

RESOURCES & DEVELOPMENT MANAGEMENT SERVICES  
DEPARTMENT REPORT

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**DATE:** June 3, 2004

**TO:** Orange County Zoning Administrator

**FROM:** Resources and Development Management Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA04-0026 for Variance.

**PROPOSAL:** Variance to add 813 square feet of living area and 100 square feet of garage storage space as close at one point as 20 feet from the rear property line, where 25 feet would be required. Another portion of the existing structure is located 21 feet from the rear property line by virtue of Variance 3913 granted in the early 1960s.

**LOCATION:** In the general east Tustin area, at 1302 Cameo Drive, Third Supervisorial District.

**APPLICANT:** Joe and Jennifer Titterud, property owners.

**STAFF CONTACT:** J. Alfred Swanek, Project Manager Phone: (714) 796-0140  
FAX: (714) 834-4772 E-mail: Jim.Swanek@pdsd.ocgov.com

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator approval of PA04-0026 for Variance subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

Presently, the 1,404 square foot, single family single story home, with an attached 442 square foot garage, both constructed in 1960, are on a 10,350 square foot lot. The subject site is flat but irregular in shape. Variance 3913 granted in the early 1960s allowed another portion of the existing structure to be located 21 feet from the rear property line.

**SURROUNDING LAND USE:**

| Direction    | Land Use Designation           | 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 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). On May 19, 2004, NTAC recommended approval of the variance application as proposed.

### **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 an 813 square foot room addition for a larger dining room and family room on one side and a larger master bedroom on the other. The new living area would be as close at one point as 20 feet from the rear property line, where 25 feet would be required.

Assuming approval of the variance request, the enlarged single family residence and garage would cover approximately 27% of the lot. The R1 District has no Building Site (lot) Coverage limitation.

The subject site is flat but irregular in shape. Variance 3913 granted in the early 1960s allowed another portion of the existing structure to be located 21 feet from the rear property line.

No party seems potentially impacted to any significant degree by the proposal.

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 Variance 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 the opinion that the Zoning Administrator would be able to make these two variance findings on the sole basis of this lot's unusual shape, and approve the project.

**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 PA04-0026 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)
4. Minutes of the NTAC Meeting of May 19, 2004 (if available)

**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.