

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
January 9, 2013**

Staff Present: James Holloway, Sean Nicholas, and Denise Gee

2. MINUTES

No minutes.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

A. 140 Avenida Buena Ventura – Minor Architectural Permit 12-240/Minor Exception Permit 12-420 – Hill Residence (Nicholas)

A request to consider an addition to a nonconforming structure and to continue a nonconforming side yard setback for a new second story at 140 Avenida Buena Ventura within the Residential Low (RL) zoning district. The legal description is Lot 29, of Block 6, of Tract 900, Assessor's Parcel Number 060-101-48.

Associate Planner Sean Nicholas summarized the staff report.

Applicant Denis Hill was present. Architect Carolyn Dias was also present. Ms. Dias advised that she was pleased with Mr. Nicholas' coverage of the issues and is looking forward to the progress of the project.

Neighbor Ludwig Abrahamian was present. Mr. Abrahamian is concerned about the shed being located on the rear property line. He advised that though the home he owns is currently being occupied by tenants, he intends to retire at the residence. He bought the home because he liked the neighborhood, it is not a tract area, and it's a great beach community. He wants the fence to remain and does not want to look at a stucco wall. If he planted in his yard, he does not want to be responsible for moisture getting underneath the building or stucco damage. He would rather have his fence remain and the workshop be moved at least two feet away from the fence.

Mr. Abrahamian has no issues with the addition. He thought the plans looked great. The shed is the only concern he has.

Mr. Holloway asked Mr. Nicholas to point out on the plans where the shed would be located. Mr. Nicholas also pointed out on the plans where an in-ground lap pool is proposed. Mr. Abrahamian was also concerned about construction beginning. The fence would need to come down. Since there are tenants with children and a small dog, he does not want to be financially responsible while the construction is going on.

Mr. Holloway asked how tall the fence is. Mr. Abrahamian advised that the fence is six feet. Mr. Holloway asked what the fence was made of. Mr. Abrahamian stated his side is wood. Mr. Hill advised that initially the fence was chain link. The poles remain and the wood was bracketed to the poles and a wood fence was constructed.

Mr. Holloway asked the size of the shed. Mr. Nicholas advised that the shed is 286 square feet. Mr. Holloway asked when a structure becomes something more than an accessory structure. Mr. Nicholas advised over 450 square feet, as defined by the code. Mr. Holloway asked what the code requirement is for setting back accessory structures. Mr. Nicholas advised for structures under 450 feet, no setbacks are required and the structure can be up to the property line. Accessory structures must have a five foot building separation from the primary structure. In response to Mr. Holloway's question about the separation for this proposal, Mr. Nicholas indicated that there is a 6 feet 11 inches separation between the primary and accessory structures.

Mr. Holloway advised that the current structure is 1,741 square feet. The addition is 866 square feet, for a total completed square footage of 2,607 square feet. That means the 2,607 square feet is more than 2,100 square feet, which is one of the key size requirements that is talked about in the non-conforming zoning code. Why is this proposed project allowed to exceed the 2,100 square feet? Mr. Nicholas advised the 2,100 square feet is referenced associated with small, beach-type bungalow homes that start at approximately 1,200 square feet. This allows those owners to exceed the 50% up to 2,100 square feet.

At this point, Mr. Holloway advised these types of questions are to provide the City Council, who read the Zoning Administrator meeting minutes, a better understanding of the project and the decision making process.

Mr. Holloway asked that since this is a less than 50% addition, the project can exceed 2,100 square feet. Mr. Nicholas confirmed that this is why they could exceed 2,100 square feet. Mr. Holloway also said that to his understanding, what makes this non-conforming is that the garage is closer than the 18' setback and that the garage already exists. Mr. Nicholas advised that Mr. Holloway's

information is correct. Mr. Holloway said that the additions are being constructed on existing bearing walls. Mr. Nicholas confirmed the information. Mr. Nicholas also stated that there is a non-conforming side yard. The applicant is continuing the addition on the side, and the 2nd story addition is being set back as required in the front. Mr. Holloway stated that the addition is on the plane of the existing wall.

Mr. Holloway advised that these are the types of things that need to be looked at in the Minor Exception Permit process, aside from neighborhood input. Since this home was built in the 1960s, the code has changed several times since then. This is what creates the non-conforming structures. It makes sense that the policy makers create provisions that allow people to build on load bearing walls on the plane of the existing wall. Mr. Holloway stated that based on this information, this is a straight-forward application of which he will approve.

Mr. Holloway advised that the accessory building is a separate issue. He advised it's interesting to note that the accessory building can be built with zero setback. However, the neighbor has expressed his opinion and concerns. This is not really City business as long as the applicant provides the 5' minimum setback between the primary structure and the accessory structure. Mr. Holloway advised that if the applicant and the neighbor would like to work together and amend the plans based on mutual agreement, which Mr. Holloway encourages, they are more than welcome to do so. However, the issue is not City business based on the codes. The City administers the codes. He does not believe that citizens would like the City to go beyond administering the codes. Mr. Holloway stated that it appears the applicant and neighbor are already working together.

Mr. Holloway noticed that additional members of the public have joined the meeting. Ms. Cecilia McDermott was present, but had no comments.

Messrs. Hill, Abrahamian and Ms. Diaz then discussed the possibilities of moving the structure appropriately to address Mr. Abrahamian's concerns. Mr. Abrahamian and Mr. Hill agreed that the shed will be moved 18" away from the fence.

Action: The Zoning Administrator approved Minor Architectural Permit 12-240/Minor Exception Permit 12-420, Hill Residence, subject to Resolution ZA 13-001 with attached Conditions of Approval.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

None

ADJOURNMENT

The meeting adjourned at 3:25 p.m. to the regular Zoning Administrator meeting to be held on January 23, 2013 at 3:00 p.m., at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR


James Holloway