

RESOLUTION NO. 07-42

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO APPROVE 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 LOCATED AT 37 20TH STREET AND LEGALLY DESCRIBED AS LOT 16, BLOCK 21, HERMOSA BEACH TRACT

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by Michael Levitt, owner of the property located at 37 20th Street, seeking a Variance to allow a second-story deck with no required setback rather than the required 5 feet, aligning with an existing non-conforming front yard setback on the first floor.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Variance on August 21, 2007, 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 subject lot is zoned R-2B (Limited Multiple-Family Residential) and has a General Plan designation of MD (Medium Density).
2. 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.
3. 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.

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

1. The building was originally constructed in 1918 and is thus non-conforming to current front and side yard setback requirements. The 1984 Variance approval reflects a prior recognition that the building maintained historic significance as an example of "beach bungalow" architecture. The applicant has proposed a second-story deck that conforms to the side yard setback requirement, corrects the public right-of-way encroachment, and is consistent with the architectural style in which the 1984 Variance was granted to protect. These conditions are exceptional and

1 extraordinary circumstances related to the physical conditions of the property since the structure
2 was built nearly 90 years ago and has historic significance.

- 3 2. Re-configuration of the second-story floor plan would be cost prohibitive and substantially limit
4 the floor area of the master bedroom. The applicant has proposed a plan that would correct the
5 illegal public right-of-way encroachment and allow the applicant to construct a second-story front
6 yard deck; a substantial property right shared by others whose property fronts a walk street.
7
8 3. The applicant has proposed only a minor conversion of a shed roof into a second-story deck. In
9 addition, the proposed deck is setback an additional foot, and will no longer encroach into the
10 public right-of-way. The applicant has proposed a deck addition that is architecturally consistent
11 with the existing front façade. As a result, the addition will not be materially detrimental or
12 injurious to the property or other properties in the vicinity.
13
14 4. An addition to the residence in this location is consistent with the policies and goals of the
15 General Plan.

16 Section 5. Based on the foregoing, the Planning Commission hereby approves the requested
17 Variance subject to the following **Conditions of Approval:**

- 18 1. **The project shall be consistent with the submitted plans reviewed by the Planning
19 Commission at their meeting of August 21, 2007. Any further minor modifications to the
20 plan shall be reviewed and may be approved by the Community Development Director.**
21
22 2. **The Variance is specifically limited to the situation and circumstances that result relative to
23 the proposed project and is not applicable to the development of new structures or any
24 future expansion.**

25
26 VOTE: AYES: L. Kersenboom, S. Perrotti, R. Pizer,
27 NOES: None
28 ABSTAIN: None
29 ABSENT: K. Allen, P. Hoffman,

CERTIFICATION

30 I hereby certify that the foregoing Resolution P.C. 07-42 is a true and complete record of the action
31 taken by the Planning Commission of the City of Hermosa Beach, California, at their regular meeting
32 of August 21, 2007.

33 _____
34 Langley Kersenboom, Chairman

35 _____
36 Ken Robertson, Secretary

37 September 18, 2007

38 Date

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