

# Resources and Development Management Department

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

- DATE:** April 1, 2004
- TO:** Orange County Zoning Administrator
- FROM:** RDMD/PDS/Current & Advanced Planning Services Division
- SUBJECT:** Public Hearing on Planning Application PA03-0087 for Use Permit
- PROPOSAL:** The applicant proposes to construct an accessory garage structure in the side yard setback area that exceeds the height permitted. The proposed garage measures 19 feet wide by 76 feet long with a maximum height of 17 feet – 8 inches. The proposed location is on an existing driveway and would be setback 5 feet from the side property line. Zoning Code Section 7-9-137 “Accessory Uses and Structures” permits a building height of 12 feet for accessory structures in this setback area. Additionally, this section of the Zoning Code allows modifications to the accessory building height standard subject to the approval of a use permit.
- LOCATION:** The project site is located in Orange Park Acres, east of Orange Park Boulevard at 10711 Meads Avenue. Third Supervisorial District
- APPLICANT:** Larry and Sarah Dunkel, property owners
- STAFF CONTACT:** William V. Melton, Project Manager  
Phone: (714) 834-2541 FAX: (714) 667-8344
- SYNOPSIS:** Current & Advanced Planning Services Division recommends Zoning Administrator approval of PA03-0087, as modified, for Use Permit subject to the attached Findings and Conditions of Approval.

## **BACKGROUND:**

The subject site is zoned E4-1 “Small Estates” – One acre minimum lot size. The site is approximately 2.0 acres in area and is triangular in shape with 577 feet of frontage on Meads Avenue (see photo on page 3). The site is developed with a single-family dwelling and several out buildings (garage, barn and animal shed). Access to the site is from a paved driveway from Meads Avenue at the southwest corner of the property. The site is mostly level with the rear of the site at a higher elevation than the front. The site is surrounded by lots of an acre or more and developed with single-family dwellings. The applicant proposes to construct a large garage to accommodate a motor home and accessory trailer. The location proposed does not conform to the permitted height standard for accessory structures in a setback area and the applicant is required to obtain approval of a use permit prior to construction (see Exhibit 1).

Prior to Zoning Code Amendments CA87-7 approved in September 1987 and CA96-3 approved in April 1997, detached accessory structures in residential zones, including the E4 District, could be built in the setback area to the height permitted by the district (typically 35 feet). CA87-7 limited the height of an accessory building to 12 feet in the setback area and required approval of a Site Development Permit to increase building height. CA96-3 (still the current development standard) further restricted the 12 foot height of accessory buildings by limiting the height to 8 feet in the first 3 feet from the property line and requiring approval of a Use Permit to increase building height. Additionally, prior to the Zoning Code amendment CA96-3, accessory buildings, excluding detached garages, were not permitted in the front half of the property. Currently, accessory buildings are permitted anywhere on the building site subject to the restrictions shown above.

The applicant's original proposal called for a building height of 22 feet and a setback of 3 feet. It appeared to staff that this proposal did not appear to conform to the purpose and intent of the E4 District. After discussions with staff and the adjoining property owner on the side, the applicant revised the proposal and submitted revised site plans. The current proposal is for the same garage length and width but with a reduction in height to 17 feet – 8 inches and an increase in the setback to 5 feet. The structure was also relocated 10 feet to the north to help mitigate potential long distance view impacts from the property to the side of the subject site.

**SURROUNDING LAND USE** (also see photo on page 3):

<b>Direction</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
Project Site	E4-1 "Small Estates" – One acre minimum lot size	Single-family residential (see photo below)
North	E4-1 "Small Estates" – One acre minimum lot size	Single-family residential
South	E4-1 "Small Estates" – One acre minimum lot size	Single-family residential
East	E4-1 "Small Estates" – One acre minimum lot size	Single-family residential
West	E4-1 "Small Estates" – One acre minimum lot size	Single-family residential



### **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 three County Divisions, the Orange Park Acres Association (OPA) and the Orange Park Acres Planning Committee (OPAPC). As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. OPAPC submitted written comments and noted that the proposed garage would be too close to the property line and the proposal was not acceptable (see Exhibit 2). OPA (the official review body for Orange Park Acres) commented that the project was acceptable if the property owners adjacent to the proposed project location found the location acceptable.

### **CEQA COMPLIANCE:**

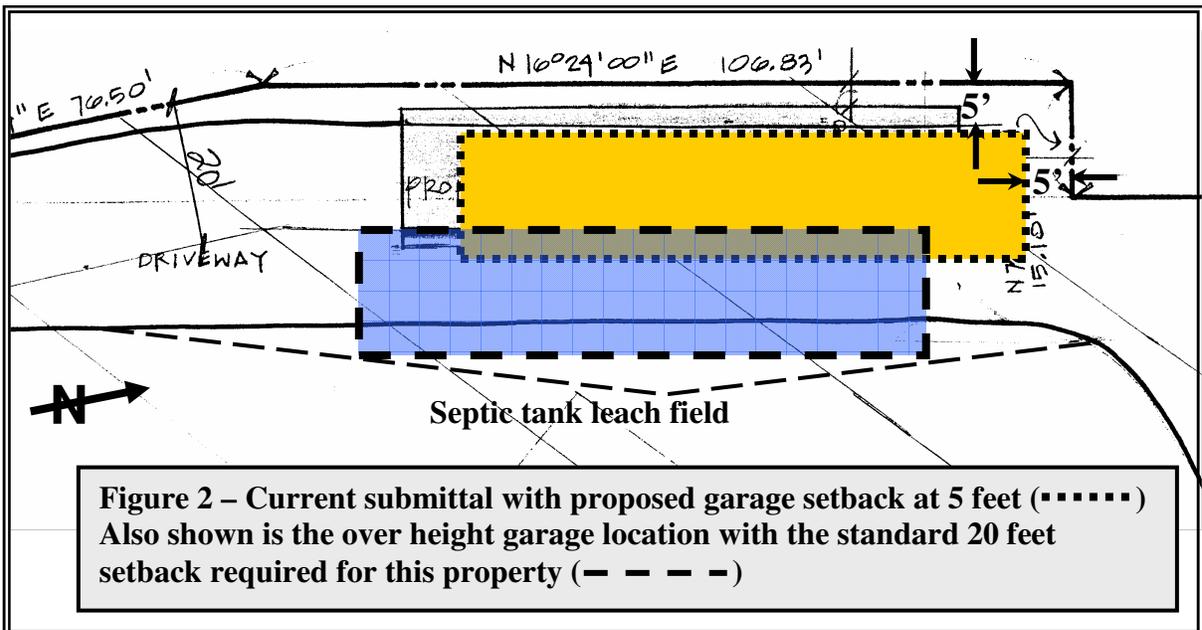
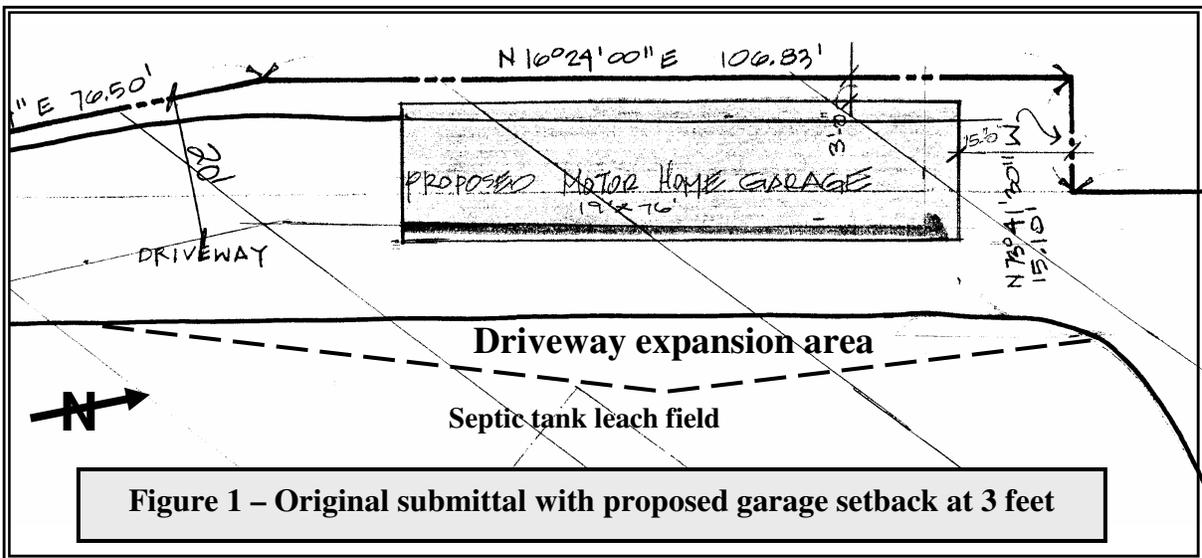
The proposed project is Categorically Exempt (Class 3, construction of limited numbers of new small structures or facilities) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

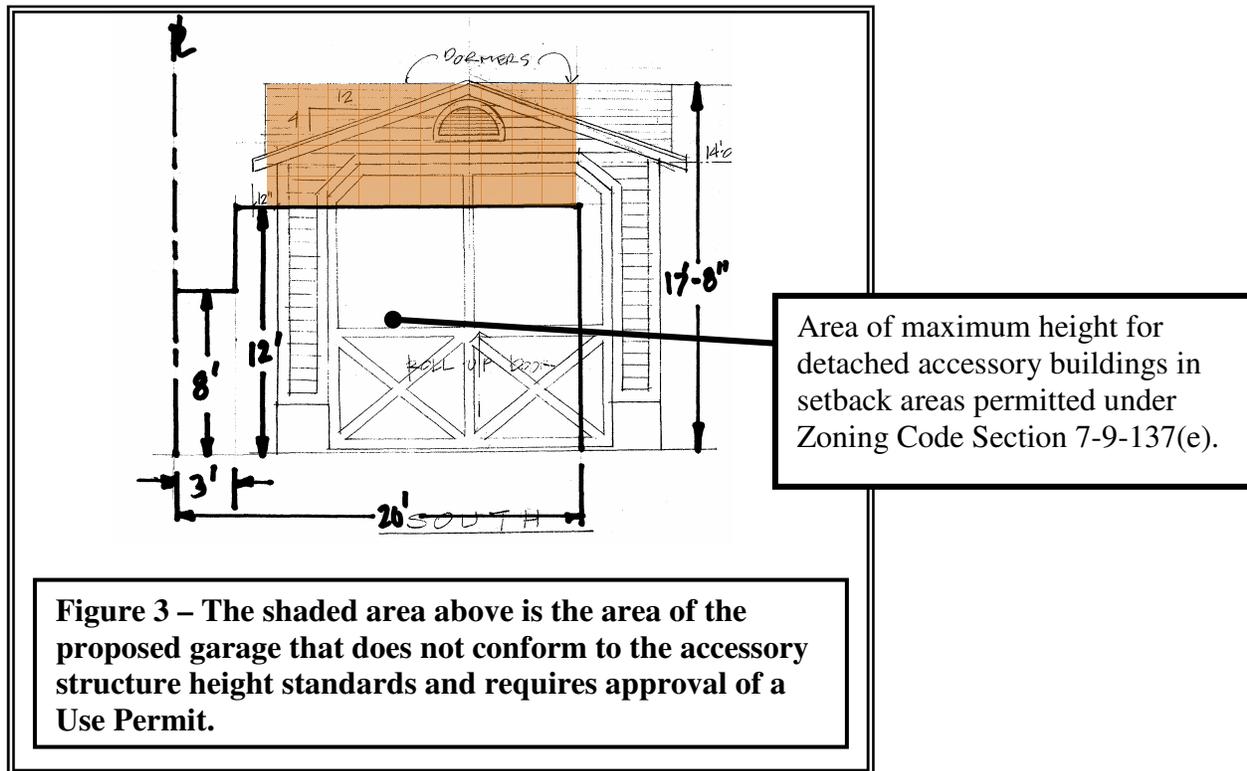
### **DISCUSSION/ANALYSIS:**

The purpose and intent of the site's E4-1 zoning is *to provide for the development and maintenance of low-medium density single-family residential neighborhoods in which open spaces and deep setbacks*

predominate. The E4 front and side yard setback requirement for this lot is 30 feet for the front and 20 feet for the sides (which is calculated at 10% of the average lot width to a maximum of 20 feet). The existing structures on site conform to the E4 District setback requirements.

Following are depictions of the site plans of the applicant's proposal. Figure 1 depicts the proposed garage setback at the applicant's original requested setback of 3 feet. Figure 2 depicts the new proposed setback of 5 feet. This graphic also depicts a garage setback of 20 feet, which would conform to the setback regulations of a 20 foot side yard setback and would not require approval of a Use Permit prior to construction. . Figure 3 (page 5) shows that portion of the applicant's proposal that requires approval of a Use Permit.





The applicant stated that the garage couldn't be setback 20 feet from the side property line because of a septic tank leach field located adjacent to the driveway. The applicant also states that the garage height requested is based on the height the garage door needed for the motor home and to provide for a roof design other than a flat roof. In an effort to make the project more compatible with surrounding properties, the applicant reduce the height of the garage from the original proposed height of 22 feet to the current height of 17 feet – 8 inches (a reduction of 4 feet – 4 inches or 19 percent) and increased the setback from 3 feet to 5 feet.

The applicant has made significant changes to the proposal that brings the project closer to the intent and purpose of the E4 Small Estates District. While the proposed garage could have some impact on the adjoining landowner, the resultant impacts of a permitted garage at 12 feet high setback 3 feet from the property line or 35 feet high setback 20 feet from the property line could be potentially greater. Additionally, the applicant has a roof design that breaks up the garage's substantial length of 76 feet. The original submittal called for a continuous eave line that ran the length of the garage. On top of the roof was an architectural "copula" feature that also ran the entire length of the roof. This was proposed to match an existing building on site. The current proposal calls for three dormer features on the roof to help break up the building length.

Staff is off the opinion that the Zoning Administrator is able to make the required finding that the proposal is consistent with the purpose and intent of the E4 Small Estates District and compatible with the surrounding land use. It should also be noted that the proposed garage structure, with it's architectural design elements to resemble a barn and harmonize with other structures on the project site, will enclose and screen the applicants motor home and trailer which is generally parked in the vicinity of the proposed garage structure. Staff suggests that this is an improvement to the aesthetics to the site and community.

Staff supports the proposal Use Permit for an over height structure in the side setback area 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 PA03-0087 for Use Permit, as modified, subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief  
CAPS/Site Planning Section

WVM

Folder: C:\My Documents\Use Permits\Use Permit 2003\PA03-0087 Staff Dunkel.doc

**APPENDICES:**

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

**EXHIBITS:**

1. Applicant's Letter of Explanation
2. Comments received from OPAPC
3. Site Photos
4. 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 RDMD/Planning and Development Services.

**RDMD/Planning and Development Services**

- DATE:** April 29, 2004 (Continued from April 1, 2004)
- TO:** Orange County Zoning Administrator
- FROM:** RDMD/PDS/Current and Advance Planning Services
- SUBJECT:** Public Hearing on Planning Application PA03-0087 for Use Permit
- PROPOSAL:** The applicant proposes to construct an accessory garage structure in the side yard setback area that exceeds the height permitted. The current proposed garage measures 19 feet wide by 55 feet long (originally submitted with a length of 76 feet) with a maximum height of 17 feet – 8 inches. The proposed location is on an existing driveway and would be setback 5 feet from the side property line. Zoning Code Section 7-9-137 “Accessory Uses and Structures” permits a building height of 12 feet for accessory structures in this setback area. Additionally, this section of the Zoning Code allows modifications to the accessory building height standard subject to the approval of a use permit.
- LOCATION:** The project site is located in Orange Park Acres, east of Orange Park Boulevard at 10711 Meads Avenue. Third Supervisorial District.
- APPLICANT:** Larry and Sarah Dunkel, property owners
- STAFF CONTACT:** William V. Melton, Project Manager  
Phone: (714) 834-2541 FAX: (714) 667-8344
- SYNOPSIS:** Current & Advanced Planning Services recommends Zoning Administrator approval of PA03-0087, as revised, for Use Permit subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The April 1, 2004 hearing on this proposal was continued to April 29, 2004 to allow the Zoning Administrator, the applicant, Mr. Jim Kazarian, adjacent property owner, and staff to meet at the site and discuss the proposal and alternates to the proposal. The parties met at the site on April 8, 2004. After a review of site conditions and project alternatives, the applicant agreed to reduce the length of the proposed garage from 76 feet to 55 feet (this length will accommodate the motor home but will not allow the trailer, which will be located at a different location, or left unenclosed at the site). The applicant also agreed to further modify the proposal by creating a new roofline over the garage door where the roof would angle back from the top of the garage door approximately 45 degrees to the roof peak. Mr. Kazarian agreed to these revisions for the proposed garage. The maximum height proposed of 17 feet – 8 inches and the side yard setback of 5 feet remains the same as submitted at the April 1, 2004 hearing. The applicant indicated that revised plans would be submitted prior to the April 29, 2004 hearing date.

**RECOMMENDED ACTION:**

PDS/Current and Advance Planning Services recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- c. Approve Planning Application PA03-0087 for Use Permit, as modified with a garage length of 55 feet and a revised roofline, subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief  
CAPS/Site Planning Section

WVM  
Folder

**APPENDICES:**

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

**EXHIBITS:**

1. Revised 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 RDMD/Planning and Development Services.