

MEETING DATE: September 24, 2012

AGENDA ITEM: Consideration of Whether to Place an Item on a Future City Council Meeting Agenda Related to a Request for a Fee Waiver for a Contemplated Variance Application by Mr. David Baker, Property Owner of 4272 Jackson Avenue.

ATTACHMENTS

1. Letter of Request

Pages
1-3

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CITY MANAGER'S OFFICE
CITY OF CULVER CITY

May 17, 2012

City Manager
City of Culver City
9700 Culver Blvd.,
Culver City, Ca. 90232-0507

Re: 4272 Jackson Ave., Culver City (David Baker)
REQUEST FOR VARIANCE FEE WAIVER & REQUEST FOR AGENDIZING ISSUE

Gentlemen:

INTRODUCTION & BRIEF HISTORY OF LOCATION

On behalf of my client and Culver City resident David Baker, I request that the fee as required under Culver City Code Section 17.210, for a residential variance for Mr. Baker's single family residence located at 4272 Jackson Ave. be waived in the interest of justice and in furtherance of the general plan to protect the existing density and maintain the single-family nature of the local neighborhood, consistent with the Single Family Residential land use designation of the General Plan.

We further request that the above request be agendized by the city council for full discussion at its next meeting.

Mr. Baker purchases his home of 720 sq. ft. in 1972. At the time of purchase the residence included the non-permitted garage conversion, in which the garage was converted into a bedroom. In subsequent years additional construction, including earthquake retrofitting in 2009, at a cost of \$2,500.00, in the same year a bathroom and closets were added. In 2010 toilets and windows were built and the kitchen remodeled at an additional cost of \$45,000.00. In other words Mr. Baker has spent considerable time and money to keep his property well maintained and in conformity with his neighbors.

In 2010 Culver City Planning determined that the single family residence was in violation of the Culver City Municipal Code by the non-permitted use of the garage to a bedroom. An Order to Comply was issued to which Mr. Baker timely objected and requested hearing before the Commission. After oral argument, certain conditions were placed upon the resident including

installing smoke detectors in the garage, obtaining permits from city engineering to remove the curb cut driveway issue; and a condition that upon sale, lease of said property or death of Mr. Baker that the new owner will be required to reconvert said garage to the original condition, in conformity with code.

Mr. Baker has complied with all applicable conditions requested by the Municipal Code Appeals Committee, except the condition regarding the immediate reconversion upon the lease, sale and/or death of the owner.

Mr. Baker, herein makes formal application for a variance as described in Chapter 17.550 of the Culver City Municipal Code. Under said section certain findings are necessary to grant a variance. Special circumstances applicable to the location, including location, shape, size, surroundings, et al. For one, this lot is the result of a historic lot split and is approximately 2800 sq. ft. Because of said lot split- the driveway (curb cut) is shorter than standard. By the strict compliance of the Act, the owner is denied the privileges enjoyed by other landowners in the vicinity and under identical districts.

Furthermore, strict application of the applicable development standard creates an unnecessary, involuntary created hardship and makes it obviously impractical to require full compliance. In addition, it must be pointed out that the existing non permitted garage is but 8 '1" in width and code required no less than 9'6". It is therefore obviously impractical to reconvert the present use to a garage that would fail to meet present requirements.

The Variance is necessary for the preservation of substantial property rights including enjoyments of said property. That the project is consistent with the general Plan and complies with provisions of this title and the issuance of the variance would not be detrimental to public health, interest, safety or to the general welfare and further would not be detrimental or injurious to property or improvements in the vicinity and in the same zoning district in that said deviations have been in existence since at least 1972.

Based on the above described facts and argument, Mr. Baker requests that a variance be issued to allow the non-permitted use and further requests that the matter be agendized with the request that the issue of a fee waiver be discussed by said city council in session.

BASIS FOR FEE WAIVER

1. Fee is for a single family residence: the owner is not a multi- unit developer and is not constructing anything new on said site, nor is the variance a request for a commercial development. There is no difference under the Code between a lone single family resident and a multinational corporation in said request. The lack of "a tiered" approach for applications for a variance indicates that the City has significant room to allow this waiver.

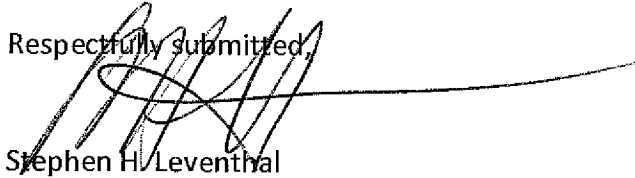
2. The owner has been a Culver City resident since 1972 and was not aware of the "non permitted" status of the garage at the time of purchase. To require the owner to make these

changes at this late date, would impose a hardship to a landowner whose only source of income is social security and a pension issued to his deceased wife.

3. Mr. Baker has expended significant money in the repair and upkeep of said property.

4. As a senior citizen and retired the expense of \$17,400.00 will cause undue hardship for himself and his family. Mr. Baker requests that said variance fee be waived in this case.

Respectfully submitted,



Stephen H. Leventhal

Attorney at law

SHL:si