

**Planning & Zoning  
Committee of the  
MidCoast  
Community Council**  
PO Box 64, Moss Beach  
CA 94038  
*Serving 12,000 residents*

January 23, 2006

FAX/Email

**Steve Ross**

San Mateo County Planning and Building Division  
Mail Drop PLN122, 455 County Center  
Redwood City, CA 94063  
650.363.1825 - FAX: 650.363.4849

**RE:** PLN2005-00419. Consideration of a Home Improvement Exception, DRX & CD for a 164 s/f addition to an existing 122 s/f raised deck at 681

Hermosa Ave, Miramar. APN: 048-075-030,040,050

Dear Steve:

The Planning & Zoning committee recently reviewed this application. Both the applicant and homeowner were present at the meeting. We have the following comments:

**Neighboring Property**

Based on parcel maps it is possible that at least one or two lots could be developed on the east side of the property (the side to which the deck will extend), which may utilize the yet undeveloped portion of Hermosa for access. The applicant and homeowner are aware of this fact and accept the risk that development of Hermosa into a real road could negatively impact the deck encroachment into the setback. Moreover the homeowner acknowledges that this fact should be disclosed in any future sale of the home.

**Permit Application**

Neither the Committee nor the applicant are entirely clear on whether or not this project is, in fact, eligible for an HIE. To the best of our knowledge the home is already out of compliance with the zoning regulations for setback encroachment (garage into front yard setback). Thus according to Section 6531, paragraph 5, restriction (1) of the Zoning Regulations an HIE permit can not be granted. We understand that an HIE eliminates the applicant's ability to ask for a CDX, however we would like clarification or confirmation from the Planning Commission that this project is eligible for an HIE despite Section 6531.

**Variance Findings**

In accordance with Section 6534.1 we make the following findings.

1. Given the parcel's triangular shape comprised mostly of the front/rear 20' setback lines, its location at the edge of the urban/rural boundary and lack of development on the side in question we find this parcel varies substantially from those other parcels in the same zoning district or vicinity. However if the house, in the first case, had been sited and designed appropriately, the encroachment into the setback would not be an issue. Variances are not meant to relieve the homeowner of this responsibility.
2. Unless there is specific precedence of a similar circumstance which resulted in a variance being granted, we cannot find that withholding the variance will

deny the homeowner of the rights and privileges enjoyed by other landowners in the same zoning district or vicinity.

3. If there is specific precedence of a similar case which resulted in a variance being denied, then issuing this variance would grant the landowner special privilege inconsistent with the restrictions placed on other parcels in the same zoning district or vicinity. (i.e. other applicants would not be allowed to build their decks into the setback)
4. Deck construction is permitted within the applicable zoning district R-1/S94.
5. A modest deck extension for a single-family home is probably consistent with the objectives of the General Plan, the Local Coastal Program (LCP) and the Zoning Regulations.

#### **Conclusion**

Taking into account the neighborhood design, the parcel location, the lot configuration and potential for development of Hermosa and lots east of the property, and notwithstanding some difficulties in meeting the required findings for a Variance explained above, we feel the County may be able to make the required findings and grant the Variance allowing this deck to be built.

Thank you for your help. We request that you keep us informed of any further developments, hearings, approvals or appeals concerning this application.

Please also clarify the HIE status for us.

For the MidCoast Community Council Planning & Zoning Committee,



Sara Bassler  
Chair, MCC Planning and Zoning Committee