

CITY PLANNING COMMISSION

1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT	Buzz Garcia Assoc. - 1610 Arden Way, Sacramento, CA 95816				
OWNER	David and Barbara Erickson - 11 Keel Court, Sacramento, CA 95831				
PLANS BY	Buzz Garcia Assoc. - 1610 Arden Way, Sacramento, CA 95816				
FILING DATE	3-17-89	ENVIR. DET.	15305a	REPORT BY	PW:sg
ASSESSOR'S PCL. NO.	030-0300-038				

APPLICATION: Variance to reduce the required 15 foot rear yard setback to one foot six inches to allow an existing 454 square foot addition to a single family home.

LOCATION: 11 Keel Court

PROPOSAL: The applicant is requesting the necessary entitlements to allow an existing 454 square foot house addition.

PROJECT INFORMATION:

General Plan Designation:	Low Density Residential
1988 Pocket Community	
Plan Designation:	Low Density Residential
Existing Zoning of Site:	R-1
Existing Land Use of Site:	Single Family Home

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Residential; R-1	Front:	25'	25'
South: Residential; R-1	Side(Int):	5'	6'
East: Lake Greenhaven; R-1	Side(Int):	5'	7'
West: Residential; R-1	Rear:	15'	1-1/2'

Parking Required:	1 space
Parking Provided:	2 spaces
Property Dimensions:	83' x 120'
Property Area:	.20+ acres
Square Footage of Building:	Existing 2,500 plus 454 sq. ft. illegal addition for a 2,954 sq. ft. total
Height of Building:	15'
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Stucco, T-111
Roof Material:	Grey/blue
Unique Site Characteristic:	Lake Greenhaven adjacent to rear of site

BACKGROUND INFORMATION: On February 26, 1969 the Planning Commission approved a variance to reduce the required 15 foot rear yard setback to 11 feet in order to construct a single family home on the subject site. The existing submitted plans of the house do not match what was originally approved in 1969. The submitted plans indicate a viewing area with a rear setback of only 5 feet. The 1969 variance approval required an 11 foot setback.

This leads staff to conclude that the viewing area was enclosed illegally at some time subsequent to the 1969 variance approval. Now the applicant is before the Commission requesting a rear yard variance for an addition that has recently been constructed without building permits or prior variance approval. On January 25, 1989 the City Building Division received a complaint from a neighbor explaining that the addition had been built on or near the rear property line and that the addition now blocks the neighbor's view of Lake Greenhaven.

An inspection of the site by the Building Division revealed that the addition was in fact only 1.5 feet from the rear yard property line and that no building permit had been pulled. Even though the addition was essentially completed, a stopwork order was issued. On March 3, 1989 the Building Division issued a Notice of No Building Permit and gave the applicant 10 days to comply. On March 17, 1989 the applicant filed for the subject variance.

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site is a 0.20+ acre interior lot located in the Standard Single Family (R-1) zone and developed with a 2,500 square foot single family home. Both the General Plan and 1988 Pocket Community Plan designate the site for low density residential uses. The site is surrounded on three sides by existing single family homes zoned R-1. Adjacent to the rear of the site is a water finger of Lake Greenhaven.

B. Applicant's Proposal

The applicant is requesting a variance to reduce the required 15 foot rear yard building setback to 1.5 feet. The variance approval is required to legalize a 454 square foot addition that has been built without a building permit and in violation of the Zoning Ordinance.

C. Evaluation

Staff has no justification to support the variance request. The applicant has not presented any unusual circumstances or hardship to warrant the approval of the variance. The applicant has constructed the addition without building permits even though the Lake Greenhaven Association had requested review of the addition as far back as November 28, 1988.

The applicant has constructed the addition 1.5 feet from the adjacent neighbor's property line (see parcel page). The adjacent neighbor has a lot configuration that allows a clear unobstructed view of the lake, provided proper setbacks are maintained. The lot configurations throughout the subdivision have clearly been designed, in fact, to give every property the greatest possibility of a view of the lake (Exhibit A). By granting this variance, not only would the neighbor lose the view but the essential intent of the original subdivision design would be circumvented. Research has shown no other properties in the surrounding area have requested variances for setback variations.

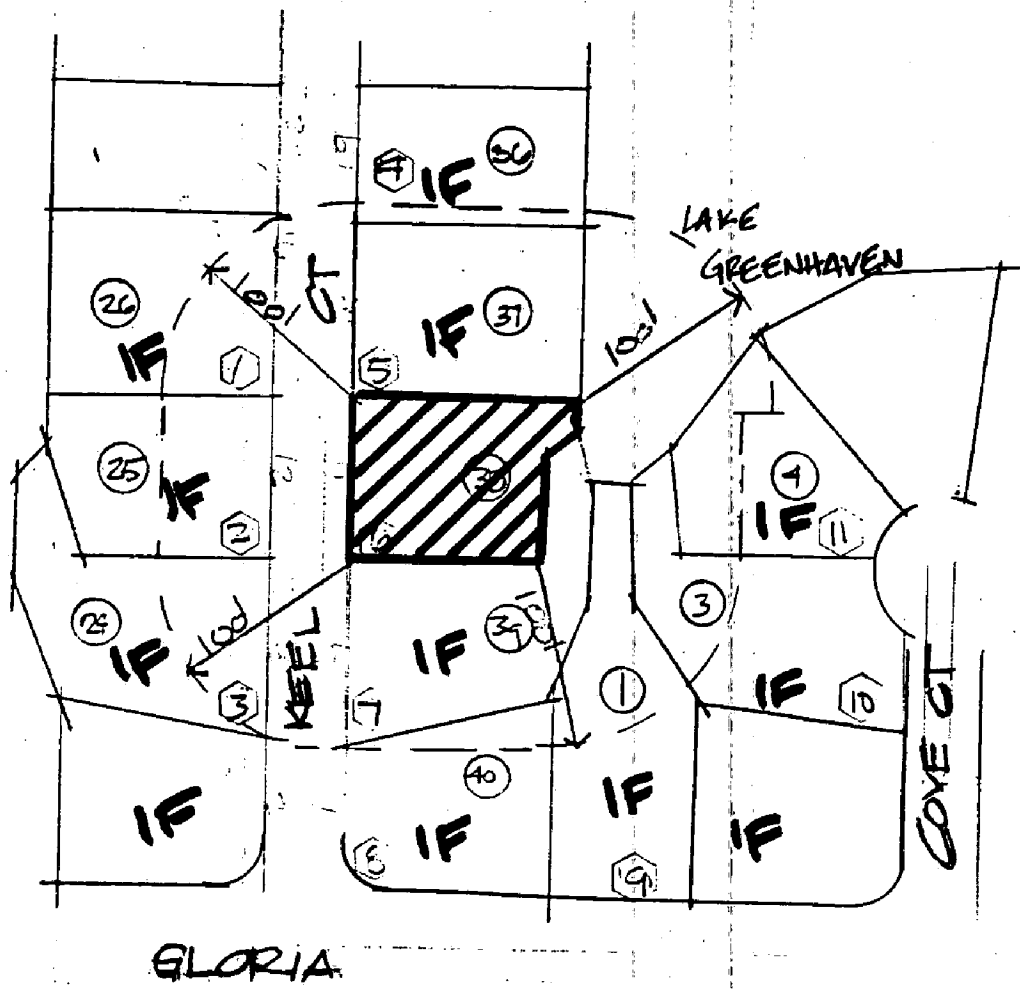
Finally, staff has received a letter by the Lake Greenhaven Association (LGA) objecting to the house addition and variance request (Exhibit B letter documents the Association's attempts to review the project, as required by the Association's C.C. & R's.). The letter states that the construction of the addition was clearly in violation of the C.C. & R's and that the applicant once served on LGA Board of Directors. The approval of the variance would set a precedent for the entire Lake Greenhaven area, wherein others may follow suit to construct additions, raised decks, or patio covers that do not conform to Ordinance or C.C. & R's.

ENVIRONMENTAL DETERMINATION: The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA, Section 15305a).

RECOMMENDATION: Staff recommends the Commission deny the variance based upon the findings of fact which follow.

Findings of Fact

1. Staff cannot find, nor has the applicant presented, any unusual circumstances or hardship to warrant justification for approval of the variance.
2. The proposed variance, if approved, would constitute a special privilege extended to one individual property owner in that every other lot in the immediate subdivision has conformed with the Zoning Ordinance setback requirement.

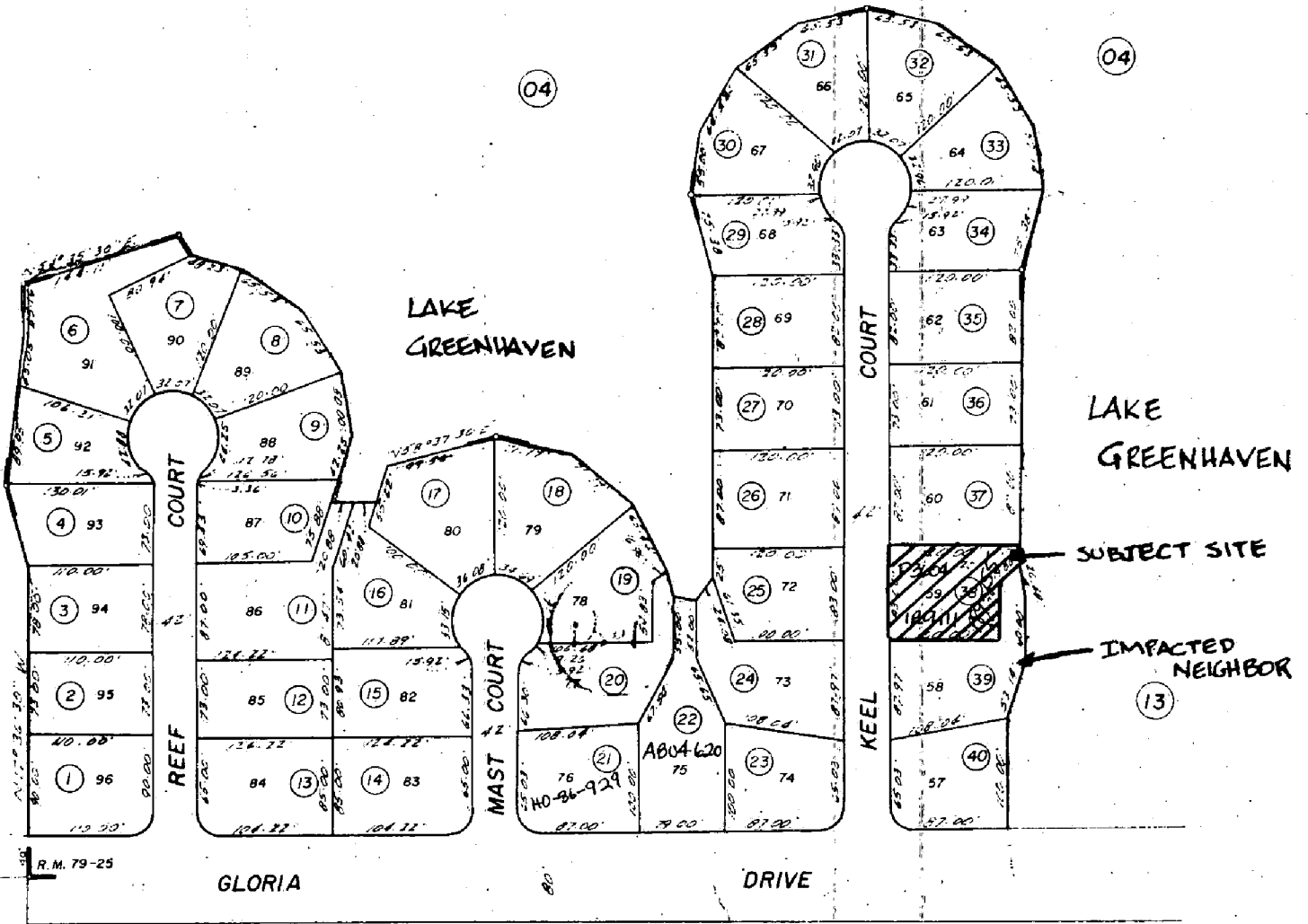


* ALL SURROUNDING ZONING IS R-1

LAND USE & ZONING MAP

EXHIBIT A

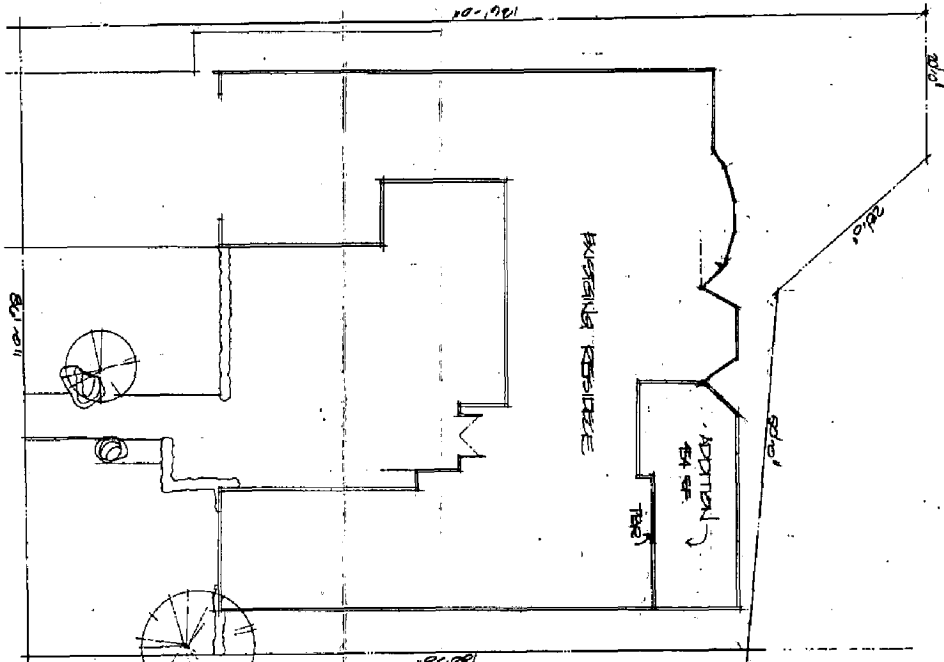
ADJACENT LOT CONFIGURATION



P89-155

5/11/89
6-8-89

#19



SITE PLAN
SCALE 1/8" = 1'-0"

SITE PLAN

AN ADDITION TO
THE ERICKSON RESIDENCE
SACRAMENTO CALIFORNIA

LEAD ARCHITECT
CALIF. 6589
CALIF. 6589
ARIZONA 6153
NEW MEXICO 627

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81

SHEET

DATE

19 6

6-8-89

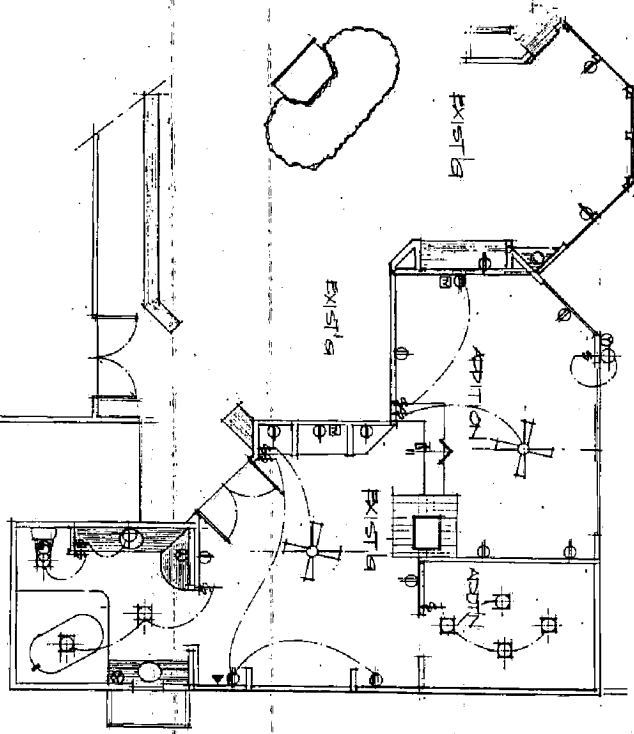
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FLOOR AND ELECTRICAL PLAN

Scale 1/4" = 1'-0"



FLOOR PLAN

AN ADDITION TO
THE ERICKSON RESIDENCE
SACRAMENTO CALIFORNIA

CALIF. ARCH. NO. 113
NATIONAL ARCH. NO. 223
NEW MEXICO ARCH. NO. 113

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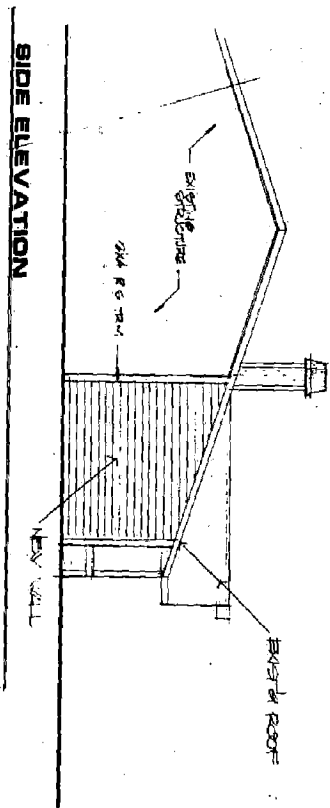
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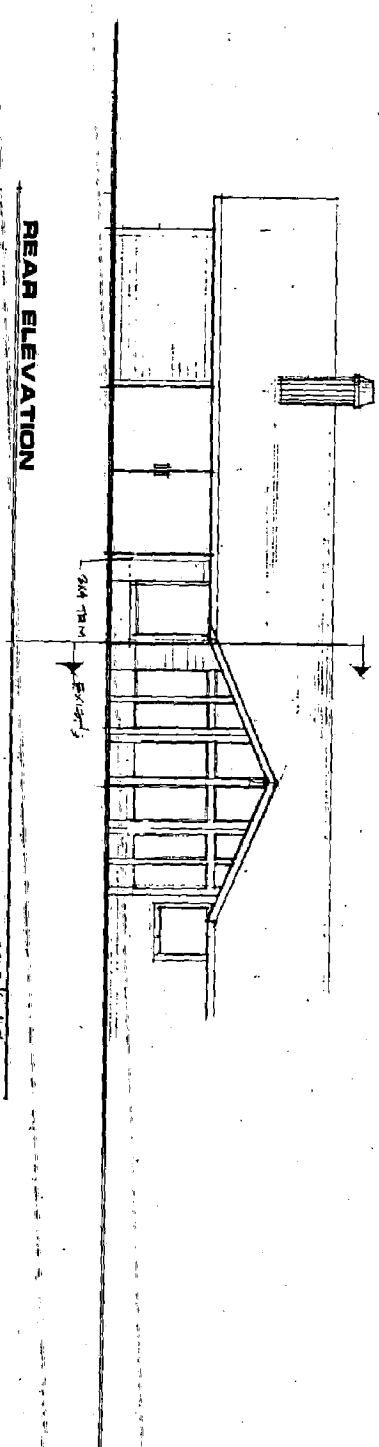
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5/11/87 6-8-89
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SIDE ELEVATION



REAR ELEVATION

SCALE 1/4" = 1'-0"

BEVATIONS

A4	DATE
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AN ADDITION TO
THE ERICKSON RESIDENCE
SACRAMENTO CALIFORNIA

DATE: 5/11/87
DRAWN BY: [unclear]
CHECKED BY: [unclear]
REVISIONS: [unclear]

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