

**VARIANCE NO. 25-0001  
ADMINISTRATIVE ADJUSTMENT NO. 25-0001  
DESIGN REVIEW NO. 5146**

**RESOLUTION NO. PC 11-25**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF ORANGE APPROVING VARIANCE NO. 25-  
0001, ADMINISTRATIVE ADJUSTMENT 25-0001, AND  
DESIGN REVIEW NO. 5146, FOR A 305 SQUARE FOOT  
ADDITION TO AN EXISTING SINGLE-FAMILY  
RESIDENCE AND RELOCATION OF AN EXISTING ONE-  
CAR GARAGE IN THE OLD TOWNE ORANGE HISTORIC  
DISTRICT LOCATED AT 412 S. PIXLEY STREET.**

**APPLICANT: ARCHITECTURAL DESIGN SOLUTIONS/ MARK S. DWYER**

**WHEREAS**, the Planning Commission has authority per Orange Municipal Code (OMC) Section 17.08.020.B.2.a. to review and take final action on Variance No. 25-0001, Administrative Adjustment 25-0001 and Design Review No. 5146 to allow a 305 square foot addition to an existing 645 square foot single family residence, and the relocation of an existing 170 square foot one-car garage to the rear of an existing 2,880 square foot lot in the Old Towne Orange Historic District located at 412 S. Pixley Street; and

**WHEREAS**, Variance No. 25-0001, Administrative Adjustment 25-0001, and Design Review No. 5146 were filed by Mark S. Dwyer, project applicant, in accordance with the provisions of the OMC; and

**WHEREAS**, Variance No. 25-0001, Administrative Adjustment 25-0001 and Design Review No. 5146 are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 – Existing Facilities), because it consists of a 305 sq ft addition to an existing single family residence, which is less than 50 percent of the floor area of the structures before the addition; and

**WHEREAS**, Variance No. 25-0001, Administrative Adjustment 25-0001 and Design Review No. 5146 were processed in the time and manner prescribed by state and local law; and

**WHEREAS**, on August 20, 2025, the Design Review Committee reviewed the design of the project and recommended approval of the project to the Planning Commission subject to conditions; and

**WHEREAS**, the Planning Commission conducted a duly advertised public hearing on Monday, October 6, 2025, at which time interested persons had an opportunity to testify either in

support of or opposition to Variance No. 25-0001, Administrative Adjustment 25-0001 and Design Review No. 5146 at 412 S. Pixley Street as reflected on the site plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission approves Variance No. 25-0001, Administrative Adjustment 25-0001 and Design Review No. 5146 based on the following findings:

## **SECTION 1 – FINDINGS**

### **Variance**

1. *That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

For any new lot, the R-1-6 zoning district requires a 6,000 square foot lot with 900 square feet of useable open space for single-family residences. Nine hundred square feet is 15% of a 6,000 square foot lot. Fifteen percent of the existing, legal non-conforming, 2,880 square foot lot is 432 square feet. The proposed usable open space with the proposed addition is 465 square feet, which is 16% of the lot, thereby exceeding the proportion of the lot required to be useable open space.

The strict application of the 900 square foot usable open space development standard deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification because of the sub-standard, legal non-conforming lot size. The lots to the north and south of the subject property are of similar size and provide a similar amount of square footage and proportion of the lot for useable open space and thereby the variance will not grant the subject property a special privilege inconsistent with other properties in the vicinity.

2. *That the variance granted shall be subject to such conditions which will ensure that the authorized adjustment shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is located.*

The Variance request does not constitute the granting of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in that the lots to the north and south of the subject property are of similar size and provide a similar amount of square footage and proportion of the lot for useable open space and are under identical zone classification.

### **Administrative Adjustment**

1. *The reduction in standards will not be detrimental to the public health, safety, and general welfare of persons residing or working on the subject property or in the vicinity.*

The extension of the driveway from the end of the existing driveway to the location of the relocated garage is required to be 12 feet wide. The project proposes the

portion of new driveway as 10 feet 9½ inches. The 1-foot 2½ inch reduction of the width of the new driveway is 10% of the required 12 feet width.

The reduction in standards will not be detrimental to the public health, safety, and general welfare of persons residing or working on the subject property or in the vicinity in that the new driveway extension will be wider than the existing driveway of eight feet nine inches. The new driveway extension will allow for better accessibility for the site and for persons getting in and out of their vehicles. The new driveway extension width is not incompatible with the surrounding residences in that the surrounding residences have legal non-conforming driveway widths of less than the proposed 10 feet 9½ inches and the proposed driveway extension will maintain the aesthetic and values of the street.

*2. Issuance of the permit does not compromise the intent of this code.*

The intent of this code is to establish development standards to ensure functional and attractive residential neighborhoods. The adjustment results in the allowance of a driveway that is 10% less than the required 12 feet width minimum. The new driveway extension does not significantly impact the aesthetic and values of the street and will blend in with the single-family residential character of the neighborhood. As such, the new driveway extension will allow for better accessibility for the site and for persons getting in and out of their vehicles, thereby not compromising the intent of the zoning code.

## **Design Review**

*1. In the Old Towne Historic District, the proposed work conforms to the prescriptive standards and design criteria referenced and/or recommended by the DRC or other reviewing body for the project.*

The proposed project is in conformance with the Historic Preservation Design Standards (HPDS), which are the prescriptive design criteria for projects within the Old Towne Historic District. The proposed rear addition is subordinate to the existing building and is not visible from the street. It is compatible with the mass, scale, and roof form of the historic building and would not affect the appearance of the Historic District. The proposed offset in the north building elevation demarcates the new addition to the structure.

*2. In any National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines.*

The project is in conformance with the HPDS. Projects found to be in conformance with the HPDS are generally considered to be in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

*3. The project design upholds community aesthetics through the use of an internally consistent, integrated design theme and is consistent with all adopted specific plans, applicable design standards, and their required findings.*

The project upholds community aesthetics through an internally consistent and integrated design theme. The proposed project is in conformance with the Historic Preservation Design Standards (HPDS), which are the prescriptive design criteria for projects within the Old Towne Historic District. The proposed rear addition is subordinate to the existing building and is not visible from the street. It is compatible with the mass, scale, and roof form of the historic building and would not affect the appearance of the Historic District. The proposed offset in the north building elevation demarcates the new addition to the structure. The 38% FAR proposed is within 5% of the average FAR of the block (37.5%). This is an acceptable increase given that the addition occurs at the rear of the property.

## **SECTION 2 – ENVIRONMENTAL REVIEW**

The proposed project is categorically exempt from the provisions of CEQA per state CEQA Guidelines Section 15303 (Class 3 - New Construction or Conversion of Small Structures) because it consists of one new 934 sq ft single family residence with a 416 sq ft detached one-car garage on an existing 3,995 sq ft vacant lot.

**BE IT FURTHER RESOLVED** that the following conditions are imposed with approval:

1. Except as otherwise provided herein, this project is approved as a precise plan. All work shall conform with the plans presented at the October 6, 2025 Planning Commission Meeting (date stamped approved August 5, 2025, and in the project case file). After any application has been approved, if plan modifications are proposed regarding the location or alteration of any use or structure, or deviations become necessary to site improvements including, but not limited to, landscaping and parking because of unforeseen requirements from any City Department, utility provider, or State or Federal statute, a changed plan may be submitted to the Community Development Director for approval. If the Community Development Director determines that the proposed change complies with the findings, conditions, and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plan, the Community Development Director may approve the changed plan without requiring a new public hearing. Should the modifications be considered substantial, the modifications shall be reviewed and approved by the Planning Commission.
2. The applicant agrees, as a condition of City's approval of Variance No. 25-0001, Administrative Adjustment 25-0001 and Design Review No. 5146, to indemnify, defend, and hold harmless, at applicant's expense, the City, its officers, agents, and employees ("City") from and against any claim, action or proceeding brought against the City, including, but not limited to, any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the City's approval, to challenge the determination made by the City under the California Environmental Quality Act ("CEQA") or to challenge the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify applicant of any such claim, action or proceeding to which the City receives notice and to cooperate fully with the

applicant in the defense thereof. Applicant shall reimburse the City for any and all costs and expenses, including, but not limited to, court costs and attorney's fees that the City may be required to pay, including any expenses ordered by a court or expenses incurred through the Office of the City Attorney in connection with said claim, action or proceeding. City may, in its sole discretion, participate in the defense of any claim, action or proceeding but such participation shall not relieve applicant of the obligations of this condition. In the event the applicant is required to defend City in connection with such claim, action or proceeding, City shall have the right to approve counsel to so defend the City, approve all significant decisions concerning the manner in which the defense is conducted and approve any all settlements, which approval(s) shall not be unreasonably withheld. The obligations set forth herein remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgment rendered in the proceeding. Further, applicant agrees to indemnify, defend and hold harmless the City for all costs and expenses incurred in enforcing this provision.

3. The applicant shall comply with all federal, state, and local laws, including all City regulations. Violation of any of those laws in connection with the use may be cause for revocation of this permit.
4. The final approved conditions of approval shall be reprinted on the first or second page of the construction documents when submitting to the Building Division for the plan check process.
5. Construction permits shall be obtained for all future construction work, as required by the City of Orange, Building Division. Failure to obtain the required building permits will be cause for revocation of this permit.
6. Variance No. 25-0001, Administrative Adjustment 25-0001 and Design Review No. 5146 shall become void if not vested within two years from the date of approval. Time extensions may be granted for up to one year, pursuant to OMC Section 17.08.060.
7. The proposed development shall be designed and constructed in accordance with the Historic Preservation Design Standards and the Secretary of the Interior's Standards and Guidelines for infill construction.
8. Prior to building permit issuance, the applicant shall submit a landscape plan as outlined in the City of Orange Land Use Project Application for Planning staff review and approval.

**ADOPTED** this 6<sup>th</sup> day of October 2025.

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Alison Vejar, Planning Commission Chair

I hereby certify that the foregoing Resolution was adopted by the Planning Commission of the City of Orange at a regular meeting thereof held on the 6<sup>th</sup> day of October 2025, by the following vote:

AYES:

NOES:

ABSENT:

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Hayden Beckman, Planning Manager