

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT
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DATE: November 30, 2000

TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA00-0120 for Variance

PROPOSAL: Rear yard setback variance to permit a one-story, 384 square feet addition to an existing one-story, 1,544 square feet single family dwelling to be constructed 18 feet from the rear property line when a rear yard setback of 25 feet is required.

LOCATION: West of Imperial Highway, north of Yorba Linda Boulevard, at 4881 Hamer Drive, Placentia. Within the City of Placentia's Sphere of Influence, and the Fourth Supervisorial District.

APPLICANT: Stephen and Jeanile Plett, property owners

STAFF Jim Swanek, Project Manager
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SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA00-0120 for Variance subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is 7,210 square feet in area measuring approximately 70 feet wide x 103 feet deep. The site is level and developed with a single family dwelling with attached two-car garage. The house is located 22 feet from the front property line, 5 feet from the south side property line, 5 feet from the north side property line and some 34 feet from the rear property line (18 feet is proposed in this variance request). The proposed 384 square foot addition to the house consists of two bedrooms.

SURROUNDING LAND USE:

The subject site and properties to all sides are zoned R1 "Single Family Residential", and are developed with single family dwellings.

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 four County Divisions and the City of Placentia. As of the writing of this staff report, no comments raising issues with the project have been received from the other County divisions.

CEQA COMPLIANCE:

The proposed project is Categorical 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:

When the existing home was constructed in 1962 as part of Tract 4085, the site was zoned R1 "Single family Residence" which had a rear yard setback requirement of 25 feet. This has not changed. Despite this fact, a number of variances to the normal rear yard setback requirement have been granted over the intervening years. Notably, on May 9, 1999, the Zoning Administrator, by PA990043 approved a nearby rear yard variance at 17', also on a rectangular lot not on a corner.

The rear yard setback for single family residential-zoned parcels in Placentia is 20' for the initial construction of a dwelling unit, with future additions allowed to encroach to within 10' of the rear yard property line. Therefore, if the subject property were located within the City of Placentia, the project would be ministerial in nature. The City was notified of the project and had no comment on the application, other than noting it is an allowed use within the City's jurisdiction.

The neighborhood surrounding the project site is well maintained and the proposal would not detract from that appearance. The City of Placentia would allow an addition to an existing single family-zoned unit to encroach to within 10 feet of the rear property line. Given this fact, the strict application of the code-required 25 foot distance from the structure to the rear property line would deprive the subject building site of privileges enjoyed by other similar property in the same vicinity and zoned as the subject property.

Staff cannot identify any planning issues that would prevent the Zoning Administrator from approving the proposed variance permitting a rear yard setback of 18' for the proposed addition. 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 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 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 request for a side yard setback variance are in Finding 6 of Appendix A. Staff supports the applicant's rear yard variance request and makes its recommendation as follows.

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.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA00-0120 for Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

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

APPENDICES:

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

EXHIBITS:

- 1. Applicant's Letter of Explanation
- 2. Site Plans and site photo

Appendix A Findings PA000120

- AA01 1 GENERAL PLAN PA000120
That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.
- AA02 2 ZONING PA000120
That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.
- AA03 3 COMPATIBILITY PA000120
That the location, size, design and operating characteristics of the proposed use will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental, or incompatible with other permitted uses in the vicinity.
- AA04 4 GENERAL WELFARE PA000120
That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
- AA05 5 PUBLIC FACILITIES PA000120
That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).
- ED04 6 CATEGORICALLY EXEMPT PA000120
That the proposed project is Categorically Exempt (Class 5) from the provisions of CEQA.
- VA01 7 VARIANCE 1 PA000120 (Custom)
That 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. The project site is in the City of Placentia's Sphere of Influence. Properties within the City currently enjoy development standards that are less restrictive. The County zoning regulations represent a development restriction that does not effect adjacent properties within the City of Placentia.
- VA02 8 VARIANCE 2 PA000120
That 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.

Appendix B

Conditions of Approval

PA000120

Z01 1 CP CP BASIC/ZONING REG PA000120

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.

Z02 2 CP CP BASIC/TIME LIMIT PA000120

This approval is valid for a period of 24 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

Z03 3 CP CP BASIC/PRECISE PLAN PA000120

Except as otherwise provided herein, this permit is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Director, PDS, for approval. If the Director, PDS, determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

Z04 4 CP CP BASIC/COMPLIANCE PA000120

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Planning Commission.

Z05 5 CP NA BASIC/OBLIGATIONS PA000120

Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit. Applicant will reimburse the County for any court costs and attorneys fees which the county may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition.

Z06 6 CP NA BASIC/APPEAL EXACTIONS PA000120

Pursuant to Government Code Section 66020, the applicant is informed that the 90-day period in which the applicant may protest the fees, dedications, reservation or other extraction imposed on this project through the conditions of approval has begun.