

**RDMD/Planning and Development Services Function**

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**DATE:** April 8, 2004

**TO:** Orange County Zoning Administrator

**FROM:** RDMD/PDSF/Current and Advanced Planning Services

**SUBJECT:** Public Hearing on Planning Application PA04-0003 for Variance

**PROPOSAL:** The applicant proposes to convert an existing side entry garage to a front entry garage. The garage is currently setback 16 feet – 8 inches from the front property line. This setback was approved by a Variance in 1960. The proposed new garage door will be setback 17 feet from the front property line/sidewalk. A Variance is required for this proposal because the Zoning Code off-street parking standards require a driveway length of 18 feet or more from back of sidewalk.

**LOCATION:** The project site is located in the community of Rossmoor, west of Los Alamitos Blvd, south of Hedwig Road at 11231 Davenport Road. Second Supervisorial District.

**APPLICANT:** Julio Ayulo, property owner

**STAFF** William V. Melton, Project Manager

**CONTACT:** Phone: (714) 834-2541 FAX: (714) 667-8344

**SYNOPSIS:** Current and Advanced Planning Services recommends Zoning Administrator approval of PA04-0003 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 subject site is an interior lot measuring 72 feet wide by 110 feet deep and developed with a one-story single-family dwelling (built in the early 1960s). This lot is typical of interior lots with side entry garages in this area of Rossmoor. Building Permit No. RS031114 was issued June 19, 2003 for addition to living room and new front entry. The garage is currently under construction for the conversion of a side entry garage to a front entry garage. The garage foundation wall was measured by staff to be 16 feet – 8 inches from the back of sidewalk which is also the front property line.

The applicant proposes to change the existing side entry garage to a front entry garage, which creates a driveway length of 17 feet from the garage door to the sidewalk, and the reason for the Variance request. A new front yard space will be created with the removal of the old driveway. A new 5 feet high decorative wrought iron fence with an 8 feet high gate structure will be installed to enclose the new front

yard area. The fence and wall are setback 20 feet from the front property line, which is the required front yard setback for this site.

This site was developed under the original standard R1 residential zoning and Variance V4127, a tract wide variance approved in April 1960 that 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 approved with a side entry garage, with a front yard setback of 15 feet for the garage. It appears that the garage was constructed with a setback 16 feet – 8 inches from the front property line. In addition to the tract wide Variance, Adjustment A-186 was approved for a reduction in the rear setback and Variance V6873 was approved in 1966 permitting a wall with a maximum height of 9 feet – 4 inches on the north property line (the site plan now indicates a 6 feet high wall on the north property line).

**SURROUNDING LAND USE:**

Direction	Zoning	Existing Land Use
Project Site	R1 “Single-family residential”	Single- family dwelling
North	R1 “Single-family residential”	Single- family dwelling
South	R1 “Single-family residential”	Single- family dwelling
East	R1 “Single-family residential”	Single- family dwelling
West	R1 “Single-family residential”	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 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 two 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. Dorothy Fitzgerald of the Rossmoor Homeowners Association notified staff by telephone that the Association had concerns with the proposal. A Notice of Hearing was provided to the Rossmoor Homeowners Association for this project.

**CEQA COMPLIANCE:**

The proposed project is Categorical 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 standard setback for a garage with a sectional garage door is 18 feet from the back of the sidewalk (Orange County Zoning Code Section 7-9-137.1). The 18 feet provides for adequate parking for most cars and some pick-up trucks and SUVs in front of garages without the vehicle projecting into the sidewalk area. The proposed driveway setback of 17 feet also provides adequate driveway length for the majority mid-size and standard-size cars (Chevrolet Impala), mini-vans, mid-size pick-up trucks and smaller SUVs (such as the Jeep Grand Cherokee and the Ford Explorer). Larger cars, trucks and SUVs like the Ford Crown Victoria the Ford F-150 pick-up with an 8' bed, the Ford Excursion and Chevy Suburban will not be able to park in the driveway without the vehicle encroaching into the sidewalk area. These larger vehicles will not fit into an 18-foot space parking space or in today's typical 18 feet by 18 feet two-car garage space.

When other property owners in Rossmoor have requested to convert a side entry garage to a front entry garage and the length is less than 17 feet, staff conditioned the permit to provide at least one space in the driveway to be at least 17 feet, provided the interior space in the two-car garage has a clear space of 18 feet by 18 feet (the standard clear area for a two-car garage). To provide for one space, the proposal was conditioned to provide a deep-set garage door, or provide two garage doors with one set deeper into the garage than the other. This procedure is common when an area wide variance was approved allowing side entry garages with a 15 feet front setback. Following is a condition of approval of PA00-0126 that was applied to another Rossmoor proposal requesting a conversion of a side entry garage to a front entry garage. The garage in this example was existing and was setback 15 feet – 8 inches from the back of the sidewalk. The proposal called out for a sectional or roll-up garage door.

*Prior to the issuance of a building permit for the additions and modifications proposed, the applicant shall submit revised site plans meeting the approval of the Manager, Current Planning Services Division showing the garage entrance has a setback distance of at least seventeen (17) feet between the outer face of garage door and the back of the sidewalk. Or if two garage doors*

*are used that the distance between the outer face of one of the garage doors and the back of the sidewalk is at least seventeen (17) feet. In either case, the parking space in the garage shall maintain a minimum clear space of eighteen (18) feet by eighteen (18) feet.*

Because the site plan indicates that the garage door will be setback 17 feet from the back of the sidewalk and the clear space in the garage after conversion conforms to the 18 feet x 18 feet minimum for two parking spaces, a detailed condition like the one above is not necessary. However, staff does recommend a condition of approval (COA NO. 10) as follows to ensure the project does provide adequate off-street parking:

*Prior to the issuance of a use and occupancy permit, the building inspector shall verify that the garage door is the sectional roll-up type equipped with a remote opener; and, that the distance between the outer face of the garage door and the back of the sidewalk is a minimum of seventeen (17) feet.*

With the garage door setback a minimum distance of 17 feet, the driveway will be able to provide an off-street parking area a the majority of vehicles without projecting into the sideway area. Staff supports the proposal 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 PA04-0003 for Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief  
CAPS/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 Resources and Development Management Department.