



PLANNING COMMISSION STAFF REPORT

APPLICATION: Variance V2014-03

AGENDA ITEM: PH-3

PREPARED BY: Ili Lobaco
Associate Planner

MEETING DATE: November 12, 2014

SUBJECT: Variance V2014-03
117 North Heliotrope Avenue

REQUEST: Allow an already constructed front porch to encroach 5' into the required front yard setback (15' in lieu of 20'). This property is located in the RM3000 (Residential Medium Density) Zone.

APPLICANT: Norma Nunez
117 North Heliotrope Avenue
Monrovia, CA

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

BACKGROUND: The owner of 117 North Heliotrope Avenue has filed for a variance to allow a porch extension, built without permits, to encroach into the minimum front yard setback (see attached letter from owner). The home is located in the RM3000 (Residential Medium 3000) zone.

SUBJECT PROPERTY: The subject property is located on the west side of North Heliotrope Avenue, north of Foothill Boulevard. The property is a 6,868 square foot through lot with two units and measures 50' wide by approximately 150' deep. Based on County Assessor information, the unit at 120 Norumbega Drive measures 666 square feet and has one bedroom and one bathroom. The other unit, at 117 North Heliotrope Avenue, measures 1,248 square feet and has two bedrooms and one bathroom. Surrounding zoning is RM3000 to the north, east and west. Zoning to the south is PD-2 (Planned Development-Area 2) and RM2500 zoning.

DISCUSSION/ANALYSIS: The front of the house at 117 North Heliotrope is located with a 29' 10" front yard setback. It has a porch that spans the width of the front of the house that measures 7'10" in depth and is therefore located 22' from the front property line. The unpermitted porch extension (which is 11' 10" wide) projects out an additional 7' thereby resulting in a 15' front yard setback. Section 17.12.030 of the Municipal Code allows a porch to encroach 5' into the minimum setback of 25' or the average of the block if it is more than 25'. Since the average of the block is not more than 25', the porch can be located 20' from the front property line. Currently, the front yard wall/pillars on this property are located in the City's right-of-way (constructed without permits). The City's right-of-way is 8' and the wall/pillars are located at 5' from the curb. All measurements are taken from the property line and not from the unpermitted wall/pillar.

In April 2006, the owner of 117 North Heliotrope Avenue obtained a building permit to reroof the house only. At the time of inspection, the Building Inspector noted that the owner had also started construction of a large, front porch extension. The owner was told to stop construction on the porch and to bring a site plan to the Planning Division in order to verify setbacks.

In late July 2006, the owner brought in a site plan indicating that the front porch extension encroached into the minimum front yard setback. The owner was told that the porch would require approval of a variance and that Staff could not recommend approval of the variance due to not being able to make findings of approval.

Over the next eight years, Staff from the Planning, Building and Code Enforcement Divisions continued to contact the property owner to try to resolve a list of unpermitted items including the porch. During that time, in May 2008, the owner submitted for DRC review of the porch variance. The DRC voted to not recommend approval to the Planning Commission of the variance.

Staff continued to try to work with the owner after the May 2008 DRC meeting but due to noncompliance, Code Enforcement sent the owner warning letters using the Administrative Fine Ordinance. The last two letters were sent in July 2014 and again in August 2014. In September 2014, the owner submitted another request to the DRC for advisory review of the porch encroachment. Again, the DRC forwarded a recommendation of denial for of the variance to the Planning Commission.

In order for the Commission to deny a variance, Section 17.52.100 requires at least one finding of denial to be made. Staff and DRC feel it is justified to deny this variance because there are no special circumstances applicable to this property, including size, shape, topography, location or surroundings, that the denial of the variance would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. This property measures 50' wide by approximately 150' deep and is flat. This parcel is typical of lots found in Monrovia in terms of size, shape and topography. As an example, across the street to the east, and for seven parcels to the north, the properties measure 50' wide by 150' deep. The two properties immediately to the north of this one are considerably smaller (40' wide by 125' deep and the other one is 100' deep). There are no special circumstances related to the location or surroundings of the parcel, as it is located in a typical RM3000 residential area.

Conclusion

Staff and the DRC do not recommend approval of the variance. There are no unique characteristics with the property that would warrant granting this variance. Construction began and was completed without permits even after Staff had contacted the owner during construction about the unpermitted and unapproved construction. Therefore, Staff is unable to provide findings of approval.

RECOMMENDATION: Staff and the DRC recommend denial of Variance V2014-03. If the Planning Commission concurs with this recommendation then, following the public hearing, the adoption of the following resolution is appropriate:

The Planning Commission of the City of Monrovia hereby finds, determines and resolves as follows:

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 CUP2014-03 is categorically exempt from CEQA under Class 1.
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 for denial listed on attached Data Sheet No. 3 for Variance V2014-03, which are incorporated herein by this reference.
4. The Planning Commission denies Variance V2014-03, subject to the recommendations in the Staff Report, all of which are incorporated herein by this reference.

MOTION:

Close the public hearing and adopt the Resolution denying Variance V2014-03 as presented in the Staff Report.



DATA SHEET 3

Findings

Variance V2014-03

117 North Heliotrope Avenue

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 denying Variance V2014-03 to allow a porch to encroach into the minimum front yard setback (15' in lieu of the 20' minimum) on the property located at 117 North Heliotrope Avenue is based on the following finding:

- A. There are no special circumstances applicable to this property related to the size, shape, topography, location or surroundings that make denial of the variance a deprivation of privileges enjoyed by other property owners in the vicinity and same zone.

This property measures 50' wide by approximately 150' deep, and is flat. This parcel size, shape, and topography is typical of a large majority of the lots found in Monrovia. Across the street to the east, and for seven parcels to the north, the properties measure 50' wide by 150' deep. There are no special circumstances related to the location or surrounding of the parcel, as it is located in a typical RM3000 residential area.



DATA SHEET 4

Surrounding Land Uses

Variance V2014-03

117 North Heliotrope Avenue

Property Description: Property is located on the west side of North Heliotrope Avenue, north of Foothill Boulevard and measures 50' wide and approximately 150' deep for a total of 6,868 sf. It is a through lot with two units that measure 666 sf and 1,248 sf.

Zoning

Subject site: RM3000 (Residential Medium Density)

Surrounding pattern:

north: RM3000 (Residential Medium Density)

south: PD2 (planned Development Area 2) and
RM2500 (Residential Medium Density)

east: RM3000 (Residential Medium Density)

west: RM3000 (Residential Medium Density)

Land Use

Subject site: Multiple-family residence

Surrounding pattern:

north: Single-family residence

south: Multiple-family and single-family residences

east: Single-family residence

west: Multiple-family and single-family residences

Environmental Determination: Categorical Exemption Class 1

Applicable Ordinance Regulations: MMC 17.52.100 Planning Commission Authority for Variance

PROPERTY LINE

PROPERTY LINE

EXIST'G 1 STORY RESIDENCE

FIREPLACE

EXIST'G PORCH

DN

STEP

STEP

POST

11'-10" NEW

WALK

LANDSCAPE

LANDSCAPE

LOW WALL

EXIST'G 5' WALL

7'-5"

4'-6"

7'-10"

7'-0" NEW

26'-0"

15'-0"

30'-0"

5'-0"

8'-0" ROW

3'

ALLEY

N

N

HELIOGRAPH

