

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS APPROVING
MODIFICATION NO. 05-MOD-005

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

Section 1. An application was duly filed by Robert Mahterian for Tom and Susan Mogan with respect to the real property located on the 28250 Laura La Plante, Assessor's Parcel Number 2061-017-046, requesting the approval of Modification from Zoning Ordinance Section 9243.3 to allow a 20 foot front yard setback in the RS-20,000 zone. A public hearing was duly held on April 6, 2006 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 modification 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 proposed bonus room addition to the two-story residence is logically situated within the second floor and within the same footprint of the first floor. The existing residence is located 15 feet from the front property line and the second floor addition will not decrease this existing front yard setback distance.
- B. The granting of the modification will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone. The subject property is located in an area in which many homes have existing garages located less than 25 feet from the front property line. The proposed room addition will not extend beyond the existing garage that is 15 feet from the front property line. Privacy between neighboring structures is maintained by no windows in the bonus room portion of the addition being situated on the west elevation.
- 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. The encroachment proposed into the front yard setback area is for a bonus room, which is logically located at the front portion of the existing residence. Reducing the length of the addition would limit the necessary space within the proposed habitable area. The proposed size of the bonus room is in keeping with the footprint of the

residence and will not require additional grading elsewhere on the lot for the provision of the room.

- D. That the granting of the modification 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. With this addition, the applicant will be making a number of aesthetic upgrades to the house including new stucco, stone, and new exterior paint. The room addition will be an integral component of the architectural style of the building and will add aesthetic quality to the house. The addition is consistent with the architecture, color and materials of the rest of the house and all the improvements would be subject to Building and Safety approval. The locations of the proposed additions will insure adequate lighting, air and privacy, and open space to surrounding properties. The property will be served by the public sewer system.
- E. The granting of the modification will be consistent with the character of the surrounding area. The room addition will be compatible with the neighborhood due to existing variations in front yard setbacks for development properties along Laura La Plante Drive and will not exceed the existing front yard setback of the garage.

Section 4. The project is a request for a reduced front yard setback 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 5. Based on the aforementioned findings the Planning Commission hereby approves Modification Case No. 05-MOD-005.

PASSED, APPROVED, and ADOPTED on this 6th day of April, 2006 by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson

ATTEST:

Doug Hooper, Secretary