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PLANNING AND DEVELOPMENT SERVICES REPORT
AS APPROVED BY THE ZONING ADMINISTRATOR

DATE: September 28, 2000

TO: County of Orange Zoning Administrator

FROM: County of Orange/P&DSD/Current Planning Services Division

SUBJECT: Public Hearing of Planning Application PA00-0079 for Variance and Use Permit

PROPOSAL: Variance to allow a 9' front yard setback for an addition to an existing single family dwelling where a 13' setback is normally required. Use Permit to allow a 6' high fence and entry gate within the front property setback where a 3 ½' tall fence is normally required.

LOCATION: 12692 Singing Wood Dr., Unincorporated North Tustin area, 3rd Supervisorial District

APPLICANT: Art Barrett, Applicant

SYNOPSIS: P&DSD/Current Planning Services recommends Planning Agency approval subject to the attached findings and conditions.

STAFF PLANNER/CONTACT: Joshua J. McDonnell, Project Manager
Phone: (714) 834-2083, FAX: (714) 834-5413

BACKGROUND:

The applicant proposes a 413.75 square foot addition consisting of a bedroom and the extension of the existing master suite. The addition request necessitates the approval of a Variance as the new front setback would encroach to within 9' of the front property line. By averaging the front setbacks of the adjacent lots, a 13' front setback would be required. In addition a proposed 6' high wrought iron entry gate and associated wall would encroach to within 12'6" of the front property line, necessitating a use permit for an overheight accessory structure within a front setback area. The applicant maintains that special circumstances centering on the orientation of the dwelling unit and design of the street provide sufficient justification to approve the request.

SITE ZONING AND SURROUNDING LAND USE:

The site, and all surrounding sites, are zoned E4 "Small Estates". The surrounding area is composed of predominately single family, "ranch" style homes. The E4 zoning district

normally requires a 30' front yard setback and a side yard setback equal to 10 percent of the net lot width.

CEQA COMPLIANCE:

The proposed project is categorically exempt (Class 1) from the requirements of the California Environmental Quality Act per Section 15303.

PUBLIC NOTICES AND COMMENTS RECEIVED:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted on site and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to two County sections and the North Tustin Advisory Committee (NTAC). NTAC recommended conditional approval of the proposed Variance, but did not comment on the Use Permit request as it was not initially included in the project description. However, as the proposed walls and entry gate are in a direct line with the proposed building addition, and were included on the site plan, additional NTAC review appears unnecessary.

REVIEW AND ANALYSIS:

The proposed project site is currently developed as a single family dwelling unit. The structure is surrounded by similar single-story, single family residences. The predominant architectural theme of the area consists of single story California "ranch" style homes. Variances for front, side and rear yard setback encroachments have been approved for multiple residences in the immediate surrounding areas.

A 30' front yard setback is normally required in an E4 "Small Estates" district. However, Variance 4001 was approved for the adjacent parcel to the west and allowed a front yard setback of 10' instead of the required 21' (as originally required under the R1 zoning designation). In addition, the parcel to the east was originally built with an 16' front yard setback, which was allowed by measuring 50' from the centerline of the street when the parcel was originally zoned R1. By averaging the setbacks of the neighboring parcels as originally required under the R1 designation, an 18.5' front setback would have been required for the subject site. However, by averaging the front setbacks of the two adjacent lots as modified by Variance 4001, a 13' front yard setback would be required.

The applicant requests to exceed both setback standards by establishing a 9' front yard setback for both the main structure and the accessory walls and entrance gate. Staff notes that the driveway maintains a minimum 24' setback and the dwelling unit addition would not constitute a site distance problem.

Staff further offers the following discussion for providing a possible justification for the granting of the requested variance and use permit. Singing Wood Drive has a "knuckle" located in front of the applicant's project site. The knuckle effectively serves to create an

odd shaped lot which is shaped differently from other lots within the general vicinity. The use permit and variance request would not push the front of the proposed addition so far forward as to give the street scene an unbalanced look.

Staff notes that the applicant could remain within development regulations while constructing a second story addition. However, as previously stated, the surrounding neighborhood consists of predominately, single story “ranch” style homes. A two-story addition would have a negative aesthetic impact on the neighborhood, much more so than the requested front yard encroachments. The use permit request to extend walls out from either side of the proposed addition should not serve to negatively affect the aesthetic value of the project site, rather the will create a cohesiveness by effectively attaching the garage structure to the main unit and continuing the building line to the opposite property boundary.

The North Tustin Advisory Committee was notified of the project and voted unanimously to conditionally approve the project. The applicant further provided staff with a letter signed by the residents of 10 neighborhood residences stating that they preferred the proposed single story addition over a two-story remodel. Therefore, there appears to be no adjacent resident or community issues associated with this proposed side yard setback variance. However, before this variance or any variance can be approved, the Zoning Administrator, in accordance with State and County planning laws, must be able to make the following two variance findings listed below. If the Zoning Administrator can not make these findings, the application must be disapproved.

1. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other properties in the vicinity and subject to the same zoning regulations.
2. Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.

Staff has included a condition of approval requiring the applicant to show evidence of adequate sight distance in a manner meeting the approval of the Manager, Subdivision and Grading Services.

RECOMMENDATION

Current Planning Services Division recommends the Planning Agency:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA00-0079 subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

C.M. Shoemaker, Chief
Site Planning and Consistency Management

APPEAL PROCEDURE

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval

Exhibits: (Zoning Administrator package only)

1. Applicant's Letter of Explanation
2. Site Plans