

**RESOLUTION NO. 3581**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO  
DENYING A USE PERMIT (UP-15-01) FOR A TENNIS COURT AND A VARIANCE (V-  
15-01) FOR THE SIDE YARD SETBACK OF 0' FOR THE TENNIS COURT 20' IS  
REQUIRED FOR 15211 BECKY LANE  
(Finch)**

WHEREAS, James and Jeri Finch (collectively referred to as "Applicant") began construction on a tennis court at their property located at 15211 Becky Lane (the "Property") without obtaining the necessary permits for such construction; and

WHEREAS, Applicant and their representative previously inquired about the requirements for constructing and tennis court and were informed of the setback requirements; and

WHEREAS, on January 23, 2015, a stop work order was issued on the Property for failure to obtain the necessary planning and building permits for the tennis court and for constructing the tennis court within the 20' setback area;

WHEREAS, after the stop work order was issued, Applicant applied for for [1] a use permit for the tennis court, Application No. UP-15-01 ("UP"); and [2] a variance for a side yard setback of 0' for the tennis court where 20' is required, Application No. V-15-01 ("Variance") (applications collectively referred to as "Applications"); and

WHEREAS, a public hearing was set and held on March 17, 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.

**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 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 not exist on this property to justify the variance. The lot is a standard shaped lot that does not require a setback variance to be developed.
2. Strict application of the zoning ordinance in this instance would not result in depriving the property of a privilege enjoyed by other property in the vicinity and under an identical zoning classification because the tennis court could be redesigned to meet the setback requirements.
3. The granting of this Variance will result in a special privilege for the property not enjoyed by other properties because a majority of the other properties in the neighborhood subdivision have complied with the setback requirements.

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

Because the UP incorporates the requested variance and the variance has been denied, the UP is also denied. The project as proposed does not comply with the applicable zoning regulations.

Section 3. Based upon the findings set out above, the City Council hereby determines, concludes and orders that the Applications should be denied.

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 17<sup>th</sup> day of March, 2015, by the following roll call vote:

AYES: Council Members Anstandig, Allan, Craig, Garner and Mayor Huff  
NOES: None  
ABSENT: None

BY: \_\_\_\_\_

Walter Huff, Mayor

ATTEST:

  
ANDREA M. CHELEMENGOS, CITY CLERK