

RESOLUTION NO. 16-40

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
DENYING VARIANCE 16-02  
FOR RETENTION AND EXPANSION  
OF A SEMI-CIRCULAR DRIVEWAY  
AT 4377 CHEVY CHASE DRIVE  
AS REQUESTED BY JAY JOHNSON  
ON BEHALF OF  
HARMEET SINGH

**WHEREAS**, a request by Jay Johnson, on behalf of Mr. Harmeet Singh, has been received for Second-floor Review, Floor Area Review, Setback Modification and a Variance to allow the construction of a new two-story house and related site improvements, said request attached hereto and incorporated herein by reference. The Variance application was to allow retention and expansion of an existing semicircular driveway on a lot that is 75 feet in width; and

**WHEREAS**, the Planning Commission, on June 14, 2016, after posting and publication in the prescribed manner, held a public hearing and conducted a review of the request; and

**WHEREAS**, the Planning Commission, on June 14, 2016, voted to approve the Second-floor Review, Floor Area Review and Setback Modification components of the request, and continue the Variance for further review; and

**WHEREAS**, the Planning Commission on June 28, 2016, reviewed the requested Variance, including the facts contained in the staff report dated June 14, 2016 and staff memo dated June 28, 2016 regarding the application for Second-floor Review, Floor Area Review, Setback Modification and Variance at 4377 Chevy Chase Drive and heard and considered the testimony of the applicant and the public; and

**WHEREAS**, the Planning Commission reviewed the project and determined that no significant environmental impacts would result from the project, which is Categorical Exempt from the California Environmental Quality Act, under Section 2.5(a)(4)(ii)(additions) and 2.5(e)(1)(minor yard and setback variances) of the City of La Cañada Flintridge Guidelines for the implementation of CEQA; and

**WHEREAS**, based on the evidence presented by the application materials, staff report, and public testimony, the Planning Commission finds the following:

## Section 1:

### *Variance:*

1. This request shall constitute a grant of special privilege of development or use which is inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated because the project consists of alteration and expansion of an existing semi-circular driveway beyond that required to safely and efficiently access the site and to the extent that it qualifies as a new driveway on a lot less than 100 feet in width, whereupon semi-circular driveways are not permitted by code.
2. Due to special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the subject property is not deprived of the privileges enjoyed by other properties in the vicinity and under identical zone classifications because safe and efficient site ingress and egress can be provided by a conforming driveway, as in the case with numerous properties along Chevy Chase Drive. The project's inclusion of a new 2-car garage requires extensive alteration to the current non-conforming driveway; necessary code relief for which reflects a self-imposed hardship as opposed to a special circumstance applicable to the subject lot.
3. The granting of such Variance will be contrary to the objectives of any part of the adopted General Plan because Land Use Element Objective 1.5 / Policy 1.5.4 is to "encourage non-conforming uses and buildings to be brought into compliance with City codes". Expansion of the non-conforming semi-circular driveway as proposed when reasonable remedy is available would be contrary to this objective and policy.
4. The granting of such Variance will not be materially detrimental to the public welfare or injurious to other properties or improvements in the vicinity and zone in which the subject property is located because retention of the semicircular driveway will continue to maximize safety for both the property owners and on-coming vehicles traveling along Chevy Chase Drive, while increased width will facilitate improved site access for the Fire Department.
5. The project preserves the existing scale and character of the surrounding neighborhood and protects public views and aesthetic values and other property values in the neighborhood because the semicircular driveway has virtually no effect on the overall scale and appearance of the residence and is consistent with the prevailing streetscape. Adequate landscaping and a low wall to the front that partially buffers view of the driveway is already in place and will be preserved as part of the project.

Section 2:

NOW, THEREFORE, be it resolved that the Planning Commission denies the Variance request at 4377 Chevy Chase Drive for the retention and expansion of a nonconforming semicircular driveway in conjunction with the approval of Second-Floor Review 16-04, Floor Area Review 16-02 and Setback Modification 16-01.

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of July, 2016.

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Chair of the Planning Commission

ATTEST:

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Secretary to the Planning Commission