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## **PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

**HEARING DATE:** August 8, 2002

**TO:** Orange County Zoning Administrator

**FROM:** Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA02-0083

**PROPOSAL:** Variance for rear yard setback at 18 feet for a family room addition where a 25 foot setback is required.

**LOCATION:** 4862 Cartlen Drive, Placentia within the 4<sup>th</sup> Supervisorial District.

**APPLICANT:** Aaron & Gwyneth Carr, owner/applicant

**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 02-0083 subject to findings and conditions.

### **BACKGROUND:**

The subject site is zoned R1 "Single-family Residence" and is located in the unincorporated portion of Placentia just north of Yorba Linda Boulevard. 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 lot size measures 7,210 square feet. The subject site is 103 feet long. Several of the lots in the neighborhood are considered to have shallow lots due to the fact that they are between 75 to 100 feet in length. The existing residence was certified for occupancy in 1962 as a 1,580 square foot residence with an attached garage. A patio is currently located in the rear yard.

The applicant is proposing to construct a family room onto the rear of the existing structure. The proposed addition will encroach into the required setback and therefore, a Variance is required. Numerous variances have been issued in the surrounding neighborhood for similar homeowner improvements. A list of these variances is included in a later section of this report.

### **SURROUNDING LAND USE:**

The subject property and all surrounding properties are zoned R1 "Single-family Residence" District. However, the City of Placentia surrounds the neighborhood on all sides and consists of similar medium density residences.

**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. The proposal was distributed to several County divisions for review and comment as well as to the City of Placentia Planning Department. As of the writing of this staff report, no issues have been identified by staff regarding the project. The recommended conditions of approval are included within Appendix B.

**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 findings.

**DISCUSSION/ANALYSIS:**

The applicant is seeking approval of a variance to facilitate the construction of a 288 square foot family room addition. The addition will encroach 7 feet into the required rear yard setback. The addition will be constructed at a height of 16 feet where the existing structure was constructed at a height of approximately 14 feet. The addition will consist of a family room with an attached patio. The existing patio will be removed.

The project site is located in a County Island, which is surrounded by the City of Placentia. The zoning for the surrounding city properties is also R1 “Single-family Residence”. However, the zoning in Placentia allows for patio covers and/or additions to extend to within 10 feet from the property line. The proposed structure will be located 18 feet from the property line and will therefore fit in with the surrounding city and county neighborhood. The City was notified of the project and had no issues with the application.

Numerous variances exist in the neighborhood. The following is a list of variances within the local neighborhood that have been approved for setback encroachments:

| Variance  | Location              | Rear Setback Distance |
|-----------|-----------------------|-----------------------|
| PA02-0120 | 4881 Hamer Drive      | From 25’ to 18’       |
| PA99-0043 | 4892 Hamer Drive      | From 25’ to 17’       |
| VA87-83Z  | 4902 N. Cartlen Drive | From 25’ to 20’       |
| VA84-25Z  | 4761 Hamer Drive      | From 25’ to 18’       |
| VA79-53Z  | 4761 Cartlen Drive    | Existing at 17’ 6”    |
| VA78-105Z | 4921 Hamer Drive      | From 25’ to 15’       |
| VA77-161Z | 4921 Cartlen Drive    | Existing at 14’ 6”    |
| V6780     | 4831 McCormack Lane   | From 25’ to 10’       |

Staff cannot identify any planning issues that would prevent the Zoning Administrator from approving the proposed variance permitting a rear yard setback of 18 feet. 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.

- A. Special Circumstances. 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.
  
- B. No Special Privileges. 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.

**CONCLUSION OR SUMMARY:**

The neighborhood surrounding the project site is well maintained and the proposal would not detract from that appearance. In the past rear yard variances have been approved for residences in the immediate unincorporated area. In addition, the rear yard setback for single-family residential zoned parcels in Placentia is 20 feet for the initial construction of a dwelling unit, with future additions allowed to encroach to within 10 feet for the rear yard property line. Therefore, if the subject property were located within the City of Placentia, the project would be ministerial in nature. Staff is of the opinion that the Zoning Administrator is able to make the two special variance findings and approve the variance request. The special circumstances for approving the request for a rear yard setback are in Finding 7 of Appendix A.

**RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
  
- b. Approve Planning Application PA02-0083 for rear yard variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

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

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**ATTACHMENTS:**

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

**EXHIBITS:**

1. Applicant's Letter of Explanation
2. Site Photographs
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.