



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: May 25, 2010
SUBJECT: Variance No. 511-10
APPLICANT: Paul D. Hernandez
22701 Enola Avenue
Carson, CA 90745

REQUEST: To permit an existing patio and gazebo in the
required yard area of a single-family home in the
RS (Residential, Single-family) zone district

PROPERTY INVOLVED: 22701 Enola Avenue

COMMISSION ACTION

☐ Concurred with staff
☐ Did not concur with staff
☐ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaffer
		Diaz			Verrett
		Gordon			

I. Introduction

Date Application Received

- March 8, 2010: Variance No. 511-10

Applicant / Property Owner

- Paul Hernandez, 22701 Enola Avenue, Carson, CA 90745

Project Address

- 22701 Enola Avenue

Project Description

- The proposed project is to permit an existing patio and gazebo constructed on or about 1988 in the required yard area of a residential property. The structures were constructed without permits. The application includes:
 - A variance for encroachment of an existing patio and gazebo into the required front and side yard setbacks.
- The subject property is located at the end of a cul-de-sac and is rectangular in shape with exception to the street frontage.
- The patio and gazebo currently are not painted and a shingle roof is proposed for both structures. The main entrance for the project is located on Enola Avenue.

II. Background

Previous Discretionary Permits

- None

Public Safety Issues

- The applicant was issued a warning by the Public Safety Department on February 25, 2010 for an unpermitted structure (patio and gazebo) in the front yard.

III. Analysis

Location/Site Characteristics/Existing Development

- The subject site is located at 22701 Enola Avenue between 227th Street to the north and 228th Street to the south.
- The project site is in an urban, developed community and is located in the southwestern part of the City of Carson at the end of a cul-de-sac on the west side of Enola Avenue. The project is surrounded by single-family residences. Carson High School is located further north of the property.



Zoning/General Plan/Redevelopment Area Designation

- The current General Plan land use designation for the project site is Low Density Residential and the zoning is RS (Residential, Single-family).

Applicable Zoning Ordinance Regulations

- The following table summarizes the proposed project's consistency with current site development standards for the RS zone district and other zoning code sections applicable to the proposed use:

Applicable Zoning Ordinance Sections	Compliance	Non-Compliance
Section 9121.1 – Uses Permitted	x	
Section 9126.12 – Height of Buildings and Structures	x	
Section 9126.221 – Parking Setback	x	
Section 9126.23 – Front Yard		Approval of a variance is required by the Planning Commission
Section 9126.24 – Side Yard		Approval of a variance is required by the Planning Commission
Section 9126.25 – Rear Yard	x	
Section 9126.27 – Space Between Buildings		Required space between a main residential building and an accessory structure is six (6) feet
Section 9162.3 – Location of Parking		Driveways shall not cover more than 50% for a two-car driveway

Required Findings: Variance

Pursuant to Section 9172.22 - Variance, the Planning Commission may approve the proposal only if the following finding can be made in the affirmative:

- a. A Variance from the terms of this Chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.



Not all of the required findings pursuant to Section 9172.22, "Variance Findings and Decision", can be made in the affirmative. Details can be found in the attached resolution and in the following section – *Issues of Concern/Mitigation*.

Issues of Concern / Mitigation:

- Issue – Variance: Per Section 9126.23 and 9126.24 – Front yard and Side yard, the existing patio and gazebo encroaches into the required front yard setback of 20 feet and side yard setback of 5 feet. Therefore approval of a variance is required. The applicant requests a variance from Section 9126.23 and Section 9126.24 of the Zoning Ordinance to permit the encroachment of the existing patio and gazebo into the required front and side yard setbacks.
 - Gazebo: Because of the curved shape of the front property line, the front yard setback will be defined by a curved line 20 feet from the front property line. Currently, the gazebo structure encroaches 5 feet into the front yard area. To become compliant with front yard setback requirements, the southern portion of the gazebo would have to be moved 5 feet to the north. However, while Section 9126.29 – Encroachments - allows a reduced side yard setback of less than 1 inch or greater than 3 feet for structures that are located 60 feet from the front property line, the entire gazebo structure would not be allowed because it is located within 60 feet of the front property line.
 - Patio: Similar to the gazebo structure, the patio would not be permitted to encroach into the side yard setback of 5 feet unless it was located 60 feet from the front property line per Section 9126.29 – Encroachments – of the CMC.

Per Section 9172.22, "Variance - Commission Findings and Decision", certain findings cannot be made in the affirmative. Staff believes that strict application of the front and side yard setback requirement would not deprive the property of privileges enjoyed by other property in the vicinity under identical zoning classification. Because a majority of the surrounding properties are smaller and not of the size of the subject property, encroachment of similar structures into the front and side yards of properties in this area would not be possible. Staff finds that approval of the variance request would grant the applicant a special privilege over others in the neighborhood and would not be supported.

- Similar surrounding properties: Per the aerials provided of similar properties in the surrounding area (Exhibit No. 3), there are six properties within the immediate area that have similar property orientation at the end of a cul-de-sac. Only one property within the same subdivision had a similar structure as 22701 Enola Avenue (Exhibit No. 4) and is located at 22701 Ronan Avenue (Exhibit No. 5). Upon verification with the Building and Safety Department, the carport



structure at 22701 Ronan Avenue did not have building permits and has been subsequently reported to the Public Safety Department for code violations.

Approval of the variance would create precedent for similar properties in the neighborhood (Exhibit No. 3).

- Issue – Additional Variances Required: Staff recommends that tonight's item allow discussion for the Planning Commission. While staff recommends denial of the variance for the front yard setback, staff has determined that additional variances will be required, including:
 - Side Yard Setback: The proposed structures encroach into the required side yard setback. The public hearing notice specifically referred to the front yard and inadvertently did not reference the side yard setback.
 - Pavement and Landscaping: The proposed structures encourage more pavement in the front yard and therefore less landscaping, contrary to the requirements of Section 9162.3 - Location of Parking – which limits pavement to less than fifty (50) percent of the required front yard setback.
 - Space Between Buildings: The structure is located less than six (6) feet from the main unit which is in violation of Section 9126.27 - Space Between Buildings – which requires a separation of at least six (6) feet between structures.

These variances would therefore have to be noticed publicly. Staff is requesting the Planning Commission provide comments at tonight's meeting related to the variance for encroachment within the front yard setback. The public hearing notice for this project was only for the front yard setback encroachment. Staff believes that the discussion of this variance request would provide some understanding of how the Planning Commission might consider the additional requests. As appropriate, these additional requests will then be brought back before the Commission for consideration.

- Issue – Letter of Justification and Neighborhood petition: The applicant has provided a letter of justification (Exhibit No. 6) and a neighborhood petition (Exhibit No. 7) in support of the variance. While these items provide background information regarding the existing structures, they may not be used as findings to support the variance.
- Issue – Building and Safety Requirements: In consulting with the building inspector, upon preliminary review, the structures do not meet the minimum building code requirements, including but not limited to, lack of fire protective coatings, drain and encroach onto neighboring property, and questionable



footings. Significant modifications and upgrades would likely be required if the applicant were eligible to obtain a building permit.

The purpose for requiring yard area around structures is to ensure privacy, visibility, natural light, ventilation, access to and around structures and buffering between uses. Location of the structure along the property line would decrease some if not all these factors and would be in violation of all setback requirements.

IV. Environmental Review

Pursuant to Section 15301(e) "Existing Facilities" of the California Environmental Quality Act (CEQA), the patio and gazebo do not have the potential for causing a significant effect on the environment and is found to be exempt.

V. Conclusion

Staff is concerned that the proposal could create a negative precedent for allowing structures in the required yard areas if approved. Upon further review, the proposal is quite complicated and requires additional variance requests that must be properly noticed. Staff recommends that the Planning Commission discuss this issue and provide direction to the applicant and staff in how to proceed. If the Planning Commission is not favorable to the proposal, it would not be prudent to have the applicant submit additional variance requests for consideration at a later date. If there are alternatives that the Planning Commission would like to consider such as reducing the size of the structures or relocating them to an appropriate location, staff recommends that this item be continued indefinitely so that staff can work with the applicant and re-notice the public hearing if necessary.

VI. Recommendation

That the Planning Commission:

- **DISCUSS** this item and **PROVIDE** direction.

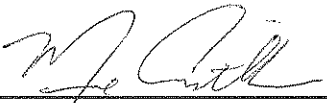
VII. Exhibits

1. Land Use Map
2. Proposed Resolution
3. Aerials – Similar Surrounding Properties
4. Photo – 22701 Enola Avenue
5. Photo – 22701 Ronan Avenue
6. Applicant letter dated April 19, 2010 in support of existing structures



7. Neighborhood petition supporting existing structures
8. Site plan, elevations, floor plans (under separate cover)

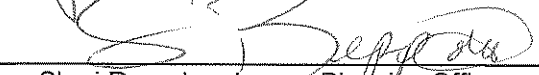
Prepared by:


Max Castillo, Assistant Planner

Reviewed by:

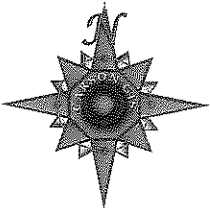
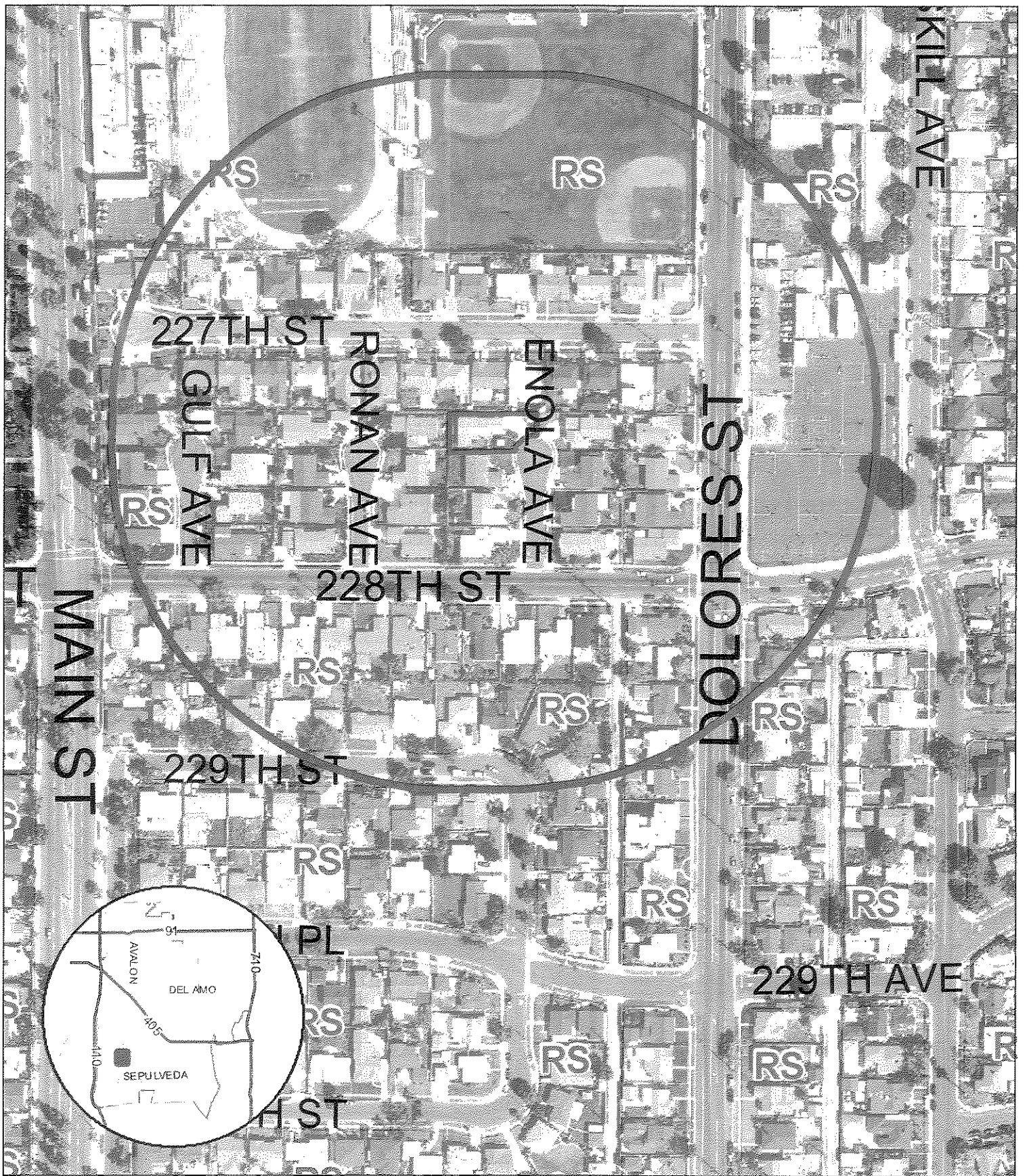

John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp-Loadsman, Planning Officer

Mc/v51110_22701Enola_p





City of Carson
500 Foot Radius Map
22701 Enola Ave

EXHIBIT NO. 1

118

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON
DENYING VARIANCE NO. 511-10 FOR AN EXISTING PATIO AND GAZEBO IN
THE REQUIRED YARD AREAS OF A PROPERTY
LOCATED AT 22701 ENOLA AVENUE**

**THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA,
HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:**

Section 1. An application was duly filed by the applicant, Paul Hernandez, with respect to real property located at 22701 Enola Avenue and described in Exhibit "A" attached hereto, requesting a variance from Section 9126.23 – Front yard – and Section 9126.24 – Side yard - of the Carson Municipal Code to permit an existing patio and gazebo in the required yard area of a property in the RS (Residential, Single-family) zoning district.

A public hearing was duly held on May 25, 2010, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

- a) Per Section 9126.23 – Front yard, and Section 9126.24 – Side yard, the existing patio and gazebo encroaches into the required front yard setback of 20 feet. Per Section 9172.22, "Variance - Commission Findings and Decision", certain findings cannot be made in the affirmative. Strict application of the front yard setback requirement would not deprive the property of privileges enjoyed by other property in the vicinity under identical zoning classification. On the contrary, encroachment of the structures into the required yards is a special privilege not enjoyed by others in the neighborhood.
 - a. Because of the curved shape of the front property line, the front yard setback will be defined by a curved line 20 feet from the front property line. Currently, the gazebo structure encroaches 5 feet into the front yard area. To become compliant with front yard setback requirements, the southern portion of the gazebo would have to be moved 5 feet to the north. However, while Section 9126.29 – Encroachments - allows a reduced side yard setback of less than 1 inch or greater than 3 feet for structures that are located 60 feet from the front property line, the entire gazebo structure would not be allowed because it is located within 60 feet of the front property line.
 - b. Similar to the gazebo structure, the patio would not be permitted to encroach into the side yard setback of 5 feet unless it was located 60

feet from the front property line per Section 9126.29 – Encroachments – of the CMC

- b) The existing structure is in violation of Building and Safety requirements which include structural, setback, fireproofing, and encroachment requirements. Currently, the structure encroaches into neighboring properties.
- c) The purpose for requiring yard area around structures is to ensure privacy, visibility, natural light, ventilation, access to and around structures and buffering between uses. Location of the structure along the property line would decrease some if not all these factors and would be in violation of all setback requirements.

Section 4. Based on the aforementioned findings, the Commission hereby denies Variance No. 511-10 with respect to the property described in Section 1 hereof.

Section 5. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 6. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 25th DAY OF MAY, 2010

CHAIRMAN

ATTEST:

SECRETARY

Exhibit "A"

Legal Description

Lot 20 of Tract 24941, in the City of Carson, as per map recorder in Book 646, Pages 83 and 84 of Maps, in the office of the county recorder of said County.





EXHIBIT NO. 3 -

EXHIBIT NO. 3 -

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Parcel Information			
APN: Click to view map page		7333003021	
Owner:		REBULLAR, JAIME AND TERESITA	
Site Address:		22700 ENOLA AVE	
Mail Address:		22700 ENOLA AVE CARSON CA, 90745	
Zoning:		RS	
General Plan:		Low Density	
Redevelopment Area:		NO	
Recording Date:		20051024	
Personal Property Value:		0	
Fixture Value: 0		Home Exemption Value: 7000	
Last Sale Price: 535005		Last Sale Date: 20051024	
Year Built: 1959		Units: 1	
Building Square Feet: 1366		Lot Square Feet: DATA UNAVAILABLE	
Code Enforcement Zone: 3		Tree Maintenance Zone: 7	
City Maintenance Zone: 6		Reporting District: 1624	
Census Tract: 543701		Counter Map Number: 40	
RPR Recorded: YES		Building Inspector: Tony	



Parcel Information			
APN: Click to view map page		7333003020	
Owner:		HERNANDEZ, PAUL D AND GLORIA TRS	
Site Address:		22701 ENOLA AVE	
Mail Address:		22701 ENOLA AVE CARSON CA, 90745	
Zoning:		RS	
General Plan:		Low Density	
Redevelopment Area:		NO	
Recording Date:		20020605	
Personal Property Value:		0	
Fixture Value:	0	Home Exemption Value:	7000
Last Sale Price:	DATA UNAVAILABLE	Last Sale Date:	19700106
Year Built:	1959	Units:	1
Building Square Feet:	1523	Lot Square Feet:	DATA UNAVAILABLE
Code Enforcement Zone:	3	Tree Maintenance Zone:	7
City Maintenance Zone:	6	Reporting District:	1624
Census Tract:	543701	Counter Map Number:	40
RPR Recorded:	YES	Building Inspector:	Tony



Parcel Information	
APN: Click to view map page	7333003013
Owner:	RAMOS, REYMUNDO A AND LINDA B
Site Address:	22700 RONAN AVE
Mail Address:	22700 RONAN AVE CARSON CA, 90745
Zoning:	RS
General Plan:	Low Density
Redevelopment Area:	NO
Recording Date:	19850724
Personal Property Value:	0
Fixture Value: 0	Home Exemption Value: 7000
Last Sale Price: 65500	Last Sale Date: 19850724
Year Built: 1959	Units: 1
Building Square Feet: 1276	Lot Square Feet: DATA UNAVAILABLE
Code Enforcement Zone: 3	Tree Maintenance Zone: 7
City Maintenance Zone: 6	Reporting District: 1624
Census Tract: 543701	Counter Map Number: 40
RPR Recorded: YES	Building Inspector: Tony



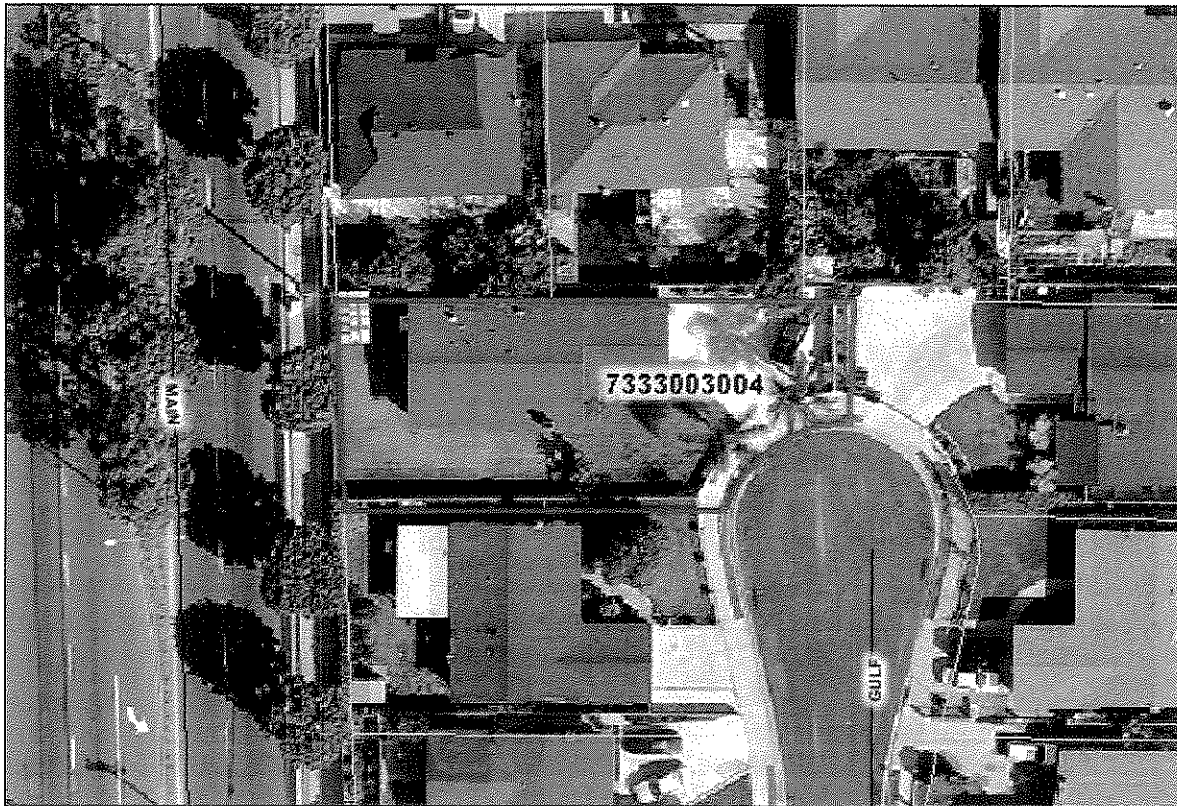
Parcel Information	
APN: Click to view map page	7333003012
Owner:	CARRILLO, JOSE M AND ANTONIA
Site Address:	22701 RONAN AVE
Mail Address:	22701 RONAN AVE CARSON CA, 90745
Zoning:	RS
General Plan:	Low Density
Redevelopment Area:	NO
Recording Date:	19980522
Personal Property Value:	0
Fixture Value: 0	Home Exemption Value: 0
Last Sale Price: 170001	Last Sale Date: 19721024
Year Built: 1959	Units: 1
Building Square Feet: 1276	Lot Square Feet: DATA UNAVAILABLE
Code Enforcement Zone: 3	Tree Maintenance Zone: 7
City Maintenance Zone: 6	Reporting District: 1624
Census Tract: 543701	Counter Map Number: 39
RPR Recorded: YES	Building Inspector: Tony



Parcel Information	
APN: Click to view map page	7333003005
Owner:	ORNEDO, EDUARDO S AND STEPHANIE D
Site Address:	22700 GULF AVE
Mail Address:	22700 GULF AVE CARSON CA, 90745
Zoning:	RS
General Plan:	Low Density
Redevelopment Area:	NO
Recording Date:	19891005
Personal Property Value:	0
Fixture Value: 0	Home Exemption Value: 7000
Last Sale Price: 230002	Last Sale Date: 19891005
Year Built: 1959	Units: 1
Building Square Feet: 1724	Lot Square Feet: DATA UNAVAILABLE
Code Enforcement Zone: 3	Tree Maintenance Zone: 7
City Maintenance Zone: 6	Reporting District: 1624
Census Tract: 543701	Counter Map Number: 39
RPR Recorded: YES	Building Inspector: Tony



Parcel Information	
APN: Click to view map page	7333003004
Owner:	VALDESPINO, SAMUEL AND ROSAURA
Site Address:	22701 GULF AVE
Mail Address:	22701 GULF AVE CARSON CA, 90745
Zoning:	RS
General Plan:	Low Density
Redevelopment Area:	NO
Recording Date:	20030626
Personal Property Value:	0
Fixture Value: 0	Home Exemption Value: 7000
Last Sale Price: 325003	Last Sale Date: 19970923
Year Built: 1959	Units: 1
Building Square Feet: 1276	Lot Square Feet: DATA UNAVAILABLE
Code Enforcement Zone: 3	Tree Maintenance Zone: 7
City Maintenance Zone: 6	Reporting District: 1624
Census Tract: 543701	Counter Map Number: 39
RPR Recorded: YES	Building Inspector: Tony



Parcel Information			
APN: Click to view map page		7333002014	
Owner:		AGURA, RODOLFO N AND	
Site Address:		103 E 227TH ST	
Mail Address:		103 E 227TH ST CARSON CA, 90745	
Zoning:		RS	
General Plan:		Low Density	
Redevelopment Area:		NO	
Recording Date:		20051018	
Personal Property Value:		0	
Fixture Value: 0		Home Exemption Value: 7000	
Last Sale Price: DATA UNAVAILABLE		Last Sale Date: 20051018	
Year Built: 1956		Units: 1	
Building Square Feet: 1120		Lot Square Feet: DATA UNAVAILABLE	
Code Enforcement Zone: 3		Tree Maintenance Zone: 7	
City Maintenance Zone: 6		Reporting District: 1624	
Census Tract: 543701		Counter Map Number: 39	
RPR Recorded: YES		Building Inspector: Tony	



Parcel Information			
APN: Click to view map page		7333002015	
Owner:		LOUIE, HENG C	
Site Address:		104 E 227TH ST	
Mail Address:		104 E 227TH ST CARSON CA, 90745	
Zoning:		RS	
General Plan:		Low Density	
Redevelopment Area:		NO	
Recording Date:		19920724	
Personal Property Value:		0	
Fixture Value:	0	Home Exemption Value:	7000
Last Sale Price:	9	Last Sale Date:	19850919
Year Built:	1956	Units:	1
Building Square Feet:	1120	Lot Square Feet:	DATA UNAVAILABLE
Code Enforcement Zone:	3	Tree Maintenance Zone:	7
City Maintenance Zone:	6	Reporting District:	1624
Census Tract:	543701	Counter Map Number:	39
RPR Recorded:	YES	Building Inspector:	Tony



22701 ENOLA AVE
PATIO AND GAZEBO CONSTRUCTED W/O PERMIT

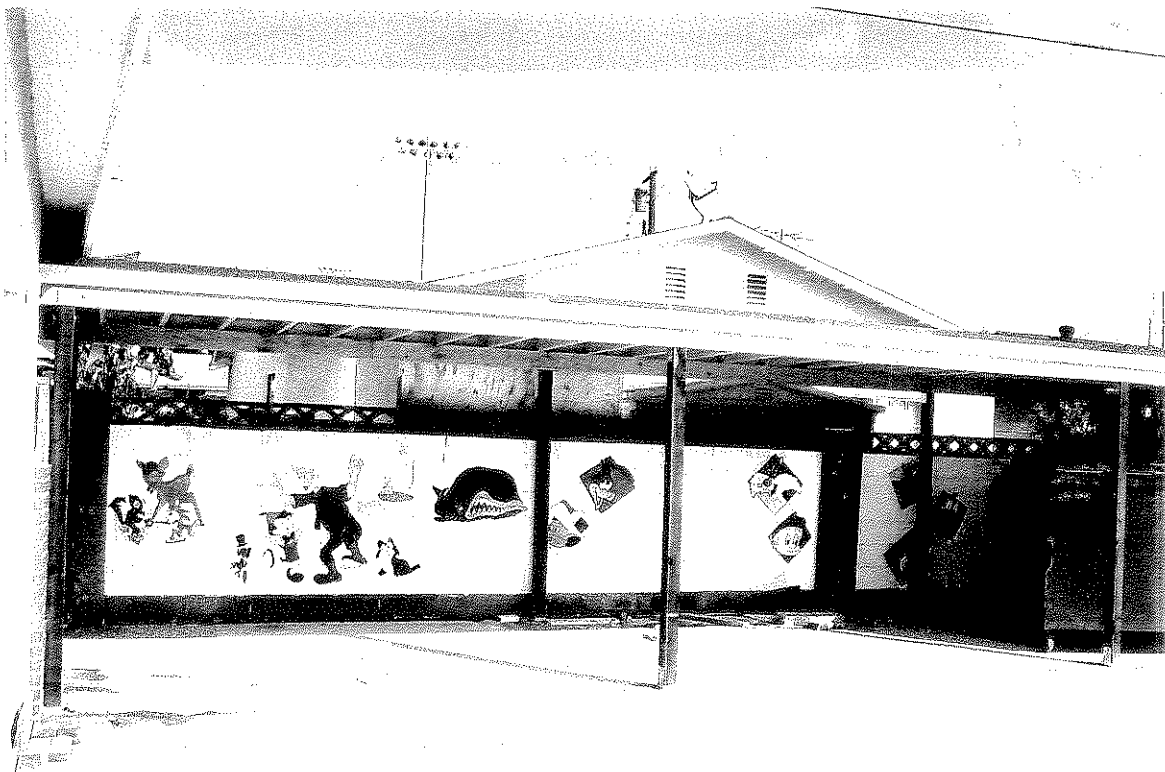
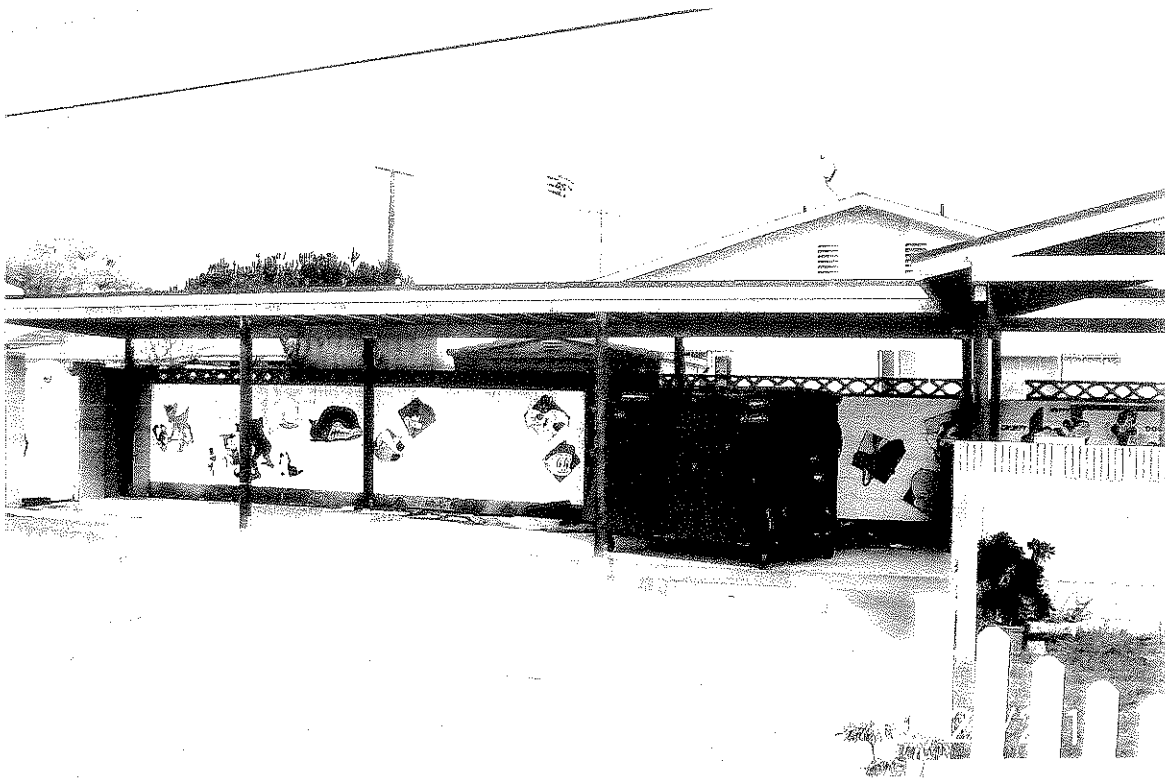


EXHIBIT NO. 4 -



THIS PROPERTY
LOCATED ON THE NEXT STREET 27701 RONAN AVE
HAS SIMILAR STRUCTURE LOCATED AT THE FRONT AREA

EXHIBIT NO. 5-

April 19, 2010

To: Planning Commission
Subject: Variance Permit

The Shade/Gazebo at 22701 Enola Ave was built on or about 1988. This was built so that our family and friends could come over to visit and socialize. It became a 4th of July tradition every year that everyone would come over and we all could enjoy each others company out doors in the shade that the Gazebo provides. This tradition has been on going for 20 plus years. We have eight grand children and nine great grand children, this structure is very important to us.

Our family and neighbors have all enjoyed the use of this structure for years. This year, 2010, the heavy rains came and the weight of the water on the tarps cased the collapse of the Shade area. We then found out that the wood for both the Shade area and Gazebo was infested with termites.

I decided to replace the infested wood. I was not aware that a permit was needed to replace an existing structure. I was not adding on to the existing structure, just replacing what has been existing for 20 years.

The replacement of the structure was almost complete when I was notified I needed a Variance Permit to get a Building Permit. I paid \$1,100 out of my \$1,400 Social Security check to get the Variance Permit.

I am asking for your approval to finish this project. All that is left to do is put shingles on the roof of the Gazebo.

We are advancing in age and treasure every day that we have with our family. We would greatly appreciate your approval so we can continue spending time with our family.

EXHIBIT NO. 5 -

EXHIBIT NO. 6 -

PLANNING DEPARTMENT
(310) 952-1761

APR 27 2010

CITY OF CARSON
701 E. CARSON ST.
CARSON, CA 90745

PETITION

We the tenants of Enola Ave, do not have any problem with the structure being built at 22701 Enola Ave.

There has been a gazebo there for years.

Name	Address	Phone #
Jimmy D	22712 Enola Ave	310-835-9404
My D	218 E 228th CARSON	310-8561-6659
Laura Lungan	218 E 228th	310-830-5215
James J	22719 Enola Ave	310-835-2987
Edward Monte	22707 Enola Ave, 90745	310-5136173
Roma Shoemaker	224 E 228th	90745 310-835-5257
Clarence Shoemaker	224 E 228th	90745 310-835-5257
JIMMY REBILLAR	22700 ENOLA AVE 90745	(310) 834-6067
MARIA GUERRERO	22719 ENOLA AVE. CARSON	90745 (310) 518-2419

PLANNING DEPARTMENT
(310) 952-1761

EXHIBIT NO. 7 -

APR 27 2010

EXHIBIT NO. 7 -

CITY OF CARSON
701 E. CARSON ST
CARSON, CA 90745



22701 ENCLH AVE
CARSON



CINDER BLOCK WALL 6' HIGH

CINDER BLOCK WALL 5' HIGH

SHADE AREA

13 1/2'

GAZEBO

10' x 12'

Block wall 4' HIGH

YARD

16'

SIDE WALK

DRIVE WAY

34'

18 1/2'

GARAGE

10' x 12'

DINING

10' x 10'

KIT.

66 1/2'

19'

Bed RM

11' x 14'

Bed RM

12' x 14'

Bed RM

12' x 14'

LIVING

10' x 12'

25'

14' x 19'

Bed RM

20'

6' x 6'

61'

Lot 55' x 130'

EXHIBIT NO. 8 -

24

CINDER BLOCK WALL 6' HIGH

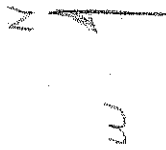
15' 9"

4'

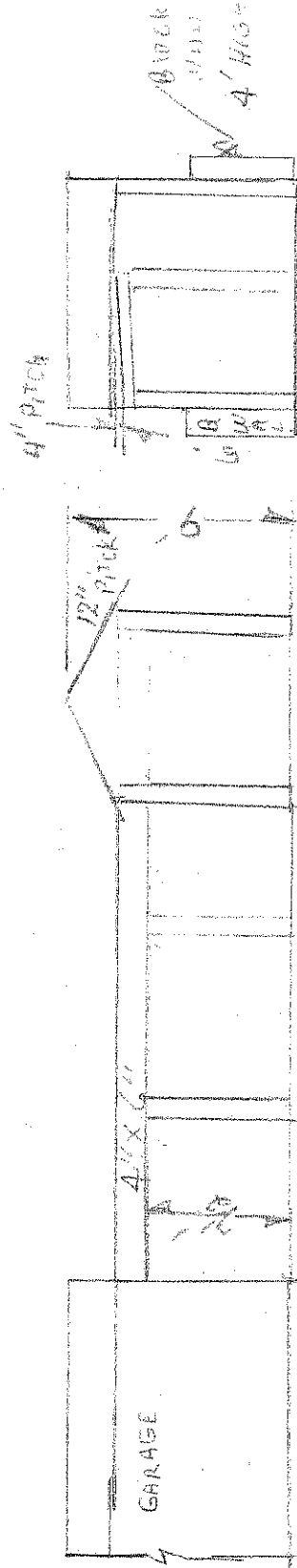
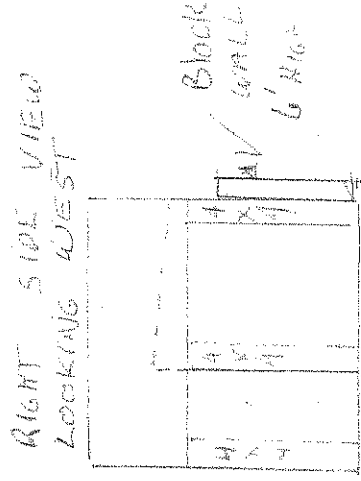
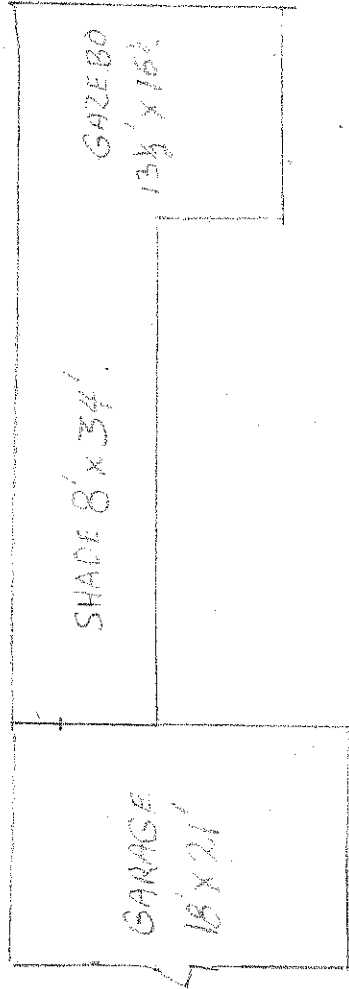
SHADE & GAZEBO

22701 ENOLA AVE
CARSON

SCALE 1/2" = 5'



TOP VIEW



LEFT SIDE VIEW
LOOKING EAST