

RESOLUTION NO. 3685

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO
APPROVING A VARIANCE (V-18-01) TO ALLOW FOR AN ENCROACHMENT INTO
THE SIDE, REAR, AND POOL WATERLINE SETBACK FOR CONSTRUCTION OF
AN ACCESSORY DWELLING UNIT IN THE REAR YARD OF PROPERTY AT
17281 ZENA AVENUE
(SPENCER)**

WHEREAS, Kenneth and Meaghen Spencer (collectively referred to as “Applicant”) applied for a Variance, Application No. V-18-01, to allow for an encroachment of approximately one (1) foot into the side, rear, and pool waterline setback to allow for the construction of an accessory dwelling unit in the rear corner of the property at 17281 Zena Avenue (application referred to as “Application”); and

WHEREAS, a public hearing was set and held on May 1, 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, rear, and pool waterline 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 configuration including the location of the main house and the pool, and the presence of mature landscaping along the western edge of the property necessitating the placement of the proposed ADU in the northwest corner of the lot.
 2. Strict application of the requirement for a 6 foot side and rear setback, as well as a 6 foot setback from the waterline of the pool would result in an extremely narrow living unit depriving the property of a privilege enjoyed by other properties under an identical zoning classification because there is no other location within the rear yard that would support the optimal location of an accessory dwelling unit.

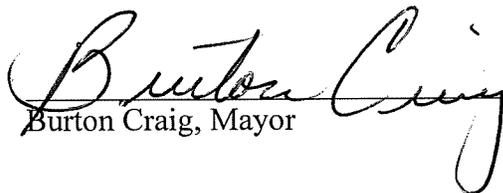
3. The granting of this Variance will not result in a special privilege for the property not enjoyed by other properties because other properties do not present similar constraints or existing configurations and would be able to meet the required setbacks.

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 15TH day of May, 2018 by the following roll call vote:

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

BY:  Burton Craig, Mayor

ATTEST:


Andrea Chelemengos, City Clerk