



City of Costa Mesa, Development Services Department

77 Fair Drive, P.O. 1200, Costa Mesa, CA 92628-1200

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APPLICATION FOR MINOR MODIFICATION REQUEST

(See Title 13, Ch III, Section 13-28(j) Minor Modifications, of Municipal Code)

Minor Mod # MM - 22-04

PROPERTY ADDRESS: 3483 Santa Clara Circle Costa Mesa, CA 92626

PROPERTY OWNER: Erika De Grote and Jimmy Hernandez Phone 714-616-0635

Address 3483 Santa Clara Circle Email or Fax # erikadegrote@gmail.com

City Costa Mesa State CA Zip Code 92626

Property Owner's Signature Erika De Grote Date 5/5/2022

AUTHORIZED AGENT: Phone

Address Email or Fax #

City State Zip Code

Authorized Agent's Signature Date

PROJECT DESCRIPTION: [Provide project description & justification for approval below]

we would like to respectfully request a minor modification to the required height of fencing for our home. Due to the fact that I work at home & need privacy we would like to have our fence be 2 feet higher than what may be considered standard in the area. We are new homeowners & began construction on a fence without being aware that we should have contacted the city prior to constructing it. We are now looking to rectify that mistake by asking for permission to leave the fence at it's current height of 8 feet & obtain city approval and permit. This height allow privacy for us and we feel will help to block any noise that might occur as we use our swimming pool making it better for our surrounding neighbors. One neighbor behind us is very problematic for the entire neighborhood & is often peering her window at us & showing up at our door in a very strange and aggressive fashion. Each of the previous owners of this property have had this on going issue of her harassment which is aggressive and totally unwarranted. In fact, they mentioned to us they moved because of her. She would call the police on them for their kids playing too loud in the pool. We have been polite & respectful to her, and are hoping that by having a fence that is a bit higher this will make her less invasive and hopefully allow her to have more privacy as well. We plan to very soon start a family & with her aggressive and quite frightening behavior we would not feel comfortable being in the backyard with our child. Having the fence at this height will allow us to enjoy our home, keep noise to a minimum, have the privacy for our work and improve the property. We hope that you will approve our request.

CONCEPT PLANS/DRAWINGS ARE ATTACHED: [] YES [X] NO

OFFICE USE ONLY BELOW

THIS MINOR MODIFICATION REQUEST IS [] APPROVED / [X] DENIED BASED ON THE FOLLOWING FINDINGS:

- [] The improvement [] will not be / [] will be materially detrimental to the health, safety, and general welfare of person residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood.
[X] The improvement [] is / [X] is not compatible or considered as an enhancement to the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development.

Zone: R1 Denied Approved by: [Signature] Decision Date: 3/6/2023

Appeal of this decision shall be filed within 7 days of the decision date noted above by remittance of the appeal fee and according to the procedures set forth in Title 2, Chapter IX, of the Costa Mesa Municiple Code.

(White - Planning; Canary - Building; Pink - Applicant; Goldenrod - Authorized Agent)

City of Costa Mesa

Inter Office Memorandum

TO: JENNIFER LE, DIRECTOR OF DEVELOPMENT SERVICES

FROM: GABRIEL VILLALOBOS, ASSISTANT PLANNER

DATE: MARCH 6, 2023

SUBJECT: MINOR MODIFICATION 22-04 FOR INCREASE IN FENCE HEIGHT AT 3483 SANTA CLARA CIRCLE

The application for a minor modification to allow for an increase in the height of an existing wooden fence is recommended for denial by the planning division. The maximum height of all fences allowed in the R1 zone is 6-feet tall unless a minor modification is granted. A minor modification allows for a deviation from development standards to increase maximum fence height by 2-feet (allowing for an 8-foot tall fence overall). A minor modification can be granted only if the request meets two specific findings, as follows:

- Finding 1: the improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood;
- Finding 2: the improvement is not compatible and does not enhance the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development.

Planning staff has determined that the proposal does not meet the findings necessary to approve the minor modification and therefore recommends denial. Although the increase in fence height does not pose any significant danger, the improvement would be materially detrimental to property and improvements within the neighborhood as the modification would allow for a fence height and design that is not present in the general area of the project site. In addition, there are no unique physical characteristics on the subject property, such as a change in grade between adjacent properties which could justify a fence height above the 6-foot maximum.

Further, Planning staff also determined that the improvement is not compatible and does not enhance the architecture and design of development in the vicinity, including appearance and other site features relative to a compatible and attractive development. While the value of the fence best serves the subject property on which it is located, the fence exceeds the height of an existing abutting 6-foot block wall that separates the subject property from the neighboring property on the western boundary line. The fence is of a different height, color, and material compared to the abutting block wall, is unfinished on its back side, and is therefore not visually compatible with the abutting wall. A complaint was received regarding the 8-foot tall fence. In addition, Planning staff determined there were no other similar minor modification approvals within the immediate area that allowed for an increase in fence

height to 8 feet; therefore, a taller fence height is also not compatible with fence heights in the general neighborhood.

RECOMMENDATION

Deny the request for a minor modification. The applicant may appeal the request to the Planning Commission by filing the appropriate appeal form and fees with the City Clerk within seven (7) days of the date of this decision.