

PUBLIC HEARINGS

**CITY COUNCIL
May 28, 2002**

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

SUBJECT: Consideration of Variance Application No. 0482 for a Patio Cover Encroaching into the Rear Yard Setback Area – Location: 17845 Helena Circle; Applicant: Donald Moser.

BACKGROUND

The applicant is requesting a variance from the rear yard building setback requirement of 25 feet to permit a 463 s.f. patio cover, attached to the main dwelling unit, to encroach 12 feet into the setback area.

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 17845 Helena Circle and is in the R-1 zoning district. The lot area is 13,692 square feet. The property is developed with an existing residence and attached garage. Surrounding uses are residential. Staff has visited the site for purposes of viewing the property as it relates to this request.

Plans for a residential remodel were approved by the City's then contract building services provider on March 3, 2001. In those plans, it showed the patio cover in question 13 feet from the rear property line.

The proposed patio cover would encroach into the required 25-foot rear yard setback by 12 feet, or 48%. Since the patio cover is attached to the main structure, it is considered a part of the structure and must meet the setback requirements for the main building.

However, if the patio cover was separated from the main structure, it would be considered a detached accessory structure over 7 feet in height. As a detached accessory structure, the rear yard setback in the R-1 zone is 5 feet. Approval could be granted under a Conditional Use Permit.

Because the patio cover is attached to the main building and encroaches into the required rear yard setback by more than 25%, staff's recommendation is denial. However, the City Council may wish to consider the analysis above relating to detached structures with the understanding that

detached can be a minimum of 2 inches. As a detached structure, the approval would require a separate Conditional Use Permit application. Approval this evening would be for the attached patio cover under a Variance Permit.

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

FISCAL IMPACT

None.

RECOMMENDATION

As determined by the City Council.