



**DATE:** February 19, 2026

**TO:** Orange County Zoning Administrator

**FROM:** OC Development Services/Planning

**SUBJECT:** Public Hearing on Planning Application PA25-0146 - Variance

**PROPOSAL:** The applicant is requesting a variance to reduce the required front yard setback to 21 feet 6 inches and to increase the required maximum building site coverage to 41% for a proposed 562 sq. ft. addition to an existing single-family residence.

**GENERAL PLAN DESIGNATION:** 1B "Suburban Residential"

**ZONING DISTRICT:** E4 "Small Estates"

**LOCATION:** The project is located at 12911 Browning Avenue, in the North Tustin community, within the Third (3<sup>rd</sup>) Supervisorial District. (APN 103-383-09)

**APPLICANT:** Nicolae Anca, Property Owner

**STAFF CONTACT:** Ilene Lundfelt, Associate Planner  
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#### **RECOMMENDED ACTIONS:**

OC Development Services/Planning recommends the Zoning Administrator:

1. Receive staff report and public testimony; and
2. Adopt Resolution No. 2026-04 (Attachment 1)
  - a. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Class 1 (Existing Facilities) pursuant to CEQA Guidelines Section 15301.
  - b. Approve Planning Application PA25-0146 for a Variance to reduce the required front yard setback from 30 feet to 21 feet 6 inches and increase the maximum building site coverage from the required 35% to 41% for the construction of 562 sq. ft. addition to an existing residence subject to the Finding and Conditions of Approval contained within the Resolution.

#### **INTRODUCTION** **BACKGROUND**

The subject property, identified as 12911 Browning Avenue, is located within the unincorporated community of North Tustin in Orange County. The property is zoned E4, "Small Estate" District.

**EXISTING CONDITIONS:**

The parcel is approximately 7,216 square feet (sq. ft.), with a width of 65 feet and an approximate depth of 111 feet. The site is developed with a 2,047 sq. ft., one-story single-family residence and an attached two-car garage. The residence was constructed in 1957.

**SURROUNDING LAND USES:**

Zoning and existing land uses for the project site and for other surrounding properties are as follows:

DIRECTION	ZONING DISTRICT	EXISTING LAND USE
Project Site	E4 “Small Estates” District	Single Family Dwelling
North	E4 “Small Estates” District	Single Family Dwelling
South	80-E4 “Small Estates” District	Single Family Dwelling
East	E4 “Small Estates” District	Single Family Dwelling
West	E4 “Small Estates” District	Vacant Lot

A vicinity map (Attachment 2) and project map (Attachment 3) are included, illustrating the project site in context with surrounding areas.

**PROPOSED PROJECT:**

The applicant is requesting approval of two variances by the Zoning Administrator to reduce the required front yard setback from 30 feet to 21 feet 6 inches, and to increase the maximum building site coverage from the required 35% to 41% for the construction of 562 sq. ft. addition to an existing residence, as shown in the Plans (Attachment 4).

**DISCUSSION/ANALYSIS:**

**GENERAL PLAN CONSISTENCY**

The General Plan Land Use designation for the project site is Suburban Residential (1B). This designation allows for a wide range of residential development types and densities, from estate residences on large lots to attached and multi-family housing. The permitted density range for Suburban Residential (1B) is 0.25 to 43.5 dwelling units per acre (du/ac). The proposed project has a density of 0.8 du/ac, which falls well within the allowable range and is therefore consistent with the Suburban Residential (1B) land use designation.

**ZONING CODE CONSISTENCY**

The following table compares the proposed project with the development standards for the (E4) “Small Estates” Zoning District.

STANDARD	PERMITTED	PROPOSED
Building Site Area	10,000 square feet minimum	7,216 square feet (Existing)
Structural Front Setback	30 feet	21.5 feet*

Structural Side Setback	10% of the average width of the building site 6 feet 6 inches	8 feet 6 inches (east side) existing 6 feet 6 inches (west side) proposed
Structural Rear Setback	25 feet	25 feet (existing)
Height	35 feet	15 feet 1 inches (existing)
Lot Coverage	35% maximum	41%*

\*indicate deviation from development standards

### **Variance**

The applicant is seeking approval of two variances to facilitate construction of a 562 sq. ft. addition consisting of two bedrooms and two bathrooms. The proposed addition would be located at the front of the residence and would maintain a front yard setback of 21 feet 6 inches. Approval of the variance would allow a reduced front yard setback from the required minimum of 30 feet. The proposed addition would also increase the maximum building site coverage to 41%. Approval of the variance would allow an increase of the maximum building site coverage of 35%.

Pursuant to Zoning Code Section 7-9-125.6(d), two required findings must be made in order to approve a variance:

1. Special Circumstances: 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 Circumstances:**

Assessor's records indicate the residence was constructed in 1957. When the property was originally developed it was under the R1 zoning regulations which allows for a 20 feet front yard setback. At the time the original building permits were issued, the residence was approved with a front yard setback of approximately 21 feet 6 inches. As a result, the proposed addition would align with the existing structure.

Additionally, the property is legal nonconforming. At the time of subdivision and original development, the site was zoned R1 (Single-Family Residential), which did not include a lot coverage limitation and only required a minimum building site area of 7,200 sq. ft. The current E4 zoning standards impose a minimum building site of 10,000 sq. ft. and a maximum building site coverage of 35%. These standards were not in effect at the time of development, creating a constraint on the site.

#### **No Special Privileges:**

There have been 5 similar projects involving setback variances that have been approved in the surrounding area. Similar variances have been granted to nearby properties within the surrounding area under comparable circumstances, resulting in reduced front yard setbacks that align with existing development patterns. Approval of the variance would therefore be consistent with prior actions and established conditions in the neighborhood and would not confer a unique or exclusive benefit to the subject property. The proposed reduction is limited in scope and is necessary to allow development that is compatible with surrounding residences and consistent with the intent of the zoning regulations.

The requested increase in maximum building site coverage does not constitute a grant of special privilege because it results from the application of current zoning standards to a legally nonconforming residence that was developed prior to the establishment of maximum building site coverage limitations and the minimum building site requirement of 10,000 sq. ft. The proposed addition modestly increases lot coverage to 41% and would align with the existing attached garage and does not result in a development intensity or massing that is inconsistent with other properties in the vicinity. The overall scale, height, and residential use of the structure remain consistent with neighboring single-family residences, and the project does not confer a development advantage beyond what has been previously approved for similar properties subject to comparable site constraints. The requested variances are consistent with prior approvals in the vicinity and are typical of development patterns in the neighborhood.

Staff find that the required findings for approval of both variance requests can be made. 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. Approval of the requested variances would not constitute the granting of special privileges inconsistent with limitations placed upon other properties in the area.

## **FINDINGS**

Proposed PA25-0146 Variance is consistent with:

1. General Plan – The proposed project is consistent with the General Plan Suburban Residential 1B Land Use designation.
2. Zoning Code – The use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, inclusive of the County of Orange R1 “Single Family Residential” Zoning District.
3. California Environmental Quality Act (CEQA) - The proposed project is categorically exempt (Class 1) from the provisions of CEQA pursuant to CEQA Guidelines Section 15301, because the exemption provides for the minor alteration or addition to existing private structures that do not increase the floor area by 50 percent or 2,500 square feet, and involves negligible or no expansion of existing use.
4. Compatibility - That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.

5. General Welfare - That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
6. Public Facilities - The approval of the permit application complies with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.) because the proposed project would be required to pay into development impact fees prior to the issuance of building permits
7. Variance – Special Circumstance - The proposed reduction in the front yard setback and the increase lot coverage will allow the applicant to build the residence in a manner that will be aesthetically similar to the current structure and the surrounding homes of the North Tustin community and will have no visual impact to the neighborhood.
8. Variance – No Special Privileges - The variance request does not grant special privileges inconsistent with the limitations imposed upon other properties in the same zoning district and under similar circumstances. The subject property is a legal nonconforming that was developed prior to the establishment of maximum building site coverage limitations and the minimum 10,000-square-foot building site requirement. Approval of the variance would not constitute a special privilege, as similar variances have been previously granted to other properties in the North Tustin community and within the immediate vicinity.

Therefore, the findings can be met under Zoning Code Sections 7-9-125.6 (d) for a Variance reduce the required front yard setback from 30 feet to 21 feet, 6 inches, and increase the maximum building site coverage from the required 35 % to 41% for the construction of 562 sq. ft. addition to an existing residence.

#### **REFERRAL FOR COMMENT:**

A copy of the planning application and the proposed site plan were distributed for review and comment to appropriate County divisions – Building and Safety and Traffic Division. Staff has reviewed all comments received, and where appropriate, has addressed the comments through recommended Conditions of Approval.

The North Tustin Advisory Committee (NTAC) reviewed the applicant's request at the January 21, 2026, meeting as agendized (Attachment 5). However, the NTAC did not have a quorum, and therefore a recommendation could not be made.

#### **COMPLIANCE WITH CEQA:**

The proposed project is categorically exempt (Class 1) from the provisions of CEQA pursuant to CEQA Guidelines Section 15301, because the exemption provides for the minor alteration or addition to existing private structures that do not increase the floor area by 50 percent or 2,500 square feet, and involves negligible or no expansion of existing use.

#### **CONCLUSION**

Staff has reviewed the applicant's request for a Variance and found the proposed project to be compatible with adjacent residential uses, including similar previous approvals. Staff supports approval of the

Variance to reduce the required front yard setback from 30 feet to 21 feet 6 inches and increase the maximum building site coverage from the required 35% to 41% for the construction of 562 sq. ft. addition to an existing residence subject to the attached Findings and Conditions of Approval within Resolution No. 2026-04.

### **APPEAL PROCEDURE**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Planning Commission within 15 calendar days of the decision upon submittal of required documents filed online at [myoceservices.ocgov.com](https://myoceservices.ocgov.com) or in person at the County Service Center, located at 601 N. Ross St., 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.

Submitted by:

DocuSigned by:



Ilene Lundfelt, Associate Planner  
OC Development Services/Planning

Approved by:

DocuSigned by:



Cindy Salazar, Division Manager  
OC Development Services/Development Services

### **ATTACHMENTS:**

1. Resolution No. 2026-04
2. Vicinity Map
3. Project Map
4. Plans
5. NTAC Agenda January 21, 2026