

**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 After-the-Fact Variance Application No. 0496 – Location: 17832 Tacoma Circle; Applicants: Ralph and Vicki Guida

**BACKGROUND:**

The applicants are requesting an after-the-fact variance to allow an existing six-foot high wooden fence with lattice trellis on top that encroaches into the front yard setback area to remain.

**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 17832 Tacoma Circle in the R-1-8,500 single-family zoning district. Surrounding uses are residential. Staff has visited the site for purposes of viewing the property as it relates to this request.

Walls and fences are limited to a maximum height of 42 inches within any required front setback area to a depth of 20 feet. The applicants have constructed a 6-foot high wood fence with an attached lattice trellis bringing the total height of the fence to approximately 7 feet. The wood fence encroaches 4 feet into the required 20-foot front yard setback. The applicant is using the space behind the fence and gates to store recreational vehicles. Recreational vehicles are not allowed within the front setback areas.

While there are no exceptional or extraordinary circumstances or conditions applicable to the property, storage of recreational vehicles on lots within the R-1 zone is more difficult due to the size of the lot. If a property owner desires to store recreational vehicles out of the front setback, as required by the City, and screened from public view, the size of the lot may create a practical difficulty. 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. 2002-2628 approving Variance Permit #0496 to allow an existing 6-foot high wood fence with an attached lattice trellis to remain in the front yard setback, with conditions; 17832 Tacoma Circle – Applicants: Ralph and Vicki Guida

**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. The conditional use and 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.
3. The conditional use and 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.