

**OC DEVELOPMENT SERVICES REPORT**

**DATE:** September 21, 2023

**TO:** Orange County Zoning Administrator

**FROM:** OC Development Services / Planning Division

**SUBJECT:** Planning Application PA23-0042 for a Variance

**PROPOSAL:** The applicant is requesting a Variance to allow for a reduction in the rear yard setback requirement. The approval will allow the applicant to enclose an existing 64 square foot breezeway that connects the garage and dwelling.

**ZONING:** E4 “Small Estates”

**GENERAL PLAN:** 1B “Suburban Residential”

**LOCATION:** The project is located at 12341 Rebecca Lane, Santa Ana, California, 92705, within the Third (3rd) Supervisorial District (APN: 103-322-03)

**APPLICANT:** Dennis Danahy, Architect  
Jack W. and Devin M. Hoag, Owners

**STAFF CONTACT:** Arturo Cervantes, Senior Planner  
Phone: (714) 667-8898  
E-mail: Arturo.Cervantes@ocpw.ocgov.com

**RECOMMENDED ACTION(S):**

OC Development Services/Planning recommends the Zoning Administrator:

1. Receive the staff report and public testimony as appropriate;
2. Find that the proposed project is exempt from CEQA per CEQA Guidelines Section 15301 Class 1 exemption (Existing Facilities) for additions to private existing structures that are less than 50 percent of the existing floor area and per Section 15305 Class 5 exemption (Minor Alterations in Land Use Limitations) for minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including set back variances that do not result in the creation of a new parcel;

3. Approve Planning Application PA23-0042 for a variance, subject to the Findings and Conditions of Approval provided as attachments #1 and #2 to this report.

**BACKGROUND AND EXISTING CONDITIONS:**

The subject property located at 12341 Rebecca Lane, Santa Ana, California, 92705, and identified as lot 31 of Tract 1587, is within the unincorporated community of North Tustin, in the County of Orange. The property is zoned E4 “Small Estates” District, which was established to provide for the development and maintenance of low- and medium-density single-family residences, with an emphasis on open spaces and deep setbacks.

The subject site is located on the corner of Rebecca Lane and Gwen Avenue, with the building frontage along Rebecca Lane. The property is a rectangular shaped lot with a relatively flat topography. The lot is 10,560 square feet in size, with a width of 96 feet and a depth of 110 feet. The site is currently developed with a 1,669 square foot single-story residential dwelling, a detached 499 square foot garage with a second story bonus room, a roofed breezeway connecting the main residence and garage, a trellis cover at the rear of the house, and a pool.

Proposed Project

The applicant is requesting a Variance to enclose the covered breezeway that connects the main residence and garage. Enclosing the breezeway would result in a house with attached garage that encroaches into the required rear yard setback. The final rear yard setback will be 15’-11” from the property line, instead of the required minimum rear yard setback of 25 feet.

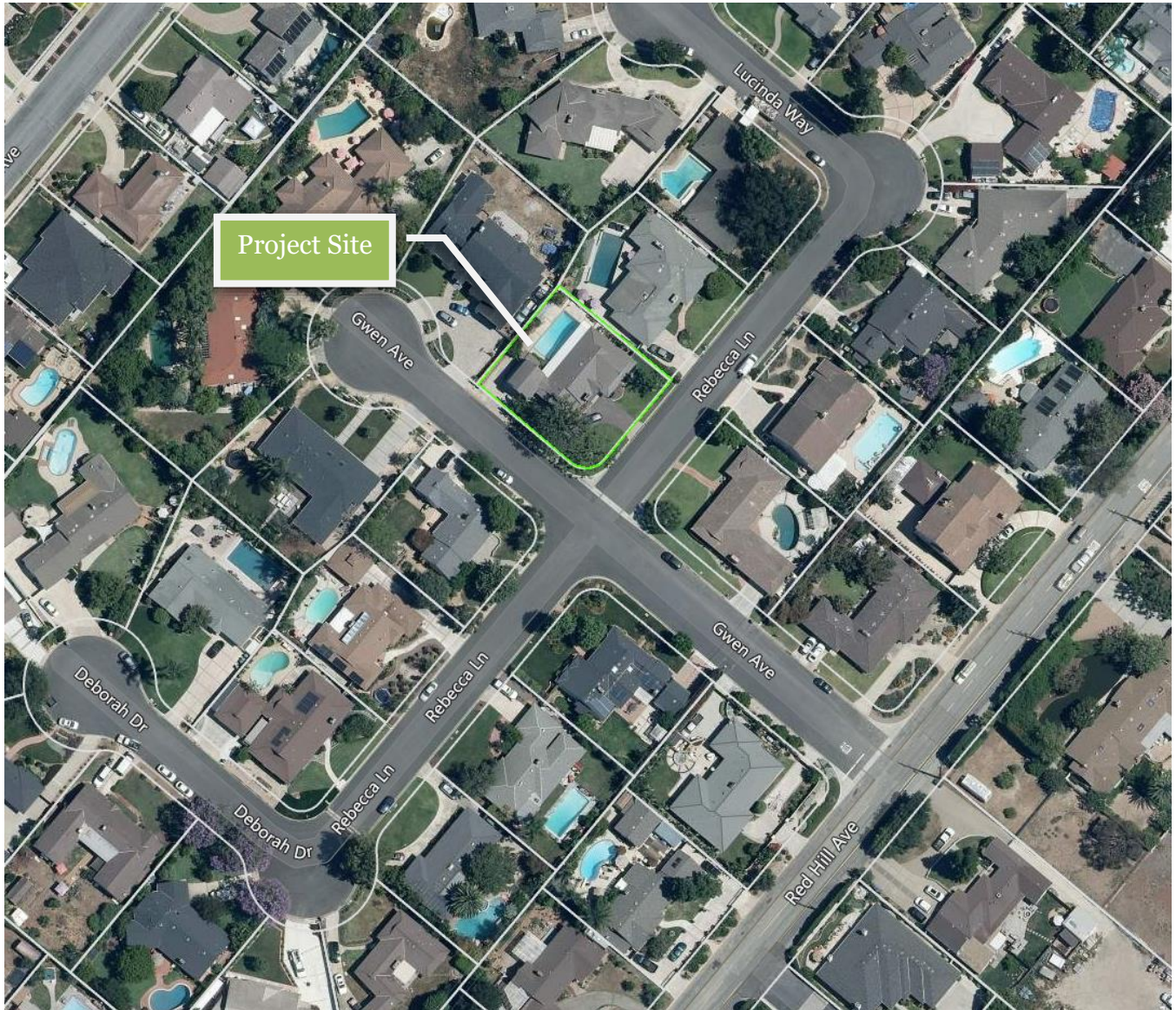
**SURROUNDING LAND USES:**

Zoning and existing land uses for the project site, and for the surrounding properties abutting the project, are listed below.

DIRECTION	ZONING DISTRICT	EXISTING LAND USE
<b>Project Site</b>	E4 “Small Estates”	Single Family Dwelling
North	E4 “Small Estates”	Single Family Dwelling
South	E4 “Small Estates”	Single Family Dwelling
East	E4 “Small Estates”	Single Family Dwelling
West	E4 “Small Estates”	Single Family Dwelling

### Aerial of Project Site

An aerial photograph of the Project Site and the surrounding properties within Orange County's unincorporated North Tustin area is provided below.





**DISCUSSION/ANALYSIS:**

Below is a table comparing the development standards for the E4 “Small Estates” District with the Applicant’s proposal.

STANDARD	PERMITTED	PROPOSED
Building Site Area	10,000 square feet minimum	10,560 square feet (existing)
Structural Front Setback	30’ minimum	30’ (existing)
Structural Rear Setback	25’ minimum	15’-11” (proposed)*
Structural Side Setback	9’-6” minimum**	10’ interior side (existing) 13’ street side (existing)
Building Site Coverage	35% maximum	23.4% (proposed)
Maximum Building Height	35’ maximum	20’ (existing)

\* Indicates deviation from Site Development Standards.

\*\* Ten percent (10%) of average ultimate net width of building site.

The applicant is seeking approval of a variance to allow for the enclosure of an existing breezeway between the main residence and garage in order to construct a kitchen pantry/storage area. The proposed addition will result in increasing the living area by approximately 64 square feet, but more importantly, it will create a single structure on the site (house and attached garage) that encroaches into the required rear yard setback. If approved, the final rear yard setback will be 15’-11” instead of the required 25’ setback.

Pursuant to Zoning Code Section 7-9-125.6 (b), in order to approve a Variance, two (2) specific findings need to be made. These findings are:

1. **Special Circumstance:** 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 in the vicinity and subject to the same zoning regulations.
2. **No Special Privileges:** Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations place upon other properties in the vicinity and subject to the same zoning regulations when specified conditions are complied with.

**Special Circumstance:**

The property is currently developed with a single-family residence with a detached garage, and a covered breezeway that connects the two structures. The applicant is requesting to convert the existing attached breezeway into a pantry/storage area, as part of other improvements that are being made to the house. However, by enclosing the attached, covered breezeway the resulting structure (house and attached garage) will encroach into the required rear yard setback.

There are special circumstances that would allow for a reduction in the setback while meeting the intent of the zoning code. Due to the existing layout of the house and garage, including the fact that the structures are currently connected by a covered breezeway, enclosing the breezeway will result in a structure that will be aesthetically similar to the current structure and the surrounding homes, and will have no visual impact to the neighborhood.

**No Special Privileges:**

Similar projects in the surrounding area have been proposed and approved. Below is a table of previously approved variances that are of a similar nature to the proposed project.

<b>APPLICATION</b>	<b>LOCATION</b>	<b>PERMITTED</b>	<b>APPROVED REAR SETBACK</b>
V1161	12371 Rebecca Lane	Variance to reduce rear yard setback to allow for the construction of a residence with attached garage	16'-0"
V1941	1392 Lucinda Way	Variance to reduce rear yard setback to allow for the construction of a residence with attached garage	17'-6"
V3912	12342 Rebecca Lane	Variance to reduce rear yard and front yard setback to allow for the construction of a residence with attached garage	10'-0"

Staff concludes that there are special circumstances applicable to this site that if the applicable zoning regulations were strictly applied would deprive this site of privileges enjoyed by other properties in the vicinity and that the granting of this approval would not constitute a special privilege inconsistent with the limitations placed upon other properties in the area. As previously stated, the layout of the structures will not change as the project proposes to enclose an already existing covered breezeway that connects the main house and garage, thereby having no visual impacts to the community. Additionally, multiple variances for rear yard setbacks have been previously approved in this vicinity that allowed neighboring homes to attain a similar layout as the applicant is proposing, and this proposal is typical of those previous approvals.

**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A copy of the planning application and the proposed site plan were distributed for review and comment to appropriate County divisions. Staff has reviewed all comments received, and where appropriate, has addressed the comments through recommended Conditions of Approval, which are provided as Attachment 2. Public notices were mailed to all owners of record within 300 feet of the subject property, posted in front of the project site, in a local newspaper, and in the lobby at the County Administration North building located at 400 W Civic Center Dr, Santa Ana, CA 92701, at least ten days prior to this public hearing, as required by established public hearing posting procedures. As of the writing of this staff report, no comments raising issues with the project have been received from OCFA or other County divisions.

Additionally, copies of the proposed project were distributed to the North Tustin Advisory Committee (NTAC) for review and comment. At the July 19, 2023, NTAC meeting, four Committee members were present, and all reviewed the project, discussed the proposal, and moved to approve the variance.

**CEQA COMPLIANCE:**

The proposed project is exempt from CEQA per Section 15301 Class 1 exemption (Existing Facilities) for additions to private existing structures that are less than 50 percent of the existing floor area and per Section 15305 Class 5 exemption (Minor Alterations in Land Use Limitations) for minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including set back variances that do not result in the creation of a new parcel.

**CONCLUSION:**

Staff has reviewed the applicant’s request for a Variance and found it to be compatible with adjacent uses and development. Staff recommends that the Zoning Administrator approve Planning Application PA23-0042 for a variance request, subject to the attached Findings and Conditions of Approval.

Submitted by:

*Cervantes, Arturo*

Arturo Cervantes, Senior Planner  
OC Development Services/Planning

Concurred by:

*Justin Kirk*

Justin Kirk, Deputy Director  
OC Public Works/Development Services

**ATTACHMENTS:**

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site Photos
4. Architectural Plans

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the OC Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$500 filed at the County Service Center, 601 N. Ross Street, 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 OC Development Services/Planning Division.