

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

DATE: August 16, 2007

TO: Orange County Zoning Administrator

FROM: RDMD/PDS/Site Planning & Environmental Services

SUBJECT: Public Hearing on Planning Application PA 06-0104 for Variances as a result of an addition to a single-family residence.

PROPOSAL: The proposed project is a request for approval of Variances for front yard and rear yard setbacks associated with an addition to a single-family residence.

LOCATION: The subject property is located at 11761 Kensington Road, Los Alamitos (Rossmoor).

APPLICANT: Heidi and Paul Burns.

STAFF CONTACT: Jerry Mitchell (714) 834-5389

SYNOPSIS: The applicant seeks approval of Variances associated with an addition to a single-family residence. The Variances would allow the existing garage to be attached to the main structure, encroaching into the rear yard setback 10 and a-half feet, leaving a four-and a-half-foot setback instead of the required 15 feet, pursuant to Rossmoor Association regulations. The Variances also would allow encroachment of four feet four inches into the front yard setback area, leaving a 15.8-foot setback instead of the required 20 feet. PDS/Site Planning & Environmental Services recommends the Zoning Administrator conditionally approve Planning Application PA 06-0104.

BACKGROUND:

The subject site is located at 11761 Kensington Road, within the community of Rossmoor. The site is zoned R1/100 (7,200) "Single-Family Residence" District, medium density. The applicant has a corner lot of regular size that consists of 8,250 square feet. As noted in the applicant's Letter of Justification (Attachment 1), the proposed requested variances are associated with the remodel of their one-story residence. The variances being requested are typical of other variances previously approved within the community of Rossmoor.

CEQA COMPLIANCE:

The proposed project was reviewed by Environmental Planning Services, which has determined that the project is Categorically Exempt (Class 3) from the provisions of CEQA, pursuant to Section 15303 of the CEQA Guidelines (Attachment 2). Prior to project approval, this determination must be found adequate to satisfy the requirements of CEQA. A finding for that purpose is included in Recommended Findings submitted as Appendix A.

PUBLIC NOTICE AND COMMENTS:

A Notice of Hearing was mailed to all property owners of record within 300 feet of the subject site. In addition, a public notice was posted on site and on the first floor of H.G. Osborne Building. A notice and this staff report were also mailed to the Rossmoor Homeowners Association, as well as to the applicant. No public comments have been received to date.

PROJECT SITE:

The subject site is designated 1B by the General Plan Land Use Element and is zoned R1/28 “Single-Family Residence” District Regulations. This district is intended for development and maintenance of medium density single-family residential neighborhoods (7,200 square feet minimum building site).

PROJECT DESCRIPTION:

The applicant seeks approval of variances associated with an addition to their single-family residence. The applicant plans to partially demolish the existing two-car garage, reconstruct it and attach it to the main structure. A Variance would allow the existing garage to encroach into the rear yard setback 10 feet six inches (existing garage currently encroaches 10 feet six inches) as approved for original construction, leaving a four-and-a-half-foot setback instead of the required 15 feet, pursuant to Rossmoor Association regulations. A Variance also would allow encroachment into the front yard setback area of four feet four inches, leaving a 15.8-foot setback instead of the required 20 feet.

PROJECT ANALYSIS:

The existing four bedroom residence is a 1,833 square-foot, one-story, single-family structure with a detached two-car garage. The proposed additional floor space (1,199 square feet) will increase the existing floor area of the residence to 3,032 square feet. In addition, the garage will be increased by 32 square feet and attached to the residence. The residence is located on a corner lot. Because there are two possible

determinations for setbacks associated with corner lots, the more conforming determination has been used. As noted above, the variances being requested are typical of previously approved variances within the Rossmoor community. While the zoning requirements for the Rossmoor area identify a 15-foot rear yard setback, many residents have been able to more fully utilize their lots through approvals of variances similar to that being requested by the applicant.

The existing driveway depth is 15.8 feet. The redesigned garage, in addition to being attached to the main structure, allows the depth of the driveway to be extended to 18 feet, providing full size parking accommodation for two cars in addition to the enclosed two car parking spaces. Attaching the garage to the residence also helps to create a more unified façade along Kensington Road.

Consistency with General Plan/Zoning

Site Development Permit PA 06-0104 is consistent with the 1B General Plan Land Use Element designation and R1/28 “Single-Family Residence” District Regulations, and such a finding is included in Appendix A. This district is intended for development and maintenance of medium density, single-family residential neighborhoods (7,200 square feet minimum building site).

CONCLUSION:

The proposed project has been reviewed by appropriate County staff. There are no outstanding planning or environmental concerns with the recommended Findings noted in Appendix A and Conditions of Approval in Appendix B. The project, as conditioned, is consistent with all regulations and policies of the County Zoning Code.

State and County law requires that a variance application may be approved only if the approving agency makes the variance findings listed below. If the Zoning Administrator cannot make these findings, then the variance request 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 specified conditions are complied with.*

Staff is of the opinion that the Zoning Administrator is able to make these two variance

findings and approve the variance requests for this proposal. The special circumstances required by finding 1 above is found in Appendix A, Finding No. 6, which states: *The special circumstances are:* “That there are special circumstances consisting of restrictive setbacks that were not adhered to when homes in the Rossmoor community were initially constructed, 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. Since other residences within the neighborhood have similar setbacks, approval of this variance would not be out of character for the neighborhood.”

In conclusion, staff’s review determined the applicant’s proposed Variance requests (Attachment 3, Site Plan) to allow the existing garage to be attached to the main structure, encroaching into the rear yard setback, leaving a four-and a-half-foot setback instead of the required 15 feet and the Variance to allow encroachment into the front yard setback area, leaving a 15.8-foot setback instead of the required 20 feet, subject to the attached Findings and Conditions of Approval, is compatible with adjacent residences and consistent with other proposals previously approved in this area. Staff supports the applicant’s proposal and makes a recommendation as follows:

RECOMMENDED ACTION:

- a. Receive staff report and public testimony as appropriate; and
- b. Conditionally approve Variance Permits for PA 06-0104.

Respectfully submitted,

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

APPENDICES:

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

ATTACHMENTS:

1. Applicant’s Letter of Justification
2. Notice of Exemption - PA 06-0104
3. Site Plan

(PA 06-0104) – Burns

Page 6 of 8

would not be out of character for the neighborhood.

7. [VA02]

VARIANCE 2

PA 06-0104

That 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.

this condition.

9. [G01] GEOLOGY REPORT PA 06-0104
Approval: SG SG G

Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Subdivision and Grading, for approval. The report shall include the information and be in the form as required by the Grading Manual.

10. [WQ05] EROSION AND SEDIMENT CONTROL PLAN PA 06-0104
Approval: BI BI GB

Prior to the issuance of any grading or building permit, the applicant shall submit a 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.

11. CONSTRUCTION NOISE PA 06-0104
Approval: BP BP G

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building Permits Services, that:

- (1) All construction vehicles or equipment, fixed or mobile, operated within 1,000' of a dwelling shall be equipped with properly operating and maintained mufflers,
- (2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- (3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

B. Notations in the above format appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.