



The applicant, Breakers Way Trust is submitting a request for a front yard variance at the location 6768 Breakers Way in the Community of Mussel Shoals. The Assessor's parcel number is 060-0-082-435. The Coastal Plan Designation is existing community. The zoning is RB-3000 SF (Residential Beach : 3000 SF minimum lot size.) The project description, per the approved planned development permit No. LV08-0079 dated 10/11/08, is to demolish the existing one-story dwelling and construct a new two-story dwelling.

The setback per the current zoning ordinance is 10'-0". The request of variance is to maintain a 5'-0" setback. Note this setback is not from the property line which occurs at the center line of the road, Breakers Way. The setback is taken from an existing 15'-0" easement back from the property line. In other words the building setback line in the zoning ordinance is back 25'-0" from property line or center of the road.

We will present information in this report which will show the reduced setback approval will not give an unfair advantage or privilege to this applicant over the surrounding neighbors. We will show graphically how this lot and others around it are decreasing in size from most other lots in the neighborhood. We will address all four standards and show there are other homes in the neighborhood in which the house is located within the current setback.

Standard #1

There are 26 lots on Breakers Way that currently have houses on them. There are an additional 3 lots that are vacant with no houses. There are 29 lots on Breakers Way of which 7 are of uniform size, of those 29 lots 82% or 24 lots are 3350 SF or larger. This is 1.7 times larger than the applicant's lot. Obviously the larger the lot the more area (SF) the house could be. The 65% lot coverage requirement is important, but definitely restricts the properties in the neighborhood with smaller lot sizes. This is the case with the applicants lot.

Note the lot reference #1-11 decrease in size east to west. Therefore the farther west you are the significantly smaller the lot. The setback imposed by the zoning ordinance and the decreasing lot area creates a hardship on the property owners on the west end of the neighborhood. The applicant's property is 5th from the west and definitely is restricted by the diminishing lot size and constant setback line. Referring to the AP map you can easily see lot reference #5 as having a unique shape and smaller size. The location, in the neighborhood, of this lot makes it special and harder to provide a house of similar size to the larger homes on the surrounding larger lots.

Therefore the existing lot size circumstances creates a hardship for the applicant to have a comparable sized house to the neighbors.

Standard #2

Refer to the spreadsheet, supporting maps, and aerial photos attached. They will provide analytical and visual data which support the applicants request for the variance.

The applicant would like to experience living conditions similar to the majority of the homes in the area. After the approval of the variance, as seen by the table, the applicants proposed total living area and footprint do not exceed any other homes in the neighborhood. There are 6 of 26 properties or 23% that have the same lot coverage or higher. There are 12 homes or 46% that have more living area than the proposed home by the applicant. These facts clearly indicate the variance approval will not grant a special privilege, to this applicant inconsistent with the conditions of other properties in the neighborhood.

Note there are 7 of 26 houses (26%) in the neighborhood where the existing house is located within the 25'-0" setback. No variance approvals were found on file. That is not grounds for this approval.

Note the last 3 houses on the west end of the neighborhood all are located in the 25'-0" setback. This is due to the diminishing lot depth as seen on the maps. The applicant's lot is next in line and has the shallower depth. The next 6 lots to the east either are below the setback depth or within 1'-0" of the exceeding the setback. As you can clearly see the 11 lots from west to east, which have the angled rear property line, have homes either closer than the 25'-0" setback or 1'-0" over setback. Therefore, the applicant clearly will not be getting a special privilege over the 5 homes on either side of the property.

Standard #3

The applicant would like to provide a home for the family that is consistent with the neighboring homes. Complying with the strict application of the zoning regulations will not allow this to happen. This constitutes an unnecessary hardship. As indicated earlier in this report one of the main reasons for the smaller home area is the diminishing lot depth and associated lot shape. Eleven homes or 42% of the neighborhood will have a larger home than the proposed home of the applicant with the variance request granted.

Standard #4

Most all the homes in the neighborhood have a driveway (hard surface) as their front yard. The applicants proposed home is no different. So the granting of this variance request will not present any damage to neighboring properties and will be consistent with the other homes. The home being 5'-0" closer than the zoning regulation will not be a problem to public welfare. There is very little

traffic at this far end of the neighborhood. Breakers Way is a private roadway and therefore only traveled by owners and guests. There will still be plenty of room for adequate line of sight. The house location will not impede anybody's vision to see traffic on the street. There is a large single car parking area directly across Breakers Way from the proposed house. This creates a better, safer situation than having houses directly across the road. Due to the permanent parking easement and limited land, houses will never be built across in this area. There will still be adequate visibility for vehicle traffic along Breakers Way with the proposed house 5'-0" closer than the code setback. There is no sidewalk along Breakers Way so pedestrian traffic will not be affected either.

The length of the hard surface apron in front of the garage, will be 11'-0" with the setback variance approved. Note there are four existing aprons at houses on both sides of 6768 Breakers Way that are 12'-0" long or less. There are 13 or 52% total houses along Breakers Way that are below the standard 20' apron.

There will be no damage to the value of neighboring properties with the proposed house being closer because 6 of the 9 houses on either side of the property are just as close to the street. The location will not block any neighbors' view of anything.

The applicant is requesting a 5'-0" front yard setback rather than 10'-0", as the zoning regulations suggest. We have clearly shown there will be no special privileges granted to this applicant once this variance is approved. There will be a clear hardship to the applicant if the home cannot be of comparable size and area as many others in the neighborhood. The size and shape of the lot clearly restricts the home size compared to many of the other lots. This proposed home will not be the only one in the suggested front yard setback.

Thank you for your time and consideration granting this approval.

On behalf of the applicant

Larry Graves



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