

RESOLUTION NO. 3715

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO
APPROVING A VARIANCE (V-18-04) TO ALLOW FOR AN ENCROACHMENT INTO
THE SIDE CORNER SETBACK FOR CONSTRUCTION OF AN ACCESSORY
DWELLING UNIT (ADU) IN THE REAR YARD OF PROPERTY AT
17618 SAN BENITO WAY
(TCHAKERIAN)**

WHEREAS, Vahan Tchakerian (referred to as “Applicant”) applied for a Variance, Application No. V-18-04, to allow for an encroachment of approximately fifteen (15) feet into the side corner setback to allow for the construction of an accessory dwelling unit in the rear corner of the property at 17618 San Benito Way (application referred to as “Application”); and

WHEREAS, a public hearing was set and held on December 4, 2018 to take evidence on the Application 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 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 corner 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’s current location on a corner adjacent to a key lot, and the configuration of the existing structure and pool on the lot necessitates the placement of the proposed ADU in the southwest corner of the lot, a location on the lot where the elevation is approximately seven (7) feet below street level.
 2. Strict application of the requirement for a 22.25 foot side corner setback would result in the lot having basically two front setbacks thus reducing its overall building envelope to less than other lots of similar size. That coupled with the configuration of the existing home and pool on the lot leaves a limited area in the southwest corner of the property for placement of an ADU. An ADU in that area

would be an extremely narrow living unit thus depriving the property of a privilege enjoyed by other properties under an identical zoning classification.

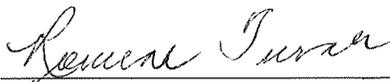
3. The granting of this Variance will not result in a special privilege for the property not enjoyed by other properties because other properties do not present similar constraints or existing configurations and would be able to meet the required setbacks.

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

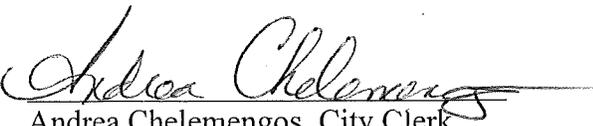
Section 3. The City Clerk is hereby directed to give notice of this decision to the Applicant by serving Applicant by first class mail, postage prepaid, with a copy of this resolution.

REGULARLY APPROVED this 4th day of December, 2018 by the following roll call vote:

Ayes:	Council Members Anstandig, Rogers, Turner, Wolsheimer and Mayor Craig
Noes:	None
Abstain:	None
Absent:	None

BY: 
Rowena Turner, Vice Mayor

ATTEST:


Andrea Chelemengos, City Clerk