

PLANNING COMMISSION RESOLUTION NO. 24-013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRENTWOOD APPROVING A VARIANCE (V23-002) TO ALLOW A REDUCTION IN THE SIDE YARD SETBACK REQUIREMENT FROM 5 FEET TO 4 FEET, FOR A REDUCTION IN THE FRONT YARD SETBACK MEASURED FROM LIVING AREA FROM 15 FEET TO 9 FEET, AND FOR A REDUCTION IN REAR YARD SETBACK FROM THE FIRST FLOOR FROM 10 FEET TO 5 FEET 2 INCHES AND FROM THE SECOND FLOOR FROM 15 FEET TO 5 FEET 6 INCHES FOR A NEW SINGLE FAMILY HOME LOCATED AT 175 KAYLA PLACE (APN 016-010-005).

WHEREAS, the Planning Commission has considered an application submitted by Stephen Matthias to allow a Variance (V 23-002) from the Brentwood Boulevard Specific Plan, Medium Density Residential District for a reduction in the side yard, front yard, and rear yard setback requirements for a new single-family home located at 175 Kayla Place; and

WHEREAS, collectively, Variance (V 23-002) and Design Review (DR 23-006) constitute the "Project;" and

WHEREAS, the City distributed a Notice of Public Hearing to all property owners of record within 300 feet of the project site and published it in the Brentwood Press on March 22, 2024, and the applicant posted the site with the required signage in accordance with City policies and Government Code Section 65090; and

WHEREAS, this type of project qualifies as a categorical exemption under Section 15305 – (Minor Alterations in Land Use Limitations) of the California Environmental Quality Act (CEQA) in that it is a minor side and front yard setback variance; therefore, no further environmental review is necessary; and

WHEREAS, the Planning Commission considered this project at its regular meeting of April 2, 2024, and considered the staff report, all accompanying information, and testimony received from the applicant and other interested parties; and

WHEREAS, the Planning Commission has reviewed said variance request and has studied the compatibility of this request with adjacent land uses, and has considered the project in accordance with the required findings identified in Section 17.860.005 of the Brentwood Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Brentwood:

A. Hereby finds that:

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or alternatively that strict compliance would preclude an effective design solution improving livability, operational efficiency or appearance.

Strict compliance would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design. The existing lots are irregular in shape and smaller in size than the surrounding residential lots.

The reduced size and irregular shape of both lots, including the overall lot width of approximately 49 feet at the narrowest point for 175 Kayla Place, provide unique circumstances for each property that greatly limit the development potential. As proposed, the applicant is requesting variances for both lots from the minimum front yard setback to living area and the front porch, the minimum required side yard setback to accommodate a 2nd story pop-out, and the minimum required ground floor rear setback for 171 Kayla Place only.

2. That strict compliance with the regulation would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or alternatively that strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulations.

Strict compliance with the regulation would deprive the applicant of privileges enjoyed by owners of similarly zoned property. The two adjacent single-family homes located at 167 and 179 Kayla Place are both located within the BBSP and the MDR land use category. Due to past right-of-way dedications, both of these properties maintain similar or even smaller front yard setbacks. Based on the design and site layouts of these adjacent properties, the proposed homes at 171 and 175 Kayla Place would not be provided privileges that are not already afforded to each of the adjacent properties. In addition, based on the irregular shape of the subject lots, strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulations and would deprive future residents of the homes of usability and functionality enjoyed by other residents in the community. Lastly, strict adherence would impair the architectural aesthetic of the side elevation of the home by reducing volumetric articulation that would only affect each other of facing side elevations.

3. That if granted, the variance will not adversely affect the character, livability or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.

The variance will not adversely affect the character, livability, or future development of adjoining properties, nor will it be detrimental to public welfare. As stated, both of the adjacent homes to the east and west maintain similar or smaller front yard setbacks. As proposed, the reduced side yard setback would only be applicable to a minimal portion of the second story pop-out, and is oriented in such a way that the proposed encroachment into the side yard will have minimal impacts on each other and not the adjacent existing single-family homes, nor would it adversely affect the abutting properties.

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of zoning regulations.

The variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties within Brentwood, as similar requests have been approved both administratively and by the Planning Commission, when warranted. If the variance were not granted, the future owner(s) of the subject properties would be deprived of privileges enjoyed by other owners within the same neighborhood.

- B. Hereby approves Variance No. 23-002, subject to the conditions of approval listed in Exhibit "A," attached hereto and made a part of this resolution, and all City standards applicable to this project.

This permit shall terminate on April 2, 2025, unless actual construction or alteration under valid permits has begun within said period. However, such period of time may be extended by the Planning Commission upon application filed at any time before said period has expired.

The above actions are final unless an appeal is filed pursuant to Chapter 17.880 of the Brentwood Municipal Code within ten (10) calendar days following Planning Commission action.

ADOPTED by the Planning Commission of the City of Brentwood on April 2, 2024, by the following vote:

AYES:
NOES:
ABSENT:
RECUSE:

APPROVED:

Planning Commission Chairperson

ATTEST:

Erik Nolthenius
Planning Manager

**EXHIBIT "A" TO
PLANNING COMMISSION RESOLUTION NO. 24-013
CONDITIONS OF APPROVAL FOR
VARIANCE NO. 23-002**

1. This approval shall authorize a variance from the Brentwood Boulevard Specific Plan, Medium Density Residential District for a reduction in the side yard setback requirement and front yard setback for a new single-family home located at 175 Kayla Place. All other requirements of the Brentwood Municipal Code shall be adhered to.
2. The proposed home shall substantially conform to the project plans submitted by the applicant, dated "Received February 5, 2024" unless modified by other conditions of approval contained herein, or by the Planning Commission.
3. The applicant shall obtain all permits necessary before construction of the porch addition.
4. The applicant shall agree to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permit, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.