



ERIC MILLER  
ARCHITECTS

December 16, 2024

Mr. Evan Kort, Associate Planner  
City of Carmel-by-the-Sea Community Planning and Building Department  
PO Drawer CC, Carmel-by-the-Sea, CA 93921

re: DS 24164/VA (Brown)

Dear Mr. Kort,

This is a request for variance on the Brown application DS 24164/VA, Scenic 3 SE 12<sup>th</sup> Avenue, APN 010-292-011.

The project is requesting a new second floor view deck replacing a covered patio and existing site coverage, replacement and reduction of site coverage, and replacement of retaining walls. The findings requested for approval of the variance (CMC 17.64.210) are:

- A. *That due to special physical circumstances applicable to the property, the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other properties in the vicinity which were developed under the same limitations of the Zoning Ordinance.*

The topography of this site slopes from Scenic Road at an elevation height of approximately 49.9 to a rear elevation height of approximately 60.1. In response to a ten-foot difference in elevation, the existing house has two levels with the garage accessed at the lower level and the living space accessed at the upper level. The side yards and back of the house are at a higher topographic elevation which is conducive to a reverse floor plan and main entrance on the upper level. Accessibility to the main entrance of the house requires a long pathway with stairs along the side of the house to a side entrance, a feature shared by multiple properties along Scenic Road. The stairs and landings for an elevation difference of 10 feet requires a significant length to access the main entrance. To not allow additional site coverage to safely access the main entrance would be a hardship for the owners.

- B. *That the variance will not constitute a grant of special privilege inconsistent with limitations of other property in the vicinity and within the same zone.*

The granting of a safe pathway to the main entrance at the site of the house is a necessity, not a special privilege. All residences have a safe accessible means of entry into their residence, many with a side entrance similar to this property.

- C. *That the variance will not be detrimental to adjacent property or injurious to public health, safety or welfare.*

This request for a variance will maintain the existing topography which safely transitions to the adjacent property. The new stairs, landings and pathways will continue the natural slope of the topography along the side of the building to provide a safe means of ingress and egress for the residence. The existing vegetation provides adequate privacy for all site improvements requested.

- D. *That the condition or situation of the property for which the variance is sought is not so general or recurrent in nature as to make reasonable or practical the formulation of a general regulation to address such condition or situation.*

The change in topography in the side yard setbacks deems it necessary to have stairs and pathways for safe access as a specific hardship to this property. This condition is due to an oddly shaped front property line and narrow width requiring a garage and offstreet parking.

- E. *That the situation or condition for which the variance is sought was not the result of actions of the existing or any prior owner of the property.*

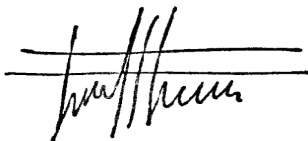
The request for a variance is the result of a drastic change in topography from the front property line to the rear property line. The garage requirements at the lowest grade elevation require a width such that the side of the house is required for accessibility on the sloping topography of the natural site.

- F. *That granting the variance will not be in conflict with the General Plan, or the general zoning objectives of the district within which the affected property lies.*

The granting of this variance is in response to an unusual condition due to the grade change naturally occurring on this property. For safety of owner and public access, the elevation change of ten feet requires appropriate stairs and pathways. The side entrance and access to the entry are compliant with the general zoning objectives for not having a grand entry.

With these property improvements having minimal or no impact on the neighborhood in response to the sloping property, we request consideration for approval of requested variances.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Miller', written over two horizontal lines.

Eric Miller  
Eric Miller Architects, Inc.