

RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS APPROVING  
VARIANCE NO. 05-VAR-008

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

Section I. An application was duly filed by Adrienne Jacob with respect to the real property located at 5903 Colodny Drive, Assessor's Parcel Number 2055-028-042, requesting the approval of Variance from Zoning Ordinance Section 9652.13.B.c. and 9607.1.B to allow a private septic tank on a lot less than one acre in size and allow the height of a single-family residence to exceed the 15 feet above the front property line elevation . The request for the Variances was filed in conjunction with an application for a Conditional Use Permit Review (Case No. 05-CUP-005) for the development of a 4,061 square foot single-family residence on a 38,350 square foot lot. A public hearing was duly held on January 19, 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 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 9652.13.B.c. 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 such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Private septic systems have been shown to be the only alternative for the disposal of sewer for most properties in the RV zone. This lot was created prior to the City's incorporation and is 5,210 square feet smaller than the current required one-acre size. Given the development and separate ownership of the adjacent lots, it is not feasible to add more land area to this parcel to reach one acre. Furthermore, the closest sewer line is located 2,400 feet away from the property boundary which exceeds the minimum distance for mandatory connection for any new project by 2,200 feet. Surrounding residential properties have similar topographic slopes and all operate with a private septic system. This parcel is one of many Residential Very Low density zoned parcels which are subject to the same requirements. The burden of proof is derived from a pre-existing condition with regard to the lot size.
- 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 in

- which the subject property is situated. According to City records, most properties in the RV zone operate with a private septic system. The proposed septic system is designed according to the standards of and approved by the Los Angeles County Health Department and supported by the geotechnical and geological reports approved by the City Consultant. Also, the request does not constitute an exception in the RV zone which currently encompasses over 100 homes that operate with a private septic tank.
- 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 nearest sewer line connection is located over 2,000 feet from the project which is a practical difficulty for development of a single-family residence on this lot. The Municipal Code requires connection to a sewer line when the project is within 250 feet of an approved existing line.
- 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 proposed private septic system will be installed per the Los Angeles County Health Department standards and located in the front yard over 250 feet away from the drainage that runs in the rear of the lots along Colodny Drive and away from the on and off-site oak trees. The components of a septic system are completely underground and no visual impacts would be evident as a result of such alternative. The land area above the structure is useable and is counted toward the preservation of open space since limited amount of structures can be built atop.
- E. The granting of the Variance will be consistent with the character of the surrounding area. The request is not inconsistent with the surrounding residential properties. Private septic systems are commonly used in the RV zone within Old Agoura neighborhood as an alternative to sewer and no visible structures would impact neighbors' views.

Section IV. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance regarding the variance requests from Section 9607.1.B described in Section I, that:

- A. 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 hillside Ordinance requires hillside properties to conform to a maximum height of 15 feet above the highest average grade at the front property line. In this case, the lot is relatively flat except for a decline at the rear where a creek exists. The structure is proposed to be built entirely on the flat area of the lot. Limiting the height of

the residence to 15 feet would deprive the applicant of developing a two-story structure that is otherwise allowed in the RV zone.

- B. 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. The neighboring structures on similar sized lots have one and two-story designs and views from surrounding properties will be maintained. Additionally, the project meets the remaining development standards of the RV zone.
- 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. The 15-foot height requirement places an unnecessary burden on the applicant to construct a single-story residence in a neighborhood consisting of many two-story residences. A single-story structure could result in more lot coverage than the applicant is proposing and reduction in horse areas. These would conflict with the intent of the Old Agoura Design Overlay zone which seeks to minimize grading, protect natural resources of the property, including Oak trees, and promote equestrian facilities.
- 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 ability to exceed the maximum 15-foot hillside height requirement allows the applicant a more aesthetically pleasing structure. The applicant is able to use steep rooflines to conceal a second story. The applicant has also designed and located the house to help maintain privacy to the neighbors to the north and south. The impact of the massing is reduced given the setback distances to the front and side property lines. The front yard setback exceeds 100 feet. Thus the two-story structure will not create a massive visual impact as viewed from the street.
- E. That the granting of the Variance will be consistent with the character of the surrounding area. The intent of the hillside Ordinance is to help preserve views and to regulate building massing so that the project design is sensitive to the hillside topography. In this particular case, the building has been designed to help preserve views of adjacent properties and the second floor is concealed behind a steep roof line to reduce the linear and vertical massing of the building as viewed from Colodny Drive. Also, the proposal is not an exception as other two-story residences exist in the neighborhood. The proposed structure will be in keeping with the building height of the residence to the west along Fairview Drive. In addition, the footprint of the proposed residence is placed in between the footprints of the residences to the north and south providing privacy. Additionally, the proposed building materials are compatible with the requirements of the Old Agoura design criteria which call for natural materials and colors. The use of stone and wood and neutral colors has been incorporated in the design.

Section V. Based on the aforementioned findings in Section III the Planning Commission hereby approves Variance Case No. 05-VAR-008. This variance is valid only in conjunction with Conditional Use Permit Review Case No. 05-CUP-005 and Oak Tree Permit Case No. 05-OTP-003.

PASSED, APPROVED, and ADOPTED this 19th day of January 2006, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
\_\_\_\_\_, Chairman

ATTEST:

\_\_\_\_\_  
Mike Kamino, Secretary