



Opposition to Coastal Development Permit and Variance PRJ 1101825 7354 Romero Drive

By Concerned Neighbors

7/22/2026



The Law Office of Julie M. Hamilton

The Public Notice is Inadequate and Improperly Describes the Project

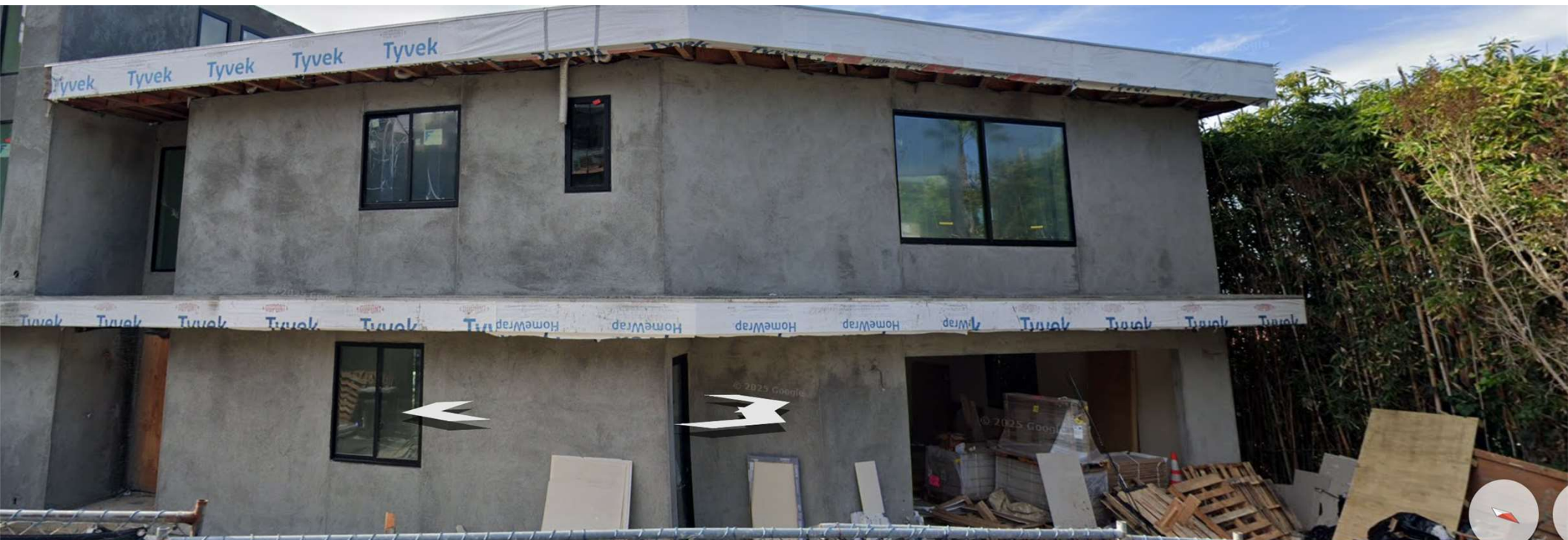
- The notice inaccurately describes the project as the remodel and addition of an existing one-story, single-family residence.
- The notice fails to describe the variance request with enough detail to provide effective notice to the public.
- The existing single-family residence was demolished. Therefore, **the project is the demolition of an existing residence and construction of a new residence.**
- The applicant does not have the benefit of an existing nonconforming structure.



The previous nonconforming structure was demolished in violation of the building permit.
Google Earth July 2022

It pays to violate the code!

- In February 2022 applicant requested a building permit to remodel the existing one-story single-family residence. Thereby avoiding a coastal development permit.
- This building permit should not have been issued because the project violated the code with reduced setbacks and exceeded the allowable FAR.
- By June, the building inspectors issued a correction noting the degree of demolition, requiring a coastal development permit.



The new single-family residence was built in the face of a “stop work” order.
Google Earth February 2025

The new single-family residence was built without the required permits.

- Despite stop work, applicant continued construction.
- January 2024 city emails contractor and designer to stop work.
- May 2024 applicant's attorney threatens city alleging vested right to approved building permit and threatening damages.
- December 2023 Architect Phil Merten notifies DSD work is continuing.
- January 2024 Phil Merten notifies city work is still ongoing and alleges further violations.
- August 2024 building permit cancelled.

Build Now, Ask for Forgiveness Later

- June 2024 staff makes applicant aware of previous variance
- July 2024 staff informs applicant's attorney staff can consider supporting variance for current project.
- September 2024 staff informs applicant staff has reviewed variance findings and can likely support request for variance.
- October 2024 Assistant Director Geiler speaks with property owner, owner's attorney and designer advising to once again stop all work on property until CDP can be obtained.
- December 2024 work has continued on project. Stucco has been applied to project.

The only justification for a variance is that the home is already built.

- There is no justification for allowing a new second story in the side and front yard setbacks.
- The applicant should not be rewarded for building the home in violation of the “Stop Work” orders by approving a variance for the home that was built without the required approvals.
- In fact, reduced side yard setbacks increases fire danger as evidenced by the new “Zone Zero” law requiring 5’ of defensible space around all new structures.
- With a 3.1’ setback, there is no means to insure defensible space around the new structure.
- There is no reason to allow a reduced front yard setback for a second story. A reduced second story does not preclude reasonable use of the property.
- As was shown in the original 2022 plans, the applicant is able to provide a one-car garage without a reduction in the front yard setback.

The Findings for a Coastal Development Permit Cannot be Made

- SDMC §126.0708 requires the hearing officer find the proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.
- The Land Development Code is the certified Implementation Program; the project must comply with all regulations of the Land Development Code.
- **The findings for a variance are not supported by evidence in the record; therefore, the project does not comply with the Implementation Program.**

Required Findings for a Variance are not Supported by Substantial Evidence.

- SDMC §126.0805
 - There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations.
- Although the findings in the draft resolution of approval are accurate as to the depiction of Romero Drive; these conditions apply to nearly every home on Romero Drive; more accurately every home in the Country Club area. **The conditions on this site are not unique to this site.**



Required Findings for a Variance are not Supported by Substantial Evidence.

- SDMC §126.0805
 - The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of a reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises.
- Reasonable use of the property is generally considered one single-family home and one ADU under today's laws.
- Reasonable use of the property does not require the construction of a three-story, 6,667 sf home.
- **A smaller home can be built on the property without requiring a variance.**
- **Reasonable use of the property does not require the construction of a second story within the setbacks.**



Reasonable Use of the Property. Google Earth, January 2020

Applicant has Failed to Request All Necessary Variances From Municipal Code.

Requested Variance:

- Side yard setback from 4' to 3.1'
- Front yard setback from 20' to 13.6'

Additional Required Variance:

- Exceed the height limit.
- Pool wall from 6' to 7'
- Exceed the allowable FAR.

The proposed project requires a variance to exceed the height limit and allow a 7' pool wall.

- The second-floor decks are within 6 horizontal feet of the pool; therefore, overall height must be measured from the lowest grade within 5' of the pool.
- The pool wall is a retaining wall. SDMC §142.0430(d)(1) limits retaining wall height to 6'. The pool wall height is 7', therefore, a variance is required.

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- Clearly shows balconies within 6 horizontal feet of pool.
- The conditions of approval do not require the removal of the illegally constructed balconies.
- The topo map clearly shows the pool wall is 7' high.



The Project Exceeds the Allowable FAR

- The 2022 building plans exceeded the allowable FAR.
- In response, the applicant converted a one-car garage and a portion of the living area into an ADU rather than reduce the bulk and scale of the structure.
- The current plans still exceed the FAR because the applicant improperly excluded areas not considered habitable.
- The Land Development Code states all area within the exterior walls be included in gross floor area.

Exhibit A is Inconsistent and Inaccurate

- Cross section “B” shows deck in area that is actually bedroom on the west side of the structure on Sheet A.4.0
- The plans do not accurately depict the walls to be demolished on Sheet A.1.1.
- The right elevation on Sheet A.3.1. shows a sliding door that is blocked by a garden wall.

