

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

DATE: September 7, 2006

TO: Orange County Zoning Administrator

FROM: RDMD/PDS/Environmental and Site Planning

SUBJECT: Public Hearing on Planning Application PA 060052 for Variance

PROPOSAL: The proposed project is for an addition of a master bathroom and walk-in closet that will connect the existing detached garage to the existing single-family structure. The variance request is to maintain the garage front setback at 15 feet six inches instead of the required 17 feet.

LOCATION: The subject property is located at 11422 Martha Ann Drive, Rossmoor CA 90720. Rossmoor is an unincorporated residential area of North Orange County adjacent to the cities of Los Alamitos and Seal Beach. Second Supervisorial District.

APPLICANT: Matthew & Victoria Hammond, Martha Ann Drive Rossmoor, CA 90720.

STAFF CONTACT: Jerry Mitchell, Staff Planner
Phone: (714) 834-5389 FAX: (714) 834-6132

SYNOPSIS: RDMD/PDS/Environmental and Site Planning recommends Zoning Administrator approval of Planning Application PA06-0052 for a Variance subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The single-family residence is located at 11422 Martha Ann Drive in the community of Rossmore. The proposed remodeling project would increase habitable square footage by approximately 121 square feet. The project consists of adding a master bathroom and walk-in closet, which would connect the current house to the existing detached garage.

SURROUNDING LAND USE:

The location, size and design characteristics of this project are consistent with other original and upgraded single-family residences found in Rossmoor (R1/28). The building materials used and methodologies employed will adhere to current building code standards and practices. The proposed expansion is located between the detached garage and the house. The garage would remain at its current setback. Visibility from the front would remain virtually unchanged as the addition is between the house and the garage.

AERIAL PHOTO OF PROJECT SITE



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all property owners of record within 300 feet of the subject site. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to County Divisions. As of the writing of this staff report, no comments raising significant issues with the project have been received from other County divisions.

CEQA COMPLIANCE:

Initial Study, Number PA060052 was prepared for the proposed project. The project is Categorical Exempt (Class 3) from CEQA per Section 15303 of the CEQA Guidelines. Class 3 of the CEQA Guidelines provides for new construction of small structures. It is included in the attached Findings for the Zoning Administrator's consideration and must be approved prior to project approval with a finding that it is adequate to satisfy the requirements of CEQA.

DISCUSSION/ANALYSIS:

The proposed project and variance request is to maintain the garage front setback at 15 feet six inches instead of the required 17 feet. Zoning code 7-9-128.4 (average of adjacent lots) provides for setback distance at 17' from the property line. The garage “building setback” is 15 feet six inches, which is its original positioning. The garage building setback has remained unchanged since the home was originally constructed in 1959.

The portion of property that falls inside the 17-foot front setback is the garage, which will not be inhabited. In fact, a direct entrance from the garage to the house will not be constructed. There are numerous models with attached garages that have a similar layout to the Hammond house within the neighborhood. There are seven other attached homes on Martha Ann Drive alone of which setbacks range from 15 feet, one-inch to 15 feet eight inches, with the garage being closest to the property line.

A variance is being requested to allow an expansion of the house to the garage wall for construction of a master bath and walk-in closet. The residents' will incorporate conventional architecture that is consistent with the neighborhood, be of modest physical size and reflect similar changes as those already implemented by other residents in the neighborhood.

The proposed remodeling project is subject to the attached Findings and Conditions of Approval, is consistent with adjacent zoning (R1/28) and surrounding land uses.

Staff supports the applicant's proposal and recommends approval as noted below.

RECOMMENDED ACTION:

- a. Receive staff report and public testimony as appropriate; and
- b. Approve Planning Application PA06-0052 for a variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Ronald L. Tippetts, Chief
RDMD PDS/Environmental & Site Planning

APPENDICES:

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

ATTACHMENTS:

1. Applicant Letter of Justification
2. Notice of Public Hearing
3. Rossmoor Homeowners Association 8/16/06 Letter of support
4. Site Plan

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 Planning and Development Services.



APPENDIX A
Hammond Variance, 11422 Martha Ann Drive Rossmoor – PA
060052
Findings

1. [AA01] General Plan

That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.

2. [AA02] Zoning

That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.

3. [AA03] Compatibility

That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.

4. [AA04] General Welfare

That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

5. Categorical Exemption (Custom)

That the proposed project is Categorically Exempt (Class 3, Section 15303) from the provisions of CEQA. Class 3 of the CEQA Guidelines provides for the new construction of small structures.



APPENDIX B
Hammond Variance, PA 060052
11422 Martha Ann Drive, Rossmoor

Conditions of Approval

1. [Z01] BASIC/ZONING REG

Approval: CP CP NA

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.

2. [Z02] BASIC/TIME LIMIT

Approval: CP CP NA

This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

3. [Z03] BASIC/PRECISE PLAN

Approval: CP CP NA

Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, PDS, for approval. If the Director, PDS, determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

4. [Z04] BASIC/COMPLIANCE

Approval: CP CP NA

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Zoning Administrator.

5. [Z05] BASIC/OBLIGATIONS**Approval: CP CP NA**

Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition.

6. [Z06] BASIC/APPEAL EXACTIONS**Approval: CP CP NA**

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

7. [WQ05] EROSION AND SEDIMENT CONTROL PLAN**Approval: BI BI GB**

Prior to the approval of any grading permit, the applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building Permit Services, to demonstrate compliance with local and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMP's will be maintained during construction of any future public right-of-ways. A copy of the current ESCP shall be kept at the project site and be available for County review on request.