

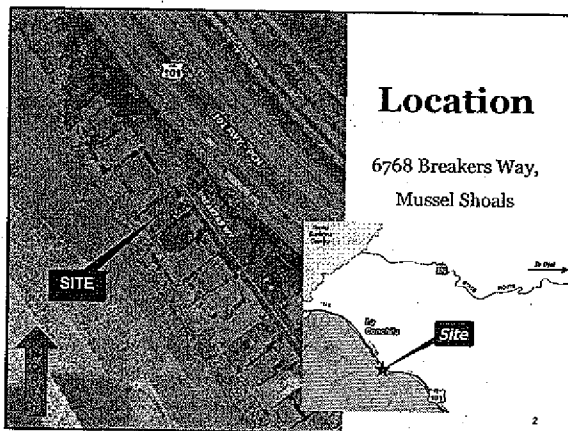
**August 20, 2009
Planning Commission Hearing**
Variance No. LU09-0041

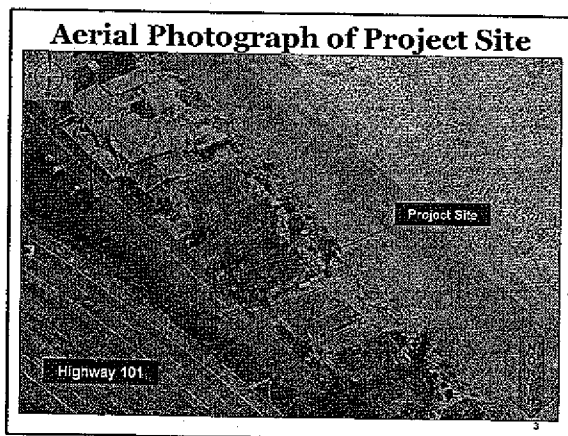
**Breakers Way Trust
Front Setback Variance**



Ventura County Planning Division
Michelle Glueckert D'Anna, Case Planner

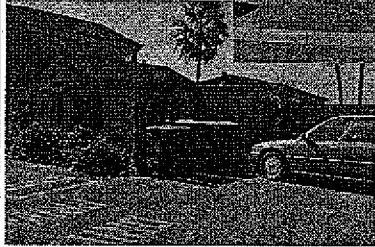
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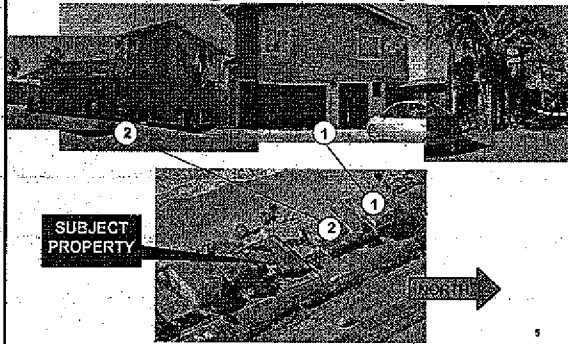
Site Photos

6768 Breakers Way



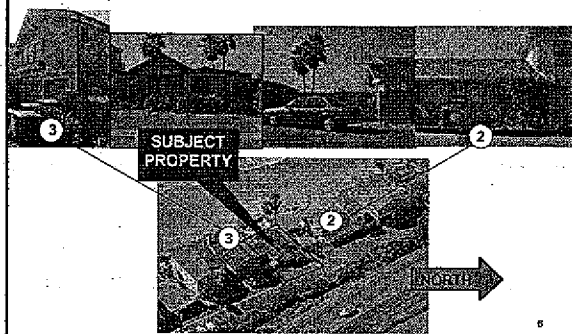
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Neighboring Properties Along Breakers Way



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Neighboring Properties Along Breakers Way



6

Request for Variance

Request:

Reduce front setback requirement to 5-feet

Ventura County Coastal Zoning Ordinance:

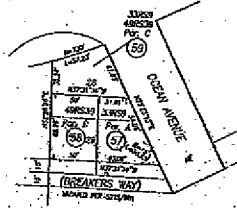
Front Setback Requirement (Section 8175-2): 10-feet

Zoning Designation:

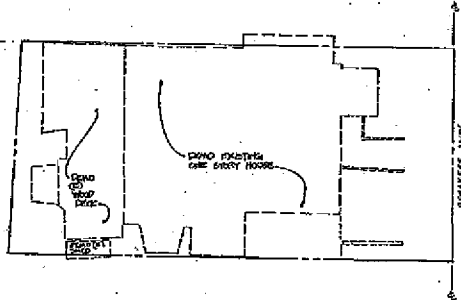
RB-3,000 sq. ft.

Access Easement:

15-feet from center of private road



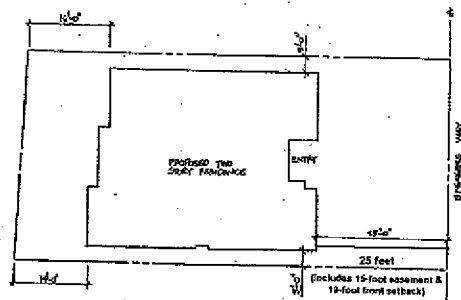
Site Plan: Existing



PROPOSED PLAN
181'0"



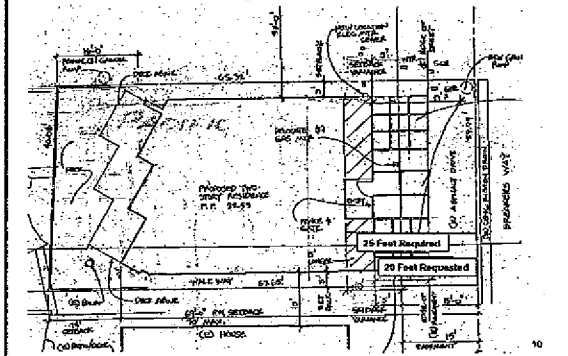
Site Plan: Approved



SETBACK PLAN
181'0"



Site Plan: Proposed (Requires Variance)



Ventura County Coastal Zoning Ordinance Section 8181-4.2 Findings

- **Finding 1.** There are 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.
- **Finding 2.** Granting the requested variance will not confer a special privilege inconsistent with the limitations upon other properties in the same vicinity and zone within the coastal zone.
- **Finding 3.** Strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations.
- **Finding 4.** The granting of such variance will not be detrimental to the public health, safety or general welfare, nor to the use, enjoyment or valuation of neighboring properties.
- **Finding 5.** All development authorized by the variance is consistent with all applicable standards of the Local Coastal Program.

Staff has determined that Findings 1, 2, 3 cannot be met.

Finding 1:

There are 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.

Staff Evidence and Proposed Findings:

- One of smaller lots within Mussel Shoals (3,259 sq. ft.)
- Lot size and configuration do not preclude development
- Planning Division approved PD Permit No. LU08-0079 (October 2008)
- 2,730 sq. ft. SFD comparable to the SFDs in neighborhood

Finding 2:

Granting the requested variance will not confer a special privilege inconsistent with the limitations upon other properties in the same vicinity and zone within the coastal zone.

Staff Evidence and Proposed Findings:

- Previously granted front setback variances in Mussel Shoals:
 - V-4412 (2,800-sq. ft. lot)
 - V-4172 (2,800-sq. ft. lot, 234 sq. ft. addition to duplex)
- The subject lot is 3,259 sq. ft. & contains only *one* residential unit.
- Lots on which previous variances were granted are not considered similar residential properties to subject property.

13

Finding 3:

Strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations.

Staff Evidence and Proposed Findings:

- Approved 2,730 sq ft dwelling did not require variance.
- Approved 2,730 sq ft dwelling comparable in size to others.
- New dwelling would not be constrained by existing residence on lot.

14

Public Comment

- Notice of the proposed project and public hearing was mailed to property owners within 300' and all residents within 100' of the project site.
- Notice published in local newspaper for all public hearings.
- Breakers Way Property Owner's Association: Supports Variance.

15

Recommended Actions

1. FIND, based on the evidence presented in the staff report and at the hearing, that the variance standards in Section 8181-4.2 of the *Ventura County Coastal Zoning Ordinance* are not met; and
2. ADOPT the staff recommended findings in Section B and the Planning Commission Resolution (Exhibit "8") based on the evidence presented and DENY Variance Case No. LU09-0041; and
3. DESIGNATE the Clerk of the Planning Commission at 800 South Victoria Avenue, Ventura, CA as the custodian and location of the record of proceeding upon which the decision is made.
