

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT
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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 PA01-0056 for a Variance.

PROPOSAL: Request for approval of a variance to reduce the minimum side and rear setbacks to facilitate the construction of a single-story room addition. The variance requested reduces the required 7'6" setback, calculated at 10% of the average lot width, to 5 feet. The subject site located within the North Tustin Specific Plan, Residential Single Family (RSF).

LOCATION: 14221 Cameron Lane within the Third Supervisorial District.

APPLICANT: Mike and Jennifer Sardo

STAFF CONTACT: Marta B. Crane, AICP, Project Manager
Phone: (714) 834-5144 FAX: (714) 834-4652

SYNOPSIS: The Current Planning Services Division recommends Zoning Administrator approval of Variance Application No. PA01-0056, subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site was developed in 1953 as a 1,205 square feet, single family home in a 7,275 square foot lot. The home was built to the standards applicable at the time, however it is now legal nonconforming due to recent development standards adopted in 1986 as part of the North Tustin Specific Plan. The house is set back 40 feet from the front property line, except for the garage wing, which is 24 feet from the property line. The side setbacks are 11 feet to the north and 5 feet to the south, while the rear setback is 32 feet. 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 7½ feet. The lot is considered a shallow lot at 97 feet deep. The rear setback requirements are calculated at 20% of the lot depth resulting in a rear setback of 19 feet 4 inches required in this particular case.

SURROUNDING LAND USE:

The subject site is surrounded by single family homes, also within the North Tustin Specific Plan area.

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 and at the site as required by established public hearing posting procedures. In addition, 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 North Tustin Advisory Committee (NTAC) and to the adjacent property owners. The adjacent neighbors signed off on the proposed plans and NTAC recommended unanimous approval without comments (Exhibit 2). As of the writing of this staff report, no issues have been raised by 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:

The homeowners are seeking approval of a variance to facilitate the construction of a 600 square foot room addition along the south and west sides of their house. The proposed addition will be partially located in the required side and rear yard setbacks, which are 7 ½ feet and 19 ½ feet respectively. The applicant proposes to reduce the side setback to 5 feet, and the rear setback to 14 feet. The resulting encroachments (2 ½ feet and 5 feet 4 inches respectively) require approval of a variance that would allow Mr. Sardo sufficient space to enlarge the home with a family/dining room.

The location of this room addition is likely not to impose adverse impacts to the adjacent property to the rear along the west property line. This property is approximately one acre, and has an 8 foot tall landscape hedge along the property line. However, to the south, the proposed room addition is proposed to follow the existing garage wall alignment, which is 5 feet from the property line and in close proximity to the adjacent home, facing the windows of two existing bedrooms. The total distance between these bedroom walls and the proposed family/dining room will be approximately 15 feet (Exhibit 3).

In order to address potential noise and privacy impacts and, at the request of the adjacent property owner, the proposed room addition will have high elevated windows at a minimum level of 5 feet high from the interior finished floor elevation (Exhibit 4). This height will afford the room addition adequate light and ventilation as required by the building code, while at the same time, ensuring sufficient privacy and reduced noise impacts. The adjacent property owners have reviewed the proposed room addition plans and have agreed to the window design solution proposed by Mr. Sardo (Exhibit 2). Because the successful mitigation of any impacts from a reduced setback is contingent upon the southern wall design, such design, with windows at or over 5 feet high, will be a condition of approval for this project. And any modifications to this design are subject to approval by the adjacent property owner and planning staff.

CONCLUSION OR SUMMARY:

Should this variance be approved, the proposed room addition will have a sufficient separation from the adjacent residence to rear. To the south, the room addition will be built with high, elevated windows to mitigate the impacts of a reduced setback. The adjacent property owners who could be potentially affected by this variance have agreed to the design of this room addition (Exhibit 2), since the potential impacts could be mitigated by the proposed window design (Exhibit 4). Staff supports approval of this variance subject to the conditions of approval recommended for this project as stated in Appendix B.

The subject site is shallower than the average lot in the vicinity. The area available for a room addition to this residence is smaller than that of a similar home in an average lot in the vicinity. This condition makes the expansion of a home more constrained, therefore, application of standard regulations would result in the loss of privileges that other properties in the vicinity can enjoy.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA01-0056 for a side setback variance and a rear setback variance, subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

Chad G. Brown, Chief
CPSD/Site Planning Section

MBC

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APPENDICES:

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

EXHIBITS:

- 1. Applicant's Letter of Explanation
- 2. Adjacent Property Owners Letter and NTAC minutes
- 3. South Side Yard Photograph

4. South Elevation
5. Project Plans (Site Plan, Floor Plan and Elevation)

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.

Subject Property

Adjacent Property's
bedroom windows



15 feet distance from wall to wall

Existing, nonconforming 5-foot setback
proposed for new room addition

Property Line

EXHIBIT 3
VARIANCE No. PA 01 0056
SIDE YARD SETBACK - ROOM ADDITION