

V-108-69

Name of Applicant BROWN, GORDON, & SMITH

Address COMBATIN AVIATION INC, ORANGE COUNTY AIRPORT CA.

Phone 546-7361

Name of Applicant's Representative RICHARD BROWN

Address _____

Phone _____

Applicant Interviewed By JIM-TED-STEW Application By STEW

Date Filed _____ Hearing Date _____

PERTINENT FACTS: 2-18-69 PHONED FOR ADDITIONAL COPIES OF
(11) AREA MAP & 5 COPIES DETAIL.

PLANNING COMMISSION ACTION

Approved Hearing Date 3/13/69
 Denied _____
 DWP _____ RES. NO. 2337
 FWR _____

Date Appealed _____

CITY COUNCIL ACTION

Approved _____ Hearing Date _____
 Denied _____
 DWP _____ RES. NO. _____

Returned to P. C. _____ Ord. No. _____

PLANNING COMMISSION RECONSIDERATION

Approved _____ Hearing Date _____
 Denied _____
 DWP _____ RES. NO. _____

CITY COUNCIL FINAL ACTION

Approved _____ Hearing Date _____
 Denied _____
 DWP _____ RES. NO. _____

Ord. No. _____

ZONING ADMINISTRATOR ACTION

Approved _____ Hearing Date _____
 Denied _____ DEC. NO. _____

Date Appealed _____

ADMINISTRATIVE ACTION

Approved _____ Hearing Date _____
 Denied _____

LATER ACTION:

April 3, 1969

Brown, Gordon and Smith
Martin Aviation, Inc.
Orange County Airport
Santa Ana, California

V-108-69

March 13, 1969.

March 16, 1969

RESOLUTION NO. 2337

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF GARDEN GROVE APPROVING
VARIANCE NO. V-108-69.

WHEREAS, in the matter of Variance No. V-108-69, the Planning Commission of the City of Garden Grove does report as follows:

1. The subject case was initiated by Brown, Gordon and Smith, as applicant.
2. The applicant requests variance approval from the following section of the Municipal Code: Section 9202 - Definition of a Carport on property located on the west side of Yockey Street between approximately 220 feet and 680 feet southerly from the centerline of Garden Grove Boulevard and extending in approximately 456 feet from the centerline of Yockey Street.
3. The subject property is zoned R-3 and is improved with multiple dwelling units.
4. Existing land use and zoning of property in the vicinity of the subject property have been reviewed.
5. Past cases affecting the subject property were considered and the Staff Report submitted by the City's Staff was reviewed.
6. Public testimony was heard.

WHEREAS, the Planning Commission findings are as follows:

1. Subject variance possesses characteristics that would indicate justification of the request for adoption.
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the public health, safety, and general welfare, the following conditions of approval shall apply to the subject case.
 - a. Approval of this variance shall not be construed to mean any waiver of the applicable and appropriate zoning and other regulations except Section 9202.
 - b. Minor changes in the variance may be approved by the Land Use Division Manager. If other than minor changes are made in the proposed development, a new variance application shall be filed which reflects the revisions made.
 - c. The proposed carport rear wall shall be not less than four feet six inches (4'6") in height.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Garden Grove does hereby approve Variance No. V-108-69 subject to the conditions stated above.

ADOPTED AND APPROVED THIS 13th day of March, 1969.

/s/ C. C. WOOLLEY
CHAIRMAN

I HEREBY CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of Garden Grove which was held on March 13, 1969, and carried by the following vote, to wit:

AYES: COMMISSIONERS: SHELTON, MC CLEARY, WOOLLEY, MOVIUS, REED, GAUGLER
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: BERNSTON

/s/ JAMES C. CASPER
SECRETARY

PUBLIC HEARING:
INITIATED BY:
REQUEST:

VARIANCE NO. V-108-69
BROWN, GORDON AND SMITH
VARIANCE APPROVAL FROM THE FOLLOWING SECTION OF
THE MUNICIPAL CODE: SECTION 9202 - DEFINITION OF
A CARPORT.
WEST SIDE OF YOCKEY STREET, SOUTH OF GARDEN GROVE
BOULEVARD.
MARCH 13, 1969

LOCATION:

DATE:

Upon confirmation that proper public notice had been given, Chairman Woolley requested the reading of correspondence relative to the subject case. Mr. Hilton stated no correspondence had been received. At the request of the Commission for Staff comment, Mr. Hilton described the existing land use, zoning and General Plan designations for the subject property as indicated on the display maps.

Chairman Woolley declared the public hearing open.

Mr. Dick Brown appeared before the Commission as applicant and stated the request of the variance before the Commission is the definition of a carport and the reduction of a screen wall from seven to four feet. This is purely a matter of aesthetics; he has designed these carports so that they can get a view through them rather than having the central service alley walled off in such a manner that it would create dark cubicles. He wants to screen the automobiles from the apartments. This is a totally interior fence and at no place is it visible from the street.

There being no further response from the audience, either in favor or opposition to the subject case, the public hearing was closed.

After a brief discussion, it was moved by Commissioner Movius, seconded by Commissioner Reed, that a resolution be adopted approving V-108-69 to an overall height of four feet six inches.

Said motion was carried by the following vote:

AYES:
NOES:
ABSENT:

COMMISSIONERS: SHELTON, MC CLEARY, WOOLLEY, MOVIUS, REED, GAUGLER
COMMISSIONERS: NONE
COMMISSIONERS: BERNSTON

Chairman Woolley instructed the Staff to prepare the proper resolution for the approval of V-108-69. (RESOLUTION NO. 2337).

VARIANCE NO. V-108-69
MARCH 13, 1969
APPLICANT: BROWN, GORDON, AND SMITH

I. APPLICANT'S REQUEST:

The applicant requests variance approval from the following Section of the Municipal Code:

Section 9202 - Definition of a Carport

The subject property is located on the west side of Yockey Street between approximately 220 feet and 680 feet southerly from the centerline of Garden Grove Boulevard and extending in approximately 456 feet from the centerline of Yockey Street.

II. APPLICANT'S STATEMENT:

"Applicant desires to enhance the living environment for the self-contained multiple unit development by opening up visual continuity in the total concept for architectural range. The variation requested is the reduction in height of a screen wall fence from approximately 7'6" plus or minus to 4'0" plus or minus. Permission to do this will enhance the beauty of the entire complex while providing the screen that the code envisions as necessary. Dark and unattractive carport interiors will thus be relieved."

1. Explain which are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

"The particular pattern of traffic and pedestrian flow through this development dictates that where it is possible to relieve the dark cellular effect of totally screened carports it should be done. The screen is strictly an interior effect and is not visible to normal street traffic."

2. Explain why such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone but which is denied to the property in question.

"Similar architectural effect has been used in adjacent development where screens are entirely eliminated. This is not our request but indicates that similar situations have been recognized."

V. STAFF COMMENTS:

1. The applicant requests a variance from Section 9202 - Carports - which states "Carport means an accessory building or an accessory portion of a main building, enclosed on three (3) sides, but with the vehicular entrance open, designed and used for the shelter or storage of vehicles owned or operated only by the occupants of the main building." The definition of a carport requiring the building to be enclosed on three (3) sides was adopted by the City Council on May 15, 1962. The intent of the ordinance was to prohibit the construction of carports on steel or wood posts with a diaphragm roof. Surveys had shown this type of carport had little desirability over an open parking space, as well as adding little to the attractiveness of the site.

The Staff has interpreted the word "enclosed" for a carport to mean the same as "enclosed" on a garage inasmuch as the wording is identical for a carport and a garage except a garage is required to be enclosed on four sides. The acceptable materials for enclosing a carport have been the same materials acceptable for a garage as outlined by the Uniform Building Code. Specifically this would require the wall to be constructed of masonry block concrete, or a wood wall with studs with 1" or equivalent siding on the outside, or if no studding is used the wall covering must be of two (2) inch thick material.

The site plan approved by the Planning Commission indicated a wood frame/stucco wall structure with an opening only at the entrance. The Planning Director approved a minor modification to the site plan which permitted a steel canopy structure enclosed with a masonry wall on three sides.

The applicant's request is to install a four (4) foot wood fence at the rear only of the carports in place of the masonry wall that is presently required.

CORRECTION

VARIANCE NO. V-108-69

MARCH 13, 1969

APPLICANT: BROWN, GORDON, AND SMITH

I. APPLICANT'S REQUEST:

The applicant requests variance approval from the following Section of the Municipal Code:

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1. Explain which are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

"The particular pattern of traffic and pedestrian flow through this development dictates that where it is possible to relieve the dark cellular effect of totally screened carports it should be done. The screen is strictly an interior effect and is not visible to normal street traffic."

2. Explain why such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone but which is denied to the property in question.

"Similar architectural effect has been used in adjacent development where screens are entirely eliminated. This is not our request but indicates that similar situations have been recognized."

3. Explain why the granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

"The screen fence height is strictly internal and useful to the public good only as an architectural effect. On that basis better architecture enhances public welfare."

4. Explain why the granting of such variance will not adversely affect the Comprehensive General Plan.

"The request is for a reduction in fence height and will in no way effect the general plan."

III. ZONING AND LAND USE INFORMATION:

1. Subject property is presently zoned R-3 and is developed with multiple dwelling units.
2. Existing land use and zoning in the vicinity of the subject property is as follows:
 - a. North: Zoned C-2 and is improved with a service station and other commercial businesses.
 - b. South: Zoned R-3 and is improved with the Willows Foundation.
 - c. East: Zoned R-3 and is improved with partially agriculture and residential buildings.
 - d. West: Zoned R-3 and is improved with the Willows Foundation.

IV. BACKGROUND INFORMATION:

1. CUP-104-64 - Approved a plan for the establishment of a school for mentally retarded children on the subject property.
2. A-112-65 - Conditionally approved R-3 zoning for the major portion of the subject property.
3. SPA-125-65 - Approved a plan for twenty (20) multiple dwelling buildings on the subject property and zone change on a portion of subject property from R-1 to R-3.
4. SP-122-66 - Conditionally approved a plan for development of patio designed homes in a 32 lot tract.
5. SP-121-67 - Approved a plan for the construction of a multi-residential complex. This project has been constructed and the applicant's request refers to this development.

V. STAFF COMMENTS:

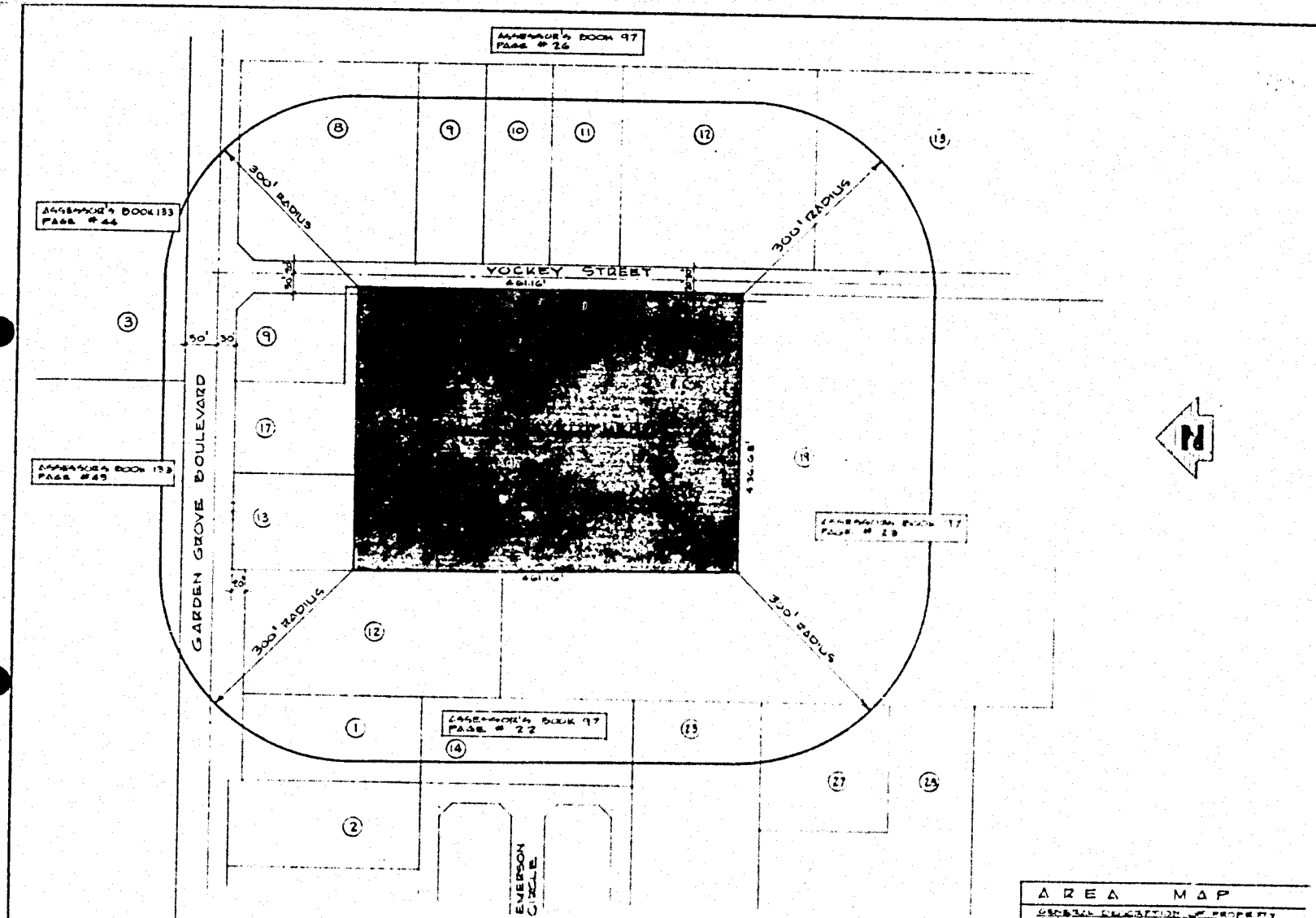
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The Staff has interpreted the word "enclosed" for a carport to mean the same as "enclosed" on a garage inasmuch as the wording is identical for a carport and a garage except a garage is required to be enclosed on four sides. The acceptable materials for enclosing a carport have been the same materials acceptable for a garage as outlined by the Uniform Building Code. Specifically this would require the wall to be constructed of masonry block concrete, or a wood wall with studs with 1" or equivalent siding on the outside, or if no studding is used the wall covering must be of two (2) inch thick material.

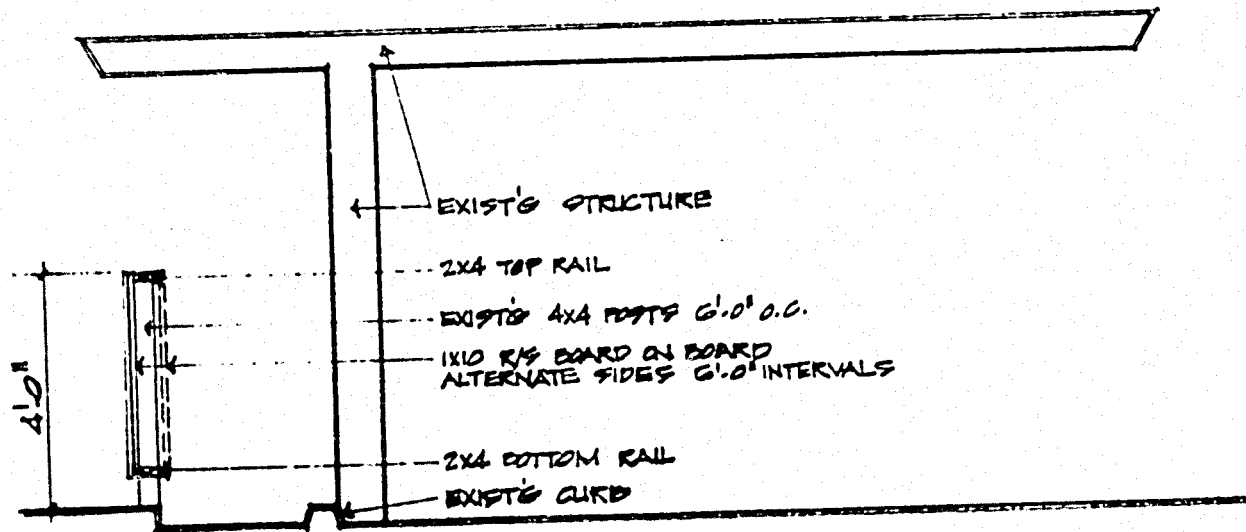
The site plan approved by the Planning Commission indicated a wood frame/stucco wall structure with an opening only at the entrance. The Planning Director approved a minor modification to the site plan which permitted a steel canopy structure enclosed with a masonry wall on three sides.

The applicant's request is to install a four (4) foot wood fence at the rear only of the carports in place of the masonry wall that is presently required.

2. The applicant contends that the imposition of Code requirements would detract from the visual quality of his site. If approval is granted, the Code requirement should be re-evaluated.



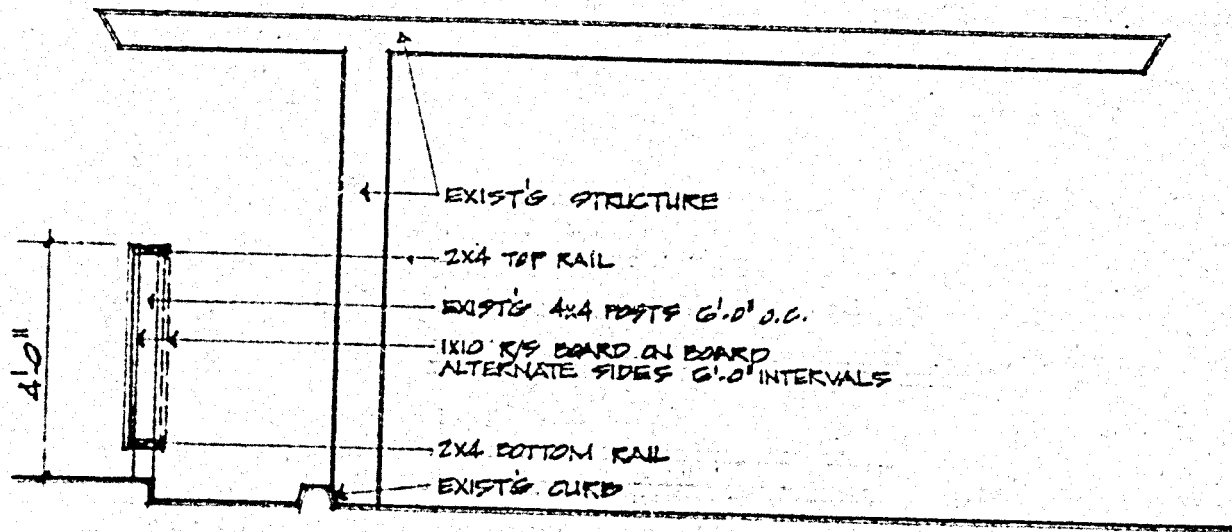
AREA MAP	
GENERAL LOCATION OF PROPERTY	
APARTMENT PROJECT	
CITY OF GARDEN GROVE, CALIFORNIA	
OWNER	
SUNSHINE FINANCIAL	
4101 CAMPUS DR. SANTA ANO, CALIF	
MAP PREPARED BY	
JERRY W. COLLIER & ASSOCIATES	
114 N. HATFIELD AVE. ANAHEIM, CALIF	
SCALE: 1"=100'-0"	V10869
OCT. 11, 1957	



V.108'69

FENCE DETAIL 3/8" - 1'-0"

PREPARED FOR BAYPORT FINANCIAL
 YOCKEY ST. JOB / GARDEN GROVE, CALIF.



FENCE DETAIL $3/8" = 1'-0"$

V108 59

PREPARED FOR BAYPORT FINANCIAL
 YOCKEY ST. JOB / GARDEN GROVE, CALIF.

February 27, 1969

Brown, Gordon, & Smith
c/o Martin Aviation, Inc.
Orange County Airport
Santa Ana, California

VARIANCE NO. V-10349

Gentlemen:

March 13, 1969.

Applicants Notified

C.7

LEGAL NOTICE

NOTICE OF PUBLIC HEARING CONCERNING

VARIANCE NO. V-108-69

NOTICE IS HEREBY GIVEN THAT THE GARDEN GROVE CITY PLANNING COMMISSION will hold a PUBLIC HEARING in the COUNCIL CHAMBERS of the CITY HALL, 11391 ACACIA STREET, GARDEN GROVE, CALIFORNIA, on the date indicated * to receive and consider all evidence and reports relative to the application described below.

*MARCH 13, 1969
1:30 O'CLOCK P.M.

VARIANCE NO.
V-108-69

APPLICANTS: BROWN, GORDON, & SMITH

REQUEST: Variance approval from the following Section of the
Municipal Code:
Section 9202 - Definition of a Carport.

SUBJECT PROPERTY: West side of Yockey Street between approximately 220
feet and 680 feet southerly from the centerline of
Garden Grove Boulevard and extending in approximately
456 feet from the centerline of Yockey Street.

DATE: FEBRUARY 27, 1969

ALL INTERESTED PARTIES are invited to attend said HEARINGS and express opinions or submit evidence for or against the proposal as outlined above.

Petitions and letters are not considered direct evidence. The decision of the Planning Commission may not rest solely on them.

FURTHER INFORMATION which may include site plans, building elevations, and floor plans on the above application may be reviewed at the Planning Department in City Hall or by telephone: 537-4200, extension 41.

GARDEN GROVE CITY PLANNING COMMISSION

MAILING LIST MEETING OF
MARCH 11, 1969
PLANNING COMMISSION
V-103-69

SUBJECT PROPERTY OWNERS:

Brown, Gordon, & Smith
& Martin Aviation, Inc.
Orange County Airport
Santa Ana, Calif.
V-103-69

PROPERTY OWNERS WITHIN
3001 RAD 1051

Marjorie Ryles, et al
Betty Spallhorn
1701 Suzanne Ave
Long Beach, Calif. 90808
V 103-69

Valter Mitchell
7307 E. 15th
Westminster, Calif. 92683
V 103-69

Willows Foundation, Inc.
13185 Buylford Ct
City 92641
V 103-69

Garden Chapel Land Investment
7702 Garden Grove Blvd.
City 92641
V 103-69

Leah Gellin
1000 West St
Tustin, Calif. 92680
V 103-69

John Ekstein
P. O. Box 852
City 92642
V 103-69

Deirda Osher
8002 E. Chesman
City 92641
V 103-69

Noah Barlow
13102 Yockey
City 92641
V 103-69

David Maddox
111 No. Western Ct., Suite 17
Anaheim, Calif.
V 103-69

Dae Furuta, et al
21922 Mohler Pl
Anaheim, Calif. 92605
V 103-69

Zimmerman, Inc.
8751 Garden Grove Blvd.
City 92641
V 103-69

John Adams
5321 Orangewood Ave
City 92641
V 103-69

Kathryn Barlar
12357 Lubetson Ave
Downey, Calif. 90242
V 103-69

Harry Suther
3841 Garden Grove Blvd.
City 92641
V 103-69

Travel Queen Couches, Inc.
P. O. Box 4003
Riverside, Calif. 92504
V 103-69

United California Bank, Ta
18-4-32-10-0
P. O. Box 3067, Term. Annex
Los Angeles, Calif. 90054
V 103-69

V-108 91
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APPLICATION FOR VARIANCE

FEE: \$ 50.00

APPLICATION NO. V- V10809

DATE: 7-26-69

Application is hereby made to the Garden Grove (Planning Commission) ⁵⁸⁹⁷⁹⁶⁶⁸ 11 014 *****50.00
for a Variance from the zoning regulations of the City of Garden Grove, California. (Administrator)

Name of Applicant: Brown, Gordon, and Smith Telephone: 546-7368
Mailing Address: c/o Martin Aviation Inc., Orange County Airport, Santa Ana, Ca. 92707

The recorded owner of the property.

Purchasing under contract.

The lessee.

The authorized agent of any of the foregoing.
If the applicant is not the property owner, he
must be authorized to act on behalf of the
recorded owner, for which a form is attached
to this application.

Name and address of the recorded owner: see above

Date of acquisition of property: 1966

Street address: Yockey Street, Garden Grove, California

Reason for applicant's request:

Applicant desires to enhance the living environment for the self-contained multiple unit development by opening up visual continuity in the total concept for architectural range. The variation requested is the reduction in height of a screen wall fence from approximately 7'-6" plus or minus to 4'-0" plus or minus. Permission to do this will enhance the beauty of the entire complex while providing the screen that the code envisions as necessary. Dark and unattractive carport interiors will thus be relieved.

(For additional space, use reverse side)

NOTE: When any variance from provisions of the Zoning Ordinance is requested, favorable consideration may be given only when the CONDITIONS ENUMERATED BELOW are satisfied. Complete and pertinent information is therefore essential.

Explain in detail wherein your case conforms to the following requirements:

1. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.
The particular pattern of traffic and pedestrian flow through this development dictates that where it is possible to relieve the dark cellular effect of totally screened carports it should be done. The screen is strictly an interior effect and is not visible to normal street traffic.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone but which is denied to the property in question.
Similar architectural effect has been used in adjacent development where screens are entirely eliminated. This is not our request but indicates that similar situations have been recognized.
3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.
The screen fence height is strictly internal and useful to the public good only as an architectural effect. On that basis better architecture enhances public welfare.
4. That the granting of such variance will not adversely affect the Comprehensive General Plan.
The request is for a reduction in fence height and will in no way effect the general plan.

I HEREBY CERTIFY that all of the information contained in this application is, to the best of my knowledge and belief, true and correctly represented.

BY Schmidt Bureau partner
(Signature of Applicant)

Acknowledgement of Fee Payment

Accepted by Planning Department

By Carol North Date 2/26/69

By A.O. Wilke Date 2-26-69

EXCERPT FROM ARTICLE IX OF THE MUNICIPAL CODE
OF THE CITY OF GARDEN GROVE, CALIFORNIA

Section 9219.12. EFFECTIVE DATE OF ORDER GRANTING OR DENYING VARIANCE, CONDITIONAL USE PERMIT, UNCLASSIFIED USE PERMIT OR SITE PLAN. TIME FOR APPEAL. The order of the Planning Commission or Zoning Administrator in granting or denying a variance, conditional use permit, unclassified use permit or site plan shall become final and effective five (5) days after the Planning Commission or Zoning Administrator by Resolution or Decision, UNLESS WITHIN SUCH FIVE (5) DAY PERIOD AN APPEAL IN WRITING IS FILED WITH THE CITY CLERK BY EITHER AN APPLICANT OR OPPONENT. The filing of such appeal within such time limit shall stay the effective date of the order of the Planning Commission or Zoning Administrator until such time as the City Council has acted on the appeal as hereafter set forth in this Chapter.

Section 9221.3. FEE FOR APPEAL. A fee of \$25.00 shall be charged for the appeal of a variance, conditional use permit, unclassified use permit or site plan.

NOTE: Evidence not presented to the Planning Commission or Zoning Administrator in connection with this case will not be considered by the City Council. All maps, petitions, plans, testimony, and other facts or opinions must have been heard by the Planning Commission or Zoning Administrator in order to be heard by the City Council.

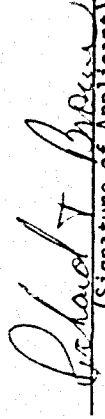
Any new evidence which you desire to submit must be presented as part of a new application for which the normal filing fees will be charged. The new application will be heard by the Planning Commission or Zoning Administrator in the manner set forth in the Garden Grove Municipal Code.

Section 9223. PERMITS OR VARIANCES MAY BE REVOKED. The Planning Commission or Zoning Administrator may, after a public hearing held in the manner prescribed in Article IX governing variances, conditional use permits, unclassified use permits or site plans, revoke or modify on any one or more of the following grounds any variance, conditional use permit, unclassified use permit or site plan previously issued.

- (1) That the approval was obtained by fraud.
- (2) That the use for which such approval was granted is not being exercised.
- (3) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more.
- (4) That the variance, conditional use permit, unclassified use permit or site plan is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any Statute, Ordinance, Law or Regulation.
- (5) That the use for which the approval was granted was so exercised as to be detrimental to the public health, safety or so as to constitute a nuisance.

Section 9223.1. EXPIRATION. Any variance, conditional use permit, unclassified use permit or site plan granted by the Planning Commission, Zoning Administrator or City Council becomes null and void if not exercised within the time specified in such variance, conditional use permit, unclassified use permit or site plan, or if no date is specified, within one year from the date of approval of said variance, conditional use permit, unclassified use permit or site plan.

I HEREBY CERTIFY that I have read and understand the information contained in this application.


(Signature of Applicant)