

**RESOLUTION NO. 04-31**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DENYING A REQUESTED VARIANCE TO ALLOW A 3-FOOT SIDE YARD RATHER THAN THE REQUIRED 5-FEET FOR A MERGED LOT AT 3410 HERMOSA AVENUE, LEGALLY DESCRIBED AS LOTS 5 AND 6, BLOCK 101, SHAKESPEARE TRACT**

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by LaSalle Bank owner of the property located at 3410 Hermosa Avenue and 111 34<sup>th</sup> Street, seeking a Variance to allow two existing lots to merged while maintaining a 3-foot side yard rather than the required 5-feet for the merged lots.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for a Variance on September 21, 2004, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. Based on the evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The three-story home at 3410 Hermosa Avenue was constructed in 1982, in conformance with the 3-foot side yard requirements for a 30-foot wide lot.

2. The Variance is needed because the applicant is proposing to merge two existing 30-foot wide lots together, and maintain the existing dwelling with its current 3-foot north side yard. The merger of the two lots increases the side yard requirement from 3 feet to 5 feet, as the side yard requirement is 10% of lot width, up to a maximum required 5-feet.

3. The project also includes demolishing the existing dwelling at 111 34<sup>th</sup> Street, and constructing an addition to the existing dwelling at 3410 Hermosa Avenue extending south over the former 111 34<sup>th</sup> Street property.

4. The addition includes a guest room, terrace, pool and additional garage parking. The proposed addition is in compliance with the Zoning Ordinance, and consists of less than 50% increase in valuation.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for a Variance:

1. The owner wishes to exercise a property right to expand an existing single-family home to take advantage of the purchase of an adjacent property. While the Variance is necessary for this dwelling addition to be connected as proposed by the applicant, there are other options available to the applicant to exercise their property right that would not require a Variance. For example, the applicant could develop a "detached" new single-family home to serve as a guest home, honoring the setback requirements between the two lots, with access only on the ground. Therefore the Variance is not necessary to exercise a substantial property right, which is one of the four required findings for approval of a Variance.

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2       Section 5. Based on the foregoing, and since the Planning Commission cannot make all 4  
3 required finding as required by Section 17.54.020 of the Zoning Ordinance, the Planning  
4 Commission hereby denies the requested Variance.

5                   VOTE:   AYES:       Allen, Koenig, Pizer  
6                         NOES:       Hoffman, Perrotti  
7                         ABSTAIN: None  
8                         ABSENT:  None

9                                   CERTIFICATION

10       I hereby certify that the foregoing Resolution P.C. 04-31 is a true and complete record of the  
11       action taken by the Planning Commission of the City of Hermosa Beach, California at their  
12       regular meeting of August 17, 2004.

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14       Sam Perrotti, Chairman

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16       Sol Blumenfeld, Secretary

17       \_\_\_\_\_  
18       Date

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