

**RESOLUTION NO. 05-17**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING REQUESTED VARIANCES TO ALLOW AN ADDITION TO AN EXISTING NONCONFORMING SINGLE FAMILY RESIDENCE 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 AT 2010 BAYVIEW DRIVE, LEGALLY DESCRIBED AS THE NORTHWEST 40 FEET OF LOT 7 AND THE SOUTHEAST 5 FEET OF LOT 8, BLOCK 52, FIRST ADDITION TO HERMOSA BEACH**

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by John and Corinne Heyning, owners of the property located at 2010 Bayview Drive, seeking Variances to allow an addition and remodel of an existing legal nonconforming single-family residence resulting in no rear yard setback rather than the required 5 feet and a garage setback of 13.6 feet rather than the required 17 feet.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for a Variance on March 15, 2005, 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 property is nonconforming with respect to rear yard (0.25 feet encroachment into the public right-of-way rather than required 5 feet), side yard (north side yard is 0.5 feet rather than the required 5 feet), garage setback (13.35 feet rather than the required 17 feet), and parking (no spaces rather than two spaces plus one guest) requirements.

2. The applicants are proposing to demolish the existing nonconforming garage and construct a 462 square-foot garage, and livable floor area additions of 462 square feet on the second floor above the garage and 145 feet on the first floor. The expansion will increase the living area of the house from 1,371 square feet to 1,978 square feet.

3. The proposed project will eliminate the existing nonconforming north side yard and the existing encroachment into the public right-of-way. Also, the new garage will provide 2 parking spaces.

4. The Variance to the minimum rear yard setback requirement of 5 feet is needed because the proposed expansion results in no rear yard setback.

5. The Variance to the garage setback requirement of 17 feet from the nearest public improvement is needed because the proposed garage construction results in a garage setback of 13.6 feet.

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

1. There are exceptional circumstances relating to the property because the lot is at the crest of a hill and the grade has been cut and retained at the front and back unlike other adjacent properties. Therefore the convex slope and retained grade conditions are exceptional and unique as compared to the other neighboring properties.

2. The Variance is necessary for the enjoyment of a substantial property right possessed by other properties in the vicinity because the owners wish to exercise their property right to construct a single family home that is of commensurate size of neighboring homes. Based on a visual inspection of the 13 properties on the west side of Monterey Boulevard between 19<sup>th</sup> Street and Circle Court, City staff found that 11 of the properties (including the subject property) had structures that were built on or over the rear property line. Therefore, making this finding is possible given that the majority of the neighboring properties have structures built on or over the rear property line.

3. The granting of the Variance 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 does not involve a major expansion.

4. The Variance is consistent with the General Plan because 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.

Section 5. Based on the foregoing, and since the Planning Commission can make all 4 required findings as required by Section 17.54.020 of the Zoning Ordinance, the Planning Commission hereby approves the requested Variances.

VOTE: AYES: Allen, Hoffman, Perrotti, Pizer  
NOES: None  
ABSTAIN: None  
ABSENT: None

## CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 05-17 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of March 15, 2005.

**Sam Perrotti, Chairman**

Sol Blumenfeld, Secretary

March 15, 2005

Date \_\_\_\_\_

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