

January 11, 2006

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

**Regular Meeting of  
January 17, 2006**

SUBJECT: VARIANCE 05-2

LOCATION: 2056 MONTEREY BOULEVARD

APPLICANT: SAUL AND MELINDA MINKUS

REQUESTS: VARIANCES FROM THE GARAGE SETBACK, OPEN SPACE, AND FRONT YARD REQUIREMENTS TO ALLOW A SECOND STORY ADDITION WITH A 3-FOOT GARAGE AND REAR YARD SETBACK RATHER THAN THE REQUIRED 17-FOOT FROM A STREET (LOMA DRIVE), 200 SQUARE FEET OF GROUND LEVEL OPEN SPACE RATHER THAN 300 SQUARE FEET, AND A BAY WINDOW ENCROACHING IN THE FRONT YARD.

**Recommendation**

To direct Staff as deemed appropriate.

**Background**

ZONING:	R-1
GENERAL PLAN:	Low Density Residential
LOT SIZE:	2,480 Square Feet
PROPOSED DWELLING UNIT SIZE:	2,394 Square Feet

The subject lot is located on the east side of Monterey Boulevard, and is a through lot with frontage on Monterey Boulevard and Loma Drive. Loma Drive is considered a street for this segment because it has a 30-foot right-of-way, even though it is only improved as a 20-foot wide travel lane similar to an alley<sup>1</sup>. Monterey Boulevard is considered the front of the lot. The lot size is relatively small, and similar to 6 other lots on the block that have an 80-foot depth between 2022 and 2104 Monterey Boulevard, which are smaller than the more typical sized lots both north and south of these few lots. The lot is currently developed with as single family home, with parking in a one-car garage; therefore, the property is currently nonconforming to parking. Also the property is nonconforming to the garage setback requirement, and front and side yard requirements since the one-car garage is setback 13.5 feet, the front yard is 4-feet rather than 8 feet (10% of lot depth), and the south side is 2.8 feet rather than 3 feet.

**Analysis**

The applicant is requesting these Variances in order to allow the addition of a second story and new two-car garage in order to increase the existing 2-bedroom home containing 1,295 square feet to 2,394 square feet with four bedrooms and a family room. Given that the project represents less than a 100% increase in floor area, and two parking spaces are provided it is consistent with the newly adopted provisions of the nonconforming ordinance that allow a 100% increase in floor area.

However, the applicant is requesting Variances from the following provisions of the Zoning Ordinance for the reasons stated:

1. **Parking Setback:** The proposed setback from Loma Drive is 3 feet, rather than the required 17 feet pursuant to Section 17.44.090(C). Given that Loma Drive appears to be more similar to an alley than a street, the applicant is proposing what would normally be allowed on an alley in order to provide a two-car garage and bring the property into compliance with parking requirements. Providing a 17-foot setback would require removing substantially more of the existing first floor area, and significantly change the floor plan.
2. **Open Space:** The applicant is proposing to provide a 200 square foot area in the rear yard area adjacent to the garage for dual purposes – open space and guest parking. Staff is considering this as open space, since the guest parking is not required for an expansion less than 100%. The open space Variance is needed for the applicant to provide a certain amount of floor area on the ground floor with minimal demolition, and to enable a two car garage to be constructed in the open space now available in the rear yard.
3. **Bay Window Encroachment:** The current bay window in the front is nonconforming as it is setback 18 inches from the front property line, the code allows a bay window to encroach into the front yard, but it must be 30-inches setback from the property line. The only difference with the proposed bay window is that it will be modified to a rectangular shape, thereby slightly increasing this nonconforming condition.

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 Variance is because the subject lot, like the other 6 lots between 2022 and 2104 Monterey Boulevard, is relatively small, containing less than 2,500 square

feet, while the typical lot both north and south of these lots and in the surrounding R-1 area are typically 30X100 foot lots or larger. Also, Loma Drive varies in right-of-way width such that it is only considered a “street” by definition between 2002 and 2150 Monterey Boulevard, where the right-of-way is greater than 20-feet, but is considered an alley at the north and south ends of the block. Also, the entire length of Loma Drive for this block (between 19<sup>th</sup> Street and Park Ave.) is improved with a 20-foot roadway, which in all appearance and purpose is an alley. If Loma Drive was considered an alley, the garage could be set back 3-feet from the rear property line. Also, the small size of the lot makes it difficult to provide the required ground level open space, especially when the garage access is desired from the rear to maintain the character of the house, and to avoid substantial grading to locate the garage in the front.

The following discussion addresses the required findings as related to the Variances requested.

**Finding 1:** The lot is one of seven lots on this block which could be characterized as unique, with respect to lot depth and size, and with respect to the situation of this portion of the block of Loma being a street for determining the garage setback. Also, the house sits significantly above the grade of Monterey Boulevard, as the property slopes up from the street in the encroachment area. The combination of these factors create a hardship and make it difficult to provide a complying garage while adding a second story without significantly compromising the floor plan, and the size of the house. For example, to provide a garage on Monterey would require significant grading and excavation, and the loss of the existing living room area, or a garage with a 17-foot setback on Loma Drive would cause the loss of at least one first floor bedroom. . A new house would also be subject to the same difficulties. Staff surveyed the through lots on this block and found the predominant majority (25 out of 32) have their garage access on Loma, and only 3 of these have garages that are setback 17-feet while the majority appear to be 3-feet or less. Therefore it is arguable that there are exceptional and extraordinary circumstances for this property that warrant consideration of these Variances.

**Finding 2:** The Variance from the parking setback and open space is arguably necessary for the enjoyment of a substantial property right possessed other properties in the vicinity, in order to construct a typical two car garage that is loaded from Loma Drive, without significantly compromising the floor plan and total floor area of the building. Also, most of the properties currently with this Monterey Boulevard/Loma through lot conditions have a garage off the Loma Drive side with garages close the rear property line. The Variance from open space arguably may be necessary to enjoy a property right to build this two car garage without having to also demolish some other portion of the structure to provide 300 square feet on the ground. The Variance to modify the bay window is only necessary for aesthetic purposes, which does not seem to meet the standard 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 Loma Drive, similar to adjacent properties, as the predominant majority of through lots between Monterey and Loma on this block provide garages that directly front on Loma with 3-foot or less setbacks. Only 3 of the 32 through lots comply with the 17-foot setback on Loma Drive. Also the slight deficiency in open space is not unusual for a smaller lot like this one.

**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 parity with neighboring properties, staff believes that findings can probably be made to support a Variance specific to the garage and rear setback. Also, less compelling findings can also be made to support a Variance from the open space requirement. However, staff does not believe the findings can be made for the Variance to modify the nonconforming bay window.

CONCUR:

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Ken Robertson  
Senior Planner

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Sol Blumenfeld, Director,  
Community Development Department

Attachments

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



2056 Monterey



Loma Drive –looking south from subject property



Loma Drive, north of subject property

Garages are typically along edge of street improvement

<sup>1</sup> The definition of “street” in the zoning ordinance is as follows: “Street means a thoroughfare having a width of not less than 21 feet, and dedicated for public use and which affords primary means of access to abutting property. Staff uses this definition to distinguish streets from alleys in applying the parking setback requirement. Since Loma Drive is over 21 feet where this lot is located, and it provides the only access for Loma fronting properties on the east side of Loma, it can only be considered a street and a 17-foot garage setback is required.”

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