



CITY of YORBA LINDA

COMMUNITY DEVELOPMENT | PLANNING

APPLICATION TO APPEAL DECISION OF THE ZONING ADMINISTRATOR TO THE PLANNING COMMISSION

Note: An appeal must be filed within 15 days of the action for which a review is sought.

Filing Fees	Appeal Fee	Hourly Fee
o Actual Cost Applications	\$1,000.00	\$295.00
o Set Fee Applications	\$500.00	\$295.00
o Fee waived if appealed by a City Councilmember		

APPELLENT:

Name: JOHN JAY KURNOFF Contact Number: 307-690-1834
Address: 4885 SUNBEAM LANE Appealing the decision date: JULY 23

ACTION BEING APPEALED: (Case No., Property Location)

ZA 2024-42 TIRA 4895 SUNBEAM LANE

REASON FOR APPEAL: (Why are you appealing the decision? Please provide detailed reasons)

PLEASE SEE ATTACHED MEMORANDUM AND EXHIBITS

Date: _____ Signature of Appellant: _____

FOR OFFICE USE ONLY

Please forward the application to the City Clerk's Department.

Date Appeal filed: _____ Fee Received: _____

Hearing Date. An appeal shall be scheduled for a public hearing before the Planning Commission at the next available meeting unless both applicant and appellant or reviewing body consent to a later date (YLMC Sec. 18.36.820)

cc: Appellant, File

Community development Dept. (furnish one set of mailing labels for mailing)

MEMORANDUM

TO: PLANNING COMMISSION
RE: ZA 2024-42 TIRA
ADDRESS: 4895 SUNBEAM LANE, YORBA LINDA, CA

My name is Jay Kornoff. My wife and I live at 4885 Sunbeam Lane, immediately adjacent to the north of the subject property. As such I am literally the only property that will be adversely impacted by this proposed addition.

I am happy for Lucci and his family that they are able to build the home of their dreams. I have not objected to anything that Lucci has proposed to do on his home. I did not object to him building a larger entrance in the street setback, although all the other homes in the neighborhood abide by the setback, however, Lucci somehow thought he should be allowed to build closer to the street than anyone else in the neighborhood.

However, it is NOT right that their dream home should make my home a nightmare for me and my family. It is not comfortable or pleasant for me to make these objections against my neighbor. It is not my nature to complain or object what others are doing for their own benefit and wellbeing. All I want to do is peacefully enjoy my home and get along with all the neighbors simply mind my own business and quietly enjoy my retirement years. Unfortunately, this CUP threatens all of that.

I have already had to live with the construction ongoing for over 3 years now....based on what I see on the proposed site plan, the construction is not near done in the backyard and I will only be enduring more construction for years to come.

I have pleaded with Lucci many times over the past 3 years regarding the hardship that his seemingly endless ongoing project is impacting on my family's quality of life. There have been many ongoing issues with excessive noise, trash, overburdened parking on our street, damage to the street from construction equipment, dust and dirt in the air, etc. etc. etc....everything involved in a major construction project. Unfortunately, I have come to believe that Lucci cares more about what he wants and has no regard on how that might adversely impact me and my family.

When Lucci first bought the property he explained that he was going to do some 'modest' upgrades....He also promised profusely that nothing he would do would impact my privacy. He promised that 'all' construction was going to be on the south side of the home. Unfortunately, that does not appear to be true.

Lucci built a second story patio deck out the back yard. The elevation of this deck was high enough so that he could see directly into my back yard. Not only that but the ceiling lights in that patio are tremendously bright. The brightness shines directly into my bedroom. The light is not subtle, it is extremely bright. To try to minimize that privacy intrusion, I have let my hedge at the property line grow up as much as it could to try to provide a privacy screen. Unfortunately, the hedge can do only so much.

Lucci has a TREMENDOUS amount of lights all around exterior of his house in the soffits. I would estimate he has lights every 10 feet or so. All of Lucci's lights are of the brightness illumination possible. The place is lit up like its Disneyland. The side yard lights shine directly into my side yard at a brightness where you could literally read a book.

I know it's a violation of his building permit to allow light pollution from his property onto mine.

This subject CUP application to build a second story 'entertainment' room (meaning it's a party room in reality with all of its attendant noise and activity) on top of an additional 911sf addition on the ground floor....a total of an additional 1800sf to the already over impacted lot size of some 6300sf home.

The original home was approximately 3800sf +/- I believe.

Lucci has already added an additional 2500sf to the home, so that now it is a total of 6300sf, in addition to the large second story outdoor patio which could be probably 400sf.

I was told by the planning agent on this file that Yorba Linda does not have what is commonly referred to a 'Floor Area Ratio', meaning regulations limiting the size of a structure relative to the lot size.

Lucci's lot is among, if not the, smallest lot in our neighborhood, which I refer to as the upper Hidden Hills area.

While there are admittedly some quite large homes in this area, they are all on substantial sized lots of an acre, and in most cases multiple acres. These other large homes do not overpower their immediate adjacent neighbors in the way that this proposed addition will impact me.

4895 Sunbeam is among the smallest lots in the neighborhood, yet Lucci wants to build among the largest of homes on the smallest of lots. He already has 6300 sf, and now wants to add another 1800sf, for a total of 8100sf! That is over TWICE the size of my home and just about any other home nearby.

The sheer bulk and scale of this home already makes any second story additional to be the epitome of unreasonable.

The set back from my property line is a mere 10'! The second story CUP party room will literally run the ENTIRE length of my backyard. Meaning there will always be a solid wall, 24'+ that will be bearing down on me at all times whenever I try to have some peace and privacy in my own backyard and pool area.

This is unconscionable. I implore the Planning Commission to REJECT this CUP application. The Planning Commission cannot make the required findings enumerated in Section 18.38.050 in order to approve this CUP.

Its noteworthy that the code refers to any structure closer than 70 feet to an existing structure as requiring a CUP. This reference to 70 foot setback clearly indicates the code's sensitivity to intrusion onto neighbor's property and the negative impacts such intrusion can have on privacy and quality of life.

The applicable zoning for our neighborhood is estate rural, which dictates that it's a more rural setting meaning more distance between homes for privacy and rural atmosphere. There are probably well over 100 homes in the upper Hidden Hills neighborhood. I am pretty sure there are NO homes that are in existence that have an actual 10' setback from their neighbors, much less a 24' two story monstrosity within 10' of their neighbor; all homes have 20-30' setbacks at a minimum, and most with much more distance. That fact alone should dictate that the standards within the neighborhood are being compromised by this CUP. The neighborhood standards are context for what is 'reasonable' under the law, and because NO HOME in the neighborhood has a 24+ foot wall only 10 feet away from property line should establish pretty clearly that this CUP is an abuse.

This is a strong burden on the applicant to clearly show and demonstrate that any proposed intrusion into the 70 foot privacy zone will not have an adverse impact on the neighbors. Lucci fails with this burden.

The elevation variance between Lucci lot and mine is approximately 4-5 feet. The proposed addition will be some TWENTY FOUR (24+) feet plus high, and at a distance of a mere 10 feet from my property line.

The plans show a first floor elevation of 9', sitting on a 1' ground floor pad, plus a 1' second story floor, then another 9'+ second story, plus another 4' +/- for the roof line....all told exceeding some 24+ feet vertical adjacent to my home.

This is an unconscionable proposal by Lucci and I urge the Planning Commission to reject it.

The initial drawings elevation shows that there will be literally a wall of windows facing onto my backyard and pool area. This alone clearly indicates Lucci's total disregard of my concerns for privacy.

Moreover, because of the elevation and windows, I can only imagine the exterior soffit lights will shine brighter than ever into my yard, home and bedroom. As well as the interior lights will further illuminate the night sky into daylight.

My only protection is from the law, and its fair and reasonable application by the City pursuant to its regular rules and regulations. Lucci does not have a right to this CUP. The CUP is discretionary with specific and defined requirements set out in Section 18.38.050.

But I have a right to the peaceful and quiet enjoyment of my home....that is a property right that the City is obligated to protect from intrusive actions of others.

The Zoning Administrator was considerate of these arguments made at the ZA hearing, and imposed certain conditions on the approval of the CUP intended to mitigate some or the obvious negative impacts to my property and the quiet and peaceful enjoyment of my home.

These conditions included limiting the windows to a higher elevation and that they be frosted. Also the removal of the outside staircase was required, which otherwise would have allowed persons to directly view into my backyard from a distance of only 4 feet. Plus exterior lighting was prohibited on the wall facing north.

While these conditions are appreciated, they still do not address the overarching negative impact a massive wall, 47 feet long and some 24 feet tall, being a mere 10 feet from my property line will have on my quiet and peaceful enjoyment of my home.

With all due respect to the Zoning Administrator and Planning agent, they were more concerned with the 'applicant's right to build on their property.' That concentration and perspective is misguided inasmuch as it flies directly contrary to the dictates of the CUP regulations.

Section 18.38.050 makes it a required **mandatory finding** by the Planning Commission, among other issues, but most salient here:

- 1. That the two-story construction does not result in any significant loss of privacy for adjacent residences in a manner that would compromise the neighbors' ability to obtain reasonable and enjoyable use of their own property.**

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No reasonable person would want their neighbor, and who knows who else would be guests, gawking down on them from 10' away, at an elevation angle of 12', right into the backyard pool area. If you would not want that for yourself, then you should not allow it to happen to me.

Respectfully submitted,

John Jay Kornoff
Date: July 29, 2025

Drawing Not to Scale

4 8 9 5 T O 4 8 8 5 E L E V A T I O N

Dimensions Approximate | Jay Kornoff 7/22/25

24.0' Estimated Roof Ridge

