

PUBLIC HEARINGS

CITY COUNCIL
July 23, 2002

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

SUBJECT: Consideration of Variance Application No. 0497 for Construction of a Patio Cover Encroaching into the Rear Yard Setback Area – Location: 10292 Center Drive; Applicant: Carolyn Deed-Simmons.

BACKGROUND

The applicant is requesting variance approval to construct a patio cover addition to a single-family residence on a substandard lot.

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 only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

An existing main building conforming as to use but which does not conform to the building site area regulations of the zone in which it is located may be altered, added to or enlarged, provided such alteration complies with such zone regulations and does not exceed the size permitted by said height, yard and building site area regulations.

FINDINGS

The subject property is located at 10292 Center Drive and is in the 100-E4-20,000 Small Estate zoning district. The lot area is 16,133 square feet and is a substandard lot within the E4 zone. The lot is improved with a one-story, single-family residence of approximately 2,371 square feet and an attached garage of 420 square feet. Surrounding uses are residential.

As constructed, the main dwelling unit encroaches into the required rear yard setback of 25' by 3 feet, 4 inches making the existing rear yard setback 21' 6". The applicant is requesting a Variance to construct a 680 square foot patio cover addition that would further encroach into the rear yard setback area by an additional 9' 6" thereby creating an 11' 6" rear yard setback. This represents a reduction in the required 25' rear yard setback by 54%.

Staff spoke with the applicant and indicated that if the structure were detached from the main structure, the patio cover would have a required rear yard setback of 10'. Such a structure would only require approval under the City's Conditional Use Permit standards and staff would recommend approval. However, if submitted as an attached structure, staff could not recommend approval.

Based on the size and shape of the property, there does not appear to be exceptional or extraordinary circumstances applicable to the property. Because the house as originally constructed was placed so far back on the lot, the applicant is limited on ways to construct patios or shade structures in the back yard area. If, in the Council's opinion, the strict or literal interpretation and enforcement of the City's zoning regulations create 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 Sections 15303 Class 3: New Construction or Conversion of Small Structures.

FISCAL IMPACT

None.

RECOMMENDATION

That the City Council conduct a Public Hearing and, if appropriate, adopt Resolution No. 2002-2629 approving Variance No. 0497 for an attached patio cover encroaching into the rear yard setback, with conditions; 10292 Center Drive - Applicant: Carolyn Deed-Simmons.

CONDITIONS OF APPROVAL

1. The structures 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. The maximum height of the patio structure shall be as shown on the approved plans.
4. 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.
5. 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.
6. 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.