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PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

HEARING DATE: August 22, 2002

TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Public Hearing of PA02-0051

PROPOSAL: Use Permit for an 895 square foot second residential unit accessory to an existing single-family dwelling to be built in the rear yard of an existing developed property in the Midway City area.

LOCATION: 15641 Van Buren Street, Midway City within the 1st Supervisorial District.

APPLICANT: Huy Tran, Owner

STAFF CONTACT: James Thue, Project Manager
Phone: (714) 834-2179 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA 02-0051 subject to findings and conditions.

BACKGROUND:

Planning Application PA02-0051 was heard before the Zoning Administrator during the Public Hearing Meeting on August 8, 2002. Several neighbors gave presentations and voiced opposition to the proposal. Neighbors encouraged the applicant to construct an addition onto the existing home instead of constructing a second residential unit. Due to issues raised by neighbors including traffic conditions, over-crowded street parking, and land use compatibilities the Zoning Administrator continued the project to August 22, 2002.

The Zoning Administrator and staff visited the site on August 14, 2002. A number of observations were made during the site visit, which the Zoning Administrator will elaborate on during the continued Public Hearing procedures. Staff recommendation remains as presented in the attached August 8, 2002 Zoning Administrator Report.



PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Public Hearing of PA02-0051

PROPOSAL: Use Permit for an 895 square foot second residential unit accessory to an existing single-family dwelling to be built in the rear yard of an existing developed property in the Midway City area.

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SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA 02-0051 subject to findings and conditions.

BACKGROUND:

The subject site is zoned R1 "Single-family Residence" District. The purpose and intent of the R1 District is to allow for the development of medium density residential neighborhoods with uses that can exist in harmony with the surrounding neighborhood.

The property was developed in 1958 as a one story single-family residence with an attached two-car garage on a 7,480 square foot lot. One additional uncovered parking space is located on the left side of the residence. The existing residence is approximately 1,050 square feet in size. There is an attached patio cover on the north side of the residence. A block wall is located on the rear property line. All setback requirements are satisfied by the existing structure. The applicant is proposing to construct a second residential unit in the rear yard and therefore under Zoning Code Section 7-9-146.5 a use permit is required.

SURROUNDING LAND USE:

The subject property and all properties to the east are zoned R1 "Single-family Residence" District. The Property to the west is located in the City of Westminster and consists of a town-home complex with a private alley that runs directly behind the subject site.

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 Clerk of the Board Office, 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 and to the Midway City Home Owners Association as well as to the Westminster Planning Department. The homeowner’s association did not express any objections to the proposed project. The City of Westminster has not commented on the proposed second unit. As of the writing of this staff report, there are no issues raised by other Orange County Divisions.

CEQA COMPLIANCE:

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorical Exempt from the requirements (Class 3). Class 3 exemptions include, but are not limited to construction of second residential units in residential zones. Appendix A contains the required CEQA Findings.

DISCUSSION/ANALYSIS:

The applicant is proposing to build an 895 square foot second residential unit in the rear yard. Zoning Code Section 7-9-146.5 “Guesthouse or second residential unit” states that a guesthouse or second residential unit may be located in any district where a single-family unit exists. A use permit approved by the Zoning Administrator is required because the second residential unit will be located on a parcel that is less than one acre in size.

The subject site is located adjacent to a town-home complex and directly in front of a private street used by the complex. An existing block wall separates the two properties. Zoning Code Section 7-9-127.1(d) states that when a building site abuts an alley or private-street one half the width may be deemed a portion of the rear setback. However, no setback shall be less than 15 feet. The second residential unit will be separated 5 feet from the existing single-family dwelling, 5 feet from the right property line, 9 feet from the left property line, and 15 feet from the rear property line. The R1 District does not limit building site coverage, with the exception of structures located within the required setback areas. The second residential unit will satisfy all setback requirements.

The second residential unit will measure 54 feet long, 20 feet wide, and approximately 13 feet high. The new structure will consist of two bedrooms, two bathrooms, a kitchen, living room, and dining room. Two small porches will be located behind the structure. A detailed site plan is included in Exhibit 3.

CONCLUSION OR SUMMARY:

Zoning Code Section 7-9-146.5 specifies that second units be permitted in any residentially zoned areas where there is an existing residential unit. All parking requirements for the site will be satisfied. Therefore, since the new unit meets all setback requirements and the unit will not create hardships for the neighborhood, staff supports the approval of this planning application.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA 02-0051 for a Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Section Chief
CPSD/Site Planning Section

JJT

ATTACHMENTS:

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

EXHIBITS:

1. Applicant's Letter of Explanation
2. Project Site Photos
3. 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.