



ORANGE COUNTY
OC Public Works
 MEMORANDUM

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DATE: June 19, 2024

TO: North Tustin Advisory Committee

FROM: Cynthia Burgos, Contract Staff Planner
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SUBJECT: PA24-0015 – Variance Permit for project located at 1601 Sierra Alta Drive, Santa Ana, CA 92705 (APN: 103-483-06)

APPLICANT: Antony Bitar, Property Owner
 Binh Tran, Agent

RECOMMENDATION

By motion find that:

1. The Advisory Committee received the proposed project memorandum and finds that the proposed project is consistent with the North Tustin Specific Plan; and
2. The Advisory Committee recommends that the Director approves the proposed Variance Permit.

SUMMARY

The applicant is seeking a Variance to the Zoning Administrator for a proposed 1,590 square foot addition to an existing single-family dwelling located five (5) feet from the side property line instead of the required eight (8) feet.

BACKGROUND

The subject property is zoned 100-E4 – “Small Estates” District. The subject site is a rectangular shaped lot and flat in topography. The lot is 11,200 square feet in size and has a width of 80 feet and a depth of 140 feet. The property faces Sierra Alta Dr. and has an existing 1,435 square foot one-story dwelling with an attached 504 square foot garage. The existing house was built in 1954.

DISCUSSION

The applicant is seeking approval of a variance to facilitate the construction of an addition that will include three bedrooms, two bathrooms, and a great room. The proposed addition is 1,590 square feet and would be located along the rear of the property. The proposed addition will be five (5) feet from the side setback of which three (3) feet will be within the required side setback area. If approved the side setback of this portion of the house will be five (5) feet rather than the minimum eight (8) feet required.

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 placed upon other properties in the vicinity and subject to the same zoning regulations when specified conditions are complied with.

Special Circumstance:

The assessor records indicate that the house was built in 1954. In the early 1950's, the unincorporated County had a 5-foot side yard setback that applied to many of the Zone districts that existed at the time. At the time of issuance of the building permits, this property was approved with a 5-foot side setback. Consequently, the proposed addition would be aligned with the existing house. Additionally, the proposed addition would be located in the rear of the property so will not be visible from any public right of way, therefore, it is not expected to impact the character of the neighborhood.

No Special Privileges:

Similar projects in the area have been proposed and approved. Multiple variances for setbacks have been previously approved in this vicinity and this proposal is typical of those previous approvals.

Staff finds that the two required findings can be made. Staff believes approval of the requested side setback variance would not constitute the granting of special privileges inconsistent with the limitations placed upon other properties in the area.

ENVIRONMENTAL DETERMINATION

The proposed project is exempt from CEQA per Guidelines Section 15301 Class 1 exemption (Existing Facilities) provides for accessory structures and uses on the same site as the approved principal use.

Attachments:

1. Plans
2. Letter of Justification
3. Site Photo