

October 11 2001

**Honorable Chairman and Members of the
Hermosa Beach Planning Commission**

**Regular Meeting of
October 16, 2001**

SUBJECT: VARIANCE 01-3

LOCATION: 55 5th COURT

APPLICANT: NANCY WINTERS
55 5th COURT
HERMOSA BEACH, CA 90254

REQUESTS: VARIANCE TO PARKING REQUIREMENTS TO ALLOW A 750 SQUARE
FOOT SECOND STORY ADDITION TO A NONCONFORMING DWELLING
WITH ONLY ONE PARKING SPACE PROVIDED

VARIANCE TO ALLOW A GREATER THAN 100% INCREASE IN
VALUATION WHILE MAINTAINING NONCONFORMITIES TO SIDE
YARD, REAR YARD, AND OPEN SPACE REQUIREMENTS

Recommendation

To continue the request for the applicant to provide a complete submittal that includes a survey and to direct staff and the applicant as deemed appropriate about the merits of the Variance request.

Background

ZONING:	R-3
GENERAL PLAN:	High Density Residential
LOT SIZE:	1,200 square feet (30'X40' half-lot)
EXISTING LIVABLE AREA:	702 square feet
PROPOSED LIVABLE AREA:	
First Floor	489.5 square feet
Second Floor	<u>638 square feet</u>
Total	1127.5 square feet
PERCENT INCREASE IN VALUATION:	121%
OPEN SPACE:	118 square feet existing 218 square feet open space proposed

The subject lot is an alley fronting "half-lot" and corner lot located on the northwest corner of Hermosa Avenue and 5th Court. The existing dwelling is nonconforming to parking as no parking is available, and contains a nonconforming side yard along Hermosa Avenue and a nonconforming rear yard. The nonconforming side yard is shown as 1.25 feet rather than the required 3 feet and the nonconforming rear

yard is 2.66 feet rather than the required 5 feet (without a survey these dimensions cannot be verified.) The property is also nonconforming to open space requirements as the existing yard is 118 square feet and the requirement is 300 square feet.

The applicant submitted an incomplete set of plans, as a lot survey was not included. The submittal was rejected, but the applicant insistent on proceeding with the hearing with an incomplete submittal. Without the survey, compliance with building height requirements cannot be verified, and the degree of nonconformity or compliance of existing and proposed yard areas is in question.

Analysis

The applicant is proposing to remodel the existing nonconforming one-story dwelling and add a second story and roof deck. The remodeling of the first floor includes converting the living room to a one-car garage on the first floor. The remodel and addition exceeds a 100 percent increase in valuation and the existing nonconforming yards are proposed to be maintained. The total open space is substantially increased with the proposed new 400 square foot deck, but under the new open space requirements only 100 square feet of the roof deck qualifies as open space meaning open space increases from 118 square feet to 218 square feet but is still nonconforming. Otherwise the new addition area is designed and intended to comply with requirements for building height and setbacks for alley fronting half lots

The applicant is requesting a Variance from parking requirements (two standard spaces and one guest space) in order to allow this addition with only one parking space. Also a Variance is being requested to the nonconforming ordinance to allow maintenance of existing nonconformities for a project that exceeds a 100% increase in valuation.

The reason for the Variances is to allow the construction of a comfortable floor plan in a small-scale house, in-lieu of a completely new dwelling with a more typical three level structure with parking on the ground floor.

If the Commission grants this Variance, a Coastal Development Permit would still be necessary from the Coastal Commission. Since parking is a coastal access issue, obtaining such approval would likely be difficult.

In order to grant a Variance, the Commission must make the following findings:

1. There are exceptional or extraordinary circumstances limited to the physical conditions applicable to the property involved.
2. The Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone, and denied to the property in question.
3. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located
4. The Variance is consistent with the General Plan

The applicant is making this request primarily because of the unusually small lot size, which limits building options.

Discussion of findings:

Finding 1: The lot is definitely a uniquely small lot even for a half lot. This limits the options for building a standard size dwelling with a comfortable floor plan. However, a three level plan is possible in this zoning district, which would allow the development of project that complies with parking requirements. Its difficult to support an argument that the lot is so exceptional and extraordinary that parking requirements should be reduced. However, the applicant is making some effort to at least provide one parking space where none currently exists.

Finding 2: The owners wish to exercise a property right, possessed by others in the neighborhood, to construct a functional and adequately sized new dwelling. Without the Variances a home could certainly be constructed, and it has not been clearly demonstrated that such a three-story home would not be functional or of adequate size. Therefore, it would seem difficult to make the finding that the Variances are needed to preserve and enjoy a substantial property right.

Finding 3: The project arguably will not be materially detrimental to property improvements in the vicinity and Zone since the project complies with all other requirements of the Zoning Code and the project scale is consistent with and still smaller than the typical size of homes in the neighborhood. However it may be detrimental to the parking situation in the area because floor area will be added that will allow increased occupancy in the dwelling without parking for these occupants.

Finding 4: The project is not unusually large or out of scale with the neighborhood, and is otherwise in conformance with the Zoning Ordinance and the General Plan.

If the Commission decides to approve the Variance it must adopt the findings or similar findings as described above. Staff is recommending that the Commission only consider approval of the Variance if a complete application including a survey is submitted. Receipt of the survey is probably not necessary should the Commission choose to deny the Variance request.

CONCUR:

Ken Robertson
Associate Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Location Map
2. Zoning Analysis
3. Photographs
4. Applicant request and discussion of Variance findings

Var55-5thct