

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: December 14, 2000

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA00-0107 for Variance

PROPOSAL: Front setback Variance to permit the installation of an enclosed four season prefabricated sunroom to be located 12 feet from the front property line when a front setback of 20 feet is required for such new construction. The proposed sunroom measures 15 feet by 17 feet and would be located on top of an existing attached garage, which is also setback 12 feet from the front property line.

LOCATION: In the Silverado Canyon area, at 29772 Silverado Canyon Road. Third Supervisorial District.

APPLICANT: Deborah Johnson, property owner

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA00-0107 for Variance subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is in the A1 "General Agricultural" District and is 6,400 square feet in area, averaging 48 feet in width and 132 feet in depth. The site fronts on the south side Silverado Canyon Road. This is a public road with a right-of-way width of 40 feet. The road appears to be paved to a width of 24 feet. The lots that front on this side of the road are similar in size. The site is heavily wooded and developed with a two-story single-family dwelling with an attached two-car garage located near the front of the lot. The two-car garage is setback 12 feet from the front property line. It is not known when the garage was constructed with a 12-foot setback when the required setback is 20 feet.

The applicant proposes to install a sunroom on top of the existing garage and attach it to the existing dwelling. The roof of the garage is presently used as an open deck that is accessed through sliding doors from the living area of the house. Access to the proposed sunroom is through the existing sliding doors from the house. The proposed sunroom is prefabricated and consists of glass panels making up three walls and the roof. The sunroom is in the same building classification as an enclosed patio and is not considered habitable living space. Since the garage is non-conforming as to the front setback, a variance is required to install the sunroom in the front setback area.

SURROUNDING LAND USE:

Direction	Zoning	Existing Land Use
Project Site	A1 “General Agricultural”	Residential
North	A1 “General Agricultural”	Residential
South	RHE-4 “Residential Hillside Estates-4 acre lot size”	Residential
East	A1 “General Agricultural”	Residential
West	A1 “General Agricultural”	Residential

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building 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 the Orange County Fire Authority.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions or adjacent property owners.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 5, minor alterations in land use limitations such as setback variance) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The central issue of this application relates to the front setback. Had the garage been setback a minimum of 18 feet and the sun room setback 20 feet for the front property line, a variance for its installation would not be require. Even though the proposed sunroom is classified as non-habitable living space, the setback requirements are the same as if it were habitable living space. The variance requested will have no impacts on traffic or adjoining property owners. Since the garage is located 12 feet from the front property line, adding what is basically additional height to the garage will not affect vehicular traffic passing in front of the garage or garage maneuvering area.

Staff did not identify any planning issues with this proposal. However, before this variance request can be approved, the Zoning Administrator, in accordance with State and County planning laws, must be able to make the following 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 property in the vicinity and subject to the same zoning regulations.
2. Approval of the application will not constitute a grant of special privileges that 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 is of opinion that the Zoning Administrator is able to make these two special variance findings and approve the variance request. The special circumstances for approving the variance requested for this proposal is in Finding No. 7 of Appendix A.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA00-0107 for Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

C. M. Shoemaker, Chief
CPSD/Site Planning Section

WVM

Folder: Variance/Variance 2000/PA00-0107 Staff

APPENDICES:

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

EXHIBITS:

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

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.