

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: May 30, 2002

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA02-0036 for Variance

PROPOSAL: The applicant proposes ground level additions to an existing one-story, single-family dwelling that includes enclosing the area between the residence and the existing detached garage, which is setback 5½ feet from the rear property line. A Variance is required in this situation because with the proposed additions, the garage then becomes attached to the residence where a rear yard setback of 15 feet would be required.

LOCATION: In the community of Rossmoor/Los Alamitos at 2901 Channing Way. Second Supervisorial District.

APPLICANT: Sara and Stuart Rover, property owners

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA02-0036 for Variance subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The project site is located in the community of Rossmoor, an unincorporated residential community between the cities of Los Alamitos and Seal Beach; and the 605 freeway. The community was developed in the 50s and 60s and is zoned R1/28 "Residential single-family" District. The project site is located at the intersection of Foster Road and Channing Way. The property is a typical corner lot measuring 75 feet by 110 feet. The lot is developed with a one-story, 1,633 square feet single-family dwelling, with a detached two-car garage in the rear. The garage entrance is from the side street, Foster Road. The garage is setback 16 feet from the side property line and sidewalk. The residence is setback 20 feet from the front property line on Channing Way. There is also a swimming pool that occupies a half of the rear yard area.

The applicant proposes to add 1,518 square feet of new living area to the existing residence. All additions are one-story. One portion of the proposed addition in the rear will cause the detached garage to become an attached garage. The present garage is setback 5½ feet from the rear property line, which is a permitted setback. However, an attached garage must conform to the same setback, as does the dwelling, which for this lot is 15 feet. Even though all new construction is setback 26 feet from the rear property line, a variance is required due to the change in the status by attaching the currently detached garage.

Rossmoor Development Standards Background History

During the late 1950s new housing products came on line and tract wide setback variances were granted to builders to provide a greater diversity of product types. The subject site was developed under the original standard R1 residential zoning. Tract wide variances were also approved in the 1950s to allow a mixture of product types with differing setbacks and garage placements.

In addition to the tract variance above, numerous homes in Rossmoor were constructed with side entry garages that took up a substantial area at the front of the homes. Homeowners throughout Rossmoor who wanted to expanded the living area of their homes were granted rear yard variances for these additions. These variance requests were typically approved for a ten-foot encroachment into the rear yard setback leaving a setback of 15 feet to the property line. Because of these numerous variance requests approved and with the support of the Rossmoor HOA, a zone change affecting all residential properties in Rossmoor was approved by the Board of Supervisors (Ordinance No. 3557) on November 20, 1985. This zone change established a rear yard setback of 15 feet, with a condition that all structures located between 25 feet and 15 feet from the rear property line be limited to a height of 17 feet.

As Rossmoor became more desirable as a residential community during the late 1980s, multi-story residential additions began to appear. The Rossmoor HOA had concerns that with the community's R1 zoning and its 35 feet building height limit, they would be seeing more three story homes. The Rossmoor HOA felt that three-story homes would jeopardize the character and desirability of the community. At the request of the Rossmoor HOA, the Board of Supervisors approved a second community zone change (Ordinance No. 3849) on November 13, 1991. This zone change established a building height limit of 28 feet. The 28 feet height limit would permit the addition of an additional story to homes to the existing single story homes, but would effectively curtail the construction of two-story additions to the typical single level residence.

SURROUNDING LAND USE:

The site and all surrounding properties are zoned R1/28. The site and all surrounding properties are developed with mainly one-story single-family dwellings. The property to the rear of the subject site is similarly configured corner lot developed with a two-story dwelling, setback some 60 feet from the rear property line. See Exhibit 2 for air photo showing surrounding land use.

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 one County Division and the Rossmoor Homeowners Association. As of the writing of this staff report, no comments raising issues with the project have been received. The Rossmoor Homeowners Association returned a comment stating they had no objection to the granting of the variance.

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:

Numerous variances have been approved in Rossmoor to allow additions to the dwelling that would attach the dwelling to a detached garage in a setback area. This proposal is typical of those previous approvals. The last approval of a similar variance proposal was under Planning Application PA02-0009, approved April 4, 2002. Since the garage would be attached to the dwelling, a setback of 15 feet is required. While the total new structure (garage, addition and existing dwelling) will be 5 feet from the rear property line, the actual new addition to the dwelling is 26 feet from the property line and in compliance with the rear yard setback. Since this variance procedure has been approved in the past throughout Rossmoor and because the proposal would not have an effect on the property to the rear or any property in the vicinity of the site, staff supports the applicant's rear yard variance request.

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 cannot 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 circumstance 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 PA02-0036 for rear yard setback variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

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APPENDICES:

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

EXHIBITS:

- 1. Applicant's Letter of Explanation
- 2. Site Photos
- 3. Site 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. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.