

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS APPROVING
VARIANCE REQUEST CASE NO. 06-VAR-001

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

Section I. Applications were duly filed by Dawson for Orit and Rafi Sharon with respect to the real property located at 28314 Foothill Drive, Assessor's Parcel Number 2055-016-033, requesting the approval of a Variance to reduce the side yard setback to 4.8 feet in the RL zone for the construction of a 2,532 square-foot, one-story, single-family residence with a 468 square-foot attached two-car garage, and 391 square-feet of attached covered patios. A Public Hearing was duly held on March 16, 2006, at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, CA 91301. Notice of the 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 from Section 9233.2.B. described in Section I, that:

- A. 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. Although the RL zone requires a 12-foot wide side yard setback from the structure to the property line, the proposed side yard will not be any less than previously existed and the applicant will retain the single-story height of the residence.
- 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 house will be rebuilt on an existing foundation as previously existed and will continue to have the same non-conforming side yard as before which would also be similar to other residential lots on Foothill Drive.
- 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. Without the demolition, the applicant would have retained the non-conforming setback afforded to any single-story addition in the City.
- D. 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 granting of the Variance would not be detrimental to the neighborhood in that the structure is upgraded to current Building Code requirements. The reduced setback does not prohibit access by the Fire Department to provide emergency services. The construction includes upgrades to the design of the residence and the project will be built in compliance with City Building Codes.

- E. That the granting of the Variance will be consistent with the character of the surrounding area. The choice of colors and materials will help the house remain compatible with the neighborhood. The house remains a single-story structure with sufficient space to provide horse amenities and maintain the same access.

Section IV. Based on the aforementioned findings in Section III the Planning Commission hereby approves Variance Case No. 06-VAR-001. This variance is valid only in conjunction with Site Plan/Architectural Review Case No. 04-SPR-017.

PASSED, APPROVED, and ADOPTED this 16th day of March, 2006, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairman

ATTEST:

Doug Hooper, Secretary