

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: October 16, 2003

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA03-0079 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 20 foot setback (as a “shallow building site”), to 15 feet. The subject site is located in the general north Tustin unincorporated area.

LOCATION: 1222 Foothill Boulevard, within the Third Supervisorial District

APPLICANT: Lori Barrett, property owner

STAFF CONTACT: J. Alfred Swanek, Project Manager
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. PA03-0079, with findings and conditions herein.

BACKGROUND:

The subject site was originally developed in 1961. It is presently a 1,983 square foot, single family home with a detached garage, on a 10,000 square foot lot, exactly 100’ by 100’. The home presently does not comply with all development standards of the applicable 100-E4 Small Estates zoning district, with a one-time patio cover or glass-enclosed sun room 10’ from the rear property line having been converted to living space without permits. This is a situation the applicant is seeking to rectify, as will be explained in the Analysis section below.

SURROUNDING LAND USE:

Direction	Land Use Designation	Existing Land Use
Project Site	100-E4 “Small Estates”	Single family dwelling
North	100-E4 “Small Estates”	Single family dwelling
South	100-E4 “Small Estates”	Single family dwelling
East	100-E4 “Small Estates”	Single family dwelling
West	100-E4 “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 Chairman of NTAC, on September 17, 2003 NTAC recommended approval of the requested variance application after a brief discussion.

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).

ANALYSIS:

The homeowner is seeking approval of a variance to facilitate the construction of a 300 square foot room addition for a larger kitchen and family room along the rear of the house, replacing an existing patio cover or "sun-room" type-structure, itself located some 10' from the rear property line and converted at some point in time in the past to livable space without permits. The photographs provided by the applicant clearly depict the existing condition. The proposed "replacement" addition will also be located in the required rear yard setback of 20 feet, representing 20% of the lot depth of 100 feet under the applicable Zoning Code standard for a "shallow building site". The applicant proposes reducing this rear setback to 15 feet. However, the proposed "replacement" addition will increase the rear yard setback from what has existed for many years without the benefit of either a building permit or consideration as to whether that setback could be approved and established.

The resulting encroachment (5 feet) requires approval of a variance. Assuming approval of the variance request, the enlarged single family residence and detached garage would cover approximately 27% of the lot. The E4 District allows Building Site (lot) Coverage to a maximum of 35%.

Two similar variances were granted in the immediate vicinity of this proposal for similar rear yard setbacks. A few lots away, at 1262 Foothill, an identical 100' by 100' lot received a rear yard variance of 14' in 1981. In addition, the home immediately behind the subject property, at 1221 Triumphal, also a 100' by 100' lot, received a virtual mirror image rear yard setback variance of 12.75', also in 1981.

The applicant also makes reference to their attempt to add to their 1-story home without encouraging a conversion of the immediate area to a 2-story neighborhood. 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. Often, owners forced by setback requirements into a "second-story solution" find that demolition of the existing home is required. Due to the associated costs, this then necessitates attempts to maximize the use of the very valuable lot. Two (or even three) story homes covering as much of the lot as possible then result, beginning to change the character of the overall neighborhood.

Staff is in support of maintaining the general character of this neighborhood as single-level dwellings. The proposed addition does meet the side yard setback requirement, and would not be visible from any public street. Given a surfeit of tall landscaping at the rear of the lot, neither should it significantly impact the rear yard privacy of the neighbor to the rear (themselves with a similar variance granted in the past).

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 PA03-0079 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. 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.