



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
DECEMBER 7, 2023

TO: Members of the Planning Commission

FROM: Angela Georgeff, Associate Planner

FILE NO(s): VAR-2023-003, ZCL-2023-083

PROPOSAL: Request for a Variance and a Zoning Clearance Permit to construct an addition to the side of the residence (west side) for a total of 297 sq. ft. to an existing single-family residence. The existing two-story residence located at 4041 Schuylkill Drive (APN: 2079-018-017) is 2,440 sq. ft. and is currently non-conforming to the 10 ft. side setback allowance at the west side property line. The request is to allow for a 7 ft. side setback to expand the first level kitchen. The project is located in the Residential Single Family (RS) zoning district and is in the Greater Mulwood HOA.

APPLICANT: James and Sandra Mee

RECOMMENDATION: That the Commission direct Staff to prepare a resolution for approval or denial of File No(s). VAR-2023-003 and ZCL-2023-083.

STAFF RECOMMENDATION:

That the Commission direct Staff to prepare a resolution for approval or denial of File No(s). VAR-2023-003 and ZCL-2023-083.

REVIEW AUTHORITY:

The Planning Commission is reviewing this project because Section 17.62.020 of the Calabasas Municipal Code (CMC) stipulates that a deviation from the requirements of the Land Use and Development Code, including from dimensional standards such as setbacks, requires approval of a Variance, subject to review by the Planning Commission.

BACKGROUND:

- A. Subject Property: The subject property (4041 Schuylkill Drive; APN 2079-018-017) is approximately 8,686 square feet, and it is developed with an existing 2,440 sq. ft. two-story single-family residence. Landscape improvements include a pool, pool equipment, and a retaining wall. The property is located within the Residential Single-Family (RS) zoning district, has a land use designation of Residential-Single Family (R-SF) and is in the Greater Mulwood HOA. At its closest point, the west-facing side wall of the existing dwelling is located approximately seven feet from the side property line, which is nonconforming to the required 10-foot minimum side-yard setback.
- B. On March 21, 2023, the applicant/owner (James Mee) submitted a Zoning Clearance application (ZCL-2023-083) for a proposed 297 square-foot addition to the residence. The proposed addition included approximately ____ square feet of building space which intruded into the required minimum side-yard setback area.
- C. On April 19, 2023 staff sent a Notice of Application Incompleteness (NOI) with detailed corrections (Exhibit F), which included advice to remedy the set-yard setback conformity issue. After the receipt of the NOI the applicant/owner came to the public counter several times to discuss options to continue with the design, as proposed, without any adjustments to comply with the required set-back distance. Staff explained the non-conforming regulations as they apply to the side setback and what findings would need to be made for a variance application.
- D. Staff received a re-submittal on May 11, 2023 and sent a second NOI on May 18, 2023. At the request of the Applicant, this letter detailed the requirements for a variance application (Exhibit F).
- E. On September 26, 2023 the owners representative (Kristina Kropp) submitted a variance application (VAR-2023-003), seeking relief from the ten-foot side-yard setback standard.
- F. The project was reviewed by the City's Development Review Committee (DRC) on October 11, 2023, and had no major comments. On October 19, 2023, the application was deemed complete by staff.

STAFF ANALYSIS:

Variance: Pursuant to Calabasas Municipal Code Section 17.72.020, an addition to a nonconforming structure shall not increase the discrepancy between the existing conditions and the current development standards. Furthermore, this section also specifies that an addition that continues a nonconforming setback shall not exceed

fifty (50) percent of the area of the existing portion of the structure that encroaches into the required setback.

Chapter 17.62.080 of the City's Land Use and Development Code allows for the granting of 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. The five required findings for approval of a Variance (per CMC 17.62.080(E)) have been provided by the applicant and are listed below.

REQUIRED FINDINGS:

The findings required in Section 17.62.080 of the Calabasas Municipal Code for approval of a Variance are as follows:

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

The granting of a variance requires approval of **all five** listed findings. The applicant's proposed justification for the variance findings listed above is attached as Exhibit C.

Staff is requesting that the Commission direct Staff to develop findings for approval, or denial of File No(s). VAR-2023-003 and ZCL-2023-083.

ENVIRONMENTAL REVIEW:

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3)(General Rule Exemption), Section 15303(e) (Accessory Structures), and Section 15304(c)(Minor Alterations to Land) of the California CEQA Guidelines.

CONDITIONS OF APPROVAL:

If the Commission directs Staff to prepare a resolution of approval, the project conditions of approval are attached as Exhibit E and will be incorporated into the resolution.

PREVIOUS REVIEWS:

Development Review Committee (DRC):

October 11, 2023 No major comments.

ATTACHMENTS:

- Exhibit A: Project Plans
- Exhibit B: Site Photos
- Exhibit C: Draft Findings (Applicant Prepared)
- Exhibit D: Letters of Support
- Exhibit E: Conditions of Approval (Draft)
- Exhibit F: NOI Letters
- Exhibit G: Letter from Architect

TECHNICAL APPENDIX



Development Standards:

Lot Size:	8,685	Sq. Ft.
Floor Area:		
Existing:	2,440	Sq. Ft.
Proposed:	297	Sq. Ft.
Total:	2,737	Sq. Ft.
Setbacks (proposed):		
Front:	20' 0"	
Side (east):	10' 4"	
Side (west):	7' 0"	

Code Limit

5,000 Sq. Ft. Min

20 Ft. Min

10 Ft. Min

Height: 22' 8" 35 Ft. Max

Site Coverage:

Existing: 1,986 Sq. Ft. 35% Max
 Proposed: 2,283 Sq. Ft. 26.3 % 35% Max

Parking Calculations

of Spaces Provided: 3
 # of Spaces Required: 2

Surrounding Properties:

	Existing Land Use	Zoning	General Plan Designation
Site	Residential	Residential, Single-Family	Single-Family Residential
West	Residential	Residential, Single-Family	Single-Family Residential
East	Residential	Residential, Single-Family	Single-Family Residential
North	Residential	Residential, Single-Family	Single-Family Residential
South	Residential	Residential, Single-Family	Single-Family Residential