



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: August 12, 2008
SUBJECT: Variance No. 499-08
APPLICANT: Tunde Shodiya
19404 Tillman Avenue
Carson, CA 90746

REQUEST: Variance request from Carson Municipal Code Section 9126.221, Parking Setback, to reduce the required residential garage setback from 25 to 20 feet.

PROPERTY INVOLVED: 19404 Tillman Avenue

COMMISSION ACTION

- Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Faletogo – Chairperson			Saenz
		Cannon			Verrett
		Graber			

Item 11B

I. Introduction

Date Application Received

- July 21, 2008: Variance No. 499-08

Applicant

- Tunde Shodiya, 19404 Tillman Avenue, Carson, CA 90746

Project Address

- 19404 Tillman Avenue

Project Description

- Proposed house addition of approximately 1,900 square feet, which includes the removal and replacement of the existing garage door from the side toward the street resulting in less than the required residential garage setback of 25 feet, per Section 9126.221 of the Carson Municipal Code (CMC).

II. Background

The applicant has nearly completed the final phases of construction of an approximate 1,900-square-foot, first and second floor addition to an existing approximately 1,800-square-foot single-family residence located on a 6,717-square-foot (0.15 acre) lot in the RS (Residential, Single-family) zoning district. The original addition was approved administratively over the front counter in April 2005. A subsequent development plan which expanded the front living room area and depicted the new covered porch (and relocated garage door) was approved in May 2006, resulting in a nonconforming garage setback. The original garage door location faced toward the interior side lot line with a 26-foot setback, consistent with the CMC. However, the approved development plans depicted an extension of the front of the house, including a covered porch, which necessitated the relocation of the garage door. This construction is all but complete, except for a new driveway curb-cut to accommodate ingress and egress for the new garage door. Recently, a contractor working on the driveway improvements came to the city to obtain the necessary construction permits to work in the public right-of-way, which led to further investigation of the garage door location and of the setback deficiency. The applicant was then informed of the issue of nonconformity and was told that a variance may be requested.

III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located at 19404 Tillman Avenue, between Avalon Boulevard to the west and Central Avenue to the east, University Boulevard to the north and Turmont Street to the south.
- Adjacent on all sides of the subject property are one-story single-family residential homes.



Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned RS (Residential, Single-family) and is not located within a Redevelopment Project Area. All surrounding properties have the same zoning designation.
- The General Plan Land Use designation of the subject property and all surrounding properties is Low Density Residential, which is consistent with the zoning designations for said properties.

Project Details

- The new construction added approximately 1,900 square feet to the previous 1,800-square-foot single-family residence.
- Parking is provided by way of a 2-car garage in the front of the property. Because of the living room extension and covered porch addition in front, the existing garage door is being moved from the north elevation (side) to the west elevation (front) so that it faces directly toward the street.
- The existing driveway has already been removed and preparations have been made to plant the former driveway area with a grass, landscaping, and a cement walkway to the front entrance. The new driveway leading to the relocated garage door has already been poured.

Issues of Concern / Proposed Condition/Change: Variance No. 499-08

- **ISSUE: Variance Findings:** The proposed garage door relocation from the side to the front will result in a garage setback of 20 feet, which is five feet less than the required garage setback of 25 feet.
 - *Special Circumstances*
 - The original design of the subject house was one of two main models in the neighborhood, in terms of garage door locations and driveway configurations. One design favored the garage door facing an interior side lot line, and the other with the garage door facing the street. The subject garage door originally faced the interior lot line, but is proposed to face the street. This would be in substantial conformance with most houses in the vicinity which have the garage door facing the street with less than the required setback.
 - *Deprived Privileges*
 - A recent field investigation by staff concerning the homes on the 19400 block of Tillman Avenue (from Turmont Street to the bend north of the subject lot) yielded the following results:
 - There are 35 single-family homes in the immediate neighborhood, most are single-story;
 - 14 driveways face the side property line; 21 driveways face the street;
 - Of the 21 driveways which face the street, 20 have less than the required garage setback of 25 feet, the majority are located 20 feet from the street.
- Therefore, the strict application of the zoning code will deprive this property of certain privileges enjoyed by other properties in



the vicinity and under an identical zoning designation. Staff feels that a variance request would be justifiable and the garage modification will not be detrimental to the overall aesthetic character of the neighborhood.

Required Findings: Variance No. 499-08

Section 9172.22 of the CMC states a variance "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."

Staff feels that the required findings can be made in this case because other property in the vicinity, under the identical zoning classification and having the same size and shape, enjoy the privileges of having a reduced garage setback.

IV. Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), this Variance request is exempt from the provisions of CEQA as a Class 32 exemption – Certain in-fill development projects in urban areas.

V. Recommendation


That the Planning Commission:

- **WAIVE** further reading and **ADOPT** Resolution No.____, entitled, "A Resolution of the Planning Commission of the City of Carson Approving Variance No. 499-08 to reduce the required residential garage setback from 25 feet to 20 feet for a property located at 19404 Tillman Avenue".

VI. Exhibits

1. Draft Resolution for Variance No. 499-08
2. Site plan
3. Land use map

Prepared by: 
Steven C. Newberg, AICP, Associate Planner

Reviewed by: 
John F. Signo, AICP, Senior Planner

Approved by: 
Sheri Repp, Planning Manager

sn: V49908p



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 08-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CARSON APPROVING VARIANCE NO. 499-08 TO REDUCE THE
REQUIRED RESIDENTIAL GARAGE SETBACK FROM 25 FEET TO 20
FEET FOR A PROPERTY LOCATED AT 19404 TILLMAN 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, Tunde Shodiya, with respect to real property located at 19404 Tillman Avenue, and described in Exhibit "A" attached hereto, requesting the approval of a variance from Section 9126.221 of the Carson Municipal Code (CMC) to reduce the required garage setback from 25 feet to 20 feet.

A public hearing was duly held on August 12, 2008, 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) Special circumstances exist on the subject property. The original design of the subject house was one of two main models in the neighborhood, in terms of garage door location and driveway configuration. One design positioned the garage door toward the interior side lot line, and the other had the garage door facing the street. The subject house originally had the garage door facing the interior lot line. The property owner would like for it to face the street. This alternative is in substantial conformance with most houses in the vicinity which have the garage door facing the street with less than the required setback;
- b) The majority of homes in the immediate vicinity whose garages face Tillman Avenue have less than the required garage setback. Therefore, the strict application of the zoning code will deprive this property of certain privileges enjoyed by other property in the vicinity.

Section 4. The Planning Commission further finds that the variance request will not have a significant effect on the environment. The proposed use will not alter the predominantly residential character of the surrounding area and meets or exceeds all City standards for protection of the environment. Therefore, this variance request is exempt from the provisions of CEQA as a Class 32 exemption – Certain in-fill development projects in urban areas.

Section 5. Based on the aforementioned findings, the Commission hereby approves Variance No. 499-08 with respect to the properties described in Section 1 hereof, subject to the conditions and plans set forth in Exhibit "B" and "C", respectively attached hereto.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

pc_reso_v49908(SN)



Section 7. 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 12th DAY OF AUGUST, 2008.

CHAIRMAN

ATTEST:

SECRETARY



**CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "A"
LEGAL DESCRIPTION
VARIANCE NO. 499-08**

Property Address: 19404 Tillman Avenue

Parcel Identification Number: 7322-004-008

Lot 282 of Tract No 25661, in the City of Carson, County of Los Angeles, State of California as per Map recorded in a Book of Maps in the Office of the County Recorder of Said County.



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
VARIANCE 499-08

GENERAL CONDITIONS

1. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review by the Planning Commission.
4. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
5. It is further made a condition of this approval that if any condition is violated or if any law, statute or ordinance is violated, this permit shall be determined to be automatically revoked, provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.

PARKING

6. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
7. All areas used for the movement parking, loading, repair or storage of vehicles shall be paved with either:
 - a. Concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base; or
 - b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.



8. All areas of the required front yard setback shall be landscaped, not including the driveway or walkway, or other area as reviewed and approved by the Planning Division.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

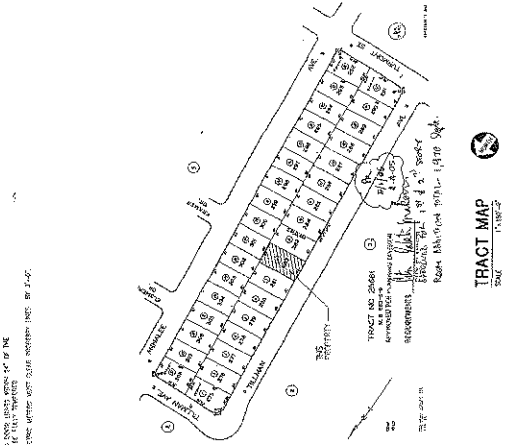
9. A construction permit is required for any work to be done in the public right-of-way.
10. As necessary, the applicant shall remove and replace broken driveway approach per City of Carson Standard.
11. The applicant shall submit plans to the Department of Public Works showing all the required improvements in the public right of way for review and approval by the City Engineer.
12. Any city owned improvements, street or otherwise, damaged during the construction shall be removed and reconstructed per City standard plan and to the satisfaction of the City Engineer.
13. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Variance No. 499-08. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.



GENERAL NOTES

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES ORDINANCES AND THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS.
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NO.	DESCRIPTION	AMOUNT
1	CONCRETE	1000
2	STEEL	500
3	BRICK	2000
4	CEMENT	1000
5	SAND	1000
6	GRAVEL	1000
7	ASPHALT	1000
8	PAINT	1000
9	GLASS	1000
10	WOOD	1000
11	ROOFING	1000
12	MECHANICAL	1000
13	ELECTRICAL	1000
14	PLUMBING	1000
15	PAVING	1000
16	LANDSCAPING	1000
17	UTILITIES	1000
18	DEMOLITION	1000
19	FOUNDATION	1000
20	WALLS	1000
21	ROOF	1000
22	FLOORING	1000
23	CEILING	1000
24	MECHANICAL	1000
25	ELECTRICAL	1000
26	PLUMBING	1000
27	PAVING	1000
28	LANDSCAPING	1000
29	UTILITIES	1000
30	DEMOLITION	1000



19404 TELLERON AVE.
SCALE: 1/8" = 1'-0"

SITE PLAN

TRACT MAP
SCALE: 1" = 100'-0"

DEMOLITION PLAN
SCALE: 1/8" = 1'-0"

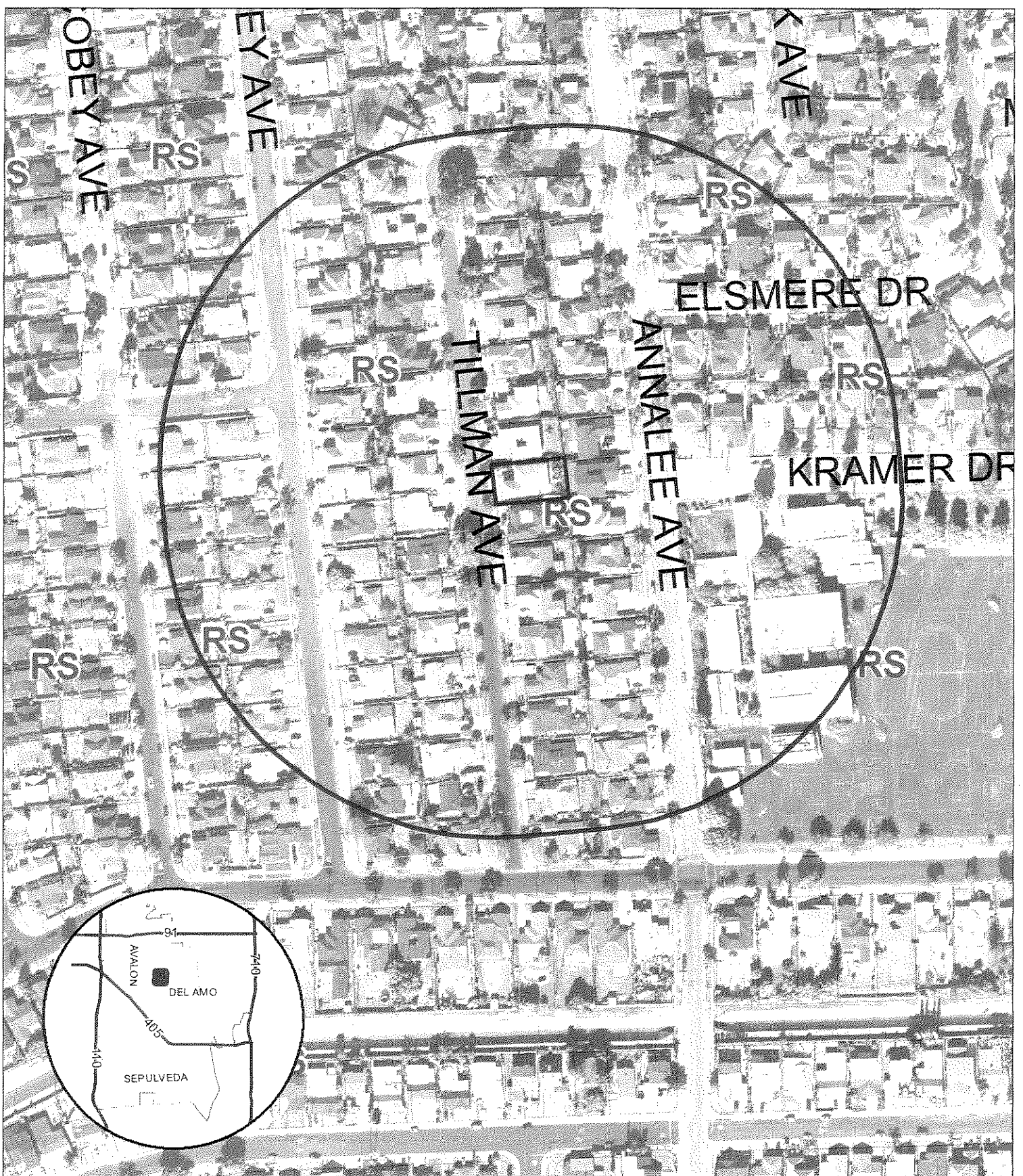
JEFF CROSSER
REGISTERED CIVIL ENGINEER
NO. 12547
19404 TELLERON AVE.
LOS ANGELES, CALIF. 90024
TEL. 894-3445

OWNER: MR. & MRS. THOMAS SHORRA
19404 TELLERON AVE.
LOS ANGELES, CALIF. 90024
TEL. 894-3445

HEET NO. 1

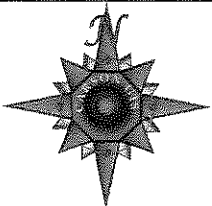


EX. 2



**City of Carson
500 Foot Radius Map
19404 Tillman**

Exhibit 3



07/01/2008
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Tillman_Ave\19404\ 499-08
500 Foot Radius Map\ZoningMap.mxd