

PUBLIC HEARINGS

**CITY COUNCIL
SEPTEMBER 24, 2002**

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

SUBJECT: Consideration of Variance Application No. 0511 for a Wall Exceeding Six Feet in Height – Location: 9521 Mary Circle; Applicants: Brian and Wendy Streadbeck.

BACKGROUND

The applicants are requesting a variance to permit replacement of an existing wall on the south side of their property, a portion of which will be built to a height of eight (8) feet. Current zoning restricts perimeter side and rear fencing/walls to six feet in height.

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 9521 Mary Circle in the 100-E4-20,000 zoning district.

Staff has visited the site for purposes of viewing the property as it relates to this request. The property is located on the southwest corner of Mary Circle and Pamela Place.

The applicants replaced an existing 125-foot wall that was in an unsafe condition.

There is an existing pool on the property that requires the applicant to have fencing of 5 feet as measured from the outside. If the applicant were to install fencing at the maximum 6 feet, measurement from the inside would be a maximum of 2.5 feet.

The applicant's property is a corner lot such that the rear yard fencing is street side. The applicant feels that there are significant safety concerns if a 2.5-foot fence were maintained.

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

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of this application.

APPROVAL MOTION

That the City Council adopt Resolution No. 2002-2648 approving Variance Permit #0511, With Conditions; 9521 Mary Circle – Applicants: Brian and Wendy Streadbeck.

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. The wall shall be built to a maximum height of eight feet.
3. 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.
4. 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.
5. If deemed necessary by the City Engineer, a street dedication and improvement bond shall be required for all work exceeding three hundred (300) square feet of floor area prior to issuance of any building permit.
6. 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.
7. Temporary toilet facilities are not permitted in the front setback areas.
8. 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.
9. 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.