

PUBLIC HEARINGS

**CITY COUNCIL
June 25, 2002**

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

SUBJECT: Consideration of Variance Application No. 0490 for a Third Garage Space Encroaching into the Side Yard Setback Area – Location: 9632 James Circle; Applicant: Dan and Adrienne Feehan.

BACKGROUND

The applicants are requesting a variance from the side yard building setback requirement of 14 feet, 2 inches to 9 feet, 4 inches to permit construction of a third garage space attached to the existing garage.

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 9632 James Circle and is in the 100-E4-20,000 zoning district. The pie-shaped lot is 20,145± square feet.

The property is presently improved with a 2,137 s.f. one-story residence and a 494 s.f. attached garage. Surrounding uses are residential. Staff has visited the site for purposes of viewing the property as it relates to this request.

Due to the irregular configuration of the property, a small portion of the expanded structure would encroach into the northerly side yard setback by 4 feet, 8 inches, or 34%. The addition would contain 149 s.f. and would comply with the lot coverage, gross floor area and height requirements.

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

FISCAL IMPACT

None.

RECOMMENDATION

That the City Council adopt Resolution No. 2002-2622 approving Variance Permit #0490, With Conditions; 9632 James Circle – Applicants: Dan and Adrienne Feehan.

CONDITIONS OF APPROVAL

1. The structure shall be in accordance with the approved plans on file with the City Clerk.
2. No temporary toilet facilities are permitted in front setback areas.
3. 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.
4. 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.