

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO
APPROVING A VARIANCE (V-16-02) TO ALLOW FOR AN ENCROACHMENT
INTO THE FRONT SETBACK FOR A SMALL ENTRY ADDITION AND FRONT
PORCH, AND AN ENCROACHMENT INTO THE REAR SETBACK FOR A MINOR
ADDITION AS THE RESULT OF A HOME REMODEL.**

**15924 BARRY LANE
(CRANE)**

WHEREAS, Brian and Heather Crane (collectively referred to as "Applicant") applied for a Variance, Application No. V-16-02, to allow for an encroachment of approximately five (5) feet into the front setback and an encroachment of approximately seven (7) feet into the rear setback, to accommodate minor additions to both the front and rear of the home currently undergoing a remodel (application referred to as "Application"); and

WHEREAS, a public hearing was set and held on December 6, 2016, to take evidence on the Applications and at that hearing evidence was given both orally and in writing; and

WHEREAS, the City Council has considered all the evidence presented regarding the SDP and subject parking/garage Variance.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTE SERENO AS FOLLOWS:

Section 1. The City Council hereby finds as follows with respect to the front and rear setback Variance:

- A. Section 65906 of the California Government Code only allows a variance to be granted when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.
- B. With Respect to the Variance, the City Council finds:
 1. Special circumstances do exist on this property to justify the variance. The lot, located at the end of a cul-de-sac, is generally triangular in shape presenting an extremely odd building configuration, and limited building envelope.
 2. Strict application of the requirement for a 25 foot front setback and a 30 foot rear setback would result in depriving the property of a privilege enjoyed by other properties under an identical zoning classification because most all other properties in the general area and typical of the R-1-8 zoning district have regular shaped rectilinear lots supporting construction at right angles, whereas the subject lot and its triangular shape building envelope causes the construction at right angles to project into the required setback, or force an irregular designed living space.

3. The granting of this Variance will not result in a special privilege for the property not enjoyed by other properties because it will merely enable them to provide for the typical building elements and in a standard enjoyed by others.

Section 2. Based upon the findings set out above, the City Council hereby determines, concludes and orders that the Variance should be approved.

Section 3. The City Clerk is hereby directed to give notice of this decision to the Applicant by serving Applicant by first class mail, postage prepaid, with a copy of this resolution.

REGULARLY PASSED AND ADOPTED this 6th day of December, 2016 by the following roll call vote:

Ayes: Council Members Anstandig, Craig, Huff, Wolsheimer and Mayor Allan
Noes: None
Abstain: None
Absent: None



BY: Lionel M. Allan, Mayor

ATTEST:



Andrea Chelemengos, City Clerk