

September 6, 2007

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

**Regular Meeting of  
September 18, 2007**

SUBJECT: VARIANCE 07-7

LOCATION: 1570 PROSPECT AVENUE

APPLICANT: JAMES WISLEY  
1570 PROSPECT AVENUE  
HERMOSA BEACH, CA 90254

REQUEST(S): A VARIANCE TO ALLOW A 40-SQUARE FOOT SECOND STORY ADDITION TO AN EXISTING 2,101-SQUARE FOOT NONCONFORMING SINGLE-FAMILY RESIDENCE THAT IN COMBINATION WITH A PRIOR ADDITION IN 1990 WILL CUMULATIVELY EXCEED THE MAXIMUM 100% FLOOR AREA EXPANSION PERMITTED BY THE NONCONFORMING ORDINANCE AT 1570 PROSPECT AVENUE

**Recommendation:**

To direct staff as deemed appropriate.

**Background:**

ZONING:	One-Family Residential (R-1)
GENERAL PLAN:	Low Density Residential (MD)
LOT SIZE:	2,909 Square Feet
OFF-STREET PARKING PROVIDED:	2 Parking Spaces (Non-conforming)
EXISTING DWELLING UNIT FLOOR AREA:	2,101 Square Feet
PROPOSED SECOND STORY ADDITION:	40 Square Feet

**Background:**

The subject property is triangular in shape tapering from a width of 39 feet along Prospect Avenue to a width of 18 feet at its rear. It slopes up from Prospect Avenue on a grade of about nine percent (9%). The lot is adjacent to a portion of the Water Company property which currently serves as an access road between Prospect Avenue and Golden Avenue. The house is currently non-conforming because the garage is setback from the front property line only 2 feet rather than the required 17 feet required by code. Furthermore, the structure is only setback a minimum of 2.7 feet from the north property line.

On March 20, 1990, the Planning Commission approved a Non-Conforming Remodel to allow an addition and remodel to an existing non-conforming structure to exceed fifty-percent (50%) replacement value<sup>1</sup> (Attachment 4). This approval allowed the property owner to construct a 1,040-square foot addition to an existing 1,061-square foot structure (approximately 98.3% increase in floor area).

The applicant is proposing a 40-square foot addition, approximately two percent (2%) of the existing floor area, to the second floor in order to expand the existing kitchen area. The current Non-Conforming

Ordinance adopted in 2005 allows a maximum of one-hundred percent (100%) expansion in floor area of the existing building provided that the expansion does not result in greater than 3,000 square feet of floor area (H.B.M.C. Section 17.52.030). Therefore, since the applicant previously increased the floor area 98.3% (1,040 square feet). The applicant can add an additional 20 square feet by right under the current provisions of the Non-Conforming Ordinance. Since the proposed addition exceeds 20 square feet, the applicant must obtain a Variance.

**Analysis:**

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:** There are 14 lots that are east and front on Prospect Avenue between the Water Company access road and 15<sup>th</sup> Street. The lots vary in size between 2,900 square feet and upwards to 7,900 square feet. The subject lot is the smallest of these lots and is irregularly shaped with a 39-foot frontage and an 18-foot wide rear. The subject lot is the only lot on the block that has a rear property line of less than 29 feet. Therefore, there are exceptional and extraordinary circumstances limiting the physical conditions of the subject lot since it is unique in size and shape as opposed to other lots on the block.

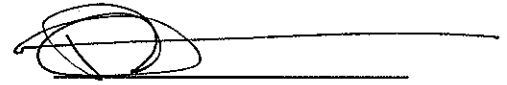
**Finding 2:** The Variance is arguably not necessary for the preservation and enjoyment of a substantial property right or to achieve parity with other properties in the same vicinity and zone since a 20-square foot addition could be constructed by right under the current provisions of the Zoning Code; and, that the second-story floor plan could be re-configured to provide a larger kitchen area. The applicant has not demonstrated 40-square foot addition is necessary to achieve parity with the neighborhood.

**Findings 3 and 4:** The new square footage will convert only a small portion of the existing deck space to floor area and not create any additional site coverage. The kitchen expansion will be a seamless, architecturally consistent second-story addition and thus 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.

**Summary:**

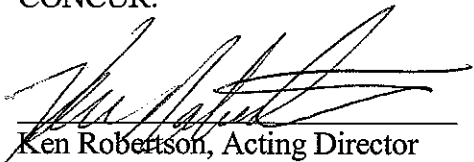
Staff believes that the applicant's variance request meets the intent of Findings 1, 3, and 4 and recognizes it is a very small addition that will not impact the neighborhood; though it is unclear whether the addition

is necessary to achieve parity with other properties in the area (Finding 2). Staff is therefore seeking Planning Commission direction as to the required Variance Finding No. 2.



Richard S. Denniston,  
Associate Planner

CONCUR:



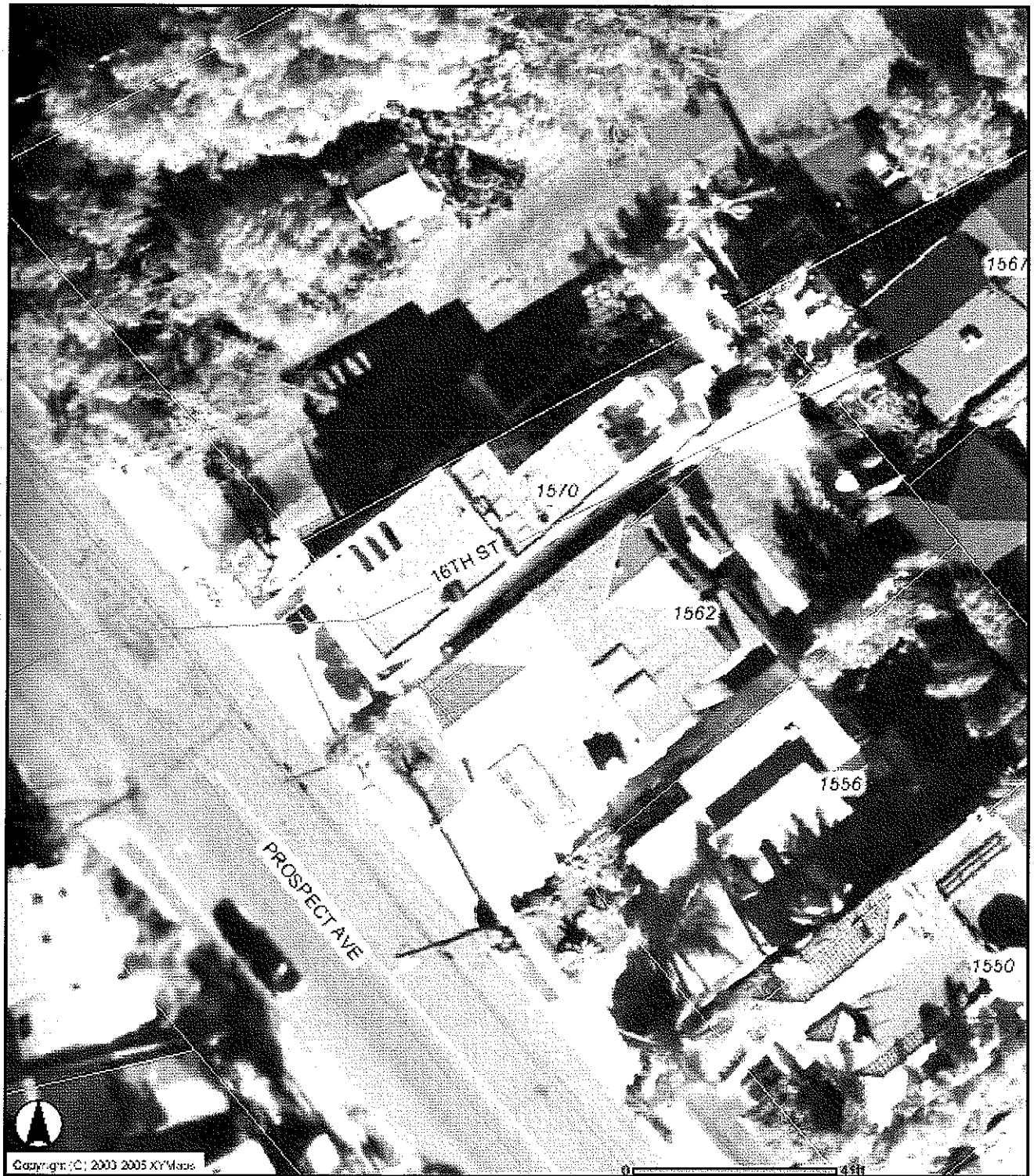
Ken Robertson, Acting Director  
Community Development Department

Attachments

1. Location Map and Radius Map
2. Poster Verification
3. Photo Survey
4. P.C. Resolution 90-14
5. Applicant Correspondence

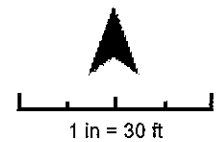
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<sup>1</sup> In 2005, the Zoning Ordinance provisions pertaining to nonconforming structures were amended, and include a provision that limits expansion to nonconforming structures to a 100% expansion in floor area with a maximum of 3,000 square feet. Prior to this revision, a 50% expansion (based on evaluation) was allowed by right and, a 100% expansion allowed with Planning Commission approval regardless of the total resulting square footage.

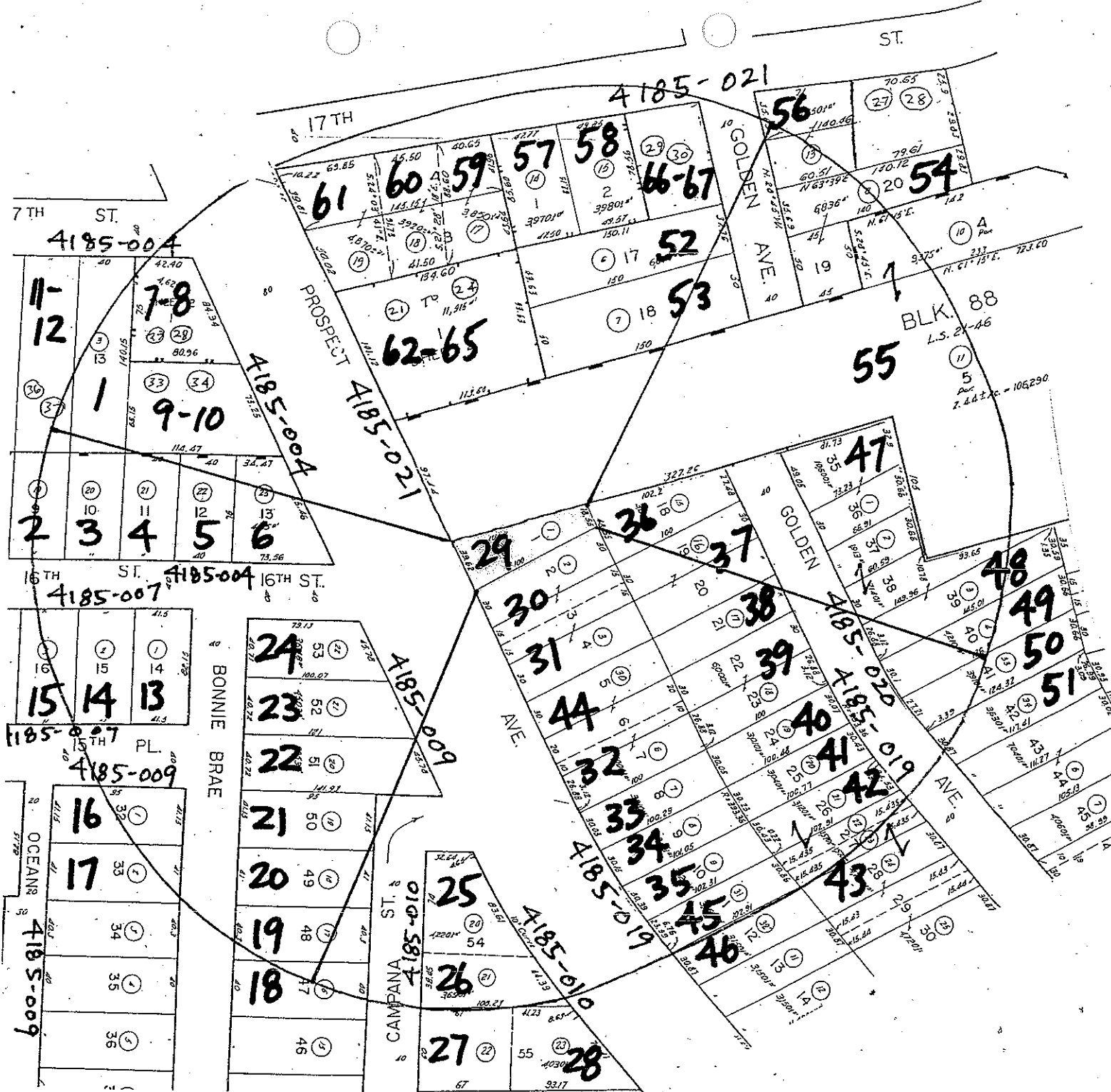


# 1570 Prospect Avenue

## City of Hermosa Beach



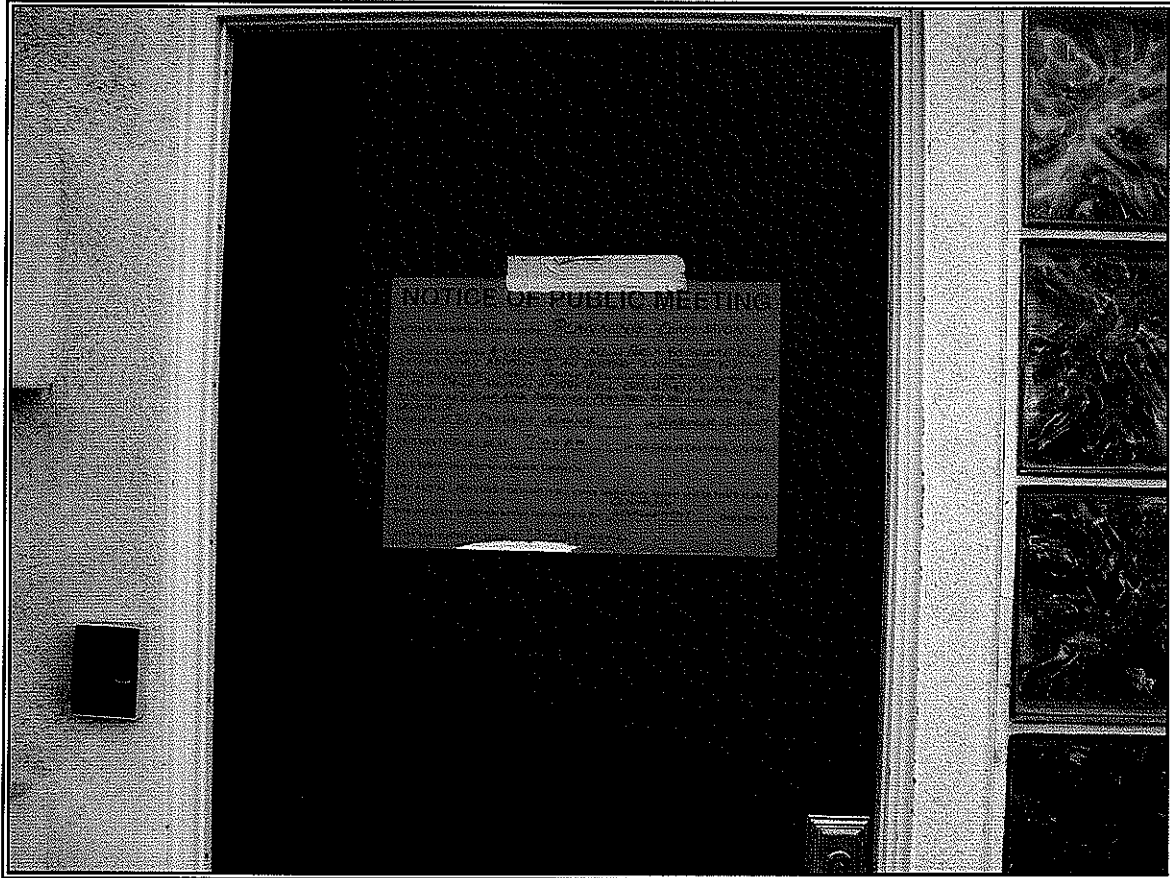
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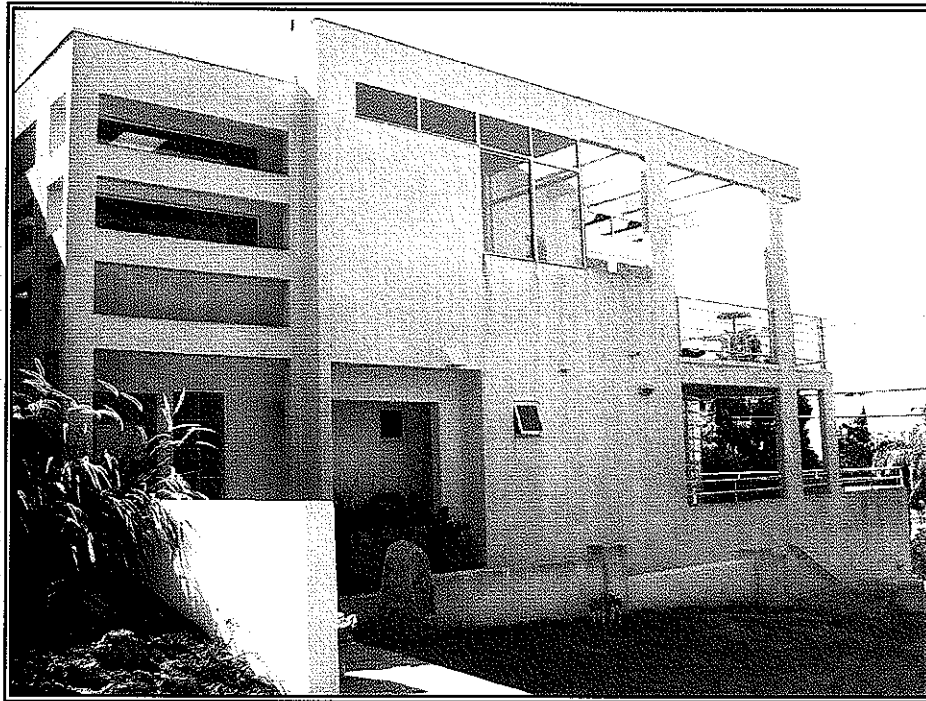
**1570 PROSPECT AVE**

SCALE 1" = 100'

**POSTER VERIFICATION  
1570 PROSPECT AVENUE**



**PHOTO SURVEY  
1570 PROSPECT AVENUE**



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RESOLUTION P.C. 90-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A REQUEST FOR AN EXCEPTION FROM SECTION 13-7(B) OF THE ZONING ORDINANCE TO ALLOW AN ADDITION AND REMODEL TO AN EXISTING NONCONFORMING STRUCTURE TO EXCEED 50% OF REPLACEMENT VALUE AT 1570 PROSPECT AVENUE AND LEGALLY DESCRIBED AS LOT 1, TRACT 1562.

WHEREAS, the Planning Commission held a hearing on March 20, 1990, regarding an application for exception, pursuant to Section 13-7(B), to allow more than a 50% addition to a nonconforming structure, and made the following findings:

- A. The applicant is proposing to remodel and expand an existing single-family structure which results in an addition/remodel equivalent to 99.75% of the replacement value of the existing structure;
- B. The dwelling is nonconforming to the front yard setback, and to the required 17-foot garage setback;
- C. The proposed remodel/expansion involves a complete remodel of the existing first floor and the addition of a second floor ;
- D. The proposed remodel and addition is consistent with intent and goals of the ordinance regarding the remodel of nonconforming structures.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Hermosa Beach, California does hereby approve a request for an exception, pursuant to Section 13-7(B) of the zoning ordinance, to allow more than a 50% addition to an existing nonconforming structures at 1570 Prospect subject to the following condition.

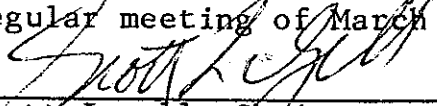
1. The proposed development shall be in substantial conformance with submitted plans.

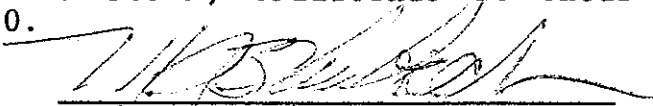


1 VOTE: AYES: Chmn. Ingell, Comms. Ketz, Moore  
2 NOES: Comm. Peirce  
3 ABSTAIN: None  
4 ABSENT: Comm. Rue

5 CERTIFICATION

6 I hereby certify the foregoing Resolution P.C. 90-14 is a true  
7 and complete record of the action taken by the Planning  
8 Commission of the City of Hermosa Beach, California at their  
9 regular meeting of March 20, 1990.

10   
11 Scott Ingell, Chairman

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13 Michael Schubach, Secretary

14 4-3-90  
15 Date

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August 14, 2007

RECEIVED

AUG 20 2007

COMMUNITY DEV. DEPT.

Variance Application  
1570 Prospect  
Hermosa Beach

**General:**

As can be seen from the drawing exhibits, this application is for a minor addition to an existing residence. The intention is to add 40 square feet at the top floor to enlarge an existing kitchen. Unfortunately this project is caught between the old and new nonconforming codes. In 1990 an addition was completed on this site using the old method of determining addition limits. With this method, there were a few percentage points left for future expansion and the proposed addition would be within code. Now, with the new limits for nonconforming structures we cannot process this small addition due to the fact that the original 1990 addition was just over the 100% expansion allowed.

The new square footage will convert existing deck space to living space and thus not create any additional site coverage. As can be seen in the proposed elevations, this addition is consistent with the current architecture.

67 14th Street  
Hermosa Beach, CA 90254

(310) 372-1755  
FAX (310) 376-6837

E-mail: [pa@pehaarch.com](mailto:pa@pehaarch.com)  
Web: [www.pehaarch.com](http://www.pehaarch.com)

1570 Prospect

**Justifications for granting variance:**

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

There are two main physical conditions which make this property unique and thus exceptional to this particular property. One is the shape of the property. As can be seen from the site plan, the property tapers to a very narrow dimension of 18.55 ft. at the rear of the site. This unique shape limits the square foot buildability. Another characteristic is the size of the lot. It is 2,910 square feet with front and rear dimensions of 39.62' and 18.55' respectively. With site coverage limitations, the design options are limited.

Also as can be seen from the exhibits, the site coverage and footprint of the building will not change.

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, and denied to the property in question.

The overriding issues that sets this property apart from the neighboring properties are its size and shape. As can be seen from the assessors map, this is the only property with its unique tapered shape. Also this lot is much smaller than all of the surrounding lots. The development potential for the subject lot is substantially less than that of the surrounding neighbors.

3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property of improvements in such vicinity and zone in which the property is located.

The granting of this variance will not be detrimental to the public welfare or injurious to the surrounding properties.

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

The granting of this variance will be consistent with the City General Plan.