

## VARIANCE CRITERIA

Pursuant to Section 86-46(a)(4), the Planning Commission shall consider the following matters in making a determination on a variance petition:

**Special circumstances existing in relation to the land, structures, or buildings as compared to other land, structures, or buildings in the same zoning district and the special circumstances are not the fault of the applicant.**

Unique special circumstances exist for this property. It has three (3) front yards – along Alhambra Road, Castile Street and the Esplanade S access easement. Access to the property is via the front yard of the Esplanade S access easement and a potable water main line runs through the front yard facing Castile Street, providing hardship and constraint on placement for the pool cage. The imposition of three (3) front yards on the property supplies a unique hardship that is not shared by many other properties in the City, a hardship that is not the fault of the applicant.

**The literal interpretation of the provisions of this chapter would result in unnecessary and undue hardship to the property.**

The application of the three (3) front yard standards places a severe constraint on the footprint of what can be built on the property. The remaining yard is considered a side yard, and therefore the traditional placement of a pool – the rear yard – is not available for the property.

The RSF-2 yard standards are as follows: front yards require 20 feet of unobstructed yard, side yards require 8 feet, at minimum, of unobstructed yard, and rear yards require 10 feet of unobstructed yard. Under these City Code standards, the yards for the property are 20 feet along Alhambra Road, 20 feet along Castile Street, 20 feet along the Esplanade S access easement and 8 feet along the border of the adjacent property to the northwest. To have a pool cage, the applicant must choose either a front yard or a side yard – not the traditional rear yard – for its location. The squeeze of these three (3) front yards and the lack of the rear yard places an unnecessary and undue hardship on the property, of which the applicant is requesting relief from via this variance request.

**The variance, if granted, is the minimum variance necessary to meet the requested use of the land, building or structure.**

The variance, if granted, is the minimum variance necessary to meet the requested use of the pool and pool cage. The applicant has selected the desired pool cage location to be in what would be considered the traditional rear yard location of the property, and has designed the pool cage to only encroach 9.6 feet into the front yard, leaving a yard of 10.4 feet. This design would be within the 10 foot rear yard standard if it was considered a rear yard under the City Code, and would not require a variance.

**The grant of the variance will be in harmony with the general intent and purpose of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.**

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AUG 16 2019  
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The grant of the variance would allow the applicant to enjoy a pool cage on their property like many other properties in the neighborhood and City in general. The desired location is in what would be considered the traditional rear yard of the property, located away from the other single-family residential homes in the immediate area and buffered from the nearby Venice Sands apartment building by the portion of Alhambra Road that serves as parking for the beach access. The proposed pool cage is in compliance with all other applicable standards of the land development code and would be in harmony with the general intent and purpose of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

