

August 13, 2007

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

**Regular Meeting of
August 21, 2007**

SUBJECT: VARIANCE 07-5

LOCATION: 37 20TH STREET

APPLICANT: MICHAEL LEVITT
37 20TH STREET
HERMOSA BEACH, CA 90254

REQUEST(S): A VARIANCE TO ALLOW A SECOND-STORY DECK WITH NO FRONT YARD SETBACK RATHER THAN THE REQUIRED 5 FEET, ALIGNING WITH AN EXISTING NON-CONFORMING FRONT YARD SETBACK ON THE FIRST-FLOOR, FOR A SINGLE-FAMILY RESIDENCE

Recommendation:

To direct staff as deemed appropriate.

Background:

ZONING:	Limited Multiple Family Residential (R-2B)
GENERAL PLAN:	Medium Density Residential (MD)
LOT SIZE:	2,860 Square Feet
OFF-STREET PARKING PROVIDED:	2 Parking Spaces Plus 1 Guest Space
EXISTING DWELLING UNIT FLOOR AREA:	2,400 Square Feet
PROPOSED DECK AREA:	140 Square Feet

Background:

The subject lot is zoned R-2B (Limited Multiple-Family Residential) and has a General Plan designation of MD (Medium Density). The lot is currently developed with a two-story single-family dwelling, fronting on a walk street, which has the following nonconformities:

- The building frontage has no (0) front yard setback;
- The roof eaves fronting 20th Street encroach into the public right-of-way; and,
- A side yard setback of 2 feet along the east property line and a 2-foot, 4-inch setback along the west property line rather than the required 3-foot setback.

The building was originally constructed in 1918 (1930 according to the Los Angeles Tax Assessor), thus non-conforming to current front and side yard setback requirements. On April 17, 1984, the City Council granted a Variance, on appeal from the Board of Zoning Adjustments, for a second-story addition with non-conforming setbacks (Attachment 4). The 1984 Variance allowed for the construction of a second-story addition with a 225-square foot rear yard deck.

The applicant is proposing to convert an existing shed roof into a 140-square foot second-story deck off the master bedroom suite. The applicant is not extending or increasing the building footprint in any way. To

make this modification, the applicant will remove an existing 6-inch eave projection from public right-of-way, effectively decreasing the encroachment approximately 5 inches from property line.

Analysis:

The applicant's objective is to obtain a Variance to convert an existing non-conforming shed roof into a second-story deck. The applicant is not proposing any other modifications at this time.

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

Finding 1:

The subject lot has a 30-foot width and a 95-foot length (approximately 2,550 square feet) and fronts a walk street. Of the 13 lots that front 20th Street, 5 have the same dimensions as the subject lot. The lots have varying widths between 30 feet and 50 feet, however 12 of the 13 lots have the same depth of 95 feet. Therefore, there are no exceptional or extraordinary circumstances limiting the physical conditions of the subject lot since it is similar in size and shape as other lots that front 20th Street.

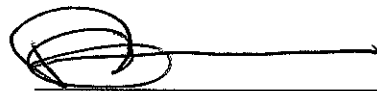
The 1984 Variance approval reflects a prior recognition that the building maintained historic significance as an example of "beach bungalow", but it's questionable whether this added scope of work/alteration is consistent with bungalow architecture.

Finding 2: Arguably the variance is not necessary for the preservation and enjoyment of a substantial property right or to achieve parity with other properties in the same vicinity and zone since a 140-square foot deck could be constructed by right under the current provisions of the Zoning Code if the applicant was to re-configure the second-story floor plan. The single-family residence, as constructed, complies with the 300-square foot open space requirement (minimum 7-foot by 7-foot dimension) and developed with an existing 225-square foot second-story deck adjacent to office (please refer to second floor plan, page A-02). Therefore, the applicant has not demonstrated why an additional 140-square foot deck is necessary to achieve parity with the neighborhood.

Findings 3 and 4:


The applicant has proposed only a minor conversion of a shed roof into a second-story deck. Furthermore, the proposed deck is setback an additional foot, and will no longer encroach into the public right-of-way. The applicant has proposed a deck addition that is architecturally consistent with the existing front façade.

As a result, the addition will not be materially detrimental or injurious to the property or other properties in the vicinity. Furthermore, an addition to the single-family home in this location is consistent with the policies and goals of the General Plan because the construction of a single-family dwelling unit is consistent with the General Plan designation.



Richard S. Denniston,
Associate Planner

CONCUR:



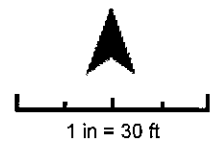
Ken Robertson, Acting Director
Community Development Department

Attachments

1. Location Map and Radius Map
2. Poster Verification
3. Photo Survey
4. Resolution No. 84-4704
5. Applicant Correspondence

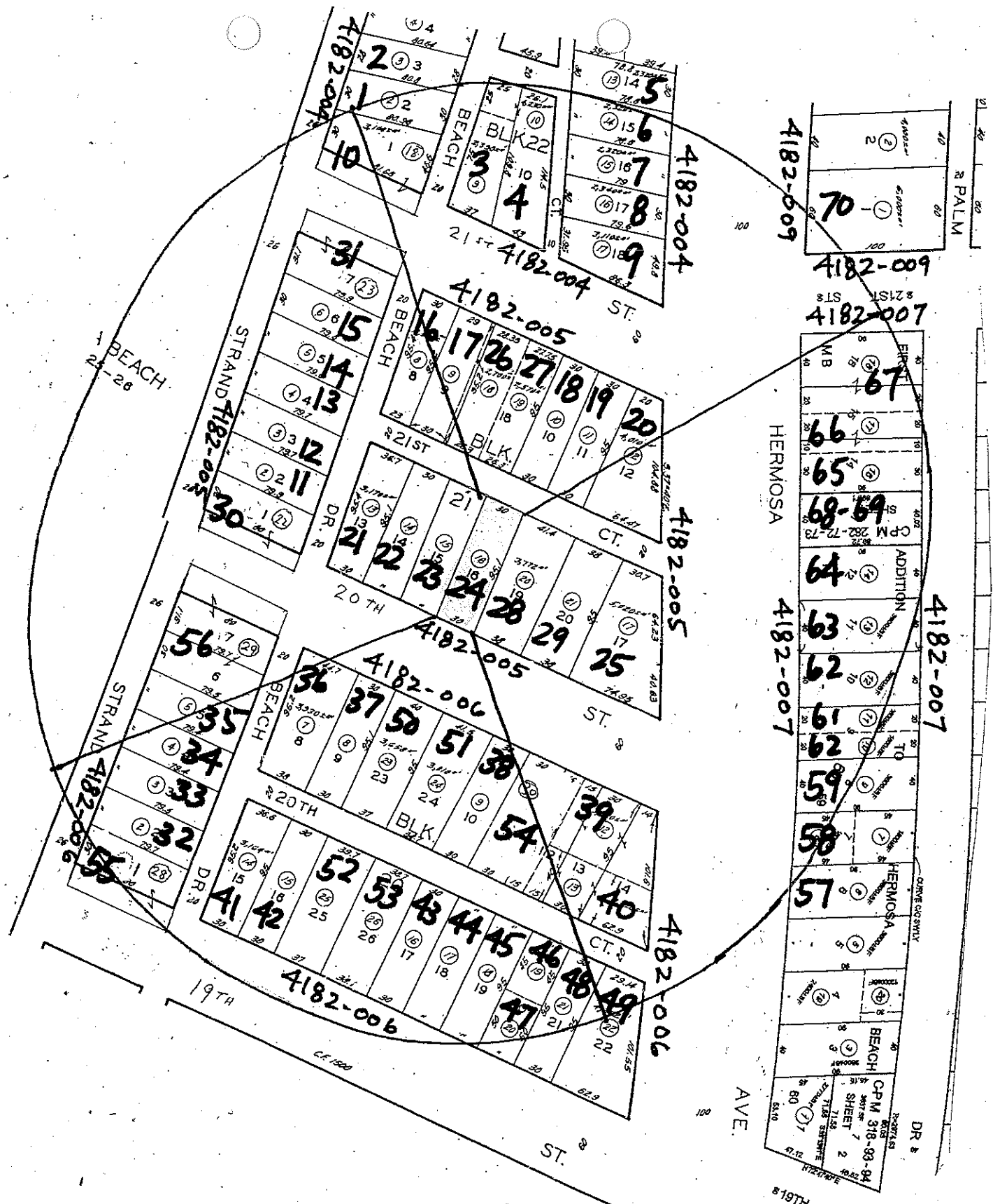


37 20th Street
City of Hermosa Beach



Date Printed: 8/14/2007

4



ADDRESS: 37 20TH ST

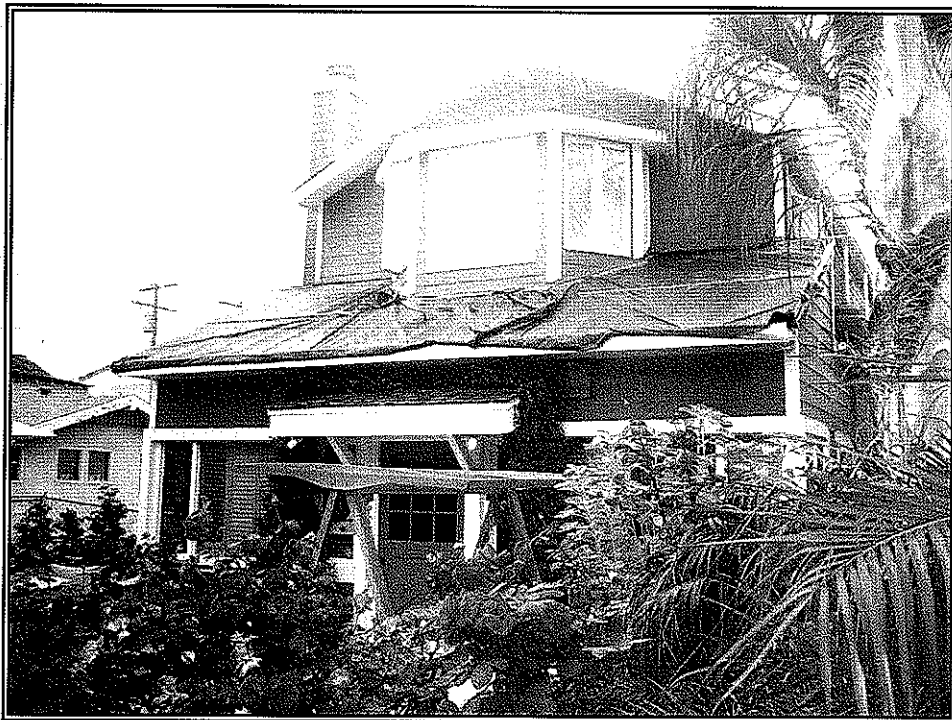
SCALE 1" = 100'

5

**POSTER VERIFICATION
37 20TH STREET**



PHOTO SURVEY
37 20TH STREET



RESOLUTION NO. 84-4704

1 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,
2 CALIFORNIA, GRANTING THE APPEAL & GRANTING A VARIANCE AT 37-20th
STREET, HERMOSA BEACH, CALIFORNIA.

3 WHEREAS, the City Council held a public hearing on
4 April 17, 1984 to consider the appeal by Mr. Alan White of the
5 Board of Zoning Adjustments denial of a variance to add over 40%
6 to a structure with nonconforming yards and also to maintain non-
7 conforming sideyards with the addition in exception to Sections
8 1309 & 551 (c) of the Zoning Ordinance;

9 WHEREAS, the City Council has determined that there are
10 exceptional or extraordinary circumstances or conditions appli-
11 cable to the property involved because:

- 12 1. the structure was built prior to setback requirements;
- 13 2. a previous variance was inadvertently allowed to expire by
14 the owner;
- 15 3. the proposed remodel will lower density, reduce square
16 footage, lot coverage, and add parking; and
- 17 4. lower story non-conformity will remain whether or not the
18 variance is granted.

19 WHEREAS, the City Council determined that such variance
20 is necessary for the preservation and enjoyment of a substantial
21 property right possessed by other property in the same vicinity
22 and zone as the property in question because there are other
23 setback non-conformities in the neighborhood which the City has
24 taken steps to preserve these existing structures and anticipates
25 changing the Zoning Code to encourage the preservation and
26 upgrading of these structures. This variance promotes the
27 preservation and upgrade of these structures.

28 WHEREAS, the City Council determined that the granting of

1 such variance will not be materially detrimental to the public
2 welfare or injurious to the property or improvements in such
3 vicinity and zone in which the property is located because:

- 4 1. the proposed remodel preserves the character of the
5 neighborhood; and
6 2. the proposed remodel improves the aesthetics of the neighbor-
7 hood; and

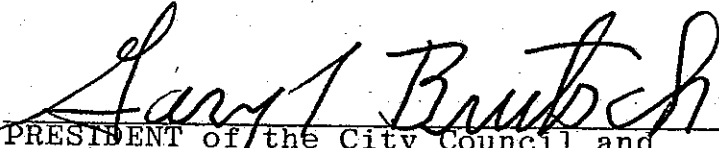
8 WHEREAS, the City Council has determined that the
9 granting of such variance will not adversely affect the compre-
10 hensive General Plan for the reasons stated in the previous
11 findings.

12 NOW, THEREFORE, THE CITY COUNCIL OF THE
13 CITY OF HERMOSA BEACH, CALIFORNIA DOES
HEREBY RESOLVE AS FOLLOWS:

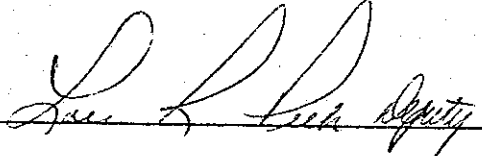
14 SECTION 1. That a variance to add over 40% to a structure
15 (second story) with non-conforming yards be granted to property
16 legally described as Lot 16, Block 21, Hermosa Beach Tract, with
17 the following condition:

- 18 1. The second story addition shall comply with the setback
19 requirement.

20 PASSED, APPROVED, AND ADOPTED this 17th day of April, 1984.

21 
22 _____
23 PRESIDENT of the City Council and
MAYOR of the City of Hermosa Beach, California

24 ATTEST:

25 
26 _____ CITY CLERK

27 APPROVED AS TO FORM:

28 
_____ CITY ATTORNEY

RECEIVED

JUL 10 2007

COMMUNITY DEV. DEPT.

MEMO

william adams

architects

450 san juan ave.
venice, ca.
90291
310.458.9397

DATE: 6.5.2007
TO: City of Hermosa Beach
Planning Department
FROM: Carl Smith
RE: 37 20th Street Variance Request
ATTN: Planning Commission

City of Hermosa Beach Planning Commission:

Thank you for your time and attention. We are requesting the following variance from the strict application of the City of Hermosa Beach Planning Code to allow a second floor balcony adjacent to the property line at 37 20th Street. We have an existing non-conforming 2-story residence that was built at the property line. In this process we are not adding any mass, height, or floor area to the existing structure. Instead, we are converting a small portion of existing roof into exterior deck facing the pedestrian walk at 20th Street.

In Consideration of our Variance Request, please note the following:

1. *There are exceptional or extraordinary circumstances, limited to the physical conditions applicable to the property involved.*

The building is existing non-conforming, originally build in 1918. We are not extending or increasing the building in any way. To make this modification we will be removing an existing eave projection, effectively decreasing the encroachment into the public right of way (see A-03, section A-A). We are attempting to make this second floor balcony similar to many other projects throughout the city and, In this specific case, are limited by the footprint of the existing non-conforming building.

2. *A variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone in which the property is located.*

RECEIVED

JUL 10 2007

COMMUNITY DEV. DEPT.

It is our desire to preserve this existing house and to compliment the existing streetscape. There are similar (but conforming) second floor balcony projections at the immediately adjacent residence as well as on the opposite side of the street. We feel that it would be prohibitively expensive and destructive to bring the front of this building into conformance with current Planning Code.

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.*

We feel that the granting of this variance will clearly not be detrimental to the public welfare in any way. Other such improvements (conforming and/or non-conforming) do exist in both this vicinity and within this zone.

4. *The granting of this variance will not adversely affect the comprehensive General Plan.*

We feel that the granting of this variance will be within the intent of the general plan of the City of Hermosa beach.

We hope to add to the existing pedestrian orientation by opening the house on the second level and increasing it's connection to the existing pedestrian environment. We feel that the public walk, which is separated by an existing twenty-two foot (22') patio, will not be adversely affected and will instead benefit from the greater openness and connection. As architect of the project, it is my feeling that the proposed modification to the property represents an aesthetic improvement over the existing residence.

Thank you for your consideration, if you have any questions, comments or concerns, please feel free to contact me. 310.458.9397



Carl Smith, AIA
William Adams Architects