

RESOLUTION NO. 3603

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO
APPROVING A SITE DEVELOPMENT PERMIT (SS-15-06) FOR AN INTERIOR
REMODEL AND ADDITION OF 942 SQUARE FEET TO AN EXISTING SINGLE
STORY HOUSE AND A VARIANCE (V-15-02) FOR THE SIDE YARD
SETBACK OF 15'10" WHERE 20' IS REQUIRED FOR
18200 BANCROFT AVENUE
(Zanardi)**

WHEREAS, Mark and Wendy Zanardi (collectively referred to as "Applicant") applied for [1] a site development permit for an interior remodel and addition of 942 sq. ft. to an existing single story house, Application No. SS-15-06 ("SDP"); and [2] a variance for the side yard setback of 15'10" where 20' is required, Application No. V-15-02 ("Variance") (applications collectively referred to as "Applications"); and

WHEREAS, the Site and Architecture Commission considered the Applications on May 6, 2015, and recommended approval of the Applications to the City Council;

WHEREAS, a public hearing was set and held on May 19, 2015, 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 the setback 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 rear yard 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 classification.
- B. With respect to the Variance, the City Council finds:
 - 1. Special circumstances do exist on this property to justify the variance. The lot is narrow and sloped.

2. Strict application of the side yard setback requirements in this instance would result in depriving the property of a privilege enjoyed by other property in the vicinity and under an identical zoning classification because all other properties in the R-1-44 zoning district are only required to have a 20' side yard setback.
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 add 90 square feet to an area that currently has a reduced setback.

Section 2. The City Council hereby finds as follows with respect to the SDP:

- A. Pursuant to Code section 10.08.040(A) a site development permit is required for any new building or structure.
- B. In accordance with Code section 10.08.050(B), no site development permit may be issued unless certain specific findings can be made.
- C. The City Council hereby makes the following findings:
 1. The proposed improvement retains the existing character of the neighborhood in which it is located because it is consistent with the design of the existing dwelling unit on the property.
 2. The architectural design proposed to be employed and the proposed vegetation will mitigate any significant visual impact that could result from the proposed improvement.
 3. The proposed improvement will provide for minimum grading and retention of the natural contours of the land then existing in order to protect the natural slope of the lot.
 4. The proposed improvement provides:
 - [a] a building footprint designed in such a way as to protect significant trees as defined elsewhere in the Code; and
 - [b] preservation of reasonable solar access.
 5. The proposed improvement emphasizes the use of native material in the area.

6. Site drainage for the proposed improvement provides for no increase in water run-off to neighboring lots.
7. The proposed improvements are consistent with the City Design Guidelines in style and character.

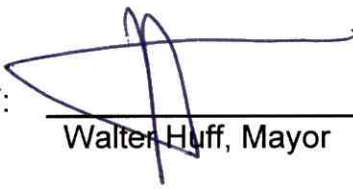
Section 3. Based upon the findings set out above, the City Council hereby determines, concludes and orders that the Site Development Permit and Side Yard Setback Variance should be approved.

Section 4. 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 19th day of May, 2015, by the following roll call vote:

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

BY:



Walter Huff, Mayor

ATTEST:


ANDREA M. CHELEMENGOS, CITY CLERK