

March 8, 2005

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

**Regular Meeting of
March 15, 2005**

SUBJECT: VARIANCE 05-2

LOCATION: 2010 BAYVIEW DRIVE

APPLICANT: JOHN & CORINNE HEYNING
2010 BAYVIEW DRIVE
HERMOSA BEACH, CA 90254

REQUEST: VARIANCE TO ALLOW AN ADDITION TO AN EXISTING NONCONFORMING SINGLE FAMILY RESDENCE WITH NO REAR YARD SETBACK RATHER THAN THE REQUIRED 5 FEET, AND A GARAGE SETBACK OF 13.6 FEET RATHER THAN THE REQUIRED 17 FEET

Recommendation

Direct staff as deemed appropriate.

Background

ZONING:	R-1
GENERAL PLAN:	Low Density Residential
LOT SIZE:	3,810 Square Feet
EXISTING FLOOR AREA:	1,371 Square Feet
PROPOSED ADDITION:	607 Square Feet
PROPOSED TOTAL FLOOR AREA:	1,978 Square Feet
PERCENT INCREASE IN VALUATION:	41.6%
EXISTING PARKING:	0
PROPOSED PARKING:	2 garage spaces

The subject property is currently developed with a one-story single family dwelling, with a detached two-car garage with access to Monterey Boulevard. The property is nonconforming with respect to rear and side yard requirements, and parking summarized as follows:

Rear Yard: The existing garage encroaches 0.25 feet into the public right-of-way rather than having a required setback of 5 feet (3 feet on the second floor and above).

Side Yard: A north side yard of 0.5 feet rather than the required 4.5 feet.

Parking: No parking spaces are provided rather than the required two standard spaces and a guest space because the existing garage has a setback of 13.4 feet from the nearest public improvement rather than the required 17 feet, and the garage has an interior depth of 17 feet rather than the required 18 feet for existing parking spaces pursuant to Section 17.44.140 of the Hermosa Beach Zone Code.

Analysis

The applicants are proposing to demolish the existing detached garage and construct a new garage with a second-story addition above the garage and a first-story addition to connect the new second story addition to the existing dwelling. The project entails enlarging the garage from 340 square feet to 462 square feet, while adding 462 square feet of livable space on the second floor and 145 square feet on the first floor. No remodeling of the existing dwelling square footage is proposed. The expansion will increase the living area of the house from 1,371 square feet to 1,978 square feet.

The proposed garage will be enlarged to provide adequate space for two parking spaces and moved to provide a north side yard of 4.5 feet, thereby eliminating the existing nonconforming side yard condition. Also, the existing encroachment of 0.25 feet will be eliminated when the garage is relocated. However, the garage and livable area addition is still proposed to be along the rear property line rather than providing a rear yard of 5

feet (and 3 feet on the second floor and above) and a garage setback of 17 feet from the sidewalk. Therefore, a Variance is required from the rear yard and garage setback requirements.

Other than the required Variance, the project complies with all zoning requirements. The project represents a 41.6% increase in valuation with approximately 6% removal of the existing exterior walls.

The reason for the applicants' request is primarily to make the dwelling more livable as a single family dwelling to suit the needs of their family, with a new den and half bathroom on the first story, and two bedrooms and a bathroom on the second story, including a laundry alcove. The applicants wish to construct this addition while removing as little of the existing structure as possible because they want to preserve the historical features of the dwelling (the home is of the Craftsman style and was built around 1916).

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 because of their desire to maintain as much of the existing structure as possible due to the historical significance of the building, while providing a natural flowing addition to the existing residence. This condition limits design options available to the applicants while maintaining the existing structure.

Discussion of findings:

Finding 1: The applicants claim that there is an unusual grade condition on the property where their back yard has a 4-foot tall retaining wall whereas the neighboring properties have back yards that do not have retaining walls and are otherwise "flat" to the street. Based on the submitted survey, there does seem to be a slight convex sloping condition on the lot, but there is not enough information to determine if this grade condition is significantly different than that of the adjacent properties. Also, the survey shows the retaining wall in the rear yard as being less than 3 feet tall and continuing into the adjacent property to the south.

In summary it is questionable whether the circumstance of the convex slope and rear yard retaining wall could be considered as exceptional and extraordinary.

Finding 2: The owners wish to exercise a property right, possessed by others in the neighborhood, to construct a single family home that is of commensurate or smaller size than neighboring homes. They argue that the Variance to the rear yard requirement is necessary for this dwelling to reach a size that the applicants find comfortable without also being forced to significantly reconfigure the existing structure. Also, the applicants contend that the majority of the properties on their block have structures that are built on the rear property line. Based on a visual inspection of the 13 properties on the west side of Monterey Boulevard between 19th Street and Circle Court, staff found that 11 of the properties (including the subject property) had structures that were built on or over the rear property line. Of these 11 nonconforming properties, 3 had two-story structures built on or over the rear property line.

Making this finding is possible given that the majority of the neighboring properties have structures built on or over the rear property line (though only 3 have second story structures that do so).

Finding 3: The project will not likely be materially detrimental to property improvements in the vicinity and Zone since the project complies with all other requirements of the Zoning Code, and does not involve a major expansion.

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

If the Commission decides to approve the Variances it must adopt all the required findings. Also, though the addition appears to be under the height limit of 25 feet in the R-1 zone, the submitted topographical survey does not include corner point elevations at the front of the property. If the Variances are approved, then this can be resolved as a Condition of Approval. Staff will return with a resolution at the next meeting based on the Commission's direction.

CONCUR:

Scott Lunceford
Associate Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Applicant's discussion of Variance findings
2. Location Map
3. Zoning Analysis
4. Valuation Worksheet
5. Photographs

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