

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

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**DATE:** March 27, 2003

**TO:** Orange County Zoning Administrator

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

**SUBJECT:** Public Hearing on Planning Application PA03-0019 for a Variance

**PROPOSAL:** Request for approval of a variance to reduce the minimum rear setback to facilitate the construction of a single-story room addition. The variance requested reduces the required 25 foot setback, to 10 feet 4 inches. The subject site is located in the Costa Mesa unincorporated area.

**LOCATION:** 346 Vista Baya, within the Second Supervisorial District

**APPLICANT:** Marie and Robert Birmingham

**STAFF** J. Alfred Swanek, Project Manager

**CONTACT:** Phone: (714) 796-0140 or (714) 834-2626 FAX: (714) 834-4772

**SYNOPSIS:** The Current Planning Services Division recommends Zoning Administrator approval of Variance Application No. PA03-0019, with findings and conditions included herein.

**BACKGROUND:**

The subject site was originally developed in 1967. It is presently a 1,834 square foot, single family home with an attached garage, on an 11,400 square foot lot. The home presently complies with all development standards of the applicable R1 "Single Family Residential" zoning district.

**SURROUNDING LAND USE:**

<b>Direction</b>	<b>Land Use Designation</b>	<b>Existing Land Use</b>
Project Site	R1 "Single Family Residential" (Costa Mesa City zoning on 7/01/2003)	Single family dwelling
Northwest	R1 "Single Family Residential" (Costa Mesa City zoning on 7/01/2003)	Single family dwelling

Southwest	R1 "Single Family Residential"	Single family dwelling
Southeast	R1 "Single Family Residential"	Single family dwelling
Northeast	R1 "Single Family Residential"	Single family dwelling

**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 site, and as required by established public hearing posting procedures. In addition, a copy of the planning application and a copy of the proposed site plan were distributed for review and comment to the City of Costa Mesa (which did not respond). It should be noted that the City Zoning Code development standards, attached hereto, would allow this room addition to be placed within 10 feet of the rear property line.

**CEQA COMPLIANCE:**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt from its requirements (Class 5, minor alterations in land use such as setback variance).

**DISCUSSION/ANALYSIS:**

The homeowners are seeking approval of a variance to facilitate the construction of a 459 square foot room addition for bedrooms and bath along the southwest side of their home. The proposed addition will be partially located in the required rear yard setback of 25 feet. The applicant proposes reducing this rear setback to 10 feet 4 inches. The resulting encroachment (14 feet 8 inches) requires approval of a variance. Assuming approval of the variance request, the enlarged single family residence and detached garage would cover approximately 28% of the lot. The applicable R1 District has no Building Site (lot) Coverage maximum.

Adjoining lots at the end of this same cul-de-sac have also received rear yard variances in the past. Variance 4408 was granted to the next-door-neighbor at 347 Vista Baya in 1960, allowing a 15' rear yard setback. Both this and the applicant's lot are equally irregular in shape. In staff's opinion, the extreme irregularity of the lot justifies the variance. As to the extent of that deviation from current codes, staff feels that great weight should be given to the fact that the requested 10'+ rear yard setback would be permitted without a variance in the City of Costa Mesa. This lot will be annexed to the City on July 1, 2003, and, at that time, additions less than 15' in height (which this is), with eaves less than 5' long (which is also the case here), using up less than 25% of the total rear 25' of each lot (also the case here), will be permitted outright. Staff has confirmed all of these facts with City staff, and a summary of the City development standards has been provided for the Zoning Administrator's review. As a result, the City has no objection to the variance.

The applicants also make reference to their attempt to add to their 1-story home without encouraging a conversion of the immediate area to a 2-story neighborhood. This is a compelling additional argument. As a general rule, homes built in the 1950s and 60s were not constructed to readily now add a partial second floor under current Building Code standards.

**RECOMMENDED ACTION:**

Current Planning Services Division staff recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and
- b. Approve Planning Application PA03-0019 for a rear setback variance, subject to findings and conditions of approval attached hereto.

Respectfully submitted,

Chad G. Brown, Chief  
CPSD/Site Planning Section

**EXHIBITS:**

1. Applicant's Letter of Explanation
2. Project Plans (Site Plan, Floor Plan and Elevation)
3. City of Costa Mesa Zoning Summary

**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.