

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**  
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**DATE:** March 8, 2001

**TO:** Orange County Zoning Administrator

**FROM:** Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA00-0132 for a Variance

**PROPOSAL:** Side yard setback variance to permit a new motor home garage addition to an existing two-story, single family dwelling to be constructed 6 feet from the side property line when a side yard setback of 15 feet is required.

**LOCATION:** West of Jamboree Road, south and east of Newport Blvd. at 1552 Clearview Lane, North Tustin. Third Supervisorial District.

**APPLICANT:** Edward and Yvonne Boseker, property owner

**STAFF CONTACT:** Al Gordon, Project Manager  
Phone: (714) 834-5128 FAX: (714) 834-4652

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator approval of PA00-0132 for a Variance subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The subject site is pie shaped and approx. 38,700 square feet in area measuring approximately 114 feet at the front or northerly property line, it should be noted that the first 30 feet of the front property is encumbered with a right-of-way easement. The rear or southerly property line is approx. 207.3 feet wide. The westerly property line is approx. 280.3 feet long, with a 4 foot jog in the easterly direction at approx. 90 feet into the project site. The easterly property line is approx. 259.43 feet in length. The site is level and developed with a single family dwelling with attached carport. The existing house is located 88 feet from the front property line, 32 feet from the east side property line, 13 feet from the west side property line (area subject of this variance request) and over 50 feet from the south or rear property line. The proposed new 1772 square foot garage addition will have an overall interior dimension of approx. 34 feet by 48 feet with two (2) (2-car garage) parking areas. The northerly garage area has a unobstructed dimension of 20.5 feet by 19.5 feet and the southerly garage area is approx. 20 feet by 17.5 feet. It should be noted that the Zoning Code Sec. 7-9-145.2(a)(1) requires that in garages with two or more side by side parking spaces, the required minimum unobstructed dimension of nine (9) feet in width and eighteen (18) feet in length for each parking space must be met. The northerly garage area meets the above requirement and thus satisfies Zoning Code Sec. 7-9-145.3(d)(1) which requires a minimum of two covered off-street parking spaces. The new garage will also include a 17 feet by 48 feet Motor Home garage. The project

also includes a second floor room addition above an existing shop that is not subject to the variance request.

**SURROUNDING LAND USE:**

The subject site and all surrounding properties are zoned E4 (20,000) “Small Estates”(20,000 square foot minimum building site area). The subject site and the surrounding properties to the North, South, East and the southerly portion of the west are developed with single family dwellings on similar sized lots. The northerly portion of the property to the west (area of subject Variance request) is developed with water storage tanks.

**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 three County Divisions and the North Tustin Advisory Committee (NTAC). NTAC discussion follows in the analysis section of this report. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions.

**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 existing home is zoned E4 (20000) and was built in 1969. The setback for the E4 (20000) is front 30 feet, rear 25 feet and side 10% of the average lot width. The existing home currently has the following setbacks: front 58 feet, rear 50+ feet, east side 32 feet and west side (subject of variance) 13 feet. Staff has calculated the average width of the lot and determined the required side yard setback is 15 feet. The proposed site plan sets the front setback at 42 feet and the westerly side yard setback (subject of the variance) at 10 feet from the front of the garage to 14 feet back and 6 feet for the remaining 34 feet of garage depth. The reason for the variable side setback is the four (4) foot jog in the westerly property line. The rear and east side setbacks are not affected by the proposed construction.

The motor home garage is the section of the garage addition that is the subject of this variance request. The difficulty with the placement of the Motor Home portion of the garage is the 38 foot length of the motor home and its ability maneuver in and out of the garage. If the garage is placed at the side yard setback of 15 feet the motor home comes into conflict with a large tree and a utility pole and guy wire. If the garage were placed at the easterly driveway the approach is too steep and the motor home will scrape the bottom of its mid section. The parcels that are directly adjacent to the location of the proposed variance are developed with water storage tanks. Staff has a letter from the Southern California Water Company, owner of the adjacent parcels, that acknowledges the receipt of the construction plans for the garage and the company has no objection to the placement of the garage at 6 (six) feet from the property

line that borders their tanks. There is another property in the immediate area that has been granted a side yard variance of 8 feet..

The planning application was forwarded to the North Tustin Advisory Committee for review and comment. The Advisory Committee reviewed the application at their December meeting. The Board suggested that the applicant revisit the site plan layout and attempt to eliminate the need for a variance, then continued the item to its January meeting. The item was heard and approved, as previously presented to the Board at its January 17, 2001 meeting, with no conditions.

A neighborhood awareness form has been forwarded to staff. The form has been signed and dated by all surrounding land owners that may be affected by the proposed construction. All neighbors have approved the proposed plans. Staff cannot identify any planning issues that would prevent the Zoning Administrator from approving the proposed variance.

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 is included within Finding 6 of Appendix A. The circumstances include, the ability of the motor home to ingress and egress the site on the east entry due to steep topography and on the west side entry; the garage entry is most accessible at the proposed location due to a conflict with a large tree, utility pole and guy wire; and there is also a jog of four (4) feet in the west side property line not in the applicants favor. Additionally, it should be noted the property to the west is developed with large water storage tanks and not an adjacent residential use. Staff supports the applicants side yard variance request and makes its recommendation as follows.

#### **RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA00-0132 for Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad Brown, Chief  
CPSD/Site Planning Section

**APPENDICES:**

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

**EXHIBITS:**

- 1. Applicant's Letter of Explanation
- 2. Southern California Water Company Letter
- 3. Applicant's special circumstances letter and Exhibit "A"
- 4. Neighborhood Awareness Form
- 5. North Tustin Advisory Committee Meeting Minutes from December 20, 2000.
- 6. North Tustin Advisory Committee Meeting Minutes from January 17, 2001
- 7. Site Plans and site photos