CITY OF ORANGE
ZONING ADMINISTRATOR
MINUTES – FINAL

July 6, 2011

Staff in Attendance: Jim Reichert, Acting Zoning Administrator
Lucy Yeager, Contract Planner
Diane Perry, Recording Secretary

Public Hearing: 3:00 p.m.

NEW ITEM:

1. VAR No. 2212-11 – CHAPMAN UNIVERSITY-PANTHER POOL-WALL HEIGHT

- A request to exceed allowed wall height by two feet (a six foot high wall is permitted by the Orange Municipal Code [OMC] [affecting properties located at 542 and 544 N. Shaffer St.]` and, the Chapman University Specific Plan Amendment No. 5 [SP] [affecting properties located at 526 and 534 N. Shaffer St.]; the applicant is requesting an eight-foot tall wall) with a Variance from OMC Section 17.10.040, Variances, Section D.
- 526, 534, 542, and 544 N. Shaffer Street
- Contract Planner: Lucy Yeager, 714-744-7239, lyeager@cityoforange.org
- ZA Action: Final Determination

The Acting Zoning Administrator (ZA), Jim Reichert, opened the Public Hearing on Wednesday, July 6, 2011, at 3:00 p.m. for New Item No. 1 – VAR No. 2212-11, Chapman University, which is a request to exceed the allowed wall height by two feet associated with the Chapman University Panther Pool project. The properties are located at 526, 534, 542, and 544 N. Shaffer Street.

Contract Planner, Lucy Yeager, presented a project overview consistent with the Zoning Administrator Agenda Item Report (Staff Report and Amendment to Agenda Item). She stated this request was in association with project MNSP No. 0661-11, which was recently approved by the Community Development Director and was referred to as the Chapman University Panther Pool. Ms. Yeager also explained the reason for the "Amendment to Agenda Item," stating that it had later been determined this Variance item would now include the four properties located at 526, 534, 542, and 544 North Shaffer Street; and the legal notices previously mailed out also referenced all four properties.

The ZA confirmed with Staff and the applicant, Kris Olsen, Chapman University, address on file, that the house directly south from the pool, which might be modified a bit, would be retained for the pool house and not be for residential use.

The ZA opened the Public Hearing and asked if the applicant had any questions and/or comments.

The applicant's representative, Ken Ryan, KTGY, address on file, stated the project was reviewed very thoroughly by Staff and the applicant's issues today were very focused. Mr. Ryan

stated the 8-foot vs. 6-foot wall was appropriate for several reasons: (1) the applicant took extra steps to make sure that safety and security were adhered to due to the close proximity to the high school, which made it a unique situation and therefore, not precedent-setting; (2) the significant setback of 26-feet; (3) the significant existing vegetation would be retained and added to, plus they would be matching the existing landscaping along that stretch of Shaffer Street; (4) being sensitive to the requests of the neighbor/resident to the south and making sure such resident was comfortable with what was proposed and with the new wall he would be getting; and (5) this project would not be precedent-setting because the applicant did the same thing with the Lastinger Aquatic Center (photo hand-outs were distributed to the ZA and Staff); the project was compatible with the neighborhood and the materials would be the same as the Lastinger Aquatic Center with the black color.

Mr. Olsen made a comment to his representative that it was important to note that the fence was wrought iron on the north, west, and east side; then a solid block wall on the south side.

Mr. Ryan agreed and confirmed that was correct. The resident on the south side requested a solid block wall and the applicant agreed to do that for the resident. Mr. Ryan then stated that they were available for any other questions.

The ZA reviewed the plans with Mr. Ryan to confirm: (1) exactly which house was the resident's house to the south, where the solid wall would be built; and (2) exactly where the existing house was located that would be made into the pool house.

Public Comments:

None.

The ZA closed the Public Hearing.

The ZA commented that he applauded Chapman University for the improvements to this area and he also believed there were unique circumstances related to this situation as already identified in the Staff Report. Specifically, (1) that the pool was located across from the high school which would have school-age children passing by on a daily basis; (2) this project was located adjacent to Shaffer Street which was a public right-of-way, with the public passing through on a daily basis; and (3) the fact that the pool would be unmanned. All of these situations gave the ZA additional justification to approve this fence height increase.

The ZA approved VAR No. 2212-11, Chapman University-Wall Height, based on the findings as listed in the Staff Report and as shown below; and including the recommended conditions also contained in the Staff Report.

Findings:

1. Special circumstances apply to these properties that make the strict application of the Zoning Code to not be in the best interest of the situation.
2. The Variance shall be subject to such conditions which will assure that the authorized adjustments 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.

The ZA stated this action was final unless appealed within 15 days.

ADJOURNMENT:

The ZA adjourned the Public Hearing at approximately 3:12 p.m.