

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: September 18, 2003

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA03-0066 for Variance

PROPOSAL: The applicant proposes to build an addition to an existing two-car side entry garage that would convert it into a three-car garage. The exterior wall of the proposed 3rd garage parking space would be located 15 feet – 6 inches from the front property line. A front yard setback Variance is required because the front setback requirement for this property is 20 feet.

LOCATION: The property is located in the community of Rossmoor at 3321 Hill Rose Drive, Los Alamitos. Second Supervisorial District.

APPLICANT: Gordon and Robyn Reimer

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division determined there is justification for this Variance proposal and recommends Zoning Administrator approval of PA03-0066 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The 70 feet wide by 109.5 feet deep project site is located in the community of Rossmoor, an unincorporated residential community between the cities of Los Alamitos and Seal Beach; and the 605 freeway. Rossmoor was developed in the 50s and 60s. The property is typical of non-corner lots in this area of Rossmoor. The lot is developed with a one-story single-family dwelling, as were the majority of the original homes in Rossmoor. During the late 1950s new housing products came on line and tract wide setback variances were granted to builders to provide a greater diversity of product types.

As Rossmoor became more desirable as a residential community during the late 1980s, multi-story additions began to appear. The Rossmoor HOA had concerns that with the community's R1 zoning and its 35 feet building height limit, they would be seeing more three story homes. The Rossmoor HOA felt that three-story homes would jeopardize the character and desirability of the community. At the request of the Rossmoor HOA, the Board of Supervisors approved a second community zone change (Ordinance No. 3849) on November 13, 1991. This zone change established a building height limit of 28 feet. The height limit would normally permit the addition of an additional story to homes, however a few 3-story flat roofed dwelling have been built that conform to the 28 feet height limit.

This site was developed under the original standard R1 residential zoning and Variance 3311 (a tract wide variance approved in August 1958), which permitted variances to front, rear and side setbacks; and to locations of detached garages. Many model types were built with side entry garages with front setbacks between 15 and 17 feet. Model types constructed with front entry garages were generally approved with setbacks of 18 feet or greater. The applicant's property was developed with a side entry garage, but the exterior wall is located 23 feet from the front property line.

SURROUNDING LAND USE:

The subject site and all surrounding properties are zoned R1/28 District and developed with a single-family dwelling, generally one-story in height. See photo below.



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 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 Subdivision and Grading/Traffic Review and the Rossmoor Homeowners Association. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The committee that reviews these types of proposals for the Rossmoor Homeowners Association commented that they were not able to provide a recommendation on the proposal because the committee could not reach a majority vote on whether to provide a positive or negative recommendation.

CEQA COMPLIANCE:

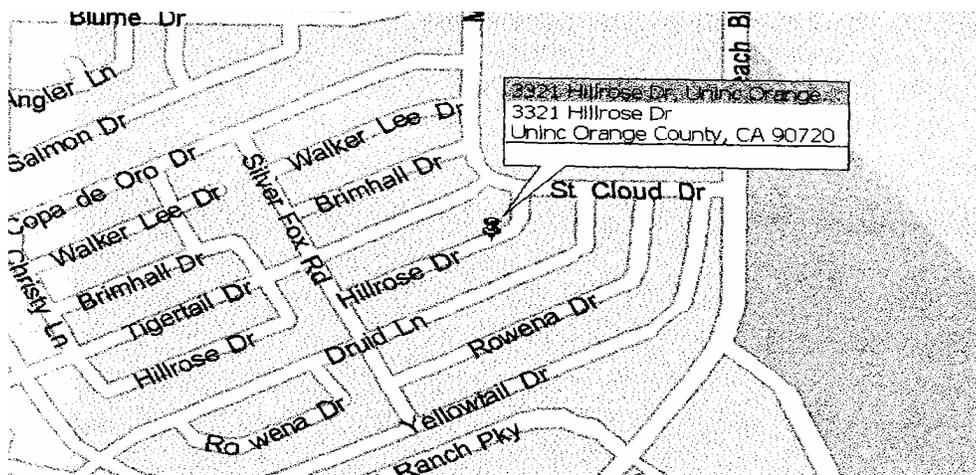
The proposed project is Categorically Exempt (Class 5, minor alterations in land use limitations such as setback variance) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

As mentioned in the Background section of this report V3311 was approved in 1958 for a variety of variances for the 200+ lots in Tract 3224, which the subject lot is a part. Among other things, this variance was approved for a number of lots permitting a front setback of between 15 to 18 feet for certain side entry lots. A review of the record for V3311 shows that the subject lot, even though it was constructed with a side entry garage, was not among those lots approved for reduced front setback. Therefore, the applicant is required to obtain a new variance to permit a setback of less than 20 feet.

Staff also searched the records for other variances in the immediate vicinity and found 9 variances. All but one were for rear yard variances with the most common being an addition to the main dwelling that attached to the existing detached garage at the rear of the residence. One variance (VA77-117Z) on Druid Lane was for a rear yard variance and a front yard garage setback to allow a front entry garage to be setback 19 feet from the front property line (at that time the minimum setback for a front entry garage was 20 feet; now the Countywide standard for a garage on standard zoned property is 18 feet, provide that the overall setback is 18 feet or less). There are most likely other variances for reduced front setbacks in Rossmoor, however staff just reviewed properties on the streets to the north and south of Hill Rose Drive. VA77-117Z is not exactly like the proposed variance, but it does represent a front yard variance approval.

Staff made a visit to the site and surrounding area to determine if other homes with side entry garages were constructed with setbacks less than 20 feet. In addition to Hill Rose Drive, staff inspected homes on Brimhall Drive, Tigertail Drive, Druid Lane, Rowena Drive and Yellowtail Drive located between Silver Fox Road and St. Cloud Drive (see map below). Staff identified dwelling units with side entry garages on all these streets. Setbacks from the garage wall to the sidewalk ranged from 15 ½ feet to greater than 20 feet. A typical side entry garage with a setback of less than 20 feet on Yellowtail Drive is shown in Exhibit 2. This setback is approximately 16 feet.



One concern for staff will be the loss of a large multi-trunk olive tree in the front yard that will be removed if the garage addition is approved. This concern was also expressed by the Rossmoor HOA. The tree is on private property and was never a part of any area wide Rossmoor landscaping plans. Tree replacement or landscaping on private property is not part of the zoning in Rossmoor. The tree was most likely planted shortly after the home was built and has become part of the community's character and charm. The loss of a large tree with the addition of a new garage wall closer to the front of the property could create minor aesthetic impacts to surrounding property owners. Staff is recommending a condition of approval requiring the applicant to submit a landscaping plan prior to construction to help mitigate the loss of this large olive tree and to help screen the new addition.

Staff is of the opinion that approval of this variance would be compatible with the surrounding property development and consistent with past Rossmoor variances for models with side entry garages. 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. 7 of Appendix A. Because the requested variance is typical of previously approved setback variances both tract wide and site specific, staff can support the proposed garage setback variance and makes a recommendation as follows.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA03-0060 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. Site Photos
- 3. 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.