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**GREATER GRIFFITH PARK
NEIGHBORHOOD COUNCIL**

**GREATER GRIFFITH
PARK NEIGHBORHOOD
COUNCIL**

Certified Council #35
PO Box 27003
Los Angeles, CA 90027
323-908-6054
GGPNC@GGPNC.org

July 20, 2006

Office of Zoning Administration
City of Los Angeles
City Hall, 7th Floor
200 North Spring Street
Los Angeles, CA 90012

Case No. ZA 2005-9466
Address: 2528 N. Vermont

Dear Sir:

At a regular meeting of the Board of Directors held on July 18, 2006, the Greater Griffith Park Neighborhood Council approved a motion opposing the applicant's request for a variance to permit reduced side yards of 0 feet in lieu of the required 5 feet. We understand that one of the structures involved in the request encroaches several feet onto a neighbor's property, and we believe that no decision should be made regarding a variance until the encroachment issue is resolved. If and when the encroachment issue is resolved, the Council wishes to be able to reconsider the applicant's request for a variance ab initio. Thank you for your consideration.

Sincerely,

Charley Mims, President

By Ronald Weinstein
Chair of the Planning, Zoning and
Historic Preservation Committee

cc: Kurt Rademaekers, Secretary
Doug Mensman, Assistant Planning Deputy, CD4

Frank Masi
2664 Glendower Avenue
Los Angeles, CA 90027

July 16, 2006

Greater Griffith Park
Neighborhood Council
Zoning and Historic Preservation Committee

Dear Committer Members,

I am a resident of Los Feliz. I try to attend as many LFIA and GGPNC Zoning Committee meeting I can, but I started out only attending meetings that had issues on the agenda that directly affected me or my property. It soon became clear to me that every issue discussed at LFIA and GGPNC Zoning Committee meetings affects me in some way.

I believe that the uniform enforcement of existing zoning laws and rulings is one of the most important issues in our neighborhood. Without enforcement, prosecution, and fines, the development of our neighborhood is a free-for-all where people who have more nerve than others can have their way at the expense of those who do conform to the zoning laws.

I would like to speak to the discussion of Agenda Item 3 that took place Thursday, July 13, 2006.

I see three issues:

1. The owner of 2528 N. Vermont built two (2) structures without applying for and obtaining the required building permits.
2. He built two (2) un-permitted structures without the legal setback from his neighbor's lot line.
3. One of the illegal structures extends approximately 3 feet onto his neighbor's property.

Item 1: Un-permitted Structures:

The owner of 2528 N. Vermont built two (2) structures without applying for and obtaining the required building permits. The owner's representative said, and I paraphrase to the best of my ability "...since it is already built, and since it can't be seen from the street, and since the owner will correct structural deficiencies, and if the neighbor affected does not object, what is the harm?"

- The harm is, owners and developers in our neighborhood and other parts of Los Angeles know that if they build a building or structure without a permit and get the illegal building or structure completed before they get caught, they will more than likely get away with it, or only be assessed a nominal fine that is less nuisance than applying for a permit that they might not get.
- The issue of the un-permitted grading at 2507 Nottingham is a case in point. Another developer decided to proceed with construction without obtaining permits. Now that the hill is destroyed, it is probably better for the neighborhood if the developer proceeds with construction that he may or may not have received a permit for if he had not forced the issue illegally.
- Contractors are not supposed to perform work without obtaining permits. I believe that contractors and trades involved in un-permitted work should also be put on the record.
- It is not fair to support these practices, while the majority of the neighbors use proper design and legal procedures at great personal expense.
- I believe that our neighborhood councils should, in every instance that comes to their attention, recommend that an un-permitted or otherwise illegal building or structure be torn down or the owner fined – depending on the seriousness of the situation.

Frank Masi
2664 Glendower Avenue
Los Angeles, CA 90027

Item 2: Illegal Setback:

The owner of 2528 N. Vermont is requesting a zero setback variance after the structure was constructed. If the owner resolves the issue regarding his illegal buildings encroachment onto his neighbor's property, and if the owner receives a variance allowing the illegal buildings to stand, the neighbor would then be in a position to request a similar variance, so that he could build without a required setback – for the same reason it was O.K. for the owner of 2528 N. Vermont.

This situation might seem trivial, but this affects the whole neighborhood:

- A precedent will have been set that will make it difficult to deny subsequent variance requests. It is very difficult to justify denying a variance request when a requestor can point to other setback variances that may be may not be relevant to their request.
- There is also a safety issue - lot line setbacks are on the books to avoid compromising adjacent foundations and to facilitate fire fighting.

I believe it is appropriate for neighbors to negotiate minor improvement issues between each other, and support variances for those “no harm” instances. I believe a zero setback request is not minor, and should not be supported.

Item 3: Disregarded Property Line:

If the owner of 2528 N. Vermont obtained permits for his construction, and if he had designed his structures to code, there would be no property line issue.

This is complicated, and appears as if it is only an issue between two neighbors, but:

- Assuming the owner and the neighbor reach an agreement, what happens when the neighbor sells his house?
- It is the unanticipated fallout from an un-prosecuted LADBS violation.

I was concerned that your committee might support the owner of 2528 N. Vermont's variance request Thursday, July 13, but I was relieved when you decided to postpone your recommendation pending the resolution of the lot line encroachment issue. That gave me the opportunity to write the opinions expressed in this letter, which I hope you will consider.

Thank you,

Frank Masi

Cc: Juliet Kiperman – Chair: LFIA Zoning Committee