

From: Chas Bogner <mechaz33@sbcglobal.net>
Sent: August 04, 2025 4:36 PM
To: Planning Commission
Subject: Comments-Zenk Residence (PA2024-0057) August 7th Planning Mtg

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Planning Commission Members

RE: ZENK RESIDENCE (PA2025-0057)-Planning Meeting Aug 7th 2025

Site Location: 2830 Bayview Drive

I live at 2800 Bayview Drive, which is one house west of the applicant's proposed residence. At the November planning meeting I spoke in opposition to the proposed project. Along with all the others that attended and spoke, it was clear that this project was asking for multiple setback variances and 1,500+ of additional sq footage was not a reasonable or allowable fit to the existing neighborhood nor was it close to meeting existing planning codes. Rather than having a vote, the architect said he was going to rework that plan taking the neighborhood and planning commissioner's comments into consideration. That didn't happen.

The new proposed plan is larger than the previous one **and requires a variance to build the additional 1,675 sq ft**. The Heliotrope view corridor setback that had been previously proposed at 10' has been changed to 15' but it still blocks the ocean view of every house north of the applicant's who all were required to observe a 20' setback.

If permitted without variances, the applicant's house with the proposed basement would be more than 6,800 sq ft. The city staff makes the case that he is being denied his right to build due to the limitations of his lot. It's quite the contrary, as most would agree that an allowable footage of almost 7,000 sq ft does not deny a fair use of property. The applicant is a knowledgeable real estate investor who owns the two adjacent properties (on Heliotrope & Bayview) and was well aware of what building size was allowed when he purchased the property.

The city planner's submission regarding this project is defective and fails on two points in Section 20.52.090.F (Variances - Findings and Decision) of the Zoning Code. The first being **(D)**. "Granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district". The second point being **(E)**. "Granting of the variance will not be detrimental to the harmonious andgeneral welfare of persons residing or working in the neighborhood".

It cannot be reasonably presented by staff that granting the applicant a variance into the 20' view setback on Heliotrope Ave that all others adhere to, is "not detrimental to those neighbors". The advantage the applicant gains by enlarging his frontage into the Heliotrope setback comes directly at the expense of the value of his neighbors' properties to the north. It furthermore cannot be argued that he is in fact not gaining a special privilege if allowed to increase the size of his house by 1,675 sq ft., as no one else will be allowed that benefit.

Under New Design & Community Feedback: The city planner has included as an affirmative for due diligence that a meeting (which he did not attend) regarding the new plan, had "feedback that was generally positive." That is a complete mischaracterization of a meeting he did not attend but received a hearsay opinion from the architect's representative who was present. At no time did the architect's representative mention that the house would still require a variance for building size and that it would in fact be larger in size than what the neighbors were concerned about at the planning meeting. He only discussed making the setback intrusion 5' instead of 10'.

For the above reasons I would request that the planning commission not allow the applicant's variances be approved.

Charles & Maryann Bogner

2800 Bayview Dr.