

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: September 25, 2003

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA03-0062 for a Variance and Use Permit

PROPOSAL: Request for approval of a variance to encroach into the standard side yard setback of 11' by 5', to facilitate the construction of a one-story (plus basement) room addition. Request for approval of a wall in the same side yard setback that would reach a maximum height of 9' on the applicant's side and 8' on the adjoining street side, where only 8' and 6' are permitted, respectively. The subject site is located in the Cowan Heights unincorporated area.

LOCATION: 10482 Broadview Place, Cowan Heights, within the Third Supervisorial District

APPLICANT: Jim and Merrill Plou, property owners

STAFF CONTACT: J. Alfred Swanek, Project Manager E-mail: Jim.Swanek@pdsd.ocgov.com
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SYNOPSIS: The Current Planning Services Division recommends Zoning Administrator approval of Variance and Use Permit Application No. PA03-0062, subject to findings and conditions attached.

BACKGROUND:

The subject site was originally developed in 1962. It is presently a 2,767 square foot, mostly single story, single family home with a 448 sq. ft. attached garage, on a 33,797 square foot (approximately 29,000 square foot net) lot. The property has never received any variance in the past, in as much as it complied when constructed with the terms and provisions of the E4 Small Estates Zoning District.

SURROUNDING LAND USE:

Direction	Land Use Designation	Existing Land Use
Project Site	E4/20,000 "Small Estates"	Single family dwelling
North	E4/20,000 "Small Estates"	Single family dwelling
South	E4/20,000 "Small Estates"	Single family dwelling
East	E4/20,000 "Small Estates"	Single family dwelling
West	E4/20,000 "Small Estates"	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 Foothill Community Association (which did not respond) and to the North Tustin Advisory Committee (NTAC). According to the August 20, 2003 Minutes of NTAC, NTAC recommended approval (see Exhibit 2).

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 a setback variance).

DISCUSSION/ANALYSIS:

The homeowners are seeking approval of a variance to facilitate the construction of a new larger 3-car (6 in tandem) garage, storerooms and a livable space room addition of 12 square feet on the first floor and a new basement. The variance would be to allow this addition to be placed at 6' from the side (Broadview) property line, where 11' would be required, based on an average net lot width of 110'.

In addition, the plans currently in plan check show a wall projecting in front of the new garage that would reach a maximum height of 9' on the applicant's side and 8' on the adjoining street side, where only 8' and 6' are permitted, respectively.

The front yard of this corner lot is off Hillsboro, with the home set back some 40' from that property line. The lot has a "double rear", with the addition at no point closer than 29' from either of the rear property lines. The existing driveway entrance to the lot is at the bend where Hillsboro becomes Broadview, and a security fence is set back at exactly the required 20' from that point. Normally, a driveway entry at such a location would be undesirable due to line of sight considerations. However, both streets have very low traffic volumes and, thus, this should not present a concern. There are no sidewalks, curbs or gutters.

Although there are other past variances in the area, staff feels that this lot, with considerably irregular shape, merits consideration for a variance on that basis alone. The addition proposed on the Broadview side would be behind a screen of fully mature landscaping, and would likely be visible only from the home immediately to the north. That home is situated at least 30' higher in elevation than the Plou residence, and its occupants would see the addition regardless of where it is located. The proposed wall would be almost completely invisible due to the landscape screening.

RECOMMENDED ACTION:

Current Planning Services Division staff recommends that the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and

- b. Approve Planning Application PA03-0037 for a side setback variance and overhigh wall, 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. NTAC minutes
3. Project Plans (Site Plan, Floor Plan and Elevation)
4. Color Photographs (Zoning Administrator's copy only)

ATTACHMENTS:

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

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.