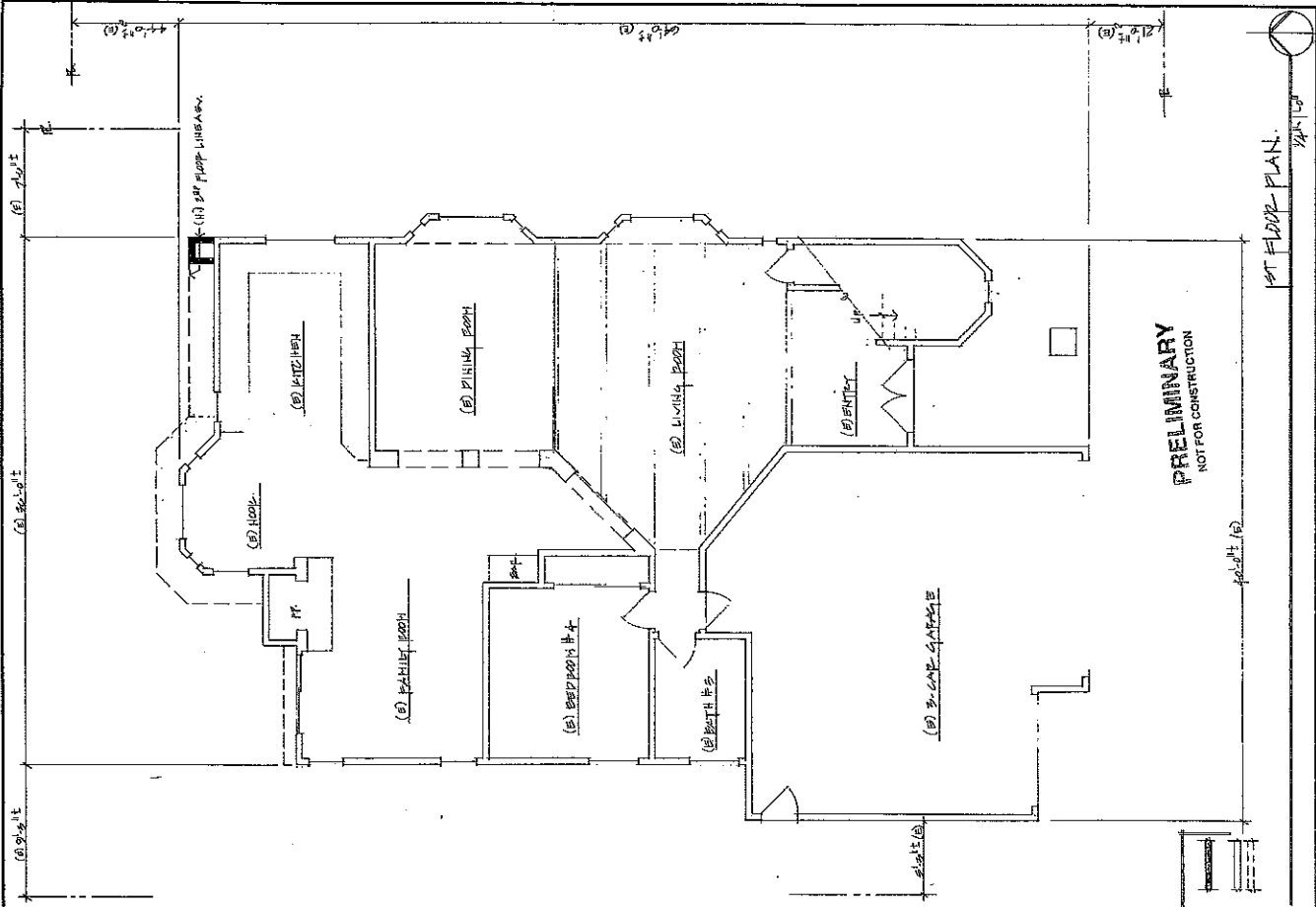
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JEFF THOMAS
ARCHITECT
20 SOUTH WASHINGTON
MOUNTAIN VIEW, CA 91016
TEL: 909.441.8888

KOVISTO RESIDENCE ADDITION
OWNER/APPLICANT
DAVID KOVISTO
29765 QUAIL RUN DR.
ACACIA HILLS, CA 91301

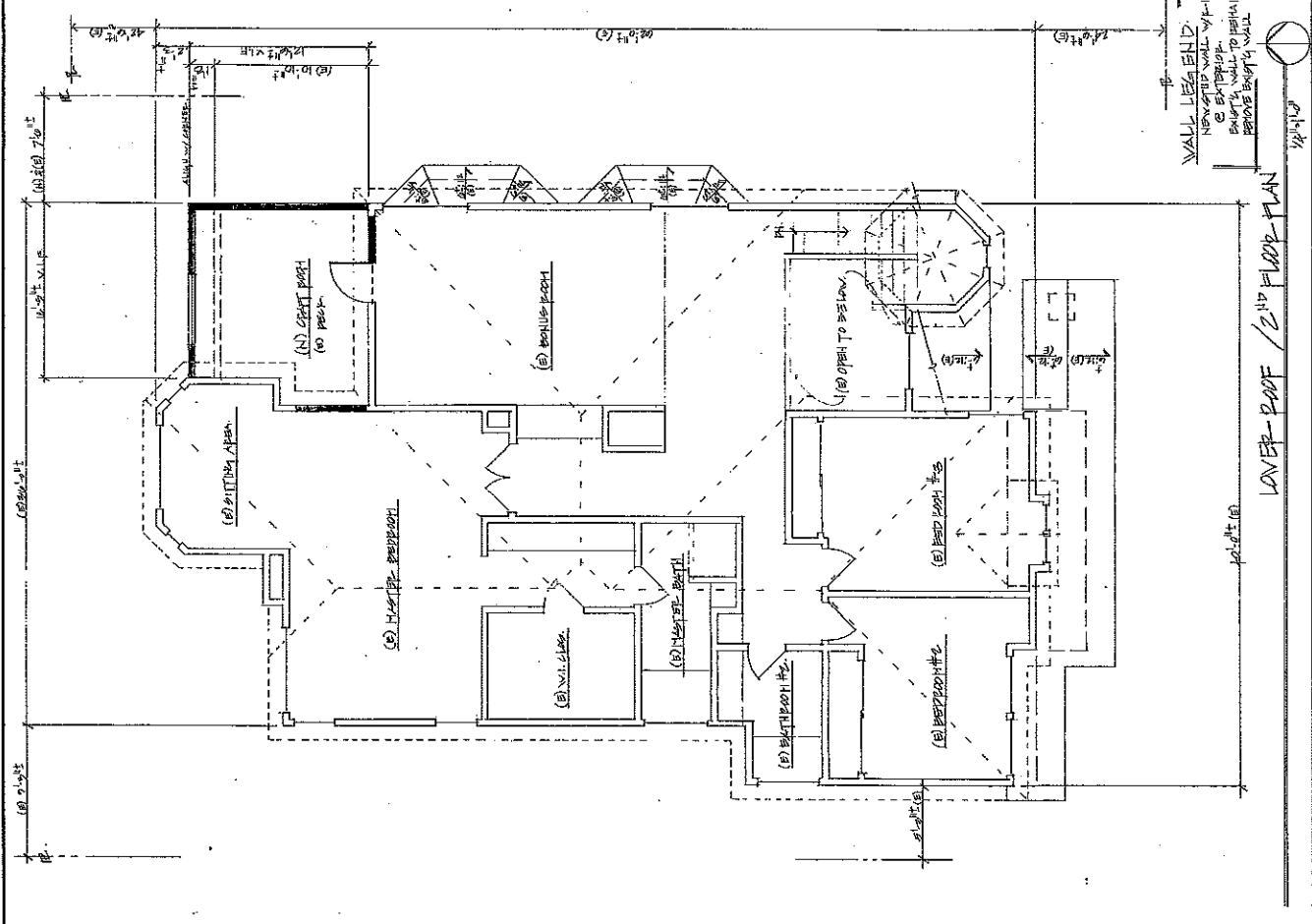
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PRELIMINARY
NOT FOR CONSTRUCTION

UPPER FLOOR PLAN



WALL LEGEND:
NEW WALL WITH
EXTERIOR
EXISTING WALL TO REMAIN
REMOVE EXISTING WALL

LOWER FLOOR / 2ND FLOOR PLAN

08-VAR-004
08-SPR-013

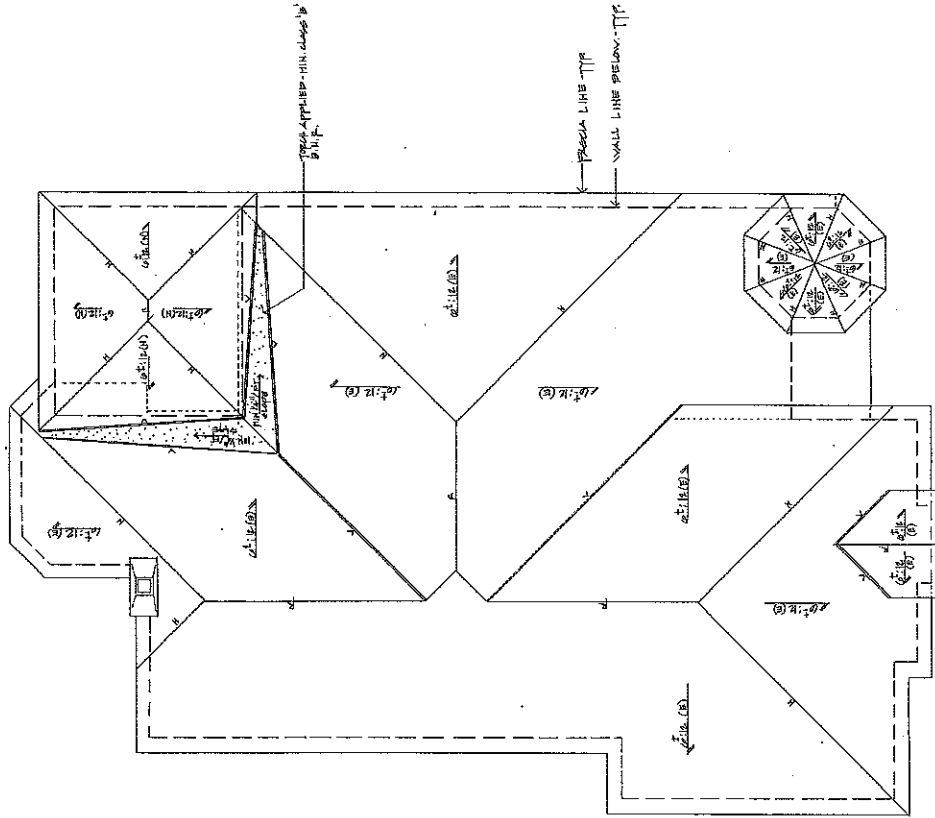
REVISIONS	BY

JEFF THOMAS
ARCHITECT
12000 BAYVIEW BLVD
SUITE 100
DUBLIN, CA 94568
415.885.4444

KOYISTO RESIDENCE ADDITION

OWNER/APPLICANT
DAVID KOYISTO
2225 QUINN RD
AZUSA, CA 91701
BIR 401888

DATE	
STATUS	
DRAWN	
CHECKED	
SCALE	
SHEET	A3.1



UPPER ROOF PLAN
1/4-16

PRELIMINARY
NOT FOR CONSTRUCTION

08-VAR-004
08-SPR-013

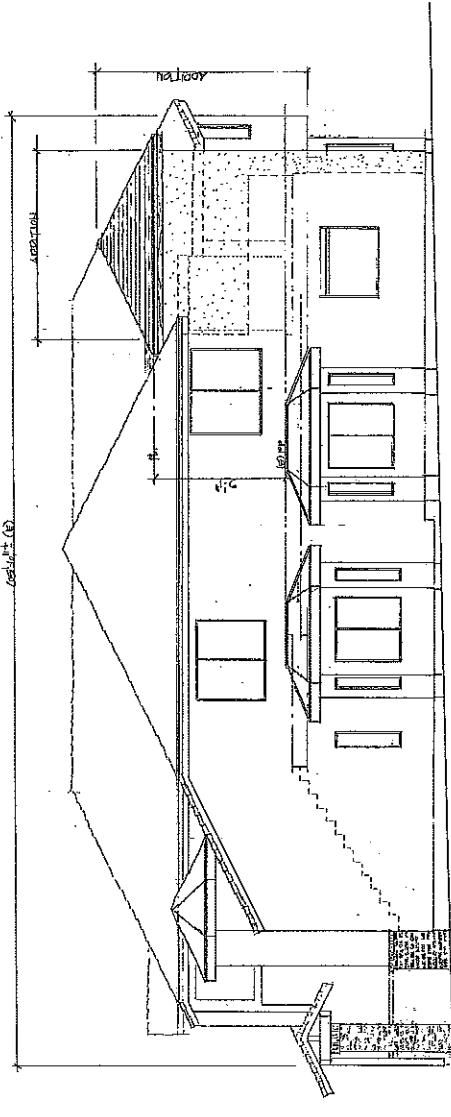
REVISIONS	BY

JEFF THOMAS
 ARCHITECT
 1000 W. 10TH AVE. SUITE 200
 DENVER, CO 80202
 303.733.1111

KOVISTO RESIDENCE ADDITION
 OWNER/APPLICANT
 OYAR KOVISTO
 2785 QUAIL RUN DR.
 ROCKY HILLS, CA 92301
 918.401.8888

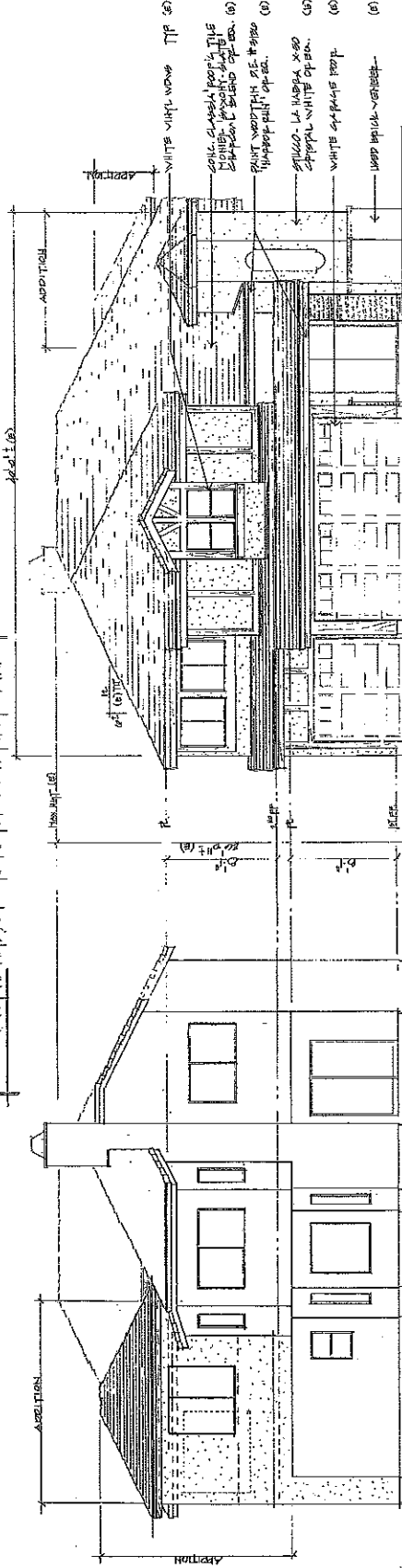
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RIGHT SIDE ELEVATION 1/4"=1'-0"

NOTE: ALL COLORS, MATERIALS, DETAILS, FINISHES, OVERHANGS, ETC. TO MATCH EXISTING - L.H.O.



FRONT ELEVATION 1/4"=1'-0"

PRELIMINARY
 NOT FOR CONSTRUCTION

08-VAR-004
 08-SPR-2013

REAR ELEVATION 1/4"=1'-0"

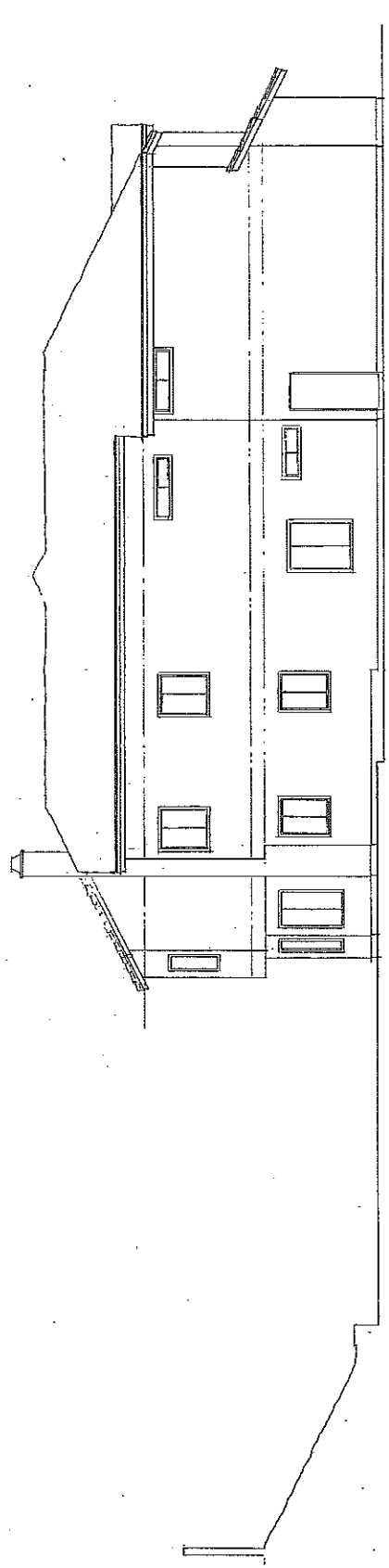
REVISIONS	BY

JEFF THOMAS
 ARCHITECT
 2000 EAST 14TH AVE
 DENVER, CO 80202
 TEL: 303.733.8888

KOVISTO RESIDENCE ADDITON
 OWNER/APPLICANT
 DAVID KOVISTO
 25755 QUAIL HILL DR
 KACHEN HILLS, CA 91301
 818.401.8888

Scale
 Date
 Drawn
 Job
 Sheet

A4.2



SEE FRONT ELEVATION FOR
 TYPICAL COLUMN DIMENSIONS
 NOTE: ADDITION NOT VISIBLE

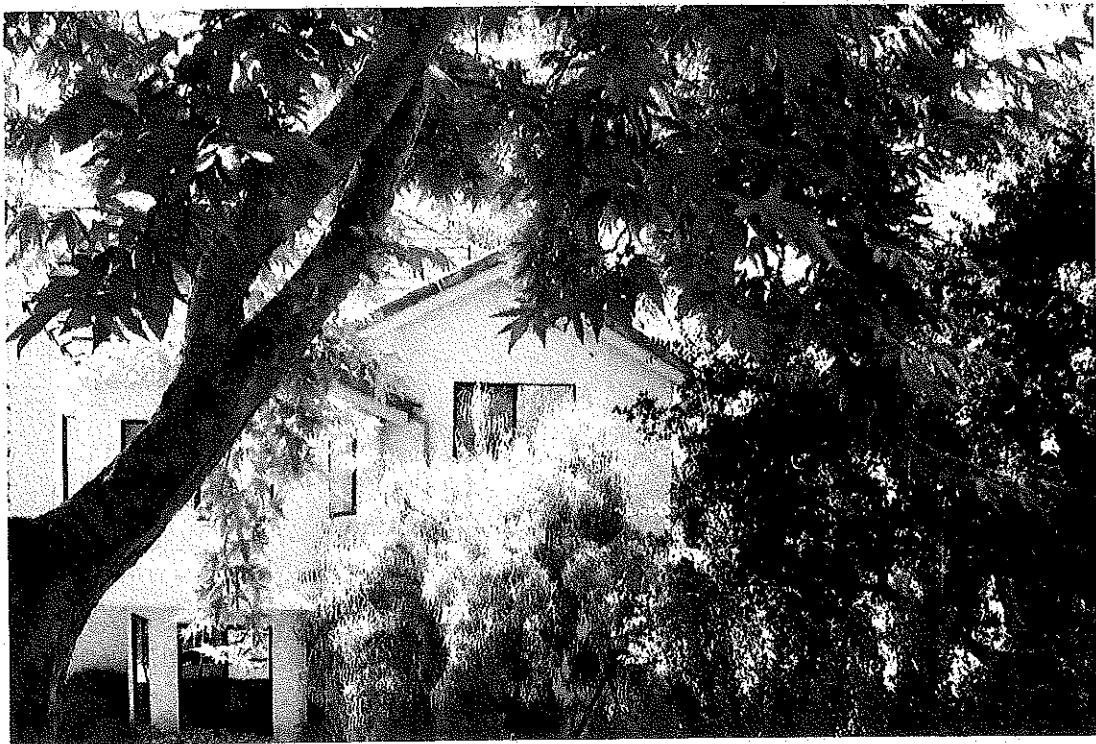
PRELIMINARY
 NOT FOR CONSTRUCTION

LEFT SIDE ELEVATION

14-11-13



SIMILAR ADDITION TO IDENTICAL HOUSE



SIMILAR ADDITION TO IDENTICAL HOUSE

**SITE PLAN/ARCHITECTURAL REVIEW CASE NO. 08-SPR-0013 AND
VARIANCE CASE NO. 08-VAR-0034 (A.P.N. 2053-031-064) KOVISTO**

