



PLANNING COMMISSION STAFF REPORT

APPLICATION: V2020-0001/V2020-0002

AGENDA ITEM: PH-1

PREPARED BY: Teresa Santilena
Associate Planner

MEETING DATE: October 14, 2020

SUBJECT: Variance V2020-0001
Variance V2020-0002
946 Crescent Drive

REQUEST: Approval of two Variances to legalize a previously constructed raised deck that encroaches into the required side and rear yard setback requirements at 946 Crescent Drive. Specifically, the deck is setback 3'-6" (in lieu of the required 12'-0") from the side property line and 13'-6" (in lieu of the required 40'-6") from the rear property line. This property is located in the RL (Residential Low Density) Zone.

APPLICANT: Brad Beutlich
946 Crescent Drive
Monrovia, CA 91016

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 3 – New Construction or Conversion of Small Structures)

BACKGROUND: The applicant is requesting approval of two Variances to legalize a previously constructed raised deck that encroaches into the side and rear yard setbacks. Variances must be reviewed and decided by the Planning Commission in accordance with Monrovia Municipal Code (MMC) Section 17.52.100. Per the provisions of the Residential Low Density (RL) zone, the deck is required to be setback 12'-0" from the side property line and 40'-6" from the rear property line. As constructed, the deck is 3'-6" from the side property line and 13'-6" from the rear property line.

On May 26, 2020, staff received a phone call from a concerned resident at stating that noise from construction work at a neighboring property (946 Crescent Drive) was disturbing him and he believed that work was being done without permits. That day, a City Building Inspector visited the subject property, observed that the property owner was in the process of constructing a deck in his backyard, and issued a stop work order to the property owner. The property owner contacted the City's Building Division and explained that he was not aware that permits would be needed for the work. He was directed to work with Planning and Building Division staff to provide the necessary site plan and structural information for review and permit issuance.

Based on the location and height of the unpermitted deck as shown on the submitted plans, Planning Division staff advised the property owner that it could not be approved administratively. The property owner inquired into other processes to get the deck approved,

as he felt this was the best location in his backyard due to the slope of the lot, existing pathways in the backyard, and the shade provided by a mature oak tree. After Planning and Building Division staff conducted a site inspection to better understand these features of the parcel, city staff understood the reasoning for the deck's location. The property owner was advised that the deck could only be approved in its current location by the Planning Commission through a Variance process. He has submitted the necessary application and fees for two Variances, one for side yard setback and one for rear yard setback.

SUBJECT PROPERTY: The subject property is located on the south side of Crescent Drive at the terminus of the cul-de-sac, to the west of North Madison Avenue. The 12,436 square foot parcel is zoned Residential Low Density (RL) and is improved with a 1,950 single family residence and attached garage.

The subject parcel is located within a hillside neighborhood that has split zoning; approximately half of the parcels are zoned RL and half are zoned Residential Foothill (RF) (see Figure 1).

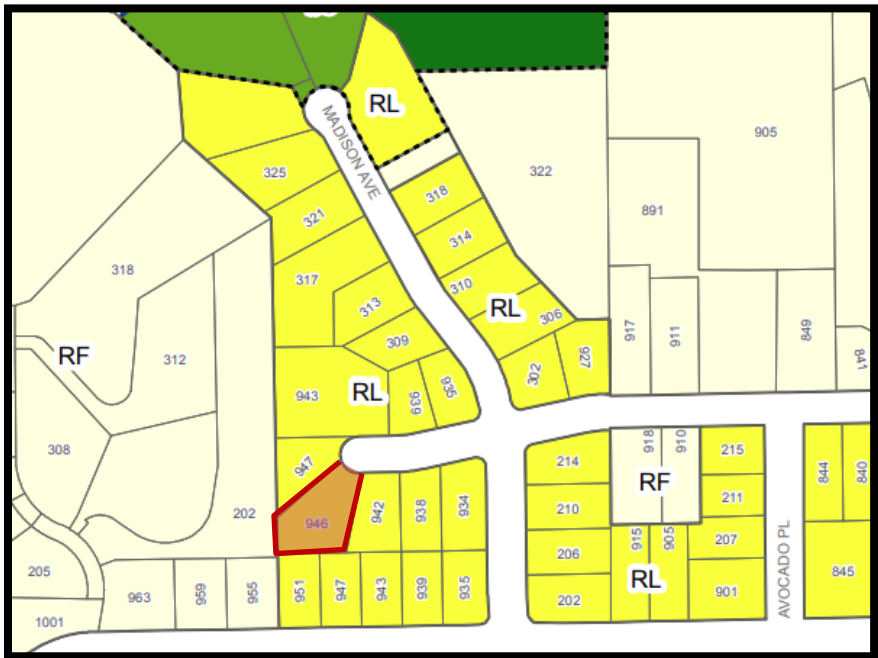


Figure 1. The zoning map illustrates that the subject parcel (outlined in red) is located within a neighborhood that is composed of both RL and the RF zoned properties.

RF zoned parcels generally have relatively steep slopes or are environmentally sensitive, and are developed with a maximum density of one dwelling unit per acre of land. Alternately, the majority of RL parcels are smaller and relatively flat. This particular parcel has characteristics of both zones making it more challenging to develop. While the RL zone does allow for hillside development, the *Hillside Development Standards* are contained within the RF section of the Monrovia Municipal Code (MMC §17.12.010).

The *Hillside Development Standards* address the importance of conservation of topographical features, preservation of native vegetation to reduce areas of grading, preservation of mature trees (especially mature oak trees), and mitigation of potential impacts to view corridors caused by new construction. The subject parcel has a steep slope running from north to south. It has several mature trees and native vegetation which helps slope stability. As a policy, in these types of circumstances City staff refers to the *Hillside Development Standards* in order to take a conservative approach in guiding hillside development projects, regardless of zone designation.

DISCUSSION/ANALYSIS: The deck is situated on the west side of the property and abuts an existing detached accessory structure that is used as personal office space. The property owner constructed the deck over the slope in his backyard so that it is level with the lot's grade

on its north side. As a result of this design, the deck is more than seven feet off the ground at its highest point on its south side (see Figure 2). While most cantilevered construction is prohibited on hillside parcels, the *Hillside Development Standards* do allow for cantilevered decking, but only if a line of sight analysis indicates no visual impact or appropriate mitigation measures are in place to reduce impacts.

Site Plan/Floor Plan/Elevations

The approximately 220 square foot deck has been sensitively built around the trunk of an existing oak tree to take advantage of the shade provided by the canopy. It is constructed of Cumaru wood and has copper pipe railing. It is approximately 3'-6" from the side property line and 13'-6" from the rear property line.



Figure 2. The deck is located off of an accessory structure and is built over the slope.

Variances

The approval of a Variance is subject to findings set forth in MMC Section 17.52.100. In order to approve a major Variance, the Commission must find that there are special circumstances applicable to this property related to the size, shape, topography, location, surroundings, and/or configuration of the property which make strict application of the Zoning Ordinance a deprivation of privileges enjoyed by other property owners in the same zone. Additionally, the Commission must find that granting a Variance shall not constitute a grant of special privileges.

The parcel is irregular in shape, consisting of five property lines, creating a roughly diamond shape, with one clipped point. The irregular shape gives the lot greater depth than the surrounding parcels. While the surrounding parcels have mean depths ranging from approximately 125'-0" to 132'-0", the subject parcel is 180'-0" at its deepest point and has a mean depth of 152'-6". The RL zone requires a rear yard setback equal to 20% of the lot depth, which imposes a greater setback requirement on deeper parcels.

Additionally, the RL development standards require that decks that are one foot or more above grade maintain the same rear and side yard setbacks as main buildings. The house, garage, and pool have been constructed on the lot's level pad area, however the steep slope of the parcel constrains the placement of additional structures on site and makes much of the backyard unusable for recreation purposes. This slope makes the height of the deck 7'-8" at its tallest point and it is therefore subject to larger setback requirements for two-story construction. The second story side yard setback requirement is 12'-0". The second story rear yard setback requirement is 20% of the lot depth, plus 10'-0", or 40'-6" in this case.

The RL development standards were created assuming flat, rectangular parcels, and the majority of RL lots are consistent with this assumption. If the subject property were flat, no variances would be needed for the deck, as it would not be considered two story construction and would meet one story accessory structure setback requirements. Both the steep slope and the greater depth of the parcel contribute to imposing larger side and rear yard setback requirements on this parcel than the other properties in the vicinity and in the same zone.

Neighbor Feedback

Since this item was brought to staff's attention through a neighbor concern, a courtesy notice was mailed to property owners within a 300 foot radius of the subject property prior to the Development Review Committee (DRC) review of the project at the August 26, 2020 DRC meeting. Staff received two emailed comments back from surrounding neighbors. One neighbor, the property owner of 934 Crescent Drive, stated that he had no objections to the project and thought that the deck made sense for the property owner (Exhibit A).

However, the property owner of 951 West Hillcrest Boulevard, who first notified City staff of the construction work emailed staff with concerns regarding the project, including a revised site plan and section (Exhibit B). His email outlined concerns regarding noise and privacy impacts, given that the deck is in close proximity to his bedroom window. Noise is addressed within MMC Chapter 9.44. This chapter sets allowable noise limits for residential neighborhoods and is enforced by the Monrovia Police Department. Specifically, the allowable decibel level is 55 dBA from 7:00 a.m. to 9:00 p.m. and 50 dBA from 9:00 p.m. to 7:00 a.m. If the Commission approves of these Variance requests, it will have no bearing on the allowable noise limits; the homeowner will continue to be subject to the Noise Ordinance.

The neighbor's email also concerned privacy impacts. Staff's inspection of the subject property revealed that existing fencing and foliage on the neighboring property at 951 West Hillcrest effectively blocked a view into his windows or backyard. However, while the existing landscaping on the neighboring property currently provides adequate screening, the neighbor stated in his email that he is planning to remove the landscaping and replace it with Blue Point Juniper Trees in the near future. To mitigate the loss of this landscaping, the applicant has agreed to plant additional landscaping on his side of the fence. A condition of approval (Data Sheet 1, Condition #1) has been added to the staff report requiring that landscaping.

Planning Division staff contacted the concerned neighbor and spoke with him over the phone after his email was received on August 26, 2020. In order to properly evaluate the impacts to his property, staff sought to arrange a site visit for the following week. Staff also requested that he send photos from his backyard looking toward the deck and any other information that would help convey his concerns. Staff contacted the neighbor again the morning of the arranged site visit. At that time, he indicated that he was uncomfortable with staff visiting his property due to concerns over COVID-19 and he cancelled the visit. Staff also did not receive the requested photographs. On October 8, 2020, the concerned neighbor submitted an email stating that he had concerns over the project and staff's ability to remain objective (Exhibit C).

Conclusion

Staff believes the findings for the two Variance requests can be met. The steep slope and irregular shape of the parcel are not typically found on a lot in the RL zone, which was written for flat, rectangular parcels. The slope and greater depth of the parcel contribute to imposing larger side and rear yard setback requirements on this parcel than the other properties in the vicinity and in the same zone. If the subject property were flat, no variances would be needed for the deck, as it would not be considered two story construction and would meet one story accessory structure setback requirements.

RECOMMENDATION: Staff recommends approval of V2020-0001 and V2020-0002 to legalize a previously constructed deck. If the Planning Commission concurs with this recommendation then, following the public hearing, the appropriate actions would be:

1. Pursuant to the California Environmental Quality Act (“CEQA”) and the City’s local CEQA Guidelines, the Planning Commission in the exercise of its independent judgment finds that V2020-0001 and V2020-0002 is categorically exempt from CEQA under Class 3.
2. The Planning Commission finds that the custodian of records for all other materials that constitute the record of proceeding upon which this decision is based is the Planning Division Manager. Those documents are available for public review in the Planning Division located at 415 South Ivy Avenue, Monrovia, California, 91016.
3. The Planning Commission in the exercise of its independent judgment hereby makes the findings listed on attached Data Sheet No. 3 for V2020-0001 and V2020-0002, which are incorporated herein by this reference.
4. The Planning Commission approves V2020-0001 and V2020-0002, subject to the attached Planning Conditions on Data Sheet No. 1 and recommendations in the Staff Report, all of which are incorporated herein by this reference.

MOTION:

Close the public hearing and approve V2020-0001 and V2020-0002 pursuant to the recommendations in the Staff Report.

Teresa Santilena

From: [REDACTED] >
Sent: Friday, August 21, 2020 11:15 AM
To: planning
Subject: Variances at 946 Crescent Drive.

Dear Ms. Santilena:
I am familiar with the site and it has no impact on me while making perfect sense for the owner.
I therefore have no objections to granting the variances.

Sincerely,
[REDACTED]
[REDACTED]
934 Crescent Drive
Monrovia CA 91016

Teresa Santilena

From: [REDACTED]
Sent: Tuesday, August 25, 2020 3:27 PM
To: Teresa Santilena; planning
Subject: COURTESY PUBLIC NOTICE 946 Crescent Drive
Attachments: 946 Crescent Drive plan & section-1.pdf

[REDACTED]
951 west hillcrest blvd

Monrovia CA 91016 P: [REDACTED]

Email: [REDACTED]

Thank you for the notice.

I think the 2 attachments show clearly that the proposed Variance is not acceptable for me, but still I can't hide my frustration. Here are my concerns which I reported before construction starts.

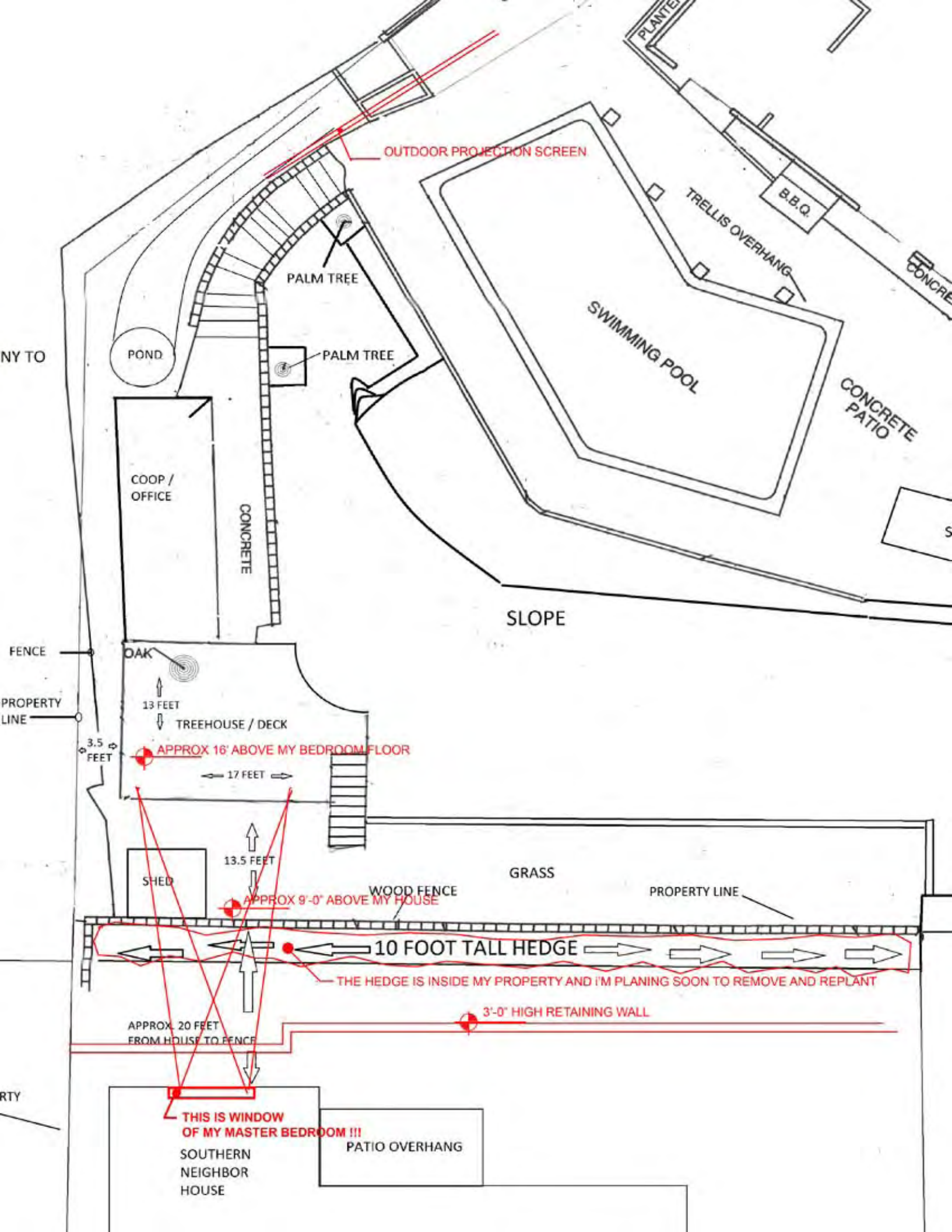
As you can see in attached documents the deck is right in front and above of my bedroom window(see the section). I am retired architect and the bedroom is not only for night, I spend most of the day in that room and can't have my window shut not to listen my neighbor's conducting business, not to mention parties.

The 10 foot tall hedge that mentioned in the floor plan (which is in my property) in fact are old trees **5-6 feet apart**, hard to maintain and trim and look ugly too, that's why I'm planning to remove and replant with Blue Point Juniper Trees which will look better and easy to maintain.

The wood fence above the retaining wall on property line is also very old flimsy and partly broken and I have to repair every couple years.

Please let me know if you need more information that I can provide I'll be happy to do so.

Respectfully
[REDACTED]



OUTDOOR PROJECTION SCREEN

PALM TREE

PALM TREE

POND

COOP / OFFICE

CONCRETE

SWIMMING POOL

TRELLIS OVERHANG

B.B.Q.

CONCRETE PATIO

SLOPE

OAK

13 FEET

TREEHOUSE / DECK

APPROX 16' ABOVE MY BEDROOM FLOOR

17 FEET

3.5 FEET

SHED

13.5 FEET

WOOD FENCE

GRASS

PROPERTY LINE

APPROX 9'-0" ABOVE MY HOUSE

10 FOOT TALL HEDGE

THE HEDGE IS INSIDE MY PROPERTY AND I'M PLANING SOON TO REMOVE AND REPLANT

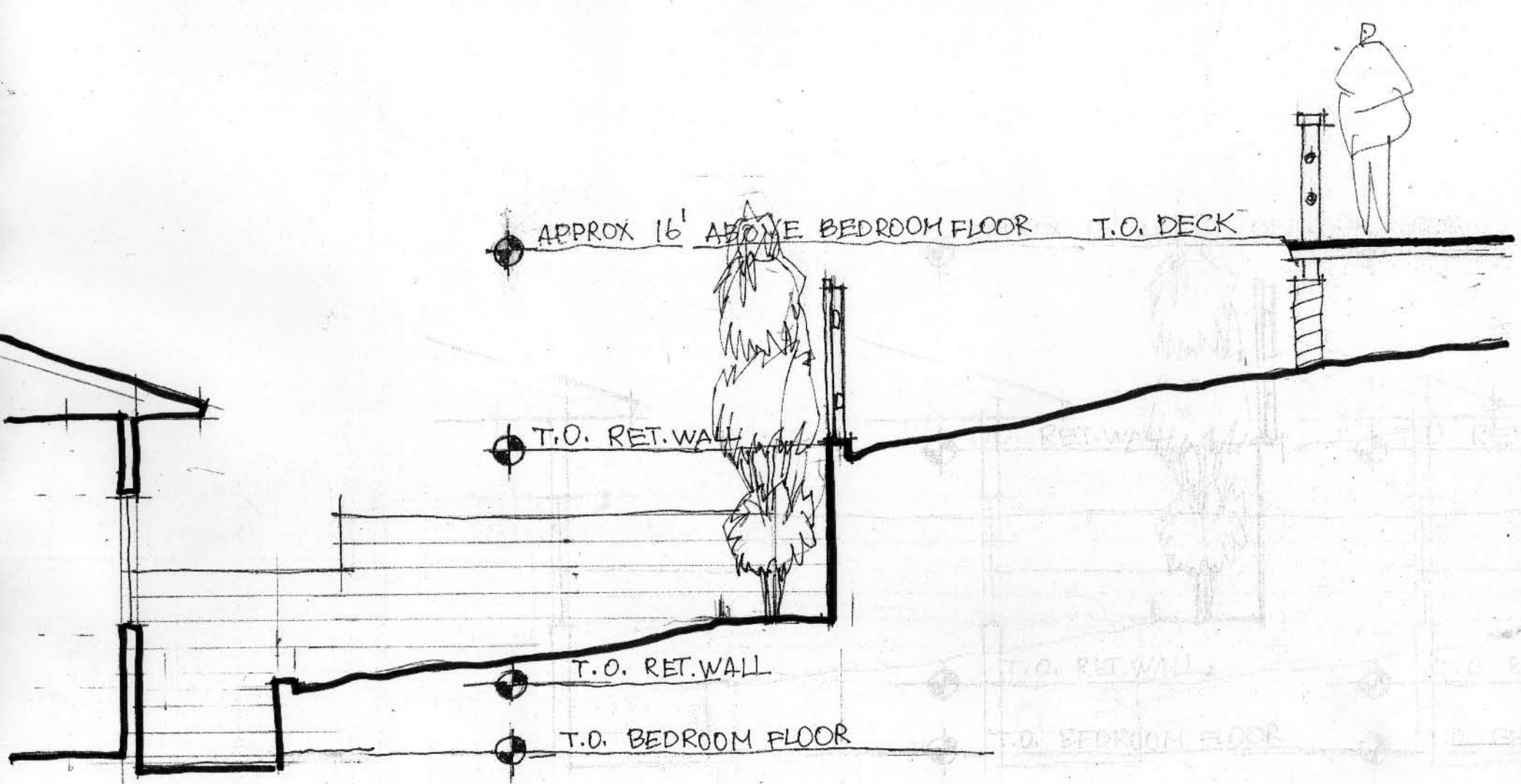
3'-0" HIGH RETAINING WALL

APPROX. 20 FEET FROM HOUSE TO FENCE

THIS IS WINDOW OF MY MASTER BEDROOM !!!

SOUTHERN NEIGHBOR HOUSE

PATIO OVERHANG



Teresa Santilena

From: Aleks Akopyan
Sent: Thursday, October 8, 2020 12:49 PM
To: Teresa Santilena
Subject: Fwd: public hearing part 1 of 2

From: City of Monrovia <cityofmonrovia@ci.monrovia.ca.us>
Date: October 8, 2020 at 9:19:19 AM PDT
To: Aleks Akopyan <[REDACTED]>
Subject: public hearing part 1 of 2
Reply-To: [REDACTED] <[REDACTED]>

Message submitted from the <City of Monrovia> website.

Site Visitor Name: [REDACTED]
Site Visitor Email: [REDACTED]

COPY OF THIS LETTER IS SENT TO DISTRICT SUPERVISOR
KATHRYN BARGER OFFICE

[REDACTED]
951 west Hillcrest Blvd
Monrovia CA 91016
M. Phone [REDACTED]

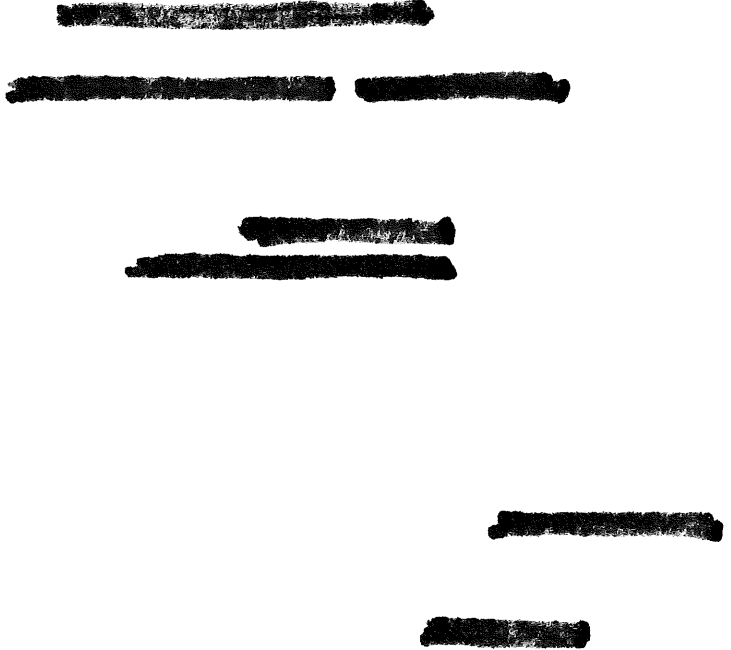
Dear Mr. Major,

This letter concerns the Courtesy Public Notice for Variances issued by the Planning Division of City of Monrovia on 08/13/2020 regarding the construction of a backyard deck by my neighbor residing at 946 Crescent Drive, Monrovia, CA 91016.

My neighbor started construction of elevated deck in May 2020 without seeking appropriate permits (including my consent) and prior public notice. I duly notified Planning Division of City of Monrovia of this construction expressing my concerns at the end of May. Specifically, I spoke a number of times with Sheila Spicer Batice, Sheri Bermajo, Evan Nucle, and Ken True. They confirmed that they visited the construction and told my neighbor that it had to be stopped. However, the construction continued. I kept calling since, but nothing was done, and construction was completed in 3 months. So effectively the Planning Division allowed unlawful construction and left all my complaints unattended.

As a result, the said deck was constructed in front and above my bedroom window overlooking my property and private bedroom. According to the city regulations the deck must be 36' away from the property and it now stands 13'6" only. More importantly, it stands 16' above my bedroom window allowing complete visual access to my living space. It completely invades my privacy not only in the bedroom but in the whole backyard as well. This is especially frustrating

since the deck was constructed about 50'-60' away from his own house, so he had space to consider.



Teresa Santilena

From: Aleks Akopyan
Sent: Thursday, October 8, 2020 12:50 PM
To: Teresa Santilena
Subject: Fwd: public hearing part 2 of 2

From: Aleks Akopyan <[REDACTED]>
Date: October 8, 2020 at 9:51:37 AM PDT
To: Sheila Spicer Batice <[REDACTED]>
Subject: FW: public hearing part 2 of 2

FYI – Another email from [REDACTED]

Monrovia Area Partnership (MAP) Team
City of Monrovia | 415 S Ivy Ave Monrovia, CA 91016
cityofmonrovia.org/MAP | map@ci.monrovia.ca.us

Due to COVID-19, City Hall is currently closed to the public. However, we are here to serve and will get back to you as quickly as possible. Check out the City's website to find out more about services that are available by phone, email or through the web: www.cityofmonrovia.org/cd

From: cityofmonrovia@ci.monrovia.ca.us [mailto:cityofmonrovia@ci.monrovia.ca.us]
Sent: Thursday, October 8, 2020 9:20 AM
To: Aleks Akopyan <[REDACTED]>
Subject: public hearing part 2 of 2

Message submitted from the <City of Monrovia> website.

Site Visitor Name: [REDACTED]
Site Visitor Email: [REDACTED]

COPY OF THIS LETTER IS SENT TO DISTRICT SUPERVISOR
KATHRYN BARGER OFFICE

I received the Courtesy Public Notice of Proposed Variance from Planning Division signed by Teresa Santilena dated August 13, 2020 (attached). I replayed to this Notice and expressed all my concerns in detail yet again. I shared same information in a follow up call as well. I was told there will be a hearing to review the matter on October 14th. However, I am concerned about the approach taken by the Planning Division. As shared, they completely disregarded my timely and numerous complaints at the begging and throughout the entire construction, effectively allowing it to be completed. I have no confidence that the Planning Department will be objective and impartial in the proposed Variance review.

I am a lawful, dedicated resident of City of Monrovia since 2002. I am kindly asking you to take note of this matter and take appropriate action to help me to protect my resident's and personal privacy rights.

If any questions or follow up required, please feel free to contact me anytime.

Thank you for your time and consideration.

Kind regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



Development of the subject property and operations on the site must remain in substantial conformance at all times with the request and application forms and plans submitted by the applicant, as approved by the Planning Commission and placed on file in the office of the Planning Division, except as modified by the conditions imposed by the Planning Commission and by subsequent modifications determined by the Planning Division Manager to be in substantial compliance with the conditions of approval. The term "Applicant" as used herein shall include the applicant, the property developer and all successors in interest to this variance.

DEVELOPMENT STANDARDS

1. The existing property line landscape screening shall be maintained onsite to prevent privacy impacts to the adjacent properties to the west and south. If any landscaping is removed, dead, dying, or otherwise no longer providing appropriate landscape screening, then the owner shall replace said landscaping with evergreen/all-year coverage landscaping as approved by the Planning Division.
2. Additional property line landscape screening shall be provided adjacent to the properties to the south subject to review and approval by the Planning Division.

GENERAL REQUIREMENTS

3. The development shall be constructed in strict compliance with the approved building elevations and site plan.
4. In addition to Planning (Data Sheet No. 1) conditions of approval the Applicant shall also comply with all requirements of the Monrovia Municipal Code, Building Division and Fire Department that are directly applicable to the project.
5. Any violation of these conditions of approval or the Monrovia Municipal Code may be subject to the Administrative Fine Ordinance, other available remedies and/or revocation or modification of this permit at the discretion of the City Attorney and City Prosecutor.
6. The Applicant shall, within 30 days after approval by the Planning Commission, submit to the Community Development Department his/her written consent to all of the conditions of approval contained in Data Sheet Numbers 1. Variances VAR2020-0001 and VAR2020-0002 shall be void and of no force or effect unless such written consent is submitted to the City within the 30 day period.
7. The development associated with the Variances shall begin within one (1) year after its approval or they will expire without further action by the City.
8. All of the above conditions shall be complied with prior to issuance of the Certificate of Occupancy, unless an earlier compliance period is specified as part of a condition.

9. Indemnification. As a condition of approval, Applicant agrees to defend, indemnify, protect and hold harmless City, its officers, officials, employees, agents and volunteers from and against any and all claims, actions, or proceeding against the City, its officers, officials, employees, agents and/or volunteers to attack, set aside, void or annul, an approval of the City, Planning Commission or City Council concerning this permit and the project. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses (including, but not limited to, interest, attorneys' fees and expert witness fees), or liability of any kind related to or arising from such claim, action, or proceeding. The City shall promptly notify the Applicant of any claim, action, or proceeding. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at Applicant's expense.



VARIANCE

As required by Section 17.52.100 of the Monrovia Municipal Code and provisions of Section 65906 of the California Government Code, the decision for granting Variance Nos. V2020-0001 and V2020-0002 to construct a deck that encroaches into the rear and side yard setbacks at the property located at 946 Crescent Drive is based on the following findings:

- A. Special circumstances applicable to this property related to the size, shape, topography, location, surroundings, or configuration of the property make strict application of the Zoning Ordinance a deprivation of privileges enjoyed by other property owners in the vicinity and same zone. *The configuration of the subject parcel with its steep topography and irregular shape makes strict application of the zoning ordinance a practical difficulty. The subject property is zoned Residential Low Density (RL), but it is located within a hillside neighborhood that is zoned approximately half RL and half Residential Foothill (RF). While the RL zone does allow for hillside development, the Hillside Development Standards are contained within the RF section of the Monrovia Municipal Code (MMC §17.12.010). As a policy, City staff refers to the Hillside Development Standards in order to take a conservative approach in guiding hillside development projects, regardless of zone designation.*

Monrovia Municipal Code §17.12.020 (RL development standards) requires that decks that are one foot or more above the existing grade maintain the same rear and side yard setbacks as main buildings. The parcel has a significant slope running north to south. The house, garage, and pool have been constructed on the lot's level pad area, but the steep slope makes much of the remaining backyard unusable for recreation purposes and constrains the design of structures located in this area. The slope in the backyard is such that the deck is level with the grade on its north side but 7'-8" from the ground at its highest point on its south side. This difference in grade imposes main building second story rear and side yard setback requirements, and imposes larger setback requirements than main building first story setbacks. The requirement of compliance with second story setbacks due to the topography of the parcel imposes a larger side yard setback of 12'-0" on this parcel, even though a setback for a first story would only be 5'-0" feet.

Additionally, the parcel is irregular in shape, consisting of five property lines, creating a roughly diamond shape, with one clipped point. The irregular shape gives the lot greater depth than the surrounding parcels. While the surrounding parcels have mean depths ranging from approximately 125'-0" to 132'-0", the subject parcel is 180'-0" at its deepest point and has a mean depth of 152'-6". The Residential Low Density zone requires a rear yard setback equal to 20% of the lot depth, which imposes a greater setback requirement on deeper parcels. The

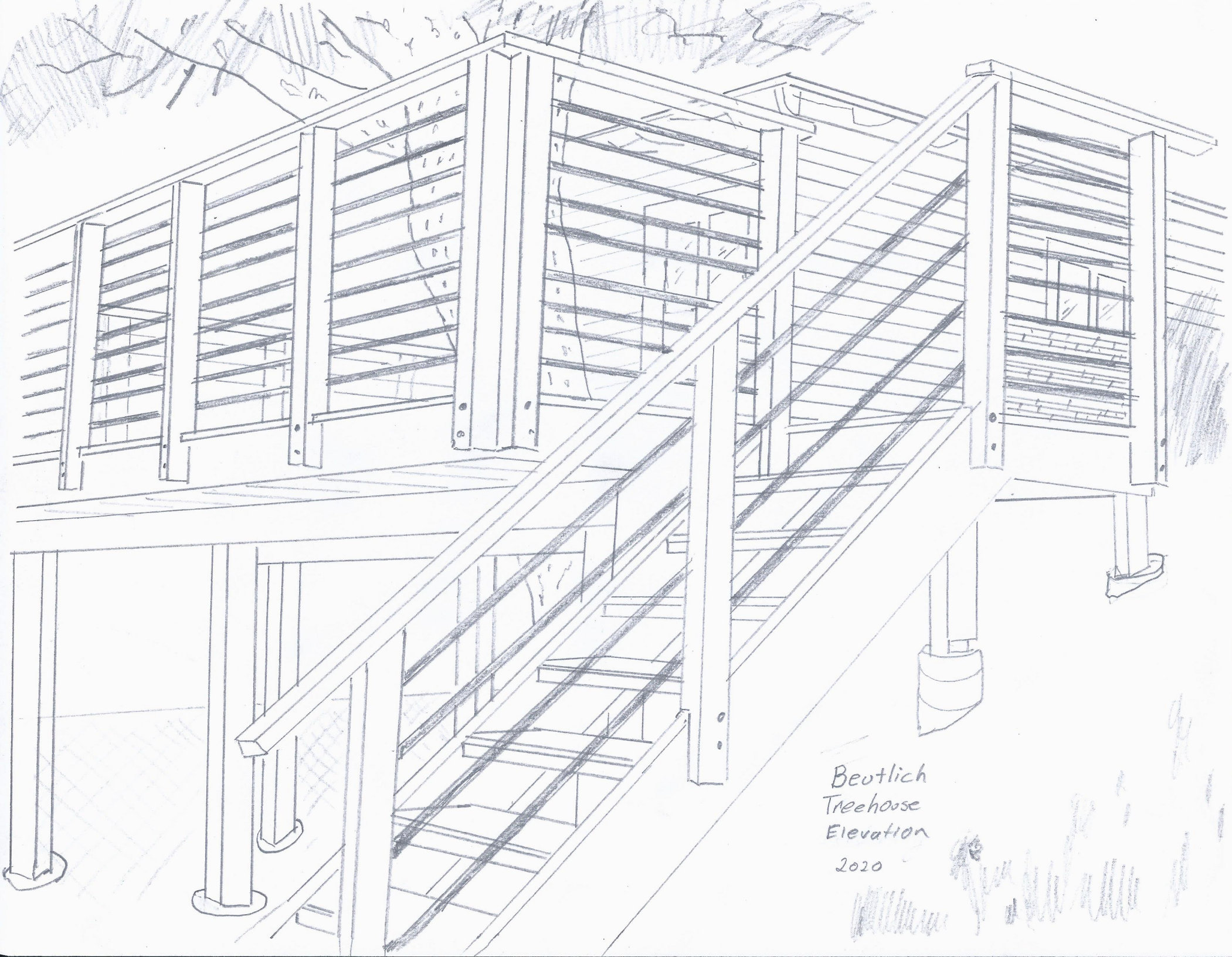
second story rear yard setback requirement is 20% of the lot depth, plus 10'-0" or 40'-6" in this case. The greater depth of the parcel due to its irregular shape imposes a larger rear yard setback requirements than apply to the other properties located in the vicinity and in the same zone. These unique topographic and site conditions cause setback requirements that would not be applicable to other properties in the same zone and are a deprivation of privileges enjoyed by other property owners in the vicinity and same zone. Accordingly, the approval of the two variances that have been requested would not constitute the granting of a special privilege to this property.

- B. *Conditions have been imposed to assure that granting the variances will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. Granting two Variances for the deck to encroach into the required rear and side yard setbacks is not a grant of special privileges. The main building second story rear and side yard setback requirements apply to this deck due to the steep slope in the backyard. Additionally, the greater depth of the parcel due to its irregular shape imposes a larger rear yard setback requirement than the other properties in the vicinity and in the same zone. The Hillside Development Standards in Monrovia Municipal Code Section 17.12.010 require the conservation of natural topographical features, preservation of native vegetation and all reasonable efforts to preserve mature trees, especially oaks. The deck has been constructed so as to preserve the natural hillside topography and vegetation and to preserve the mature oak tree under which it sits. Additionally, the Hillside Development Standards state that cantilevered decking shall be permitted only if the line of sight analysis indicates no visual impact or appropriate mitigation measures can be adopted.*

Conditions have been imposed to this project to ensure that the granting of the Variances will comply with the Hillside Development Standards and will not constitute a grant of special privileges. Condition No. 1 on Data Sheet 1 requires that the existing property line landscape screening shall be maintained onsite to prevent privacy impacts to the adjacent properties to the west and south and that if any landscaping is removed, dead, dying, or otherwise no longer providing appropriate landscape screening, then the owner shall replace said landscaping with evergreen/all-year coverage landscaping as approved by the Planning Division. Condition No. 2 on Data Sheet 1 requires that additional property line landscape screening be provided adjacent to the properties to the south as approved by the Planning Division.

The proposed development is expressly authorized by the zoning regulation governing the parcel of property. *Monrovia Municipal Code §17.12.020 expressly permits decks in the Residential Low Density zone. MMC §17.12.010 contains Hillside Development Standards pertaining to decks and expressly allows that decks may be cantilevered over a slope, provided that a line of sight analysis is conducted and indicates that there are no visual impacts or that appropriate measures be adopted to mitigate visual impacts. The line of sight analysis was conducted for the deck from the subject parcel, and the deck does not appear create visual impacts upon neighboring properties. To mitigate any potential impacts, additional landscaping will be required to be planted along the south*

property line. Except for the proposed Variance requests, the development meets or exceeds all other RL zoning code requirements.



Beutlich
Treehouse
Elevation
2020

Scope of Work

Beutlich Property
946 Crescent Dr.

Background

I have been a Monrovia resident since August 1997. I purchased this 1959 built house after it had been vacant for over one year. During the one year of vacancy, it was vandalized on the inside with spray paint, broken doors/windows and ruined hard wood floors. It has required a considerable amount of care both inside and out. Over the last 20+ years, my wife and I have brought the inside and outside of this house back to its original form with some modernizing improvements.

As you can see from my site plan, my lot is a very odd shape. This is probably quite standard for homes at the end of a cul-de-sac. Most people's property abuts to maybe three neighbors but because of its odd shape, my property actually abuts to five neighbors. Basically, this is a very long "pie-shaped" lot. The north side (street side) of the lot is only 32 feet wide while the south side of the lot is 135 feet wide. The maximum depth of the lot is 180 feet. From what I understand, this lot is a classic "cut and fill" lot built on a gradual slope in the foothills. As such, the majority of my property isn't flat and other than the "cut" portion where my house sits, the rest of the property is on a gradual slope. I understand completely why Monrovia has setback calculations for building structure such as mine but I suspect these calculations don't take into consideration the very odd shape of my lot. The vast majority of lots in Monrovia are of a traditional rectangular nature. Due to the unique topography of my lot, I hope you'll find a way to allow me an acceptable variance and allow me to keep my structure.

When we purchased this property, there was a chicken or a pigeon coop on the west side of the property with a very makeshift and unsafe pathway that led down to the coupe. Around 2003, I installed permanent steps through the walkway and replaced the rotting wood in the coupe and repurposed this "out-building" into an office. As you can see from the site plan, there is an original walkway that passes by the coupe/office that abruptly stops. Many years ago, I installed some steps using railroad ties which allowed me to walk down to the bottom of my property where a 9' x 60' foot section exists that is actually flat.

Over the years, I've often thought about putting in a better staircase since the railroad ties were starting to get unsafe. As the whole Covid-19 issue started, the company I work for asked all of the employees to take a week off without pay. Faced with a week off and nowhere to go, I thought I'd build the stairs. The stair concept turned into a small 13'x17' deck with an oak tree growing through the middle and the requisite stairs down to the lowest point of my property. I decided to expand the stairs concept into a deck due to the fact that the Corona virus is keeping me home more than I'm used to and I thought a place to work outside of my office would be a nice thing considering our current circumstances. Because of the tree growing through the deck, I have shade for almost the entire day.

Construction

By way of personal background, I have a degree in Electrical Engineering and Technical Theater. I have taken many classes in physics, construction and architecture. During the summers between my years in college, I worked for a building contractor. I'm quite handy with a hammer, drill and saw. With what my wife calls a healthy over confidence in my technical abilities, I designed and built a platform with a set of steps that lead down to the lowest part of my property. I honestly didn't think I needed a permit to build such a simple structure on my property. It was only after receiving the notice from city that I became aware of this requirement.

As stated earlier, I have very little flat land on my property. Most of the flat land is occupied by my garage, house and pool. Everything else is slope. My structure (I call it a treehouse for obvious reasons) is directly adjacent to the south side of my coop/office. It's important to note that the treehouse doesn't use any of the coop/office for support. The south side of my treehouse is approximately 7' above the flat portion of the southern most part of my property. At the east side of the treehouse, the deck is very close to the slope. On the northwest side of the treehouse, a 100+ year old oak tree comes directly through the deck. Out of respect for this majestic tree, I took great care to not touch the tree and by my calculations, I have allowed for another 40 years of growth before the decking surface will need to be expanded, that is of course if the decking material lasts that long.

I used approximately 2,000 pounds of concrete to create the 11 concrete pilings. Most of these pilings were drilled/dug into the ground to a depth of at least three feet. I used 6"x6" pressure treated lumber posts for nine of the 11 posts that hold up the treehouse. For two of the less important posts (supporting less weight) I used 4"x4" pressure treated lumber. For the horizontal support structure, I used 2"x8" Douglas Fir. The decking surface is Brazilian Cumaru which has a Class A fire rating. The certificate is provided with this information packet. Surrounding the treehouse will be a 42" high railing with copper pipes providing the horizontal safety with a maximum of 3.25" between each pipe. As you can see by the pictures, the railing is incomplete due to the current status of this structure and the copper pipe that I chose is expensive. I have installed a minimum number of horizontal pipes just to make the treehouse safe. If I receive authorization to continue, I will immediately add the additional pipes and finish off the railing.

Complaint Rebuttal

I understand that the neighbor who shares the majority of my southern property line has complained about the position of my treehouse. As you can see from the photographs, our two properties are completely obscured by a ten foot high long line of Podocarpus Macrophyllus bushes on his side of the fence separating our properties. Neither from my treehouse nor from my upper concrete deck next to my pool, can I see into his backyard. If I cannot see him, he cannot see me. I understand that he complained about the construction noise. Once I complete my treehouse, there won't be any additional noise. As for the sound coming from my treehouse during normal living or while I'm conducting business on the phone, I've checked the sound coming from my deck. At his property line even with three other of my friends sitting and having a conversation, I measure a dB rating of between 50 and 54 dB. As a baseline reference, the same property line measurement without any additional human activity

is around 48 dB. Monrovia code allows 90 dB (not sustained) between 9 am and 9 pm. Between 9 pm and 9 am, 60 dB is allowed. Basically, there's a difference between sound and volume. A person's voice or music can travel a distance without increasing volume. To illustrate that to me, I decided to see if my dB meter moved when the same neighbor was in his backyard talking with his friends. I could hear them but there was no discernable movement in my dB meter. I am not a loud person. I don't have a loud family. I believe one of the issues might be that my house is higher in the foothills than his and maybe sound travels down through open air more than on a flat surface with more obstructions. On this point, I am more than happy to plant additional bushes on my side of the property line if this would make him happier. I fear, however, that additional bushes on my side might block his view of the mountains above the foothills.

I did try to talk with my neighbor but he refused to have any conversation with me.

Conclusion

I love Monrovia. I plan to retire in this house but not for many more years. My addition of my treehouse was intended to give my family and I some additional space to relax outdoors and enjoy the foothills without dealing with the heat. I have always tried to be respectful to my neighbors. If I thought my treehouse would have caused an issue, I wouldn't have constructed it. In the 23 years I've lived in this house, I've heard, but never seen, any person living in the house directly south of my property due to the tall bushes that separate us. In fact, when my children were much younger, I had a swing set/slide/fort on the previously mentioned strip of land on my southern property line. Not once did anyone complain about the noise.

Due to the very strange shape of my lot combined with the natural slope at this part of the foothills, I am hoping that you'll make a justifiable exception to your setback calculations and allow me to keep/finish the treehouse I've built and have been enjoying for the last month.

Pictures of Brad Beutlich's deck/treehouse

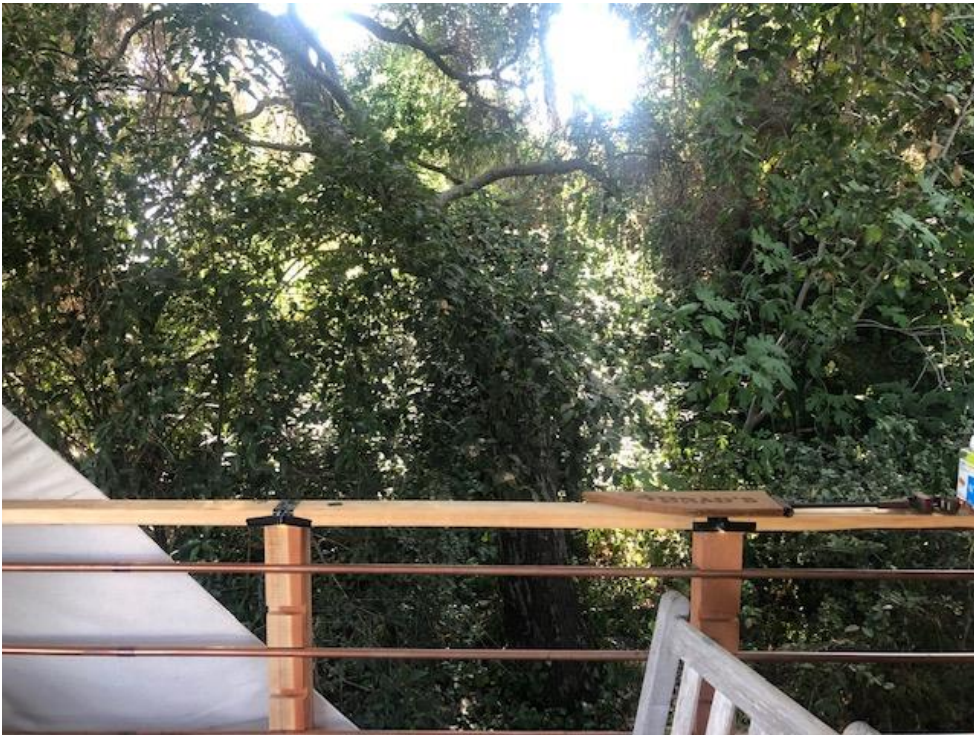
Views from my deck/treehouse in the direction of my neighbors



Picture from my treehouse looking south and slightly east. Note the high bushes.



This is looking due south. The roof you see is the southern neighbor's roof. Note the Podocarpus bushes run the entire length of our joined properties.



Picture from my treehouse looking due west parallel to the ground. The neighbor's house is slightly north and up the slope. Next picture will show that.



Due West neighbor's house cannot be seen through all of the plants. It's very much like a small forest.



This is a picture of the neighbor at the corner on the southwest side. We share just the corners of our properties.



This is a view of the neighbor to the southeast. This is the neighbor with the pool to the south on my site plan. Note that their property line notches into my property. Their fence is at least 70 feet away from my treehouse.



The two photos above show the slope on the backside of my property. Where the umbrella can be seen is my pool deck. From this picture, you can see how much of my property is taken up by unusable slope. Where my treehouse is just happens to be relatively flat in comparison.



This is a Google Earth image of the four houses that could be affected by my treehouse. The house with the grey roof and the light green umbrellas is my house. The treehouse is situated under all of the tree cover you see in the center of this image. The large house due west is at least 20 feet higher than my house and probably 60 feet from my treehouse. The house with the clay tile roof is the one where we share a corner of our lots. This house is probably 50 feet to the southwest. The house with the grey roof is directly south of my property. The house with the tan roof and the pool is a very distant southeast of my treehouse.



100%

Camera: 324 m 34°09'20"N 118°01'07"W 190 m

<https://earth.google.com/web/@34.15531633,-118.01933485,190.17501573a,133.41454977d,35y,353.05680834h,0t,0r>

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The black square is a reasonable indication where the treehouse is under the cover of the trees. In addition, I included where I believe the property lines are between all of the neighbors.

Pictures of the Treehouse



This is the view as your walking past the coop/office



This is the view of the tree through the treehouse immediately to the south of the coop/office.



This is the stairway to the bottom of my property that starting this deck/treehouse.



This is a view of the stairs down to the grassy area. Note that none of the railings are finished. They will be finished if I get approval.



This is a picture of the dB meter that I refer to in my Scope of Work.