

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS APPROVING
VARIANCE NO. 04-VAR-003

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 M. Kersey with respect to the real property located on the 28406 block of Lewis Place, Assessor's Parcel Number 2061-022-018, requesting the approval of Variance from Zoning Ordinance Section 9243.3.3.F. to allow an 8 foot east side yard setback in the RS-20,000 zone. A public hearing was duly held on February 2, 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 variance requests 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. Development of the subject property is restricted by its non-conforming size and width. The lot is 5,619 square feet in area, which is 28% of the minimum 20,000 square foot lot size required of the zone. The lot has a width of 50 feet. The minimum lot size for the zone is a width of 90 feet according to Zoning Ordinance Section 9243.3.C. Thus, there is limited space elsewhere on the property to develop the two-story 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. Approval of this variance would not constitute the granting of special privileges. The area is comprised of small, narrow non-conforming lots for which previous developments have been granted variances for setback reductions. In 2002 a development project to the west of the project's site was granted Variances for setback reductions. This project was constructed and was granted a side yard reduction to 3.5 feet, 16 feet for the front setback, and 10 feet for the rear yard setback. Three homes across the street to the northwest were approved by Los Angeles County prior to the City's incorporation and have non-conforming side yard setbacks of approximately five feet and front yards setbacks of less than the required 25 feet for the zone. Existing homes directly to the west also have non-conforming side yard setbacks along with non-conforming front yard setbacks.

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. Strict interpretation of the Zoning Ordinance would pose a practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The purpose of the Single-Family Residential zone is to encourage the development of conventional single-family detached residential development with related compatible uses and full community levels of service and public improvements. The non-conforming size and width of the lot precludes the applicant from developing a two-story residence within the development standards required for lots that are more than three times the size of the applicant's parcel.

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 property will be developed with in the development standards of the RS-20,000 zone relative to building height, lot coverage and front yard setbacks. Vehicular access to the property will be provided via Lewis Place and the residence will be constructed per City Building Standards. The property will be served by the public sewer system.

E. The granting of the variance will be consistent with the character of the surrounding area. The neighboring structures on similar sized lots have non-conforming setbacks for the zone. The two-story residence, which consists of stucco, stone veneer and tile roof will be architecturally compatible with the neighboring structures and will not exceed the maximum building lot coverage required for parcels within the RS-20,000 zone.

Section 4. The project is a request for one, single-family residence 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 in Section 3 the Planning Commission hereby approves Variance Case No.04-VAR-003. This variance is valid only in conjunction with Conditional Use Permit Review Case No. 04-CUP-008.

PASSED, APPROVED, and ADOPTED on this 2nd day of February, 2006 by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson

ATTEST:

Doug Hooper, Secretary