

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: April 17, 2003

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA03-0015 for Variance

PROPOSAL: The applicant requests approval of a Variance to the front setback standard to allow an existing attached one-car carport to be converted into an attached two-car with one corner of the proposed garage located 15 feet from the front property line. The standard front setback requirement for this property is 20 feet. The proposed garage is at an angle to the front property line with setbacks varying from 15 feet to 24 feet from the property line; and, 23 feet to 32 feet from the edge of the street pavement.

LOCATION: The proposal is located in the Panorama Heights area of North Tustin at 12821 Panorama Place, Santa Ana. Third Supervisorial District.

APPLICANT: Dennis W. Blanchard

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 PA03-0015 for Variance subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject property is approximately 11,000 square feet in area, measuring 110 feet on the front and rear and 100 feet on the sides and developed with a single-family dwelling. The property is zoned E4-100 "Small Estates"-100 feet minimum lot width. The property currently has a larger one-car carport, which the applicant proposes to convert into a two-car attached garage. Access to the carport and the property is from Panorama Place, which has a 60-foot right-of-way width. From the centerline of the road (according to the plans submitted), 22 feet is paved on the property side of the centerline. It was not determined whether or not the paved surface of the road is equal distance from the designated centerline.

The existing dwelling was constructed under Variance V5706, approved in February 1964. The variance allowed a wing wall of the dwelling and the carport to be located 41 feet from the centerline of Panorama Place, which equates to 19 feet from the front property line. The site plan submitted indicates that the dwelling is setback 17 feet from the front property line. Unlike setbacks based on centerline of the frontage road, setbacks are now measured from the property line. The E4 District normally has a front setback of 30 feet, however, Zoning Code Section 7-9-128 "Exceptions to the Building Line Chart"

permits a front setback for lots with a depth of between 75 feet to 100 feet at 10 percent of the average lot depth. Since this lot is 100 feet in depth, the required front setback is reduced to 20 feet.

SURROUNDING LAND USE:

The subject site and all surrounding properties are zoned E4-100 “Small Estates” minimum lot width of 100 feet and developed with single-family dwellings. The air photo following shows the 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 300 N. Flower 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, the North Tustin Advisory Committee and the Foothills Community Association. As of the writing of this staff report, no comments raising issues with the project have been received. The North Tustin Advisory Committee approved the proposal at a meeting held on March 19, 2003. See Exhibit 2 for the March 19, 2003 NTAC minutes.

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:

The amount of front setback encroachment is small. Because of the angle of the proposed garage to the street, only a triangular portion of the garage measuring 7 feet deep by 12 feet wide encroaches in the 20 feet setback area. This encroachment represents 9 percent of the garage footprint of 456 square feet. Of more importance is that the location of proposed garage provides a driveway length of between 23 feet to 32 feet from the edge of the street pavement. This driveway length provides adequate area to provide for two parking spaces in front of the garage. Subdivision and Grading Division/Traffic Review staff reviewed this proposal and had no comments. The conversion of a one-car carport to a two-car garage brings the proposal in to conformance with County residential off-street parking standard. Additionally, the applicant's letter of explanation explains that the exterior materials of the proposed garage were chosen to match the exterior materials of the existing residence.

In a site visit, staff noted other residence and garages in the vicinity where setbacks that did not conform to the current front setback requirements. The setback proposed is not out of line with these other setbacks. Staff supports the applicant's 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. The special circumstance for approving the variance requested for this proposal is in Finding No. 6 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 PA03-0015 for Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

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APPENDICES:

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

EXHIBITS:

1. Applicant's Letter of Explanation
2. March 19, 2003 NTAC minutes
3. Site Photos
4. 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 Department.