

RESOLUTION NO. 3745

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO
APPROVING A VARIANCE (V-19-01) TO ALLOW FOR A REDUCED SIDE SETBACK
FOR THE PRIMARY STRUCTURE ALONG THE NORTH PROPERTY LINE AT
BOTH THE FIRST AND SECOND STORY WHERE A 6 AND 10 FEET ARE
REQUIRED THUS ALLOWING 5.5 AND 9.5 FEET RESPECTIVELY.
15827 POPPY LANE
(HOAGLAND/LANZI)**

WHEREAS, Cal Hoagland and Linda Lanzi (collectively referred to as “Applicant”) applied for a Variance to allow for a reduced side setback for the primary structure along the north property line at both the first and second story where 6 and 10 feet are required thus allowing 5.5 and 9.5 feet respectively. Application No. V-19-01 (“Variance”) (application referred to as “Application”); and

WHEREAS, a public hearing was set and held on August 6, 2019, 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 side 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 side 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 is narrow at 52 feet wide as compared to others in the zoning district with an existing structure on it.
 2. Strict application of the requirement for a 6 and 10 foot side setback 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 most all other properties in the area and typical of the R-1-8 zoning district have a 60 to 70 foot wide lot and the required setbacks are less of a percentage of the width than the subject lot which is has a 52 foot width.

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 existing structure with a minimal 6 inch difference.

Section 3. Based upon the findings set out above, the City Council hereby determines, concludes and orders that the side 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 6th day of August, 2019 by the following roll call vote:

Ayes: Council members Ellahie, LaBouve, Leuthold, Mayor Pro Tempore Lawler and Mayor Turner
Noes: None
Abstain: None
Absent: None

BY: Rowena Turner
Rowena Turner, Mayor

ATTEST:

Andrea Chelemengos
Andrea Chelemengos, City Clerk