

**MINUTES**

**REGULAR PLANNING COMMISSION MEETING**

**JANUARY 14, 2002**

A regular meeting of the Planning Commission of the City of Rolling Hills Estates was called to order at 7:31 p.m. in the City Hall Council Chambers, 4045 Palos Verdes Drive North, by Chairman Bayer.

2. **PLEDGE OF ALLEGIANCE**

CHAIRMAN BAYER led the assembly in the Pledge of Allegiance to the Flag.

3. **ROLL CALL**

Commissioners Present: Conway \*, Killen, Bayer, Vullo, Somers, Rein

Commissioners Absent: Zerunyan

Staff Present: Senior Planner Wahba, Assistant Planner Wong

\* Commissioner Conway arrived at 7:34 pm.

4. **APPROVAL OF MINUTES**

COMMISSIONER KILLEN moved, seconded by COMMISSIONER REIN,

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION  
MEETING OF DECEMBER 17, 2001.

There being no objection, CHAIRMAN BAYER so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

A. WAIVE READING IN FULL ALL RESOLUTION THAT ARE PRESENTED FOR THE PLANNING COMMISSION CONSIDERATION ON TONIGHT'S AGENDA AND ALL SUCH RESOLUTIONS SHALL BE READ BY TITLE ONLY.

B. QUARTERLY CODE ENFORCEMENT REPORT.

C. A RESOLUTION A RESOLUTION (PA-23-01) OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS ESTATES GRANTING A NEIGHBORHOOD COMPATIBILITY DETERMINATION FOR FIRST STORY ADDITIONS TO THE FRONT AND REAR OF A SINGLE STORY HOME AND A VARIANCE TO DECREASE THE FRONT YARD AREA BY MORE THAN 10%. APPLICANT: ANN IMBERMAN; LOCATION: 3 GOLDRING PLACE.

In response to a question from COMMISSIONER CONWAY, Senior Planner Wahba provided further clarification regarding several items on Item 6B.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN,

TO APPROVE CONSENT CALENDAR ITEMS 6A, B, AND C.

AYES: Conway, Killen, Rein, Somers, Vullo, Bayer

NOES:

ABSTAIN:

ABSENT: Zerunyan

Senior Planner Wahba advised of the 20-day appeal period for Item 6C.

7. BUSINESS ITEMS

None

8. PUBLIC HEARINGS

- A. PLANNING APPLICATION NO. 31-01. APPLICANT: Mr. Robert Belanus; LOCATION: 10 Dobbin Lane; A request to renew V-124-89 for a Neighborhood Compatibility Determination for a first story addition to the south side of the home requiring a Variance for encroachment into the required side yard.

Assistant Planner Wong summarized the Staff Report (as per written material) and added that with the 1970 resurveyed property line and the added space between the property line and the neighbor's retaining wall, there is an extra width of 1'6" that will increase the usable side yard from 2'6" to 4'. He said that this was also one of the special conditions in the 1989 resolution.

In response to a question from COMMISSIONER SOMERS, Senior Planner Wahba stated that after the addition is completed, there will be sufficient room (4') to walk from the front of the property to the back of the property within the area between the retaining wall and the proposed addition.

In response to a question from COMMISSIONER KILLEN, Senior Planner Wahba stated that this would not impinge on the neighbor's ability to move the retaining wall at a future date. The fence has been there for many years but no one has asked for prescriptive easement to our knowledge. He said that the property was inaccurately surveyed and when the house was permitted in the 1960's, there was a 10' setback, and shortly after the construction was completed, they realized that and the setback was actually 5' so there was a Variance granted by the City. In 1989 another Variance was granted to allow them to encroach into the same 5' setback.

In response to a question from COMMISSIONER VULLO, Senior Planner Wahba stated that the proposed addition was 3-1/2', which leaves approximately 2' from the property line and then there is an additional 2' to the retaining wall to provide the 4' access around the house. He also clarified that the side setback on the opposite side of the house is 9', not 10', as inaccurately shown on the Project Statistics sheet.

In response to a question from COMMISSIONER REIN, Senior Planner Wahba explained that Special Condition No. 8 of Resolution V-124-89 attempted to leave the area between the property line and the retaining wall "unencumbered" should new neighbors move in to #8 Dobbin Lane and claim back the area, and suggested that perhaps the Planning Commission should add another condition that requires the property owner at #8 Dobbin Lane to grant an easement to run in perpetuity with the property

COMMISSIONER REIN moved, seconded by COMMISSIONER SOMERS,

TO OPEN THE PUBLIC HEARING.

AYES: Conway, Killen, Rein, Somers, Vullo, Bayer

NOES:

ABSTAIN:

ABSENT: Zerunyan

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Robert Belanus Jr., son of the applicant (who recently passed away), stated that he remembered his father once said that the 1970's survey was done because the adjacent property was having an addition done. He added that #8 Dobbin Lane was on a raised elevation from his property and it would be unlikely that they would need that area in question.

Louise Davis, neighbor at #8 Dobbin Lane, stated that she supported the project and would agree to grant an easement.

COMMISSIONER VULLO moved, seconded by COMMISSIONER CONWAY,

TO CLOSE THE PUBLIC HEARING.

AYES: Conway, Killen, Rein, Somers, Vullo, Bayer

NOES:

ABSTAIN:

ABSENT: Zerunyan

COMMISSIONER CONWAY stated that upon reading the report, although he was supportive of the application, he was having difficulty supporting two of the Variance findings done in 1989. He explained that 1) the first stating that "a mistake of surveying the side yard setback" was not a finding to exacerbate the situation; and 2) stating that "the building area is limited by a small level building pad" doesn't represent preservation and enjoyment of a substantial property right. He added that if the Commission wanted to move forward on this application, that these findings be changed to more accurately reflect the current thinking on setback issues and Variances. He added that he also felt strongly for a prescriptive easement to be drawn between the neighbors so that the distance between the buildings could not be encroached upon.

There was much discussion among the Planning Commissioners regarding Variance findings and setbacks, and easements.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER KILLEN,

TO DIRECT STAFF TO PREPARE A RESOLUTION FOR THE NEXT PLANNING COMMISSION MEETING WITH REVISED VARIANCE FINDINGS AS THEY RELATE TO FINDINGS ONE AND TWO, AND TO ADD A CONDITION REQUIRING AN EASEMENT COVERING THAT PORTION OF THE PROPERTY THAT WOULD REVERT THE SURFACE RIGHTS OF OWNERSHIP TO THE ORIGINAL SURVEY LINE PRIOR TO ZONE CLEARANCE.

AYES: Conway, Killen, Somers, Vullo, Bayer

NOES: Rein

ABSTAIN:

ABSENT: Zerunyan

## 9. COMMISSION ITEMS

### A. Committee Appointments.

1. COMMISSIONER ZERUNYAN was nominated to continue serving on the Traffic and Safety Committee.
2. COMMISSIONER KILLEN volunteered for the Equestrian Committee.

CHAIRMAN BAYER requested that staff investigate the motor home parked in the front yard of her neighbor's home, and several other substandard property issues.

As requested by COMMISSIONER CONWAY, Senior Planner Wahba updated the Planning Commission on the status of the Butcher property.

10. DIRECTOR'S ITEMS

None.

12. MATTERS OF INFORMATION

A. CITY COUNCIL ACTIONS (JANUARY 8, 2002).

COMMISSIONER CONWAY moved, seconded by COMMISSIONER SOMERS,  
TO RECEIVE AND FILE ITEM 12.A.

There being no objection, CHAIRMAN BAYER SO ORDERED.

13. ADJOURNMENT

At 8:35 p.m. CHAIRMAN BAYER adjourned the Planning Commission meeting to February 4, 2002, at 7:30 p.m.

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Hollis Jackson  
Minutes Secretary

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Douglas R. Prichard  
City Clerk