

PUBLIC HEARINGS

**CITY COUNCIL
July 23, 2002**

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

SUBJECT: Consideration of Variance Application No. 0493 – Location: 9892 Oakwood Circle; Applicants: Jim and Yoshiko Funada.

BACKGROUND:

The applicants are requesting a variance to allow the construction of a room addition, which would encroach into the northerly side-yard setback by five feet.

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 the end of the cul-de-sac on Oakwood Circle in the 100-E4-20,000 Small Estate zoning district. The lot contains 20,900 square feet and is improved with an existing one-story residence, and garage. Surrounding uses are residential.

Staff has visited the site for purposes of viewing the property as it relates to this request. The proposed 253 square foot addition would encroach into the side yard setback by 5 feet, 4 inches. The required setback is 10 feet, 4 inches. It would comply with all lot coverage, gross floor area, and building height requirements.

Based on the size and shape of the property, there does not appear to be exceptional or extraordinary circumstances applicable to the property. However, due to the original placement of the main residence at an angle on the property, the applicant is restricted. This limits their ability to construct on the sides of the residence and still meet the minimum required setbacks. There may be an alternative location on the property for the addition, but this may result in a practical difficulty for the property owner. If, in the Council's opinion, the strict or literal interpretation and enforcement of the City's zoning regulations creates a practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Code on the applicant, there is sufficient findings for a Variance.

CEQA Compliance: This project is exempt from requirements of CEQA by Section 15301 Class 1: Alteration of Existing Structures.

FISCAL IMPACT:

None.

RECOMMENDATION:

It is recommended that the City Council conduct a Public Hearing and, if appropriate, adopt Resolution No. 2002-2625 Approving Variance Permit No. 0493 for an addition to the single-family residence encroaching into the side yard setback, with conditions – Location: 9892 Oakwood Circle – Applicant: Jim and Yoshiko Funada.

CONDITIONS OF APPROVAL:

1. The structure shall be in accordance with the 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. No temporary toilet facilities are permitted in front setback areas.
3. Building permits and approvals must be obtained prior to commencement of construction. There may be additional details and approvals required by the City Building Official or City Engineer.
4. 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.
5. 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.