

Zoning Administrator Agenda Item

May 30, 2012

TO: Rick Otto

Zoning Administrator

THRU: Leslie Aranda Roseberry

Planning Manager

FROM: Doris Nguyen

Associate Planner

SUBJECT

PUBLIC HEARING: Variance No. 2214-11 – Reduction of front yard setback for a garage addition at the Kressin Residence located at 556 North Pine Street.

SUMMARY

The applicant proposes a 75% reduction in the front yard setback in order to construct a garage and storage area on a flag lot.

RECOMMENDED ACTION

Approve Variance No. 2214-11

AUTHORIZATION/GUIDELINES

Orange Municipal Code (OMC) Section 17.10.040.D authorizes the Zoning Administrator to review and take action on the requested variance for a building setback and yard requirement.

PUBLIC NOTICE

On May 17, 2012, the City sent a Public Hearing Notice to a total of 52 property owners/tenants within a 300-foot radius of the project site. No persons specifically requested a notice. The project site was also posted with the notification on that same date.

ENVIRONMENTAL REVIEW

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15303 (Class 3, New Construction) because the project involves the construction of a new 675 square foot garage and storage area. There is no public review required.

PROJECT BACKGROUND

Applicants/Property Owners:	Duane Kressin		
Property Location:	556 N. Pine St.		
Existing General Plan	LDR (Low Density Residential)		
Land Use Element designation:			
Existing Zoning	R-1-6 (Single-Family Residential)		
Classification:			
Old Towne:	No		
Redevelopment Project Area:	No		
Specific Plan/PC:	No		
Site Size:	10,057 square feet		
Existing conditions:	1,938 SF, single-story, single-family residence with an		
	462 SF attached garage		
Surrounding land uses	The subject property is located within a neighborhood		
and Zoning:	that is also surrounded by other single-family residences		
	to the north, south, and east. Orange High School trailers		
	are located to the west of the residence.		
Previous	DRC No. 3995-05: Approval of the original residence on		
Applications/Entitlements:	a vacant lot by the DRC on May 4, 2005.		

PROJECT DESCRIPTION

The property is currently developed with a 2,005 SF foot single-family residence, plus a 462 square foot attached, two-car garage. The applicant is proposing to construct a new 675 square foot attached two-car garage and storage in order to convert the existing garage to a family room. The new addition would match the existing residence in roof pitch, trims, colors, and materials.

The property is a flag lot off of Pine Street, with a nearly 170' long driveway. When the custom home was originally entitled in 2005, it was reviewed by the DRC (DRC 3995-05). The DRC staff report states that the south property line is the front and the east and west property lines were the side yards. Orange Municipal Code (OMC) Section 17.14.070 requires a 20' front yard setback for properties in the R-1-6 zone. The applicant is requesting a 5' front yard setback, which is a 75% reduction in the required setback.

The proposal meets the 50% FAR and minimum 900 SF open space since they would cover 31% of the lot and provide 2,085 SF of open space.

Development Standards

	Required	Proposed	Code Section
Building Height	32' or Two-story	14'-6" /One-story	17.14.070
Distance between	N/A	N/A	N/A
structures			
Fence height	N/A	N/A	N/A
Floor Area Ratio	0.5	0.31	17.14.070
(FAR)			
Lot size	6,000 square feet	10,057 square feet	17.14.070
(residential)		existing	
Lot frontage	20' for flag lots	20'	17.14.070
Lot depth	100 feet	171.19 feet existing	17.14.070
Open space,	900 sq. ft.	1,675 sq. ft. in rear	17.14.070
useable			
(residential)			
Parking	Two enclosed	Two enclosed	17.14.060
(residential)	parking spaces	parking spaces	
Setback, Front	20'	5'	17.14.070
Setback, Rear	10'	21'	17.14.070
Setback, Side (east)	5'	5'	17.14.070
Setback, Side (west)	5'	5'	17.14.070

APPLICATION(S) REQUESTED/ REQUIRED FINDINGS

<u>Variance:</u> The applicant is requesting a Variance from Orange Municipal Code Section 17.14.050A.6 to allow an attached 2-car garage within the property's front yard setback.

Required Findings:

- 1. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- 2. The variance granted shall be subject to such conditions which will assure that the authorized adjustment shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is located.

ANALYSIS/STATEMENT OF THE ISSUES

Issue 1: Building Setback

The applicant is requesting a 75% reduction in the required front yard setback in order to construct a new 675 square foot attached two-car garage and convert the existing garage to a family room. The OMC requires a 20' front yard setback, and the applicant is requesting a 5' setback. The setbacks for the rest of the property would not change.

The property is located on a flag lot off of Pine Street. The driveway is 20' wide and is currently 170' long to the western property line. If the garage is constructed along the western property line, the driveway would be reduced to 143' long; however, the OMC requires a 20' long driveway. Due to the flag lot shaped parcel, the eastern façade of the house is setback 107' from Pine Street and is behind the house addressed as 554 N Pine Street.

Currently, the red tile roof of the subject residence is partially visible from the street, as shown in Attachment 2, Existing Site Photos. The new garage would be much more visible than the current house; however, it would be set back 143' from Pine Street. The casual passerby driving on Pine Street would not notice the garage unless they were specifically looking down the driveway. This creates a unique situation for the lot.

The intent of the front yard setback is to ensure that there is adequate open space, light, air, and privacy for the subject residence and neighboring homes. It also ensures that structures are not constructed too close to the street and sidewalk. Since the garage would be 143' away from the street, it would meet those requirements.

The applicant is proposing to maintain a 5' setback from the west (side) and south (front) property lines. The adjacent property to the west is the Orange High School campus where they store modular trailers. The garage addition would not be considered a substantial change for the High School since they currently have a 5' setback along the west property line. The neighbor along the south property line (535 N Harwood Street) shares their side yard with the subject residence. This neighbor would be affected the most by the addition. As seen in the aerial provided as Attachment 3, the neighbor at 535 N Harwood Street has a large lawn adjacent to the proposed garage addition. Within a typical neighborhood zoned R-1-6, it is common for two properties to have adjacent 5' side yard setbacks. Although, the south property line is technically the subject property's front yard, it serves very similarly to a side yard because it is adjacent to other residential lots and not directly adjacent to a public street. Maintaining a 5' setback would make the property similar to other properties within the same zone and would not constitute a grant of special privilege.

Staff Recommendation

Staff recommends approval of the project subject to the conditions listed below. The Zoning Administrator may determine that additional conditions are appropriate to support the required findings. Staff's specific recommended conditions of approval are:

- 1. All construction shall conform in substance and be maintained in general conformance with plans and exhibits labeled Exhibit A in the staff report (date stamped received April 17, 2012), including modifications required by the conditions of approval, and as approved by the Zoning Administrator. Further, exterior building color and materials shall conform to the plans approved by the Zoning Administrator on May 30, 2012.
- 2. The applicant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permit, save and except that caused by the City's active negligence.
- 3. The applicant, business owner, managers, successors, and all future assigns shall comply with all Federal, State and local laws, including all City regulations. Violation of any of those laws in connection with the use will be cause for revocation of this permit.
- 4. Except as otherwise provided herein, this project is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Community Development Director for approval. If the Community Development Director 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, the Community Development Director may approve the changed plan without requiring a new public hearing.
- 5. Any future expansion in area or in the nature and operation of the use approved by Variance No. 2214-11 shall require an application for a new or amended Variance.
- 6. Prior to the issuance of building permits, the applicant shall pay all applicable development fees including but not limited to: City sewer connection, Orange County Sanitation District Connection Fee, Transportation System Improvement Program, Fire Facility, Police Facility, Park Acquisition, Sanitation District, and School District, as required.
- 7. Construction permits shall be obtained for all construction work, as required by the City of Orange, Community Development Department's Building Division and Public Works Grading Division. Failure to obtain the required building permits will be cause for revocation of this permit.
- 8. All structures shall comply with the requirements of Municipal Code Chapter 15.52 (Building Security Standards), which relates to hardware, doors, windows, lighting, etc. (Ord. 7-79). Approved structural drawings shall include sections of the security code that apply. Specifications, details, or security notes may be used to convey the compliance.
- 9. Applicant/developer shall be aware that all work within the public right-of-way requires the issuance of an Encroachment Permit. Such work includes, but is not limited to, work on the sidewalk, driveway construction, and utility laterals.
- 10. The final approved conditions of approval shall be reprinted on the first or second page of the construction documents when submitting to the Building Department for the plan check process.
- 11. If not utilized, project approval expires twenty-four months from the approval date. Extensions of time may be granted in accordance with OMC Section 17.08.060. The Planning entitlements expire unless Building Permits are pulled within 2 years of the original approval.

ATTACHMENTS/EXHIBITS

Attachments to Report:

- 1. Vicinity Map
- 2. Site Photos
- 3. Aerial photo

Exhibits

A. Site plan, Floor plan, Elevations (date stamped received April 17, 2012)

cc: File

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