



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: February 24, 2009
SUBJECT: Modification No. 2 to Variance (Zone Exception Case) No. 85-76
APPLICANT: City of Carson
REQUEST: Consideration to allow for translucent, non-operable openings on a wall along a property line for certain properties
PROPERTIES INVOLVED: 17404 and 17410 Sudbury Court

COMMISSION ACTION

- Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Cannon
		Vice-Chair Saenz			Gordon
		Brimmer			Graber
		Brown			Verrett

Item No. 12B

I. **Introduction**

Applicant

- City of Carson
701 E. Carson Street
Carson, CA 90745

Property Owners

- Reginald and Carmen Gentry
17404 Sudbury Court
Carson, CA 90746
- Charles Peters
17410 Sudbury Court
Carson, CA 90746

Project Address

- 17404 and 17410 Sudbury Court

Proposed Project

The property owners located at 17404 Sudbury Court constructed an addition to their home in 2004. The addition and original home are located along the southern property line. The remodel includes two windows that face toward the neighboring property to the south.

This item is to inform the Planning Commission of the status of the issue.

II. **Background**

On November 24, 2008, the Planning Commission approved Modification No. 2 to modify Condition No. 15 of Resolution No. 362 regarding openings on the wall of homes with zero sideyard to accommodate two abutting properties located at 17404 and 17410 Sudbury Court. Condition No. 15 was modified to read as follows (underlined text added):

15. That there be no openings on the wall of the homes with zero sideyard, except that the property located at 17404 Sudbury Court may install translucent, non-operable openings on the southern wall facing the property located at 17410 Sudbury Court, subject to review and approval by the Planning Division and Building and Safety Division.

An additional condition was added as follows:

The property owner required to obtain the building permit shall complete all work necessary associated with the window replacement within 90 days. If the property owner requiring this building permit is unable to finish the installation, they must return to the Planning Commission prior to the expiration of the 90 days and submit sufficient reason why the work is not



completed in order for the Planning Commission to make a determination of whether or not there's any additional time to be provided.

The condition requires the property owner to install the translucent, non-operable openings by February 22, 2009. Staff left messages and contacted the property owner on January 7 and February 4, 2009, as a reminder of the conditions. The property owner assured staff that the building permit would be modified to include two (2) translucent, non-operable openings and that specifications for the materials would be submitted in a timely manner. As of February 19, 2009, the property owner has not met the obligations.

III. **Analysis**

Staff will continue to work with the property owner and has agreed to waive the building permit fees. If the property owner fails to comply, the Planning Commission has discretion to revoke the permit and deny the property owner of the openings. If this issue is not resolved in a timely manner, this item may be on the next agenda for consideration.

IV. **Recommendation**

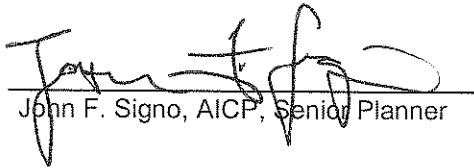
That the Planning Commission:

- **DIRECT** staff to prepare this item for the next Planning Commission meeting;
- **CONSIDER** another alternative that the Planning Commission deems appropriate; or
- **RECEIVE** and **FILE**.

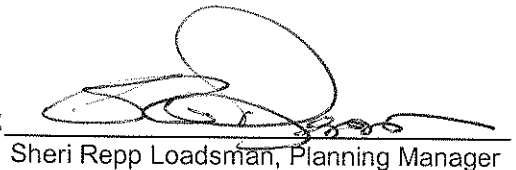
V. **Exhibits**

1. Minutes from November 24, 2008 Planning Commission meeting

Prepared by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp Loadsman, Planning Manager

11. NEW BUSINESS DISCUSSION

A) Modification No. 2 to Zone Exception Case No. 85-76

Applicant's Request:

The applicant, city of Carson, is requesting a modification to allow for a non-operable, opaque opening on a wall along a property line for certain property(ies). The properties involved are 17404 and 17410 Sudbury Court.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation to approve the modification to Condition No. 15 of Resolution No. 362 to add the following underlined text: "That there be no openings on the wall of the homes with zero sideyard, except that the property located at 17404 Sudbury Court may install translucent, non-operable openings on the southern wall facing the property located at 17410 Sudbury Court, subject to review and approval by the Planning Division and Building and Safety Division."

Reginald Gentry, property owner at 17404 Sudbury Court, stated that he concurs with staff's recommendation.

Rev. Charles Peters, property owner at 17410 Sudbury Court, expressed his displeasure with the window opening facing his living room and backyard and impacting his privacy; stated that the rest of the homeowners with zero lot lines should have the same privilege as what's being recommended; and urged the Planning Commission to deny the recommendation and force the neighbor to close up the opening with the same exterior material that currently exists along this wall.

Staff gave a brief history of the activities that have taken place to resolve this matter and bring it to an acceptable solution.

Planning Manager Repp suggested an additional condition -- "The property owner required to obtain the building permit shall complete all work necessary associated with the window replacement within 90 days. If the property owner requiring this building permit is unable to finish the installation, they must return to the Planning Commission prior to the expiration of the 90 days and submit sufficient reason why the work is not completed in order for the Planning Commission to make a determination of whether or not there's any additional time to be provided"; and responding to Rev. Peters' concern with regard to privacy, she suggested adding the words "translucent glass that will substantially obstruct any view into the neighboring property."

Planning Commission Decision:

Commissioner Graber moved, seconded by Commissioner Verrett, to approve the request with the following amendments: replace "opaque" with "translucent glass that will substantially obstruct any view into the neighboring property"; and add a condition, "The property owner requiring the building permit shall obtain and complete all work necessary associated with the window replacement within 90 days. If the property owner requiring this building permit is unable to finish the installation, they must return to the Planning Commission prior to the expiration of the 90 days and submit sufficient reason why the work is not complete in order for the Planning Commission to make a determination of whether or not there's any additional time to be provided." Motion carried.

In attendance: Cannon, Faletogo, Graber, Saenz, Verrett

