

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
COUNTY OF VENTURA  
DENYING VARIANCE LU09-0041  
6768 BREAKERS WAY IN THE COMMUNITY OF MUSSEL SHOALS**

**WHEREAS**, the County determined the project to be exempt from the California Environmental Quality Act ("CEQA), Public Resources Code section 21000 et seq., and its implementing guidelines (Title 14, Cal. Code Regs. §§15000 et seq., "CEQA Guidelines") pursuant to CEQA Guidelines section 15303 for new construction of small structures; and

**WHEREAS**, the County published a notice in the newspaper on August 10, 2009, advising the general public of the Planning Commission's consideration on August 20, 2009, of a variance for the front setback requirement on the subject property; and

**WHEREAS**, on August 10, 2009 the County mailed a Notice of Public Hearing to all property owners within 300-feet of the Project; and

**WHEREAS**, the Planning Commission considered the matter at its August 20, 2009 meeting, at which time evidence, both oral and written, including the staff report, was presented and received and testimony was heard from all interested parties appearing on the matter.

**NOW, THEREFORE, BE IT RESOLVED** that the Commission hereby certifies that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15303; and

**BE IT FURTHER RESOLVED** that the Commission considered the variance findings as specified in Section 8181-4.2 of the Ventura County Coastal Zoning Ordinance, and recognizes that all of the findings must be made in order for the Commission to approve the variance; and

**BE IT FURTHER RESOLVED** that the Commission denies Variance No. LU09-0041, and the Commission hereby adopts the following findings in denial of the Project:

- There are no special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography and location, which do not apply generally to comparable properties in the same vicinity and zone. Specifically, the size and configuration of the lot do not and will not preclude the development of a single-family home built to the standards of the CZO. The Planning Division approved Planned Development Permit No. LU08-0079 on October 11, 2008, for the demolition of the existing one-story dwelling on the subject property and the construction of a new two-story dwelling, approximately 2,730 square feet in size without the requested variance from the front set back requirement. According to recent tax records, the residences in this neighborhood range from approximately 352 square feet to 3,155 square feet. The 2,730 square foot residence that was approved by the Planning Division in October 2008 is comparable to the sizes of residences in the neighborhood. Additionally, there are other lots on this block that are smaller in size than the subject property and contain residential development.
- Granting the requested variance will confer a special privilege inconsistent with the limitations upon other properties in the same vicinity and zone within the coastal zone. Although two variances (V-4412 and V-4172) have already been granted for a reduction in the front yard setback for other properties in the same vicinity as the subject property, these were granted on lots that are 2,800-square-feet in size, more than 400-square-feet less than the subject property, which is 3,259 square feet. Additionally, Variance No. V-4172 involved the reduction of a front yard setback to accommodate a 234 square-foot addition to a duplex on a lot smaller in size than the

subject lot. The subject lot only contains one residential unit. As such, these lots are not considered similar residential properties to the subject lot, so the argument cannot be made that similar variances were granted for similar residential properties.

- Strict application of the zoning regulations as they apply to the subject property will not result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations. In particular, building coverage standards apply to all development permits as well, to control building intensity and population density and these standards are applied to projects to guide development to a scale that is compatible with the surrounding neighborhood. The size of a dwelling that is allowed is based upon the size of the lot in order to avoid development that is oversized for the lot on which it is situated, which could result in adverse visual and quality of life impacts to neighboring properties. The dwelling approved by LU08-0079 does not exceed the allowed building coverage standard. Also, CZO Section 8175-2 discusses the specific development standards required in the RB Zone. Consistent throughout this zoning district is the requirement for a 10-foot front setback, 3-foot side setbacks, and a 14-foot rear setback. The height restriction for the main structure is 25-feet. The subject property, while larger than some lots in the neighborhood, is smaller than the majority of other lots in the neighborhood, especially due to the location of this lot toward the end of the street. However, since the applicant proposes to demolish the existing single-family dwelling and construct a new single-family dwelling on the site, the new dwelling would not be constrained by the configuration of the existing residence on the lot. Other variances that were approved in the neighborhood were granted due to hardship since the property owner would be required to demolish a portion of their existing structure in order to meet the requirements of the CZO. As the current proposal for 6768 Breakers Way already includes the demolition of existing structures on site, staff finds that the property owner in this case would not be facing undue hardship as they would be able to create a new structure that conforms to requirements of the CZO and as demonstrated by the previous approval of LU08-0079.

**BE IT FURTHER RESOLVED** that the documents and other materials that constitute the record of the proceedings upon which the Commission's decision is based are located at the County of Ventura, Resources Management Agency, Planning Department's office located at 800 South Victoria, Ventura, CA 93009.

**ADOPTED AND DENIED BY THE PLANNING COMMISSION** on August 20, 2009, by the following vote:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

\_\_\_\_\_  
Chair, Planning Commission

\_\_\_\_\_  
Secretary, Planning Commission