

DRAFT RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING VARIANCE NO. 04-VAR-001

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

Section I. An application was duly filed by Shahin Benyamin and Pouya Payan with respect to the real property located on the 28254 Laura La Plante Drive, Assessor's Parcel Number 2061-017-007, requesting the approval of Variance from Zoning Ordinance Section 9243.3.F. to allow a reduced side yard setback to 8 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-001) for the development of a 2,685 square-foot single-family residence and a 491 square-foot, attached garage on a 6,068 square-foot lot. A public hearing was duly held on April 6, 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 6,068 square feet in size, which is less than one-third of the 20,000 square-foot minimum size for the zone. The RS zone requires a 22-foot combined side yard setback from the structure to the side property lines. The lot width varies from 45 feet at the front of the structure to 55 feet at the rear of the structure, allowing for a building pad of 23 to 33 feet. The applicants have provided the narrow side yard on the side where the adjacent residences are placed the furthest from their property and the widest side yard where the adjacent residence is the closest to the property line. Many side yards in the neighborhood are non-conforming in width. The applicants have attempted to meet the demands 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 and rear yards by strategically placing landscaping along the property lines and locating the windows so as to limit view into adjacent yards and interior spaces.

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 merely used to provide access to the front door and garage. These walls will be concealed 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. Additionally, the walls are designed to taper down to one foot in height near the road and will not obstruct visibility to vehicles coming in and out of the lot.

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 similar sized lots have non-conforming setbacks. The narrowest proposed side yard was chosen on the side where off-site structures are situated the furthest from the property line. The 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 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 minimum lot width in the RS zone is 90 feet. The applicant's lot is only 45 to 55 feet wide and the minimum width for access around the structure is 5 feet. The hardship arises from having to meet a minimum combined side yard setback of 22 feet, thus providing a building pad of only 23 to 33 feet wide. In addition, a 20-foot wide on-site driveway as well as a minimum of a 400 square-foot garage could not be provided 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.

The applicants have selected to provide the narrowest side yard where the off-site residences are located the furthest from the dividing property line. Windows have been placed so as to not impact the neighbors' privacy. Additionally, the applicants are providing retaining walls to be able to store vehicles in the driveway and maneuver in and out of the property safely without impacting the one-way traffic. The City Geotechnical Consultant has approved the project 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.

The residences on similar sized lots, in the vicinity, have non-conforming side yards. The walls will be stuccoed and screened from public view with landscaping. The proposed two-story design is found throughout Indian Hills. The residences on the west side are two-story in height and a two-story residence to the east is currently in review for a room addition.

Section IV. Based on the aforementioned findings in Section III the Planning Commission hereby approves Variance Case No. 04-VAR-001. This variance is valid only in conjunction with Conditional Use Permit Review Case No. 04-CUP-001.

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