

## **Narrative and Findings In Support of Variance**

### **Narrative**

4041 Schuylkill Drive (the “Property”) is located in the Residential Single Family (RS) zoning district, with a corresponding land use designation of Residential-Single Family. It is improved with a single-family home built in 1969, prior to the incorporation of the City of Calabasas. The entire length of the rear side of the structure is built with the second story cantilever overlapping the first story by 2 feet. Accordingly, the home maintains a 7’– 7’7” legal non-conforming side yard setback at the northwest corner (7’ on the second floor; 7’7” on the first).

At the time it was constructed, the home met the required 5-foot setback requirement under the County of Los Angeles Zoning Code.

The Property is a rounded “pie shape” lot, maintaining a front lot width of 107.76 feet that narrows to 38.33 feet in the rear.

The Project (the “Project”) is a 297 sq. ft. addition to the existing single-family home. The proposed Project “brings down” the existing 2-foot cantilever currently existing over the first floor and proposes a small expansion of the existing kitchen beyond the existing footprint of the building on the northwest side. The Project is not visible from Schuylkill Drive. The expansion of the non-conforming side yard setback is triggering the variance request herein.

### **Findings**

1. There are special circumstances applicable to the property which do not generally apply to other properties in the same zoning district (i.e., size, shape, topography, location or surroundings), such that the strict application of this chapter denies the property owner privileges enjoyed by other property owners in the vicinity and in identical zoning districts;

The Property is of irregular shape – it is a rounded “pie shape” lot with a front lot width of 107.76 feet that narrows to 38.33 feet in the rear. The existing home on the Property maintains a 7’– 7’7” legal non-conforming side yard setback at the northwest corner which met the required 5-foot setback requirement under the County of Los Angeles Zoning Code at the time the home was built. Furthermore, the entire length of the rear side of the structure is built with the second story cantilever overlapping the first story by 2 feet.

Due to the shape of the lot and the existing siting of the home, which is legal non-conforming, any proposed addition in line with the western wall of the existing home would trigger a variance from Zoning Code section 17.72.030B.b.

The intent and general purposes of the zoning regulations are not to deny property owners the ability to improve their homes and properties, a right enjoyed by other

property owners in the vicinity and in identical zoning districts. The irregular shape of the lot and the existence of the legal non-conforming structure in this case deny the property owners the right to reasonably improve the existing single-family home.

2. That granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought;

The intent and general purposes of the zoning regulations are not to deny property owners the ability to improve their homes and properties, a substantial property right enjoyed by other property owners in the vicinity and in identical zoning districts.

Due to the shape of the lot and the existing siting of the home, which is legal non-conforming, any proposed addition in line with the existing western wall of the home would trigger a variance from Zoning Code section 17.72.030B.b. The minor scope of the addition, at 297 square feet, poses no adverse impacts, or any impacts, on surrounding property owners who, due to the more typical shapes of their lots, maintain the right to improve their homes without the need for variances.

For example, around 2005, the neighboring property owners at 4029 Schuylkill Drive constructed a recreation room, extending the west side of their single-family home entirely within the required 10-foot side yard setback without a variance because their property line runs perpendicular to the street, rather than in a pie shape. The extension proposed by this Project is only 4'2" beyond the existing home's footprint.

Furthermore, it is structurally important to "bring down" the existing cantilever over the rear of the home, which was built with no shear walls. The cantilever causes energy loss as outside temperatures filter into the joist space, leading to unnecessary consumption of energy to heat and cool the home. The proposed addition, extending the second-floor walls to the ground, will alleviate this energy loss. It will also add shear to the entire back of the structure, along with posts to hold down brackets with bolts and plates drilled through the existing footings with deeper footings. This will bring the structure more in line with current earthquake standards.

Accordingly, the granting of the requested variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought.

3. That granting the variance would not constitute the granting of a special privilege inconsistent with the limitations of other properties in the same zoning district;

Due to the shape of the lot and the existing siting of the home, which is legal non-conforming, any proposed addition in line with the existing western wall of the home is disallowed by strict application of the Code. The intent and general purposes of the zoning regulations are not to deny property owners the ability to improve their homes and properties, a substantial property right enjoyed by other property owners in the vicinity and in identical zoning districts (see example above).

Accordingly, the granting of the variance would not constitute the granting of a special privilege inconsistent with the limitations of other properties in the same zoning district, but would, rather, allow the property owner to improve their home, consistent with other properties in this same zoning district.

4. That granting the variance will not be detrimental to the public health, safety or welfare, or injurious to property or improvements in the vicinity and zoning district in which the property is located; and

The Property is currently developed with a single-family dwelling constructed in 1969 and maintains a 7'– 7'7" legal non-conforming side yard setback at the northwest corner. The minor proposed addition will not affect the residential nature of the home, and the Property will remain a single-family home in the RS zoning district, with a corresponding land use designation of Residential-Single Family. The immediately adjacent property owners support/have no objections to the proposed Project. The rear portion of the home and the proposed Project are not visible from the Schuylkill Drive. The granting of the requested variance will not be detrimental to and will have no impact on the public health, safety or welfare, or injurious to property or improvements in the vicinity and zoning district in which the Property is located.

5. That granting the variance is consistent with the General Plan and any applicable specific plan.

The Property is located in the RS zoning district, with a corresponding land use designation of Residential-Single Family. The RS zoning district is intended for detached, single-family homes, including large lot estates, typical suburban tract developments, small detached single-family homes, and similar and related uses compatible with a quiet, family living environment.

With the proposed addition, the Property will remain improved with a single-family home in the RS zoning district, with a corresponding land use designation of Residential-Single Family. It will remain similar and compatible with its neighbors, who support the Project, and a quiet, family living environment. The Project is not visible from Schuylkill Drive.

The provisions of Calabasas Zoning Code Section 17.62.080 allow for a variance from the development standards of the Code when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the code denies the property owner privileges enjoyed by other property owners in the vicinity and in identical zoning districts.

As explained above, the within variance request is justified by the special circumstances applicable to the Property, including its irregular shape, location of legal non-conforming setback and cantilever over the first floor. Such conditions deprive the property owners of the ability to improve their home, a privilege enjoyed by other property owners in the vicinity and identical zoning district.

Accordingly, the granting the variance is consistent with the General Plan and zoning regulations.

### **Questions From Development Supplemental Application**

1. How will the strict, literal interpretation of the Development Code result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Development Code?

Due to the shape of the lot and the existing siting of the home, which is legal non-conforming, any proposed addition in line with the western wall of the existing home would trigger a variance from the strict, literal interpretation of Zoning Code section 17.72.030B.b.

The proposed addition is intended to slightly increase the rear portion of the home which consists of a small kitchen (where the encroachment issue is), an adjacent small den, and a small bedroom. Currently, the kitchen is too small to accommodate adequate cupboard space for food storage and kitchen hardware, requiring a utility cabinet to contain the items that is located on the opposite side of the home, next to the garage. The proposed addition intends to solve this deficiency along with the deficiency of kitchen counter space. Moving the addition away from the encroachment area would not allow for sufficient room to correct the deficiency without creating another deficiency, such as subtracting room for a kitchen table, or eliminating part or all of the existing small den. The kitchen is too narrow to increase the distance to the back of the home and the angle of the property line to the home is too extreme to be a practical option.

The intent and general purposes of the zoning regulations are not to deny property owners the ability to improve their homes and properties, a right enjoyed by other property owners in the vicinity and in identical zoning districts. The irregular shape of the lot and the existence of the legal non-conforming structure in this case constitute practical difficulties and unnecessary physical hardships inconsistent with the objectives of the Development Code.

2. How will the strict interpretation of the Development Code deprive you of privileges enjoyed by owners of other properties in the same zoning district?

Due to the shape of the lot and the existing siting of the home, which is legal non-conforming, any proposed addition in line with the existing western wall of the home is not allowed.

The intent and general purposes of the zoning regulations are not to deny property owners the ability to improve their homes and properties, a substantial property right enjoyed by other property owners in the vicinity and in identical zoning districts.

For example, around 2005, the neighboring property owners at 4029 Schuylkill Drive constructed a recreation room, extending the west side of their single-family home

entirely within the required 10-foot side yard setback without a variance because their property line runs perpendicular to the street, rather than in a pie shape. The allowed extension was 22.5 feet. The extension proposed by this Project is only 4'2" beyond the existing home's footprint.

Furthermore, it is structurally important to "bring down" the existing cantilever over the rear of the home, which was built with no shear walls. The cantilever causes energy loss as outside temperatures filter into the joist space, leading to unnecessary consumption of energy to heat and cool the home. The proposed addition, extending the second-floor walls to the ground, will alleviate this energy loss. It will also add shear to the entire back of the structure, along with posts to hold down brackets with bolts and plates drilled through the existing footings with deeper footings. This will bring the structure more in line with current earthquake standards.

Accordingly, the strict interpretation of the Development Code deprives the owners of the Property the right to reasonably improve their home, a privilege enjoyed by owners of other properties in the same zoning district.

3. Will approval of the variance request grant special privileges to the property that are not enjoyed by other properties in the same zoning district?

No. Due to the shape of the lot and the existing siting of the home, which is legal non-conforming, any proposed addition in line with the existing western wall of the home is disallowed by strict application of the Code. The intent and general purposes of the zoning regulations are not to deny property owners the ability to improve their homes and properties, a substantial property right enjoyed by other property owners in the vicinity and in identical zoning districts (see example above).

Accordingly, approval of the variance request would not grant special privileges to the property, but rather, would allow the property owner to improve their home, consistent with other properties in this same zoning district.

4. Are there exceptional circumstances or conditions applicable to the property involved which do not apply generally to other properties in the same zoning district?

Yes. The Property is of irregular shape – it is a rounded "pie shape" lot with a front lot width of 107.76 feet that narrows to 38.33 feet in the rear. The existing home on the Property maintains a 7'- 7'7" legal non-conforming side yard setback at the northwest corner which met the required 5-foot setback requirement under the County of Los Angeles Zoning Code at the time the home was built. Furthermore, the entire length of the rear side of the structure is built with the second story cantilever overlapping the first story by 2 feet.

These exceptional circumstances and conditions that do not generally apply to other properties in the same zoning district.

5. What are the impacts of this variance on the public health, safety or welfare? Will the use be materially injurious to properties or persons?

None. The minor proposed addition will not affect the residential nature of the home, and the Property will remain a single-family home in the RS zoning district, with a corresponding land use designation of Residential-Single Family. The immediately adjacent property owners support/have no objections to the proposed Project. The rear portion of the home and the proposed Project are not visible from the Schuylkill Drive. Approval of the variance will have no impact on the public health, safety or welfare. It will not be materially injurious to properties or persons.