



PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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- DATE:** September 19, 2002
- TO:** Orange County Zoning Administrator
- FROM:** Planning and Development Services Department/Current Planning Services Division
- SUBJECT:** Public Hearing on Planning Application PA 02-0079 for a Variance to exceed the maximum 20 foot width allowed for elevated driveways on steep terrain.
- PROPOSAL:** To construct a 55 foot wide, elevated driveway in conjunction with the construction of a single family home in the Panorama Heights Area.
- LOCATION:** 12272 Media Panorama, Santa Ana - Third Supervisorial District.
- APPLICANT:** Blaine Molsberry, owner.
- 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 the site development and use permits subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

Mr. Blaine Molsberry is seeking approval of a variance to build an elevated driveway that exceeds the maximum 20 foot width allowed by the Zoning Code (Section 7-9-137.8). This driveway is proposed in conjunction with the construction of a new single family home on a vacant site, zoned R1, "Single Family Residential" in the Panorama Heights area.

**SURROUNDING LAND USE:**

The property is located in a single family residential neighborhood, surrounded by vacant lots to the east, north and south. To the west, and further away are single family homes, also zoned R1 "Single Family Residence" (Exhibit 1).

**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, at the subject site, 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 various reviewing Orange County Divisions and to the North Tustin Advisory Committee (NTAC). The Committee reviewed the project at its July hearing and unanimously approved the project with the condition that a landscape planter be built in the front of the property to soften the expansive hardscape created by the oversized elevated driveway (Exhibit 2). The applicant agreed to this request and has modified the project drawings accordingly. As of writing of this staff report, there are no issues raised by any Orange County Divisions.

### **CEQA COMPLIANCE:**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt from the requirements (Class 3 Section 15303). Appendix A contains the required CEQA finding.

### **DISCUSSION/ANALYSIS:**

The project site is located on a hillside parcel, sloping down from the Media Panorama street level toward the rear of the lot. In order to access the garage, which is setback 20 feet from the front property line, an elevated driveway will have to be constructed. These types of elevated driveways can be permitted, provided they do not exceed 20 feet in width pursuant to Section 7-9-135.8 of the County of Orange Zoning Code. However, Mr. Molsberry is proposing to construct a wider driveway that will extend across the full width of the 55 foot lot. Therefore, a variance from the Zoning Code will need to be approved for this project.

Elevated driveways are common in the Panorama Heights area. Exhibit 3 depicts a number of typical driveways throughout the neighborhood to illustrate this point. The width of the proposed driveway, in excess of the 20 feet maximum allowed by code is not anticipated to adversely impact the surrounding neighborhood. Although not as wide as the one proposed by this project, elevated driveways wider than 20 feet have been found to help improve upon the neighborhood's lack of street parking. A wider driveway allows for additional resident and guest parking on site, which usually is not available on the narrow streets of Panorama Heights. The driveway is also expected to blend well with the area because of the wide range of architectural styles and building scale found throughout in the Panorama Heights area. For this reason, staff believes that the Zoning Administrator will be able to make the findings required to support a variance. The recommended findings are listed in Appendix A of this report.

A visual/aesthetic concern of NTAC and County staff, was the severe look of a 55 foot wide by 20 foot deep concrete deck. This concern will be addressed by the provision of a 10 foot landscape planter in the center of the driveway to soften the harsh look of concrete (Exhibit 4). Mr. Molsberry proposes to locate this planter at the edge of the Media Panorama street pavement, which is within the right of way of this private street, not under his control. Therefore, prior to construction of this planter, the applicant must secure approval from the homeowner's association to construct the planter. Should this not be possible, a condition of approval of this project will require that the applicant move the planter so that it is constructed within his property, outside the right of way.

The project will include minimal grading on and off site, estimated to be no more than 400 cubic yards. The applicant has secured approval from the adjacent property owner to do additional grading needed

for this project (a copy of this letter is in the project file). The project as presented meets all other provisions of the zoning code, including building height, setbacks, and parking.

**CONCLUSION OR SUMMARY:**

Should the variance be approved, the proposed project will comply with all required development standards in the R1 (Residential Single Family) zoning district. Therefore, staff supports approval of the project, subject to the findings and conditions of approval recommended for this project stated in Appendices A and B of this report.

**RECOMMENDED ACTION:**

The Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA 02-0079 for a variance to build an oversized elevated driveway in conjunction with the construction of a new single family home subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

Chad G. Brown, Chief  
CPSD/Site Planning Section

MBC  
/staff reports/PA 02 0079

**APPENDICES:**

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

**EXHIBITS:**

- 1. Project site and surrounding properties.
- 2. North Tustin Advisory Committee (NTAC) meeting minutes.
- 3. Other elevated driveways in Panorama Heights.
- 4. Landscape Planter.
- 5. Set of Full Scale 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.