

## PUBLIC HEARINGS

CITY COUNCIL  
April 22, 2003

To: Mayor and City Councilmember  
From: George J. Rodericks, City Manager  
Originated by: Kathy Adrian, City Clerk

**SUBJECT:** Consideration of Variance Application No. 0533 for Construction of Fences, Walls, and Gates – Location: 9862 Leatrice Drive; Applicants: Larry Schaffer and Dr. Christie MacDonald.

### **BACKGROUND**

The applicants are requesting a variance to permit the construction of fences, walls and gates over 42" in height within the required front setback area on their property at 9862 Leatrice Drive.

### **AUTHORITY**

The Zoning Code authorizes the City Council to approve, conditionally approve, or disapprove variance applications. Variances from the terms and regulations of the Zoning Code are to be granted when, because of special circumstances applicable to the property, a strict application of the terms and regulations of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

### **FINDINGS**

The subject property is located at 9862 Leatrice Drive and is in the 100-E4-20,000 Small Estate zoning district. Staff has visited the site for purposes of viewing the property as it relates to this request.

The property owner is proposing to install a combination wrought iron/block wall fence along the street frontage at varying heights up to a maximum of five (5) feet at the proposed electronic gate location. The height of the majority of the wall is proposed at four (4) feet.

The property does not have any apparent physical characteristics; however, the property owner contends that due to the location of the home, there are safety concerns of an increasing magnitude related to traffic and traffic accidents. The encroachment into the required front setback is greater than 25 percent and staff cannot recommend approval.

**CEQA Compliance:** This project is exempt from requirements of CEQA by Sections 15303 Class 3: New Construction of Small Structures.

### **FISCAL IMPACT**

None.

### **STAFF RECOMMENDATION**

Staff cannot recommend approval of this application.

### **APPROVAL MOTION**

Adopt Resolution No. 2003-2675 approving Variance Application #0533 for construction of fences, walls, and gates over 42" in height within the required front setback area, with conditions; 9862 Leatrice Drive – Applicants: Larry Schaffer and Dr. Christie MacDonald.

### **RECOMMENDED ACTION**

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

### **CONDITIONS OF APPROVAL**

1. The structure(s) shall be in accordance with approved plans on file with the City Clerk. Any significant deviation from the approved plans will require subsequent approval by the City Council through a separate Public Hearing. All work will be suspended on the project until such approvals are obtained.
2. Building permits and approvals must be obtained prior to commencement of construction. If the approval is after-the-fact, building permits and approvals are still required.
3. Separate review and approval by the City Engineer is required for all grading, driveway approaches, street improvements, sewer connections, and work within the right-of-way or City easement prior to issuance of any building permit for the project. Additional conditions may apply. If the existing frontage wall is located within the ultimate street right-of-way, an encroachment agreement shall be filed.
4. A cash bond in the amount of \$575 shall be posted to protect the City from any damages to any public improvements impacted directly or indirectly by the proposed improvements.
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6. Temporary toilet facilities are not permitted in the front setback areas.
7. The variance permit shall lapse and become void one year following the date of approval unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site.
8. The variance permit may be renewed for an additional period of one year, provided that prior to the expiration of one year from the date when it or the renewal of same became effective, an application for renewal is filed.