

MINUTES

REGULAR PLANNING COMMISSION MEETING

JANUARY 21, 2003

A regular meeting of the Planning Commission of the City of Rolling Hills Estates was called to order at 7:33 p.m. in the City Hall Council Chambers, 4045 Palos Verdes Drive North, by CHAIRMAN ZERUNYAN.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

Commissioners Present: Rein, Conway, Somers, Bayer,
Chairman Zerunyan

Commissioners Absent Killen

Staff Present: Director Wahba, Assistant Planner Tran

4. **APPROVAL OF MINUTES**

COMMISSIONER CONWAY, seconded by COMMISSIONER BAYER

TO APPROVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING of JANUARY 6, 2002.

There being no objection, CHAIRMAN ZERUNYAN so ordered.

5. **AUDIENCE ITEMS**

None.

6. **CONSENT CALENDAR**

None.

7. **BUSINESS ITEMS**

None.

8. **PUBLIC HEARINGS**

A. PLANNING APPLICATION NO.43-02; APPLICANT: MR. AJIM BAKSH; LOCATION: 4 HILLCREST MANOR. A REQUEST TO APPROVE A NEIGHBORHOOD COMPATIBILITY DETERMINATION APPLICATION FOR THE CONSTRUCTION OF A FENCE (BLOCK WALL) IN THE FRONT YARD (BUILT AFTER-THE-FACT). APPROVAL OF A VARIANCE IS REQUIRED FOR THE FENCE TO EXCEED 24" IN HEIGHT.

Planner Tran gave a staff report (as per written material) and recommended that the Planning Commission Open the Public Hearing; Take public testimony; Discuss the issues, Close the Public Hearing, and approve Resolution No. PA-43-02 denying Planning Application No. 43-02.

COMMISSIONER CONWAY moved, seconded by COMMISSIONER BAYER

TO OPEN THE PUBLIC HEARING FOR PLANNING APPLICATION NO. 43-02.

AYES: Bayer, Rein, Conway, Somers, CHAIRMAN ZERUNYAN

NOES:

ABSTAIN:

ABSENT: Killen

The applicant, Mr. Baksh, conducted a photo presentation of the wall. He stated that the wall can not be seen from the street. He presented photos of other walls constructed similar to his that were done without the required approvals. He discussed the circumstances regarding the purchase of the home and explained that the seller directed him the Los Angeles County Department of Building and Safety for the necessary permits for his wall. He stated that due to his swimming pool the wall is for safety purposes, explaining that he has previously found neighborhood kids swimming in his pool without his permission and was concerned for their safety.

COMMISSIONER CONWAY advised the applicant that his discussion did not provide any new information that would support the necessary five elements required for a Variance, and without them, the Commission cannot approve the Variance. He added that a Variance is dependent upon the uniqueness of the property and not any other elements.

COMMISSIONER CONWAY explained that an applicant needs to address the necessary elements for a Variance such as "exceptional or extraordinary circumstances.

Mr. Baksh felt that his large front yard area was exceptional and extraordinary when compared to other properties in the neighborhood.

COMMISSIONER CONWAY advised the applicant that his information was not sufficient for the Variance.

Mr. Gunther Merli of 6 Hillcrest Manor, stated that he is in support of the improvements that Mr. Baksh has made to the home and the neighborhood.

Mr. Zolton Kotinszky, Manager of the HOA, stated that the HOA had never received an application for approval of Mr. Baksh's project. He stated that if they had received an application, the HOA Board would not have approved the wall.

Mr. J.K. Kung, of 7 Hillcrest Manor, stated that because they were in a small community, everyone must abide by the rules of the HOA and CC&Rs and for that reason he is opposed to the approval of the Variance.

COMMISSIONER CONWAY moved , seconded by COMMISSIONER SOMERS

TO CLOSE THE PUBLIC HEARING FOR PLANNING APPLICATION NO. 43-02.

AYES: Bayer, Rein, Conway, Somers, CHAIRMAN ZERUNYAN

NOES:

ABSTAIN:

ABSENT: Killen

COMMISSIONER SOMERS stated that the five elements for a Variance are required by State law and the City must make those findings. He said that the Commission cannot even come close to making them in this application.

COMMISSIONER BAYER expressed her concerns that there was not an application made to the Homeowner's Association; that a contractor did not know to make an application to the City, and that the applicant was asked to stop working on the wall and continued to do so. If the Commission came up with the ability to make the findings for this Variance, it would establish a bad precedent. He said that by building a wall when asked to stop building, and then expecting the Commission to approve it would send a very bad message to the community.

CHAIRMAN ZERUNYAN stated that he agreed with his colleagues and thanked the Planning Staff and Code Enforcement for a well planned presentation.

COMMISSIONER BAYER moved, and seconded by COMMISSIONER CONWAY

TO APPROVE RESOLUTION PA-43-02 DENYING THE APPLICATION.

AYES: Bayer, Rein, Conway, Somers, CHAIRMAN ZERUNYAN

NOES:

ABSTAIN:

ABSENT: Killen

Director Wahba stated that there is a 20-day appeal period.

9. COMMISSION ITEMS

NONE

10. DIRECTOR'S ITEMS

Director Wahba discussed the plans for the Rolling Hills Covenant Church Public Hearing originally scheduled for February 3, 2003, may be rescheduled.

Director Wahba stated on January 28, 2003, City Council will reorganize the Planning Commission, appointing a new Chairman and Vice-Chairman.

11. MATTERS OF INFORMATION

A. City Council Actions (December 10, 2002)

COMMISSIONER CONWAY moved, and seconded by COMMISSIONER BAYER

TO RECEIVE AND FILE ITEMS 11A.

12. ADJOURNMENT

At 8:00 p.m. CHAIRMAN ZERUNYAN adjourned the Planning Commission meeting to the meeting of February 3, 2003 at 7:30 p.m.

Judith Trujillo
Minutes Secretary

Douglas R. Prichard
City Clerk