

City Planning Commission
Sacramento, California

Members in Session:

SUBJECT: Variance to reduce the sideyard setback from 5 feet to zero feet in order to construct a 2-story garage/room addition.

LOCATION: 2221 "D" Street

SUMMARY

The Commission approved the subject variance on July 24, 1986. The applicant however, has contested the Commission's action as to whether a one-story or two-story addition was approved. The Commission therefore requested staff that this item be re-noticed and reconsidered. Staff has re-evaluated the proposal and recommends the variance be approved with a one-story garage addition.

BACKGROUND INFORMATION

The applicant originally requested a variance to allow a zero sideyard setback in order to construct a two-story garage/room addition to be attached to the existing single family dwelling. Prior to the July 24, 1986 Commission hearing, the applicant indicated to staff that he is willing to reduce the height to one story. After staff presented this item with the height change at the July 24, 1986 hearing, the Commission indicated an intent to approve the variance based on findings due at the August 14, 1986 hearing. The Commission, subsequently approved the findings of fact with conditions that the proposed garage addition be one-story in height.

The applicant, Mr. Adair, however, has contested this action and has indicated the approval was for a two-story addition. Staff subsequently reviewed the secretary's notes and hearing tapes and found that the motion was to approve the variance; but the actual height approval was not clear.

To resolve this height issue, the Commission directed the staff to re-notice and re-hear this item at the next Commission hearing date.

STAFF COMMENT:

In light of the Commission's action on the subject variance on July 24, 1986, staff has re-evaluated this variance relative to the height issue. Staff is concerned with the design and mass of a two-story addition being constructed on the property line and the loss of privacy for the adjacent property owners. The majority of the homes in the area are one story in height and garages are detached and one story in height. Staff therefore recommends the proposed garage addition be one-story in height.

Should the Commission, however, concur with the applicants proposed two-story addition, staff suggests the windows on the east elevation be deleted.

STAFF RECOMMENDATION

Staff recommends approval of the variance subject to conditions and based on findings of fact which follow:

CONDITIONS:

1. The proposed garage addition shall be limited to one-story in height.
2. Proposal shall be subject to review and approval of the Design Review Board prior to issuance of building permits.

FINDINGS OF FACT:

1. The variance request, as conditioned, is not a special privilege extended to one property owner in that:
 - a. adequate off-street parking is provided for the residential use.
2. The project, as conditioned, will not be injurious to the public welfare not to surrounding properties in that:
 - a. the garage replaces an existing garage presently located on the property line.

3. The project conforms to the Central City Goal to "provide adequate off-street parking to meet the needs of shoppers, visitors and residents."
4. The proposed project is consistent with the City's Interim Discretionary Land Use Policy in that the site is designated for residential use by the 1980 Central City Plan and the proposed garage conforms with the plan designation.

Respectfully submitted,


Wilfred Weitman
Senior Planner

AG:jg

CITY PLANNING COMMISSION

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

APPLICANT Daniel & Jean Adair - 2216 D Street, Sacramento, CA 95816
OWNER Daniel & Jean Adair - 2216 D Street, Sacramento, CA 95816
PLANS BY Daniel & Jean Adair - 2216 D Street, Sacramento, CA 95816
FILING DATE 6-19-86 ENVIR. DET. Ex. 15301e.1. REPORT BY EG:sg
ASSESSOR'S-PCL. NO. 003-084-17

APPLICATION: Variance to allow a 0 foot side yard setback for an attached garage.

LOCATION: 2221 D Street

PROPOSAL: The applicant is requesting the necessary entitlement to construct an attached garage which is located on the side yard property line.

PROJECT INFORMATION:

1974 General Plan Designation: Residential
1980 Central City Community
Plan Designation: Low Density Residential
Existing Zoning of Site: R-1B
Existing Land Use of Site: Residential

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Residential; R-1B	Front:	25'	50'
South: Residential; R-1B	Side(Int):	5'	0'
East: Residential; R-1B	Rear:	15'	60'
West: Residential; R-1B			

Parking Required: 1 space
Parking Provided: 1 space
Property Dimensions: 40' x 160'
Property Area: 0.15± acres
Square Footage of Building: 576 sq. ft.
Height of Building: 18' (2 story)
Topography: Flat
Street Improvements: Existing
Utilities: Existing
Exterior Building Materials: Concrete block/wood
Roof Material: Composition shingle

PROJECT EVALUATION: Staff has the following comments:

- A. The site is developed with a single family residence and is zoned R-1B. The 0.14± acre site is designated for residential use in the General Plan and low density residential use in the 1980 Central City Community Plan. Surrounding uses are predominantly single family.
- B. The applicant is proposing to replace an existing detached garage with a new attached garage. The existing garage is constructed on the east (side yard) property line (see site plan, exhibit A). The garage is approximately 60 years old and predates building setback regulations.

The proposed garage creates the following situations:

APPLC. NO. P86-252 MEETING DATE 9-11-86 July 24, 1986 ITEM NO. 20 18

1. By attaching the garage to the house, the garage must meet the minimum setbacks that are required for the main building (five feet).
 2. The proposed garage would also include a second-story addition to the main building. This addition would be approximately 18 feet high (garage - nine feet high; addition - nine feet high) and the east wall of the addition would be the same as the garage, that is, it would be located on the property line. The east side of the addition would also have windows that would have a view of the rear yards of the lots to the east of the subject site. Although the R-1B zone allows a maximum height of 35 feet, staff is concerned with the mass of a two-story being constructed on the property line and the loss of privacy to some degree that the adjacent property owners might feel.
- C. In order for the Commission to grant a variance, a finding must be made that a hardship exists which prevents the applicant from utilizing his property in the same manner as other property owners. In this case, no hardship exists. The applicant has various options available to him which would not necessitate the granting of a variance, for example:
1. The existing garage could be replaced with a newly constructed one, provided it is the same size and located in the exact same place.
 2. The second-story room addition could be constructed at the rear of the house and thereby comply with all building setback requirements.

Since no hardship exists and other options are available to the applicant which would not require a variance, staff recommends the application be denied.

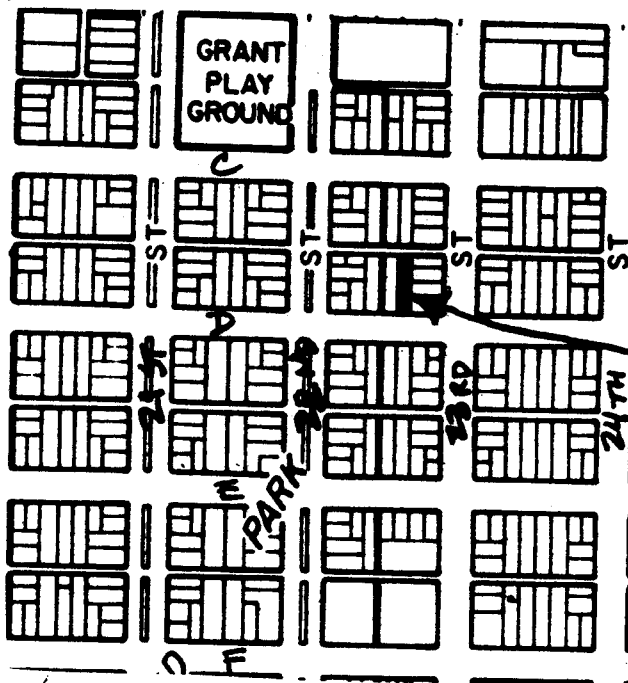
ENVIRONMENTAL DETERMINATION: The proposal is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301 e.1.).

RECOMMENDATION: Staff recommends the following action:

Deny variance based upon findings of fact which follow:

Findings of Fact

1. The applicant has not demonstrated an unusual hardship which would require the setback waiver. The hardship is self-imposed in that other areas are available on-site where a garage/room addition could be located which complies with minimum setback requirements.
2. Granting of the variance would constitute a special privilege being extended to one property owner in that, under similar circumstances, minimum setbacks are required for all new construction.
3. Granting of the variance would be detrimental to the surrounding properties and general welfare in that minimum setbacks would not be provided and there would be a loss of privacy for adjacent property owners.



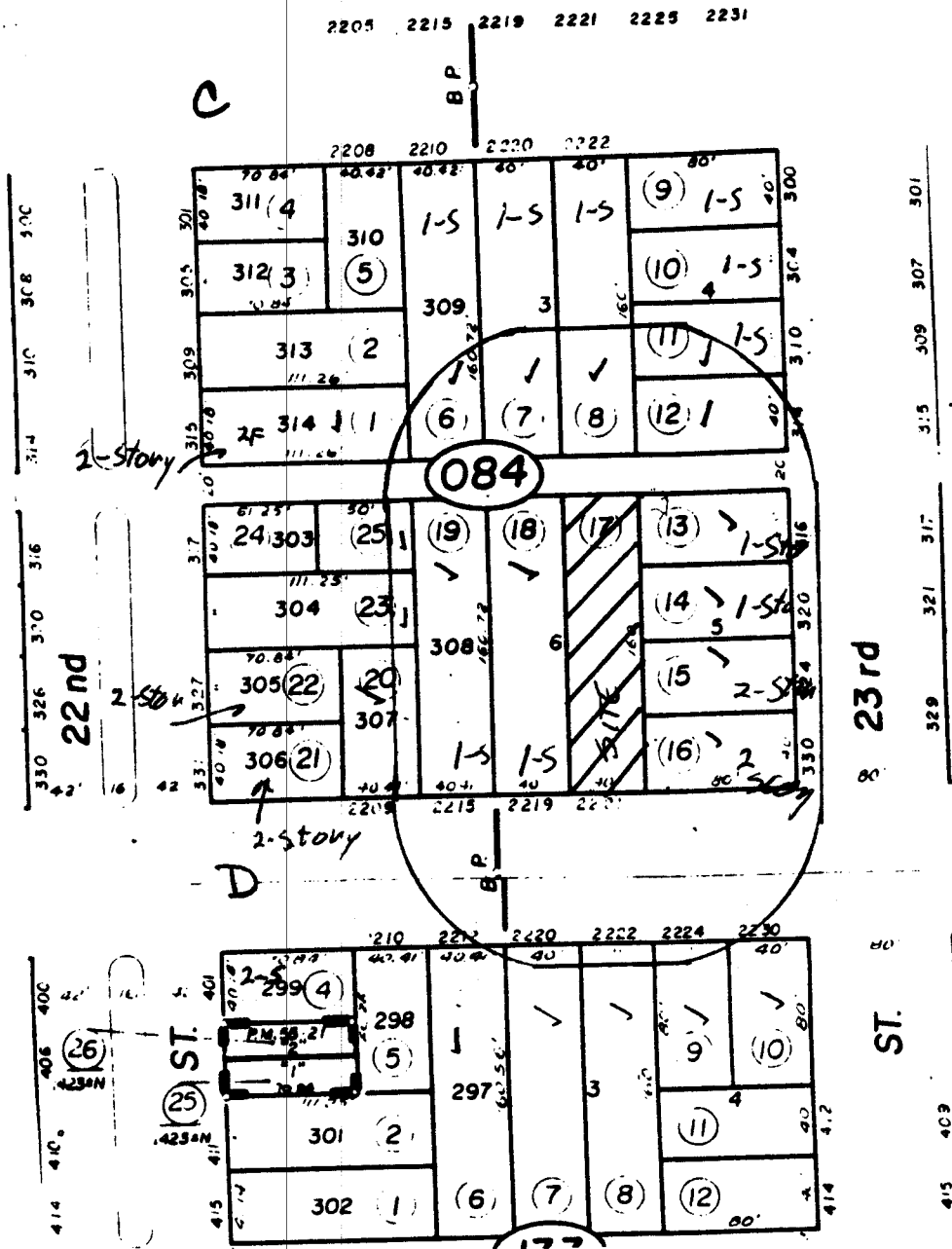
SUBJECT SITE

VICINITY MAP

P86-252

9-11-86
7-24-86

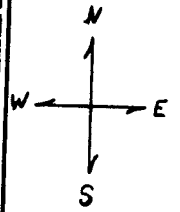
Item 78



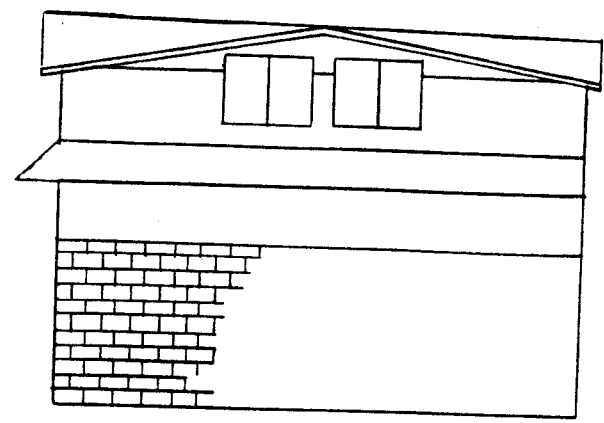
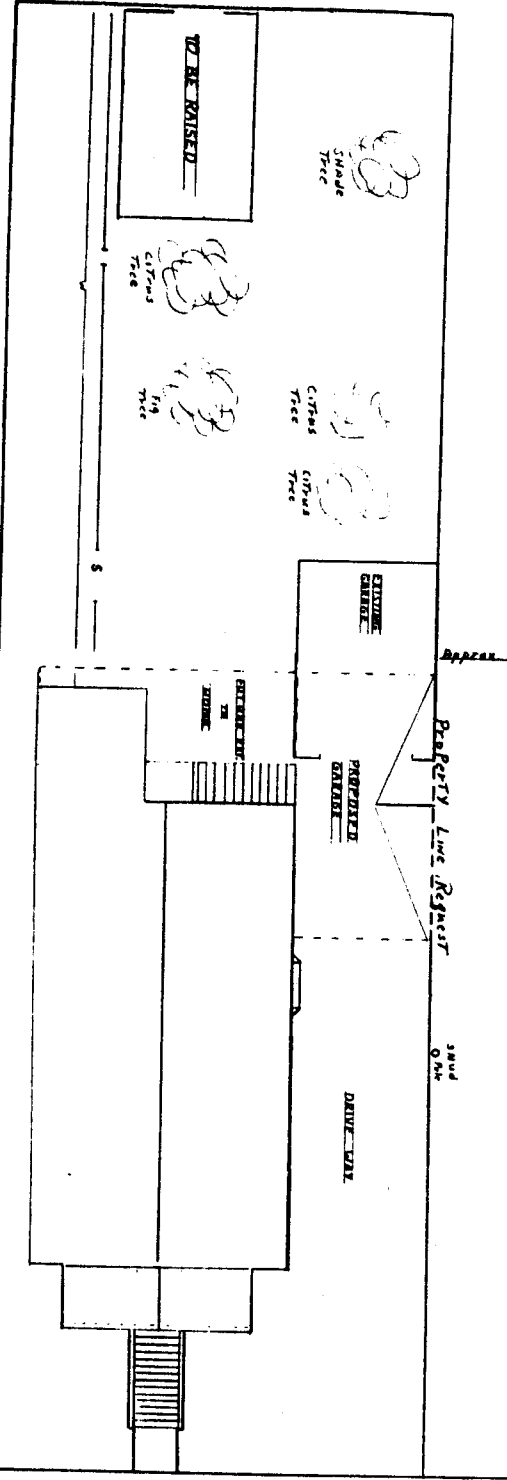
All lots are zoned R-1B.
 All uses are single family.

LAND USE & ZONING MAP

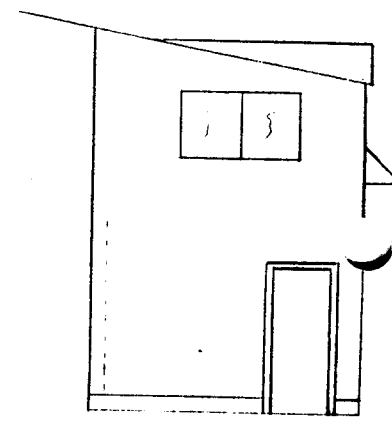
SITE PLAN - EXHIBIT "A"



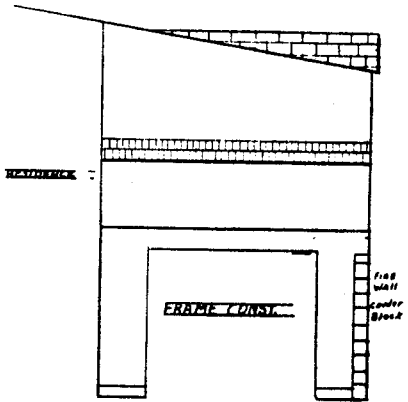
SCALE 1/8" = 1'-0"



EAST VIEW



NORTH VIEW



GARAGE SOUTH VIEW

LOT PLAN
3301 D STREET

LOT
40' X 160'

SIDEWALK

TOOK LINE AREA

- CURB -
D STREET

SCALE 1/8" = 1'-0"

Prop. Line

Date	6-15-86
Scale	1/8" = 1'-0"
Drawn	AD
Job	ADAR
Sheet	1
Of / Sheets	1 / 1

9-11-86

P86-757

REVISIONS

In the matter of the decision of)
the City Planning Commission on)
application for a variance to)
construct an attached garage)
on the east property line on a)
0.15+ acre lot in the Single)
Family (R-1B) zone located at)
2221 D Street (P86-252))

Notice of Decision
and
Findings of Fact

On July 24, 1986, the City Planning Commission indicated an intent to approve the above entitlement, subject to conditions and based upon findings of fact due August 14, 1986.

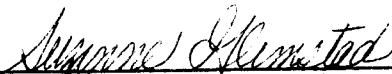
Based upon documentary and oral evidence submitted at the public hearing on July 24, 1986, the Planning Commission approved the variance request subject to conditions and based upon findings of fact which follow:

Conditions

1. The garage shall be one-story in height (10 feet to the plate line).
2. The garage design shall be subject to review by the Design Review/Preservation Board.

Findings of Fact

1. The variance request, as conditioned, is not a special privilege extended to one property owner in that:
 - a. adequate off-street parking is provided for the residential use.
2. The project, as conditioned, will not be injurious to the public welfare nor to surrounding properties in that:
 - a. the garage replaces an existing garage presently located on the property line.
3. The project conforms to the Central City Goal to "provide adequate off-street parking to meet the needs of shoppers, visitors and residents."
4. The proposed project is consistent with the City's Interim Discretionary Land Use Policy in that the site is designated for residential use by the 1980 Central City Plan and the proposed garage conforms with the plan designation.


Approved by the Planning Commission
on August 14, 1986, for the July
24, 1986, City Planning Commission


Chair