

RESOLUTION NO. 3559

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO APPROVING A SITE DEVELOPMENT PERMIT (SS-14-07) FOR A REMODEL AND FIRST AND SECOND FLOOR ADDITION TOTALING 662 SQUARE FEET TO AN EXISTING SINGLE STORY HOUSE AND A VARIANCE (V-14-01) FOR THE REAR YARD SETBACK OF 20' WHERE 30' IS REQUIRED FOR 16206 W. ELLENWOOD AVENUE (Milz)

WHEREAS, T-Will and Milz Properties (referred to as "Applicant") applied for [1] a site development permit for a remodel and first and second floor addition totaling 662 sq. ft. to an existing single story house, Application No. SS-14-07 ("SDP"); and [2] a variance for the rear yard setback of 20' where 30' is required, Application No. V-14-01 ("Variance") (applications collectively referred to as "Applications"); and

WHEREAS, the Site and Architecture Commission considered the Applications on May 7, 2014, and recommended approval of the Applications to the City Council;

WHEREAS, a public hearing was set and held on May 20, 2014, 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 irregularly shaped and has a very small building envelope.

2. Strict application of the rear 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-1-8 zoning district are only required to have a 6' 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 enclose an existing patio that is already located within the 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. As a condition to approval of the SDP and rear yard setback variance, Applicant shall submit a landscape plan which adds additional screening on the southwest boundary and screening on the south boundary which will provide screening for the property at 219 Alexander Avenue, Los Gatos. Such landscape plan shall be approved by the City Planning Department and installed prior to the final approval of the building permit.

Section 4. Based upon the findings set out above and subject to the condition in Section 3, the City Council hereby determines, concludes and orders that the Site Development Permit and Rear Yard Setback Variance should be approved.

Section 5. 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 20th day of May, 2014, by the following roll call vote:

AYES: Council Members Allan, Huff, Rogers and Mayor Craig
NOES: None
ABSENT: Council Member Anstandig
ABSTAIN: None

BY:


Burton Craig, Mayor

ATTEST:


ANDREA M. CHELEMENGOS, CITY CLERK