

## RESOLUTION NO. 15-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH  
UPHOLDING THE PLANNING COMMISSION ACTION, DENYING A VARIANCE FOR  
DEVELOPMENT PERMIT 14-18 (807 SARATOGA AVENUE)**

**WHEREAS**, the City Council for the City of Grover Beach has received for its review and consideration the appeal of the Planning Commission's denial of Development Permit 14-18 for a Variance to allow an illegally constructed front porch to encroach into the front setback at 807 Saratoga Avenue (APN 060-101-024) in the Low Density Residential (R1) Zone; and

**WHEREAS**, the notice of Public Hearing was properly advertised and publicly posted in the manner required by law; and

**WHEREAS**, the City Council of the City of Grover Beach has reviewed and considered the appeal at a Public Hearing on February 17, 2015; and

**WHEREAS**, the City Council concurs with the Planning Commission's findings of denial in accordance with Development Code Section 6.20.100(F) based on all written documentation and oral testimony that comprised the administrative record as follows:

1. *There are **no** special circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features, etc.) that do not apply generally to other properties in the vicinity in the same zone.* There are no special physical circumstances or conditions that exist on the subject property. The property is a rectangular lot measuring 50-feet by 100-feet. There are many lots throughout the City and in the vicinity of the site that measure 50-feet by 100-feet. Therefore, there is nothing unusual or unique about the size or shape of the site. The site also has the same sloping topography and the same surroundings (i.e., other residential lots) as lots in the vicinity and there are no unique physical features (e.g., in a floodplain or special soils conditions).
2. *Strict compliance with Development Code standards would **not** deprive the subject property of privileges enjoyed by other property in the vicinity and in the same zone.* There is insufficient evidence in the record to demonstrate that strict compliance with the current front setback would deprive the subject site of privileges enjoyed by other properties in the vicinity. Based on examples submitted by the applicant, there are two other properties in the vicinity (i.e., on Saratoga Avenue within the same block) that have structures that encroach into the required minimum front setback of 20-feet. Both structures located at 849 and 857 Saratoga were legally constructed and have front setbacks of approximately 8 and 9-feet, respectively. The subject site has a 6-foot legal non-conforming front setback and is requesting a variance to allow a 4-foot setback for an existing covered front porch that was illegally constructed in the 1980's and is not a legal non-conforming structure. Therefore, the subject site already has a setback that is less than the other two properties and would provide the subject property with a privilege that is **not** enjoyed by other properties in the vicinity.

The applicant also submitted two other properties that have structures that encroach into the required minimum front setback of 20-feet. However, both are over 1000-feet, or three blocks, from the subject site and do not meet the criteria for being in the vicinity of the subject site. Further, both structures are legal non-conforming and cannot increase the encroachment into the front setback consistent with the two residences at 849 and 857 Saratoga Avenue.

3. *Approving the Variance **would** constitute a granting of special privilege inconsistent with the limitations on other properties in the same vicinity and zone. The R1 zone requires a minimum 20-foot front setback. All new development and additions (including covered porches) are required to meet the minimum 20-foot front setback. The limitations created by the front setback are consistently applied throughout the City. Therefore, approving a Variance to allow the expanded porch would be a special privilege inconsistent with the limitations on other properties in the R1 zone.*

**NOW, THEREFORE, BE IT RESOLVED** that the City Council for the City of Grover Beach **DOES HEREBY DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSION'S DENIAL** of the Variance relating to Development Permit 14-18.

On motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and on the following roll-call vote, to wit:

AYES: Council Members -  
NOES: Council Members -  
ABSENT: Council Members -  
ABSTAIN: Council Members -

the foregoing RESOLUTION NO. 15-\_\_ was **PASSED, APPROVED**, and **ADOPTED** at a Regular Meeting of the City of Grover Beach City Council on this 17<sup>th</sup> day of February, 2015.

\_\_\_\_\_  
JOHN P. SHOALS, MAYOR

Attest:

\_\_\_\_\_  
DONNA L. MCMAHON, CITY CLERK