

PUBLIC HEARINGS

**CITY COUNCIL
March 25, 2003**

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

SUBJECT: Consideration of Variance Application No. 0532 for Construction of Walls and Gates – Location: 18161 Serrano Avenue; Applicants: Robert and Mirna Hess.

BACKGROUND

The applicants are requesting a variance to permit the construction of walls and gates over 42” in height within the required front setback area on their property at 18161 Serrano Avenue.

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 18161 Serrano Avenue and is in the 100-E4-20,000 Small Estate zoning district.

Staff has visited the site for purposes of viewing the property as it relates to this request.

The property has an existing block wall along its frontage, the bulk of which will remain unchanged on the property. The applicant is proposing the installation of relocated access along Serrano Avenue due to the elimination of a shared driveway. Elimination of this shared access driveway was approved for the neighboring property, 18181 Serrano Avenue in February 2003.

The applicant is proposing the installation of gated vehicular access at a relocated driveway along Serrano Avenue. As a result, remodeling of a portion of the existing block wall will be required. The applicant contends that to keep the wall architecturally consistent, walls in excess of 42” are required connecting the existing wall to the proposed location of the driveway gated access. In addition, a connection from the existing block wall to the new block wall along the old driveway is required. This connection is proposed at a consistent height to the existing block wall at 6 feet 5 inches and will consist of both block wall and wrought iron fencing.

There are other items on the applicant’s submitted plan that are future planned improvements and as such are not a part of the request for approval. These include:

Item #1: Wood or Wrought Iron Arbor located in the front setback (1st 20 feet) over 42" will require a Variance.

Item #2, #3, #4, #5, #12, #33 and #34: Will require separate Site Plan Review approval as the items are constructed.

Item #7: Vined Trellis over 7' in height will require a Conditional Use Permit and Variance if proposed within the first 50' of the property.

Street improvements were completed along Serrano Avenue to install the curb and gutter at this address. However, the right-of-way was never dedicated along the frontage of this property. A condition has been added that a right-of-way dedication agreement must be completed. The existing block wall is located immediately behind the ultimate right-of-way.

The existing block wall along the street frontage creates a legitimate architectural issue for the property owner. The property owner has attempted to compensate by moving the reconstructed area back from the right-of-way and softening the impact with wrought iron fencing and gates while simultaneously addressing the perceived need to retain a secured entry and front yard fence area.

The property does not have any apparent physical characteristics; however, the existing fencing creates an aesthetic and architectural issue the Council may wish to consider. The encroachment into the required front setback is greater than 25 percent and staff cannot recommend approval.

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

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff cannot recommend approval of this application.

APPROVAL MOTION

Adopt Resolution No. 2003-2669 approving Variance Application #0532 for construction of walls and gates over 42" in height within the required front setback area, with conditions; 18161 Serrano Avenue – Applicants: Robert and Mirna Hess.

RECOMMENDED ACTION

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

CONDITIONS OF APPROVAL

1. The structure(s) shall be in accordance with 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. Building permits and approvals must be obtained prior to commencement of construction. If the approval is after-the-fact, building permits and approvals are still required.
3. Separate review and approval by the City Engineer is required for all grading, driveway approaches, street improvements, sewer connections, and work within the right-of-way or City easement prior to issuance of any building permit for the project. Additional conditions may apply. If the existing frontage wall is located within the ultimate street right-of-way, an encroachment agreement shall be filed.
4. A cash bond in the amount of \$575 shall be posted to protect the City from any damages to any public improvements impacted directly or indirectly by the proposed improvements.
5. A right-of-way dedication will be required.
6. Street improvements must be completed at the abandoned driveway location.
7. A cash bond in the amount of \$575 shall be posed to protect the City from any damages to any public improvements impacted directly or indirectly by the proposed improvements.
8. Temporary toilet facilities are not permitted in the front setback areas.
9. 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.
10. 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.
11. A residential site review from the Orange County Fire Authority is required prior to issuance of building permits.