

RESOLUTION NO. 07-48

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO APPROVE A VARIANCE TO ALLOW A 40-SQUARE FOOT SECOND STORY ADDITION TO AN EXISTING RESIDENCE THAT IN COMBINATION WITH A PRIOR ADDITION IN 1990 WILL CUMULATIVELY EXCEED THE MAXIMUM 100% FLOOR AREA EXPANSION PERMITTED BY THE NONCONFORMING ORDINANCE LOCATED AT 1570 PROSPECT AVENUE AND LEGALLY DESCRIBED AS LOT 1, TRACT NO. 1562

The Planning Commission does hereby resolve and order as follows:

Section 1. An application was filed by James Wisley, owner of the property located at 1570 Prospect Avenue, seeking a Variance to allow a 40-square foot second story addition to an existing residence that in combination with a prior addition in 1990 will cumulatively exceed the maximum 100% floor area expansion permitted by the Nonconforming Ordinance.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for the Variance on September 18, 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 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.
2. 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.
3. 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. 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).
4. 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.

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

1. There are 14 lots that are east and front on Prospect Avenue between the Water Company access road and 15th 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

1 feet. Therefore, there are exceptional and extraordinary circumstances limiting the physical conditions
2 of the subject lot since it is unique in size and shape as opposed to other lots on the block.

- 3 2. The narrow lot width in conjunction with the minimum side yard setback requirement restricts the
4 property owner from constructing a functional kitchen; a substantial property right shared by his
5 neighbors. Therefore, the Variance is necessary to achieve parity with other properties in the area
6 since the irregular lot shape hampers the property owner's ability to construct a cost effective kitchen
7 addition.
- 8 3. The new square footage will convert only a small portion of the existing deck space to floor area and
9 not create any additional site coverage. The kitchen expansion will be a seamless, architecturally
10 consistent second-story addition and thus will not be materially detrimental or injurious to the property
11 or other properties in the vicinity.
- 12 4. An addition to the single-family home in this location is consistent with the policies and goals of the
13 General Plan because the construction of a single-family dwelling unit is consistent with the General
14 Plan designation.

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

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

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

27 **CERTIFICATION**

28 I hereby certify that the foregoing Resolution P.C. 07-48 is a true and complete record of the action taken
29 by the Planning Commission of the City of Hermosa Beach, California, at their regular meeting of
September 18, 2007.

30 Sam Perrotti, Acting Chairman

Ken Robertson, Secretary

31 September 18, 2007
32 Date

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