

CITY OF COVINA
PLANNING COMMISSION AGENDA
TUESDAY, MAY 10, 2011
COUNCIL CHAMBER, CITY HALL, 125 EAST COLLEGE STREET
7:30 P.M.

PLEASE NOTE: THOSE WHO WISH TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM ARE REQUESTED TO FILL OUT A SPEAKER'S CARD AND LEAVE IT WITH A MEMBER OF THE STAFF PRIOR TO THE ITEM BEING CALLED. THE PURPOSE OF THIS IS TO ENSURE THAT YOUR NAME AND ADDRESS ARE CORRECTLY IDENTIFIED IN THE MINUTES OF THE PLANNING COMMISSION.

1. Opening Matters

- A. Pledge of Allegiance.
- B. Roll Call of Commissioners: Chadwick, Connors, Hodapp, McMeekin and Patterson.
- C. Amendments to the Agenda.
- D. Public Comment:

Citizens wishing to address the Commission on any matter **not** on the agenda may do so at this time. Citizens wishing to be heard on any matter on the agenda, please wait until that point on the agenda. **Please keep your comments to five minutes or less and try not to be repetitive.**

Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests but may refer the matter to staff or to a subsequent meeting.

PUBLIC HEARINGS

2. Continued Public Hearing of application Variance 10-011 to exceed the permitted 35 percent maximum land coverage of all buildings in the R-1-7500 Single Family Residential Zone, to exceed the accessory building height, to exceed the floor area of accessory building(s), to reduce the required five (5) foot side yard area and to reduce the required fire safety access for the R-1-7500 Residential Zone. The buildings that would be subject to the variance include, an addition of 284 square feet, the existing house, a new 230 square covered patio, a new garage addition of 525 square feet, the existing garage and an existing covered porch upon property located at 247 East Edna Place, Covina
James and Eva Mihalka, applicants

- Staff Report
- Questions of staff from Commission
- Open the public hearing; receive testimony in favor and in opposition of the application
- Close public hearing
- Comments from Commission

- Roll Call Vote
- Ten day waiting period

GENERAL MATTERS

NONE

ADMINISTRATIVE ITEMS

3. INFORMATION
4. COMMISSION COMMENTS
5. ADJOURNMENT

Additional information on any agenda item can be obtained by contacting the Planning Division at 125 East College Street, Covina, or by telephoning (626) 384-5450.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Planning Division office at (626) 384-5450 or the California Relay Service. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

CITY OF COVINA

STAFF REPORT

MAY 10, 2011

ITEM NO. 2

TO: PLANNING COMMISSION

**FROM: ROBERT NEIUBER, DIRECTOR OF COMMUNITY
DEVELOPMENT**

COORDINATOR: SHELBY WILLIAMS, CITY PLANNER

**REQUEST: CONTINUED PUBLIC HEARING OF VARIANCE APPLICATION
10-011 TO EXCEED THE PERMITTED 35 PERCENT MAXIMUM
LAND COVERAGE OF ALL BUILDINGS IN THE R-1-7500
SINGLE FAMILY RESIDENTIAL ZONE, TO EXCEED THE
ACCESSORY BUILDING HEIGHT, TO EXCEED THE FLOOR
AREA OF ACCESSORY BUILDING(S), TO REDUCE THE
REQUIRED FIVE (5) FOOT SIDE YARD AREA AND TO REDUCE
THE REQUIRED SAFETY ACCESS FOR THE R-1-7500
RESIDENTIAL ZONE.**

APPLICANTS:

James and Eva Mihalka

LOCATION:

247 East Edna Place

BACKGROUND:

The Planning Commission may recall this matter was continued from your regular meeting held on April 12, 2011. The direction given at that time was for the Planning Division staff to review the list of residential addresses provided by the applicants. For clarification on certain key aspects of the proposal, the Commission may refer to the previous staff report, dated April 12, 2011.

ADDITIONAL ANALYSIS FOR VARIANCE 10-011:

The applicants provided the list of addresses below and asked for the following information, including lot coverage, accessory building size and three (3) foot clearance for each property.

- 1) 212 East Edna Place (Photographs 9, 10, 11, 12, 13, 14, 15)
Lot coverage: 35%
Accessory building size: Detached garage 360 sq. ft. approx. and a shed 80 sq. ft.
Three (3) foot clearance: Detached garage, year built 1952
- 2) 718 West Edna Place (Photographs 20,21)
Lot coverage: 33%
Accessory building size: Detached double garage 462 sq. ft. approx.; patio 102 sq. ft. and enclosed aluminum patio 676 sq. ft. total: 1, 240 sq. ft. approx.
Three (3) foot clearance: Double garage, year built 1953
- 3) 728 West Edna Place (Photographs 20,21)
Lot coverage: 26%
Accessory building size: Detached double garage 360 sq. ft. or 20 feet by 18 feet
Three (3) foot clearance: Detached double garage 2'-6", year built 1953
- 4) 740 North Park Avenue (Photographs 16, 17, 18, 19)
Lot coverage: 38 %
Accessory building size: Existing garage 360 sq. ft. approx., year built 1951 and garage addition 456 sq. ft. (1990 permit expired)
Three (3) foot clearance: Not applicable (Garage five (5) foot setback)
- 5) 238 East Kelby Street (Minor Variance 06-018 – To allow lot coverage from 35% to 36.92%. The main project is to modify home to be downstairs handicapped accessible for disable spouse and upstairs for daughter and family-caregiver)
(Minor Variance 87-002 to construct a room addition that encroaches to w/in 3 feet of the side yard setback to match the existing house)
(Minor Variance 84-007 to allow a room addition to encroach to within 16'.6" feet of the rear property line)
- 6) 220 East Kelby Street(Photographs 7, 8)
Lot coverage: 33%
Accessory building size: Garage 360 sq. ft. approx., year built 1952; patio 173 sq. ft.
Three (3) foot clearance: Not applicable (Garage five (5) foot setback or more)
- 7) 204 East Kelby Street (Photographs 7,8)
Lot coverage: 35%
Accessory building size: Garage 360 sq. ft. approx., year built 1952; sun shelter 848 sq. ft.
Three (3) foot clearance: Garage

The applicant also submitted a Request for Public Records on April 26, 2011; please see the attached form with response.

Lastly, in February of 1993 the City of Covina adopted Ordinance Number 93-1749, an ordinance that amended the Covina Municipal Code and established limits for residential properties including lot coverage, accessory building height, and the size of accessory buildings. The Planning staff during research discovered that of the seven residential properties identified by the applicants, there were only two properties where the Ordinance No. 93-1749 would have applied. The two properties were: 212 East Edna Place and 238 East Kelby Street. Both of the previous mentioned properties have approved building permits for construction that occurred after the adoption of Ordinance No. 93-1749. To recap, the property owner of 212 East Edna Place obtained a building permit for a 293 sq. ft. bedroom addition (building permit issued in February, 2002 and final by a City Building Inspector in 2004). The building permit for the subject addition did not indicate that it was in violation of City Code when it was final in June 2004. The property owner(s) of 238 East Kelby Street obtained an approved building permit in July 2006 and a Minor Variance (MV 06-018 in July 2006) to exceed the established 35% lot coverage, they were permitted to have a lot coverage of 36.92% (to modify the home to be handicapped accessible for disabled spouse and the upstairs for daughter and family – caregiver). Please see the attached copy of Ordinance 93-1749 and a table, showing the building permit history and noting any variances for the seven addresses that were identified by the applicants. Staff has also included copies of the zoning maps which show the location and lot dimensions of the seven subject properties.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission deny application Variance 10-011.

Attachments:

- Request For Public Records
- Ordinance No. 93-1749
- Variance 10-011 Notes (Table)
- Zoning Map pages 13-13 and 13-15

Variance 10-011 Notes

ADDRESS	WORK DONE	SQUARE FEET	DATE
212 E. Edna Pl. <i>No Variance</i>	Residence and Garage	1359	11-1-52
	Storage Shed	80	10-13-94
	Bedroom Addition	293	6-9-04
718 W. Edna Pl. <i>MV 05-007</i>	Single Family Residence w/ detached double garage	1488	2-26-53
	Addition- Bedroom/Bath	355	2-3-67
	Addition- New Garage	462	12-26-79
	Enclosed Aluminum Patio	676	3-19-90
	Patio Cover	102	11-3-05
	Addition- Bedroom and Family Room	483	11-3-05
728 W. Edna Pl. <i>No Variance</i>	Single Family Residence w/ detached double gar. (Plan 6k-R)	1503	2-26-53
	Addition- Family Room	81	2-10-67
	Addition of Master Bedroom and Demo of room built under permit to be rebuilt	540? Permit App States Two Sizes of 18x10 and 18x20	10-18-77
	Swimming Pool	640	8-2-78
740 N. Park Ave. <i>No Variance</i>	New Residence and Garage	1081	3-14-51
	Addition- Family Room w/ Fireplace and Bathroom	698.5	2-2-84
	Garage Addition	456	4-8-88, 6-11-90 (RED TAGGED, EXPIRED PERMITS)

204 E. Kelby St. <i>No Variance</i>	New Residence	1133	4-15-52
	New- Swimming Pool	576	2-18-63
	Aluminum Sun Shelter	848	6-6-69
	Garden Wall- 57 Lineal Feet by 5 ft. High	285	6-26-73
220 E. Kelby St. <i>No Variance</i>	New Residence & Garage	1242	4-8-52
	Addition- Family Room	324	9-27-60
	Addition- Bath	58	10-16-85
	Addition- Patio Roof	173	10-16-85
238 E. Kelby St. <i>MV 84-007</i> <i>MV 87-002</i>	New Residence and Garage	1134	4-8-52
	Addition to and enclosing patio	78	9-10-59
	Addition- Family Room & Bath Room. Minor Variance to 16.6 feet of rear property line	430	2-5-85
	Addition- Patio (<i>Solid and Lattice</i>)	Solid= 178 Lattice=272 Total= 450	9-15-87
<i>MV 87-002</i>	Addition- Bedroom Extension	134	9-15-87
<i>MV 06-018</i>	Lot Coverage from 35% to 36.92% for ADA accessibility		7-03-06

CITY OF COVINA
STAFF REPORT

APRIL 12, 2011

ITEM NUMBER 3

TO: PLANNING COMMISSION

FROM: ROBERT NEIUBER, DIRECTOR OF COMMUNITY DEVELOPMENT

COORDINATOR: SHELBY WILLIAMS, CITY PLANNER

SUBJECT: APPLICATION VARIANCE 10-011 (CONTINUED FROM THE MARCH 22, 2011 PLANNING COMMISSION MEETING)

APPLICANTS:

James and Eva Mihalka

REQUEST:

A variance to exceed the permitted 35 percent maximum land coverage of all buildings in the R-1-7500 Single Family Residential Zone, to exceed the accessory building height, to exceed the floor area of accessory building(s), to reduce the required five (5) foot side yard area and to reduce the required fire safety access for the R-1-7500 Residential Zone. The buildings that would be subject to the variance include, an addition of 284 square feet, the existing house, a new 230 square foot covered patio, a new garage addition of 525 square feet, the existing garage and an existing covered porch

LOCATION:

247 East Edna Place

SURROUNDING LAND USES AND ZONING:

	EXISTING LAND USE	ZONING
Site	Single Family Residence	R-1-7500 (Single Family Residential Zone)
North	Single Family Residence	R-1-7500 (Single Family Residential Zone)
South	Single Family Residence	R-1-7500 (Single Family Residential Zone)
East	Single Family Residence	R-1-7500 (Single Family Residential Zone)
West	Single Family Residence	R-1-7500 (Single Family Residential Zone)

GENERAL PLAN DESIGNATION:

Low Density Residential (0-6 units per acre)

NOTIFICATION OF APPLICANT AND ADJACENT PROPERTY OWNERS:

The applicant was provided a copy of the staff report. All property owners within a radius of 300 feet were mailed notices of the public hearing on March 10, 2011. (Notice published in the San Gabriel Valley Examiner on March 24, 2011)

ENVIRONMENTAL DETERMINATION:

This proposal is categorically exempt pursuant to Class 1 (4), Section 15301 of the California Environmental Quality Act (CEQA) Guidelines.

PROJECT DATA: (Please see the table on page 3)

PROJECT DATA TABLE CONTINUED:

Property Maintenance:	Expired building permit Oct. 2010
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BACKGROUND:

(This matter was continued from the March 22, 2011 regular meeting of the Planning Commission)

The applicants are requesting a variance to construct improvements on their residential property. The improvements would include a new covered patio, a new garage addition and a new addition to the subject house. The applicants new and existing structures combined would exceed certain development standards that have been established for the R-1-7500 Single Family Residential zone districts and are applicable to their property. The applicants have provided their development plans (plot, floor and elevations), their listing of the codes they wish to deviate from and their detail reasons for the requested variance (i.e. findings).

For clarification on certain key aspects of the proposal, the Commission may refer to the above project data section.

ANALYSIS AND FINDINGS - VARIANCE:

Based upon the analysis of the proposed variance request, staff recommends that the Planning Commission make the following findings for this application:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone.

Fact: Staff was not able to identify any exceptional conditions that would apply to the applicants' property, such as the shape of the lot, size of lot, its width or depth.

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same vicinity and zone, and the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity and zone.

Fact: Staff researched the variance applications issued in the vicinity of the subject property over the past ten (10) years including 2000 through 2010 and we located one application. It was for a Minor Variance of Deviation filed for 238 East Kelby Street in July 2006. The minor variance request

was to allow a project to exceed the 35 % lot coverage. The project at 238 E. Kelby Street had a lot coverage of 36.92%, was to modify their home to be handicapped accessible.

Staff did not find the applicants request to be a necessity or similar to the previous mentioned variance request, that was granted by the City in 2006.

3. The granting of the variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to property and improvement in the same vicinity and zone in which the property is located.

Fact: Staff believes the applicants variance request to reduce the fire safety access from 3'-0" to 2'-6" could be materially detrimental to the public and injurious to property at 255 East Edna Place, if a fire were to occur between the two (2) properties.

4. The granting of such a variance will not be contrary to the objectives of the General Plan.

Fact: Staff believes the applicants variance request would be contrary to the General Plan policies established for the low density residential land use in the City of Covina. State law requires consistency between the zoning and general plan designations. The development standards adopted for the R-1-7500 Single Family Residential Zone district provides minimum yard setbacks, land coverage percentages, building height limits, and architectural improvements that allow for the reasonable development of single family residential properties.

In conclusion, Planning Division staff investigated the facts bearing on the applicants case to provide information necessary to assure action consistent with the intent and purpose of the variance. The variance application is to address practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of this title occur by reason of the strict interpretation of any of its provisions, any property owner may initiate proceedings for consideration of a variance from the provisions of this title.

RECOMMENDATION:

Staff recommends that the Planning Commission deny application Variance 10-011.

Attachments:

- Subject Site Map
- Applicant's justification for variance
- Project Plans