

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

MS Word Export To Multiple PDF Files Software - Please purchase license.

DATE: October 23, 2003

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA03-0084 for Variance

PROPOSAL: The applicant requests approval of a rear yard setback variance to permit construction of a one-story addition to an existing single-family residence to be located 11 feet from the rear property line when the standard rear yard setback for this lot is 15 feet. The proposed addition is 520 square feet in area and includes an 18' x 21' family room and an 11' x 12' sunroom. The subject property's rear property line abuts the 605 Freeway.

LOCATION: The property is located in the community of Rossmoor at 11791 Martha Ann Drive. Second Supervisorial District.

APPLICANT: Steve and April Andrews, property owners

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 PA03-0084 for Variance subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject 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. The lot is 70 feet wide by 109.5 feet deep and developed with a one-story single-family dwelling (built in 1957). This lot is typical of non-corner lots in this area of Rossmoor.

This site was developed under the original standard R1 residential zoning and Variance 2980 (a tract wide variance approved in 1957), 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, with a front yard setback of 17 ½ feet.

Rossmoor was developed in the 50s and 60s. 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, three-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 two community wide zone changes establishing additional development standards to the community’s R1 zoning. Ordinance No. 3849 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 three-story flat roofed dwelling have been built that conform to the 28 feet height limit. Ordinance No. 3556 established a community wide rear yard setback of 15 feet for structures not exceeding a height in excess of 17 feet.

SURROUNDING LAND USE:

Direction	Zoning	Existing Land Use
Project Site	R1/28 “Residential Single-family”/28 feet height limit	Single-family dwelling
North	R1/28 “Residential Single-family”/28 feet height limit	Single-family dwelling
South	R1/28 “Residential Single-family”/28 feet height limit	Single-family dwelling
East	R1/28 “Residential Single-family”/28 feet height limit	Single-family dwelling
West		605 Freeway



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 County Divisions 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 Rossmoor Homeowners Association commented that the project was reviewed and they had no objection to the granting of the variance.

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 applicant is seeking approval of a variance to complete the construction of a room addition that will include a family room and sunroom. In connection with this proposed addition, a building permit (RS030709) was issued in June of this year to construct an addition to the residence that would attach the dwelling to the existing detached garage. A second building permit (RS031445) was applied for in July of this year. A building permit would have been issued, but an error was discovered in the building site plan during an inspection of the foundation forms. The site plan was shown with the proposed addition setback of 15 feet from the rear property line when it was actually 11 feet from the rear property line. Building Permit RS031445 is on hold pending the outcome of this variance application.

The proposed addition will encroach 4 feet into the required 15-foot rear setback. The rear of this property faces northbound 605 Freeways. Because of the close proximity to the Freeway, a second story room addition would have been directly exposed to the freeway, thus unduly affected by increased noise and air pollution. These particular site conditions make a one-story room addition the only practical alternative for the applicant; however, the space available in the back yard is not sufficient for a room addition without the proposed four-foot encroachment.

There are no residential uses located to the rear of this property. If approved, the setback reduction will not impose any detrimental impacts to any adjacent properties. On the other hand, any potential impacts generated to the subject room addition due to its proximity to the freeway will be mitigated by the remaining 11-foot rear setback and by the enhanced construction standards to which this room addition will be built. Staff in the Building Permit Services Division/Acoustics Section reviewed the proposal and determined that because of the sound walls along the 605 Freeway that have been installed; no condition of approval regarding sound attenuation insulation and glazing would be required.

There are other homes in the Rossmoor area adjacent to the Freeway that has room additions built at the rear of the property. Many of these homes obtained variances for a reduced rear setback for encroachments that ranged from 5 to 7 feet depending upon the specific circumstances of each lot. The most current variance approved along Martha Ann Drive is a setback of 10 feet to allow for a ground level addition to a single-family dwelling approved in June 2001 under Planning Application PA01-0023. As noted, the Rossmoor HOA had no objections to the proposed variance. Over the years in talking with the HOA about rear yard setback proposals, the HOA is generally supportive of rear yard variances for properties that abut the freeway or one of the drainage channels but is not generally supportive of rear yard variance where two properties abut in the rear yards.

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 properties between Martha Ann Drive and the freeway. 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, which reads: *the noise and air pollution impacts to a second story room addition adjacent to the 605 Freeway can be far grater than the impact to a ground level room addition. The configuration and area available in the subject site's back yard are not suitable for a room addition without a minor encroachment into the required setback, therefore, application of the standard regulations imposes an unusual hardship that would deprive this property from the same privileges enjoyed by other property in the vicinity.* 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 PA03-0084 for Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

(Signed original on file)

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

Folder: C:\My Documents\Rossmoor\PA03-0084 Staff Andrews.doc

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.