



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 - 23-01

PROPERTY ADDRESS: 337 E 20TH STREET, COSTA MESA, CA 9262

PROPERTY OWNER: MICHELLE & XAVIER SCHIRLIN Phone 520-990-7946

Address 348 ELMHURST PLACE Email or Fax # XAVMICHX@GMAIL.COM

City FULLERTON State CA Zip Code 92835

Property Owner's Signature [Signature] Date 01/13/2023

AUTHORIZED AGENT: MICHELLE & XAVIER SCHIRLIN Phone 520-990-7946

Address 348 ELMHURST PLACE Email or Fax # XAVMICHX@GMAIL.COM

City FULLERTON State CA Zip Code

Authorized Agent's Signature [Signature] Date 01/13/2023

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

This application is to extend and shifting the two-car garage west by 9ft 8in in order to accommodate a larger and more central kitchen with unobstructed views into the yard. This extension was designed to be minimally invasive to the original design of the home by aligning with the front side of the house and creating a simple extension to the roofline. By keeping this extension aligned with the main house, we are also reducing the complexity of the waterproofing by having less corners.

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

OFFICE USE ONLY BELOW

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

- The improvement [X] 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.
The improvement [X] is / [] 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 Approved by: [Signature] Decision Date: 5/10/23

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 ECONOMIC AND DEVELOPMENT SERVICES

FROM: PATRICK ACHIS, ASSISTANT PLANNER

DATE: MAY 10, 2023

SUBJECT: MINOR MODIFICATION 23-01 TO ALLOW AN ADDITION WITHIN THE REQUIRED FRONT YARD SETBACK TO ALIGN WITH THE EXISTING LEGAL NONCONFORMING SINGLE-FAMILY RESIDENCE AT 337 E. 20th STREET

BACKGROUND

The property at 337 East 20th Street is zoned Single-Family Residential (R1). The existing single-family residence at the property was constructed in 1962 under Building Permit No. 16477 with 1,734 square feet of habitable area and an attached 468-square-foot two-car garage. On July 3, 1961, the City Council approved Variance No. 917 to allow an encroachment of 9 feet, 11/20 inches into the required front setback for the construction of single-family residences, including the subject property. In 1961, the Costa Mesa Zoning Code required R1 properties to observe a front setback of 50 feet measured from the center line of the street. Under the current Costa Mesa Zoning Code, the required front setback for R1 properties is 20 feet, measured from the ultimate property line. The existing residence projects nine (9) feet, one-half inch into the required 20-foot front setback and therefore is considered legal non-conforming. The property contains an existing nonconforming dwelling unit containing a conforming residential use.

The applicant is proposing alterations to the existing home and has filed Building Permit Number BC23-00051. The proposal includes:

- Expand habitable area by adding 235 square feet to the first floor, including a new 76-square-foot mudroom which projects into the required front setback and a 159-square-foot addition to the kitchen, and adding a second floor that is approximately 460 square feet;
- Demolish the existing 468-square-foot garage located within the required front setback and reconstruct the two-car garage nine feet, one-half inch into the required front setback to align with the existing nonconforming home; the garage will be slightly smaller than existing at approximately 409 square feet;
- Remodel and configure kitchen, dining room, living area, bedrooms, mudroom, and bathrooms;
- Upgrade exterior finishes, materials, doors, and windows; and
- Improve the site with new entry path, fences, and reconstruct the residential driveway apron to City standards.

Project implementation would result in a two-story, approximately 22-foot tall, 2,437-square-foot single-family residence with an attached 409-square-foot, two-car garage. These improvements are allowed by-right, with the exception of the subject request for City approval of a minor modification (described below).

DESCRIPTION

The applicant has applied for a minor modification to allow a 9-foot, one-half inch encroachment into the required 20-foot front yard setback to construct an addition (a 409-square-foot attached garage and a 76-square-foot mudroom) to the existing home that would align with the legal nonconforming eastern face of the existing structure. Under Costa Mesa Municipal Code Table 13-204 (Nonconforming Dwelling Units Containing Conforming Uses), when the existing main building, excluding architectural features, projects into required setback areas, minor building additions may project the same distance into required setback areas with approval of a minor modification.

ANALYSIS

Pursuant to Costa Mesa Municipal Code Table 13-204, alterations may be made to nonconforming dwelling units provided the following criteria are met:

1. The zone is residential;

The project site has a residential zone of R1; and therefore, complies with this criterion.

2. The alteration or addition itself complies with all applicable sections of this Zoning Code and other codes;

With the exception of the garage and mudroom encroachment, the proposed renovation and addition meets all development requirements of the Costa Mesa Municipal Code (CMMC), including height, setbacks, and open space.

3. The addition does not occupy the only portion of an area which can be used for required garages, parking spaces or access thereto; and

The proposed alteration does not occupy any portion of the area that can be used for garages, parking spaces or access. The depth of the existing legal nonconforming driveway will not be further reduced by the project.

4. The residential development will not be made more nonconforming.

The proposed alteration will maintain the existing projection into the front yard setback and will not make the existing dwelling unit more nonconforming.

5. When the existing main building, excluding architectural features, projects into required setback areas, minor building additions may encroach into required setback areas with approval of a minor modification.

The proposed project requires an approval of a minor modification to allow the front façade of the proposed residential addition including the reconstructed garage to align with the existing building facade and will maintain and not extend beyond the existing encroachment into the front yard setback. The addition proposes a 10-foot, 11 ½-inch front setback whereas 20-foot is required (9-foot, half-inch encroachment), consistent with the existing home.

Per CMMC 13-29(g)(6) [Minor Modification Findings], in order to approve the request, the Director of Economic and Development Services shall find that the evidence presented in the administrative record substantially meets certain required findings. The findings and facts in support of approving the subject minor modification are as follows:

a. Finding I: 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.

Facts in Support of Finding:

1. The proposed projection into the required setback complies with the criteria under CMMC Table 13-204 (Nonconforming Dwelling Units containing Conforming Uses). The proposed addition is located within the R1 single-family residential zone and will align with the existing front setback of the residence and with other properties along the street which have similar development patterns. While the width of the structure located within the front setback will be extended by approximately 11 feet, the encroachment depth into the front setback will match the existing home and will not worsen the nonconformity. The existing nonconforming setback has, to this date, not been materially detrimental to the surrounding community. Other properties along the south side of East 20th Street--such as 331, 325, 307, and 319 East 20th Street--also were also constructed with existing nonconforming front setbacks with nonconforming driveway depths (less than 19 feet). Therefore, the proposed addition and its projection into the setback is consistent with the existing development pattern along the street and is not expected to be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the property.

b. Finding II: The improvement is compatible and enhances 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.

Facts in Support of Finding:

1. The proposed addition will be constructed with a stucco finish and composition roofing to match the existing home. Further, the proposed addition located within the front setback will be constructed to align with the existing home in scale, height, setback, and eave depth. Therefore, the proposal is compatible and enhances the design of the residence.

2. The proposed addition located within the front setback will provide a building footprint, lot coverage, open space, scale and height consistent with the neighborhood character. No other deviations are requested and the second story improvements comply with all development standards. Therefore, the improvement is compatible and enhances the design of other properties in the vicinity.

The property features 50% of existing open space and proposes 55% open space due to the reduction in the reconstructed garage size. The addition is proposed to be sided with stucco to match the existing structure. All development standards are met except for the front setback. As proposed, the addition will be consistent with the development and will not negatively impact the safety of the surrounding neighborhood.

RECOMMENDATION

Approve the minor modification.



OFFICIAL PUBLIC NOTICE OF ZONING APPROVAL

May 10, 2023

RE: Zoning Approval for neighboring property at 337 East 20th Street (BC23-00051)

On **May 10, 2023**, the Planning Division approved a second story addition for the neighboring property at **337 East 20th Street**. Under the City of Costa Mesa's Residential Design Guidelines, the Planning Division sends a notice of zoning approval for second story additions/modifications to all property owners that share a common property line with the project.

PROJECT DESCRIPTION

The project is a remodel and addition to an existing 1,734-square-foot, one-story, single-family residence and attached 468-square-foot garage. Addition work includes expanding the existing first floor by 235 square feet, and adding a new 460-square-foot second floor. Project implementation would result in a two-story, approximately 22-foot tall, 2,429-square-foot single-family residence with an attached 439-square-foot, two-car garage.

COMPLIANCE WITH CITY STANDARDS AND DESIGN GUIDELINES

The proposed project complies with all applicable development standards including setbacks, and required open space. A minor modification was approved by the Director on May 10, 2023, to allow a 9-foot, one-half inch encroachment into the required 20-foot front yard setback to construct the first-floor addition (a 439-square-foot attached garage and a 76-square-foot mudroom) to the existing home that would align with the legal nonconforming eastern face of the existing structure. The second-floor addition complies with the City's Residential Design Guidelines including setbacks and design of the second story addition.

EFFECTIVE DATE AND APPEAL PERIOD

This zoning approval will become final at **5 p.m. on May 17, 2023** unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or call for review by a member of the City Council.

If you have any questions regarding this notice, please feel free to contact Patrick Achis, Assistant Planner, at 714-754-5276 or patrick.achis@costamesaca.gov.

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