

November 9, 2005

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

**Regular Meeting of
November 15, 2005**

SUBJECT: VARIANCE 05-2

LOCATION: 1820 HILLCREST DRIVE

APPLICANT: MICHAEL AND RUSINA NILSSON
1820 HILLCREST DRIVE
HERMOSA BEACH, CA 990254

REQUESTS: TO ALLOW THE CONSTRUCTION OF NEW SINGLE-FAMILY DWELLING WITH AN 8-FOOT GARAGE AND PARKING SETBACK RATHER THAN 17 FEET; AND TO ALLOW A GREATER THAN 42" HIGH WALL IN THE FRONT YARD.

Recommendation

To approve the requested Variance for the garage and parking setback only.

Background

ZONING:	R-1
GENERAL PLAN:	Low Density Residential
LOT SIZE:	3,305 Square Feet
PROPOSED DWELLING UNIT SIZE:	3,061 Square Feet

The subject lot is an unusually wide and shallow lot, with 100 feet of frontage on the street and a depth of only 33 feet. The lot is currently developed with two detached dwellings that each contain a one car garage, and therefore, the property currently contains a nonconforming use and is nonconforming to parking.

Analysis

The applicant is requesting these Variances in order to allow the construction of a new two-story home with a basement containing three bedrooms, a basement game room, 3 ½ bathrooms, and a roof deck. The applicant is requesting Variances from the following provisions of the Zoning Ordinance for the reasons stated:

1. Parking Setback: The proposed setback from the planned sidewalk is approximately 8 feet, rather than the required 17 feet pursuant to Section 17.44.090(C). Given that the lot depth is only 33 feet it is not possible to provide a front-loading 20 foot deep garage and 17-foot parking setback on this lot. Also, the plans provide for a guest space to the side of the proposed garage.
2. Wall Height in Front Yard: The applicant is proposing a 5-6 foot high wall around the perimeter of the courtyard area, and the wall is proposed to extend to the front property line and encroach into the front setback area. Section 7.46. limits the height of fences and walls in the front yard to 42".

In order to grant these requested Variances, the Commission must make the following findings:

- There are exceptional or extraordinary circumstances; limited to the physical conditions applicable to the property involved.
- The Variance(s) are 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.
- The granting of the Variances 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
- The Variances are consistent with the General Plan

The concept of a Variance is that basic zoning provisions are not being changed but the property owner is allowed to use his property in a manner basically consistent with the established regulations with such minor variation as will place him in parity with other property owners in the same zone.

The applicant's reason for requesting the parking setback Variance is because the subject lot is very shallow in depth as measured from the street (33' deep) and is essentially less than half the typical depth of lots in the area. This small depth makes it impossible to provide a front-loading garage in compliance with the 17-foot setback, and thus limits the potential for building a home consistent with existing and new homes in the area. If the applicant was required to provide a driveway and side loaded garage, the combination of the garage interior dimension and the required turning radius (20' + 25') would take up half of the lot leaving approximately 48 feet at the ground floor level. Also, since ground level open space is required in the R-1 zone, this type of design would substantially limit the amount of floor area that could be built on the first floor.

The reason for the Variance to the wall height is less clear. The applicant essentially wants to wall off the courtyard area, and include the front setback area. The following discussion addresses the required findings as related to the two parts of this request.

Finding 1: The lot is unusually wide and shallow, and is the only lot in this R-1 area with such a configuration that is not a corner lot. The lot size and dimensions force a complying garage to be loaded from the side, requiring a wide driveway and turning area that would substantially limit the amount of buildable area on the ground floor. There does not seem to be a connection, however, between this unusual lot depth and requested Variance for the wall height, since the courtyard is permitted to have a 6-foot wall at the 5-foot setback line.

Finding 2: The Variance from the parking setback is arguably necessary for the enjoyment of a substantial property right possessed other properties in the vicinity, in order to construct a typical garage that is loaded from the street front, and to construct a reasonably sized dwelling with a reasonable floor plan that includes some ground floor habitable area.

However, the Variance from the fence/wall height does not appear necessary for the enjoyment of a substantial property right.

Finding 3: The Variance from the parking setback, if granted would not be materially detrimental to neighboring properties as it simply would allow the construction of a fairly typical garage to be

accessed from the front. The Variance from the wall height may, however, have a detrimental impact on the surrounding properties with respect to the appearance of the property.

Finding 4: The construction of a single-family home in this location is consistent with the General Plan.

In conclusion, in order for the applicant to achieve some parity with neighboring properties, staff believes that findings can be made to support a Variance specific to the parking and garage setback. However staff does not believe the findings can be made for relief from the front-yard wall height requirement. The location or height of the wall can be modified to satisfy these requirements without compromising the courtyard design or function.

CONCUR:

Ken Robertson
Senior Planner

Sol Blumenfeld, Director,
Community Development Department

Attachments

1. Proposed Resolution
2. Location Map/Aerial Photo
3. Zoning Analysis/Height Calculation
4. Photographs

*Draft Resolution to
approve Variance for
parking setback only*

RESOLUTION NO. 05-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A VARIANCE TO THE GARAGE AND PARKING SETBACK REQUIREMENT AT 1820 HILLCREST DRIVE, LEGALLY DESCRIBED AS THE NW 100 FEET OF LOT 17, TRACT#2548

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by Michael and Rusina Nilsson, owners of the property located at 1820 Hillcrest Drive seeking Variances to allow the construction of a new dwelling with less than required garage and parking setbacks or approximately 8-feet to the planned sidewalk rather than 17 feet, and to allow a wall with a greater than 42-inch height in the front yard.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Variances on November 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 zone R-1, with dimensions of 33-feet deep by 100-feet wide, with 100 feet of frontage on Hillcrest Drive.
2. The applicants are proposing to demolish the existing nonconforming two-units on the property, and construct a single-family dwelling with two-stories and a basement containing approximately 3,061 square feet, and a two-car garage with open guest parking in the side yard.

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

1. The lot shape and dimension is exceptional and extraordinary as it is unusually shallow and wide, with a depth of 33-feet and width of 100 feet, and is the only lot in this R-1 area with such a configuration that is not a corner lot. The lot size and dimensions force a complying garage to be loaded from the side, requiring a wide driveway and turning area that would substantially limit the amount of buildable area on the ground floor. .
2. The Variance from the parking setback is necessary for the enjoyment of a substantial property right possessed other properties in the vicinity, in order to construct a typical garage that is loaded from the street front, and to construct a reasonably sized dwelling with a reasonable floor plan that includes a reasonable amount of habitable floor area on the ground floor.
3. The Variance from the parking setback, if granted would not be materially detrimental to neighboring properties as it simply would allow the construction of a fairly typical garage and guest parking to be accessed from the front.
4. The construction of a single-family home in this location is consistent with the General Plan.

Section 5. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for a Variance to allow a greater than 42” wall height in the front yard.

1. There are no exceptional or extraordinary conditions of this property that distinguish it from surrounding properties related to complying with the front yard fence height requirement.
2. The Variance to the wall height is not necessary to enjoy a substantial property right, since either a complying 42” wall could be constructed or a 6-foot wall setback 5-feet from the front property line.
3. The Variance to the front wall height would be potentially detrimental to neighboring properties as it would allow a higher wall in the designated front yard area, out of character with the rest of the street

Section 6. 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 Variance from the parking setback requirement subject to the following **conditions of approval**. However, since all 4 findings cannot be made with respect the Variance requested for the wall height in the front yard area, the Commission hereby denies the request for a wall to exceed 42” in the front yard.

1. The development and continued use of the property shall be in conformance with submitted plans received and reviewed by the Commission at their meeting of November 15, 2005, and modified pursuant the conditions below.
 - a) The wall height in the front yard shall comply with maximum height of 42 inches.
2. The Variance for this property is specifically limited to the garage and parking setback requirement as specified, and applicable to the situation and circumstances that result relative to the proposed project and is not applicable to the development of future structures or any future expansion.

VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 05- 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 November 15, 2005.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

Date



1806 Hillcrest Dr. Variance for 8' setback and <42" wall in front yard for new SFR



1820 Hillcrest Dr. Variance for 8' setback and <42" wall in front yard for new SFR