

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

MS Word Export To Multiple PDF Files Software - Please purchase license.

**DATE:** August 23, 2001

**TO:** Orange County Zoning Administrator

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

**SUBJECT:** Public Hearing on Planning Application PA01-0020 for a Variance.

**PROPOSAL:** Request for approval of a variance to reduce the minimum side setback to facilitate the construction of a single-story room addition to a two-story single family home. The variance requested reduces the required 8'-8" setback, calculated at 10% of the average lot width, to 6 feet 7 inches. The subject site is zoned 100-E4 "Small Estates" 10,000.

**LOCATION:** The site is located in the North Tustin area, at 11111 Brunswick Way, within the Third Supervisorial District.

**APPLICANT:** Kent Wilson

**STAFF CONTACT:** Marta B. Crane, AICP, Project Manager  
Phone: (714) 834-5144 - FAX: (714) 834-465  
E-Mail CraneM@pdsd.co.orange.ca.us

**SYNOPSIS:** The Current Planning Services Division recommends Zoning Administrator approval of Variance Application No. PA01-0020, subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The subject site was developed in 1963 as a two-story, single-family residence with a two-car attached garage in the front. The house is set back 30 feet from the front property line; 29 feet from the rear property line; 15 ½ feet from the south side property line, and 16 ½ feet from the north side property line. The applicant is proposing to build a room addition to the north side of the house, a portion of which will be within the required side yard setback. The minimum side setback requirement for this lot is calculated at 10% of the average lot width, which in the case of this particular property is 8 feet 8 inches. The proposed room addition will encroach 2 feet 1 inch, maintaining a distance of 6 feet 7 inches from the northerly property line.

**SURROUNDING LAND USE:**

The subject site backs up to Newport Boulevard to the west, and is surrounded by single family homes also zoned 100-E4-10,000, and developed in the mid 1960s as well.

**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 300 N. Flower Street and the site 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 various reviewing Orange County Divisions, to the adjacent neighbors of the subject property, and to the North Tustin Advisory Committee (NTAC). The neighbors and the Committee forwarded their comments to staff expressing support for the project (Exhibit 2).

As of the writing of this staff report, no issues have been raised by the Public or other Orange County Divisions' staff.

**CEQA COMPLIANCE:**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt from the requirements (Class 5, minor alterations in land use such as setback variance). Appendix A contains the required CEQA finding.

**DISCUSSION/ANALYSIS:**

Mr. Wilson, the homeowner is seeking approval of a variance to facilitate the construction of a room addition to the north side of his house. The proposed addition will be partially located in the required side yard setback, maintaining a distance of 6 feet 7 inches from property line. The proposed encroachment of 2 feet 1 inch into the required setback will allow Mr. Wilson sufficient space to build an office, bathroom and a bedroom. The location of this room addition is likely not to impose adverse impacts to the adjacent property, since it is only one story and is buffered by a row of mature cypress trees. The nearest structure in the adjacent property is a two car garage, approximately 23 feet away from the proposed room addition. The applicant has agreed to maintain a 2 foot landscape buffer to complement the existing mature cypress trees as a condition of approval of the room addition. The landscape buffer is intended to mitigate possible impacts from a reduced setback (Exhibit 3).

Mr. Wilson is also building a second story room addition over an existing patio on the back yard. That portion of the project meets all standards of the zoning code, therefore it is not under consideration within this discretionary action.

**CONCLUSION OR SUMMARY:**

The subject site is narrower than the average lot in the vicinity. The area available for a room addition to the side of this residence is approximately 3 feet smaller than that of a similar home in a standard lot in the vicinity. This condition makes a side yard room addition more constrained in this particular site. Therefore, application of standard regulations would result in the loss of privileges that other properties in the vicinity can enjoy. Should this variance be approved, the new addition will retain a distance of 6 feet 7 inches, which together with the landscape planter, will provide an adequate buffer between properties.

**RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA01- 0020 for a side setback variance, subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

Chad G. Brown, Chief  
CPSD/Site Planning Section

MBC

Folder/staff reports/PA 010020

**APPENDICES:**

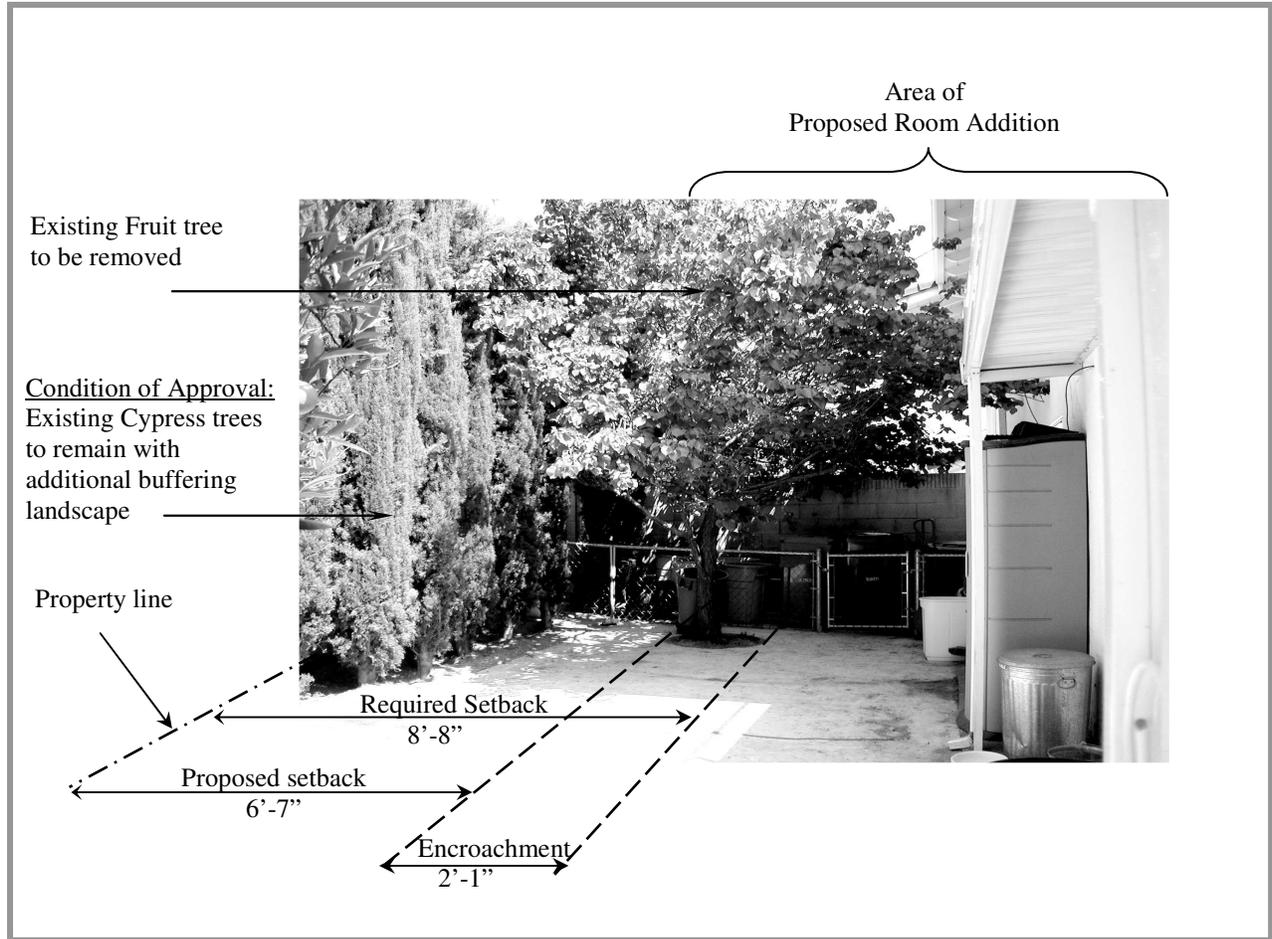
- A. Recommended Findings
- B. Recommended Conditions of Approval

**EXHIBITS:**

1. Applicant Letter of Explanation
2. NTAC Letter and Neighbors Signatures
3. Side Yard Photograph
4. Project Plans

**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.



**EXHIBIT 3**  
**VARIANCE No. PA 01-0020**  
**SIDE YARD ROOM ADDITION**