

PLANNING DIRECTOR'S SPECIAL PERMIT
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT	Ronald & Dorothy Kludt, 933 Sonoma Way, Sacramento, CA 95819				
OWNER	Ronald & Dorothy Kludt, 933 Sonoma Way, Sacramento, CA 95819				
PLANS BY	Michael Malinowski, Architect, 1114 21st Street, Sacramento, CA 95814				
FILING DATE	3-29-91	ENVIR. DET.	Negative Declaration	REPORT BY	JC
ASSESSOR'S PCL. NO.	008-0094-013				

- APPLICATION:**
- A. Negative Declaration
 - B. Planning Director's Special Permit to expand a non-conforming structure on 0.11± developed acres in the Standard Single Family (R-1) zone.

LOCATION: 933 Sonoma Way

PROPOSAL: The applicant is requesting the necessary entitlements to construct an addition to house with an existing three foot six inch side yard setback.

PROJECT INFORMATION:

General Plan Designation: Low Density Residential (4-8 du/ac)
Existing Zoning of Site: R-1
Existing Land Use of Site: Single Family

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Single Family; R-1	Front:	25'	23.9'
South: Single Family; R-1	Side(So):	5'	3'6"
East: Single Family; R-1	Side(No):	5'	9'9"
West: Single Family; R-1	Rear:	15'	15'

Parking Required: 1
Parking Provided: 1
Property Dimensions: 50' X 100'
Property Area: 0.11± acres
Square Footage of Building: 1924 sq. ft. existing house
1344 sq. ft. proposed addition
240 sq. ft. existing detached garage
Height of Building: 34 feet (2 story)
Topography: Flat
Street Improvements: Existing
Utilities: Existing
Exterior Building Materials: Stucco
Roof Materials: Metal Shingle

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Background Information:

On January 18, 1982, the Planning Director approved a variance to allow a bay window to encroach two feet into the front yard setback area (P82-004). The Zoning Ordinance was amended July 1989 to allow bay windows to encroach up to two feet into the front setback area.

Project Evaluation: Staff has the following comments:

The site is a 50' X 100' interior lot in the Standard Single Family (R-1) zone. It is developed with a 1,924 square foot two story home and a 240 square foot detached garage. The General Plan designates the site as Low Density Residential (4-8 du/ac). Surrounding land uses and zones are standard single family, R-1 to the north, south, east and west.

The applicant proposes to convert the second story attic space into living space and add an additional 1,016 square feet to the second floor. The second story remodel/addition will consist of the master bedroom and bath, a second bedroom, bath, den, sewing room and storage. The proposed second story addition will follow the line of the house which is located three feet six inches from the existing side (south) property line. The proposed plans indicate additional windows on the south elevation. These windows will overlook the driveway of the adjacent property. The proposal also includes the addition of 328 square feet to the first floor. The first floor addition will add a breakfast nook to the kitchen area. The plans indicate the home will be six feet from the existing detached garage as measured to the wall of the structure, however, there is a two foot eave overhang on the home which gives the appearance that the unit is four feet from the garage.

Upon a site visit, staff noted that an air conditioning unit has been installed in the front setback area without adequate screening. The Zoning Ordinance allow mechanical equipment to be placed in the front setback if adequately screened or landscaped. The plans indicate a 36 inch stucco screen wall to be located in the front setback area to screen the mechanical equipment.

The proposed building materials will be stucco to match the existing house. The roof material will be a metal shingle. The materials and design will conform to the existing house and will be compatible to the neighborhood.

Staff has no objections to the applicant's request. The proposed addition along the south property line will not project further into the existing three foot six inch setback established by the existing house. All other setbacks will be maintained and the lot coverage will not exceed 40 percent. However, with this addition the lot coverage will be at 40 percent and any future additions will require planning action to exceed the 40 percent lot coverage.

The adjacent property owner's have been notified of the applicant's proposal. Staff has received four letters of approval and four letters of opposition to this project (see land use map). The neighbor's primary concern is the ability of the Kludt's to complete the addition and the timeliness of the project, not the second story addition (Exhibit D-opposition letters; Exhibit

E-approval or no comment letters). In speaking with the Kludt's regarding the concerns of the neighbors, they have informed staff that a contractor, Robert Fuhs, has been hired for the construction which is estimated to take approximately three months.

Environmental Determination: The Environmental Services Manager has determined that the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070 of the California Environmental Quality Act Guidelines, the applicant has incorporated the following mandatory mitigation measures into the project plans to avoid identified effects or to mitigate such effects to a point where clearly no significant effects will occur.

- A. The applicant agrees to pay such lawful fees, taxes or assessments imposed through the use of development fees, impact fees, fee districts, community facilities districts, assessment districts, or other fair, equitable, and appropriate mechanisms designed to address project impacts on the existing combined stormwater sewer system, and shall execute an agreement satisfactory to the City Attorney and suitable for recordation which obligates the applicant to pay fair, equitable and appropriate development or related fees, impact fees or assessments or taxes as and when enacted, imposed, or levied.

Recommendation: Staff recommends the Planning Director take the following action:

- A. Ratify the Negative Declaration; and,
- B. Approve the Planning Director's Special Permit to encroach into the side yard setback subject to conditions and based upon findings of fact which follow.

Conditions

1. The addition shall not encroach closer than three feet six inches to the south property line.
2. The dwelling unit shall not be closer than six feet to the detached garage, as measured from the closest point of the structure wall.
3. The building materials shall match the existing house.
4. The applicant agrees to pay such lawful fees, taxes or assessments imposed through the use of development fees, impact fees, fee districts, community facilities districts, assessment districts, or other fair, equitable, and appropriate mechanisms designed to address project impacts on the existing combined stormwater sewer system, and shall execute an agreement satisfactory to the City Attorney and suitable for recordation which obligates the applicant to pay fair, equitable and appropriate development or related fees, impact fees or assessments or taxes as and when enacted, imposed, or levied.

- 5. The remodel/addition for which this special permit is approved shall have a building permit and be under construction within two years of the Planning Director's approval. If the remodel/addition has not begun construction within the two year period, the special permit shall be deemed to have expired. A special permit time extension for one year may be requested, in writing, 30 days prior to expiration.

*6-9 See conditions added by CPC below.

Findings of Fact

- 1. The project, as conditioned, is based upon sound principles of land use in that the proposed project will not alter the residential character of the neighborhood.
- 2. The project, as conditioned, is not detrimental to the public health, safety, or welfare nor to the neighboring properties in the vicinity, in that the present side yard setback along the south property line is three feet six inches.
- 3. The project, as conditioned, is consistent with the City's General Plan which designates the site as residential.

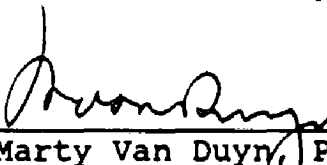
Report Prepared By:



 Jeanne Corcoran, Planner

6-11-91
 Date

Recommendation Approved By:



 Marty Van Duyn, Planning Director

6/18/91
 Date

- *6. The air conditioner unit shall be screened as per the site plan.
- *7. Building permits which have not been finalized shall be finalized prior to issuance of a new building permit.
- *8. During construction all debris shall be containerized and removed from the site weekly.
- *9. The applicant shall submit a contract, between the owner and contractor, for review of the Planning Director. The contract shall include a construction schedule, which will include a starting date and ending date with work to be completed within eight months. A copy of the construction schedule shall be posted at the site and made available to any interested individuals.

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PLANNING DIRECTOR'S SPECIAL PERMIT/VARIANCE:

CERTIFICATION OF NOTICE

The applicant requesting a Planning Director's Special Permit and/or variance shall mail copies of this letter to abutting property owners, to be signed by those property owners, and shall return the copies with the Post Office Proof of Mailing attached (no return receipt required) at the time the application is submitted.

Date: 12-5-90

PROPERTY OWNER:

Name: STEPHANIE & DAVID DOVICH

Address: 936 SONOMA WAY

Assessor's Parcel Number: 008-0093-007-000

Dear: _____

I am in the process of requesting a Planning Director's Variance (Special Permit) (circle one) for the property located at: 936 Sonoma Way. I am requesting the Variance (Special Permit) (circle one) in order to reduce the radius of the side yard from 5 to 3 feet for an addition to the second story of the existing residence

As part of this request, the City Planning Division requires that I notify you of my intentions. Receipt of this letter does not mean that you approve of this project. If you have any comments regarding this request, please contact me at _____.

Good luck!
We look forward to watching the renovation, (Maybe we'll pick up a few tips!)
If there is anything we can assist on, just ask.
Steph

COMMENTS FROM

Stephanie & David Dovich
Property Owner's Signature

Application Number _____

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FORM C

PLANNING DIRECTOR'S SPECIAL PERMIT/VARIANCE

CERTIFICATION OF NOTICE

PROPERTY LOCATION: 933 SONOMA WAY

house. They have left junk from their garage in their driveway for months on end. The neighbors finally put it back into their garage so we wouldn't have to look at it any more. They have neglected to water their front lawn at all for months on end to the point their gardener has nothing to mow because the lawn is dead. They have left dirt excavated from under their house in a pile larger than most cars in their driveway for six months or more before removing it. We do not wish to look out our front picture windows for the next ten years at any more of the Kludt's unfinished and unsightly projects. These are our reasons for apposing the issuance of a special permit for the property located at 933 Sonoma Way.

We am not apposed to two story homes in this neighborhood. As a matter of fact our home is three stories, the third story was added five years ago. The neighbors to our left are talking about adding a second story to their home and we will have no hesitation to approve their addition because they have shown in a short time (since May 1990) that the changes they have made to that house are improvements to the property that will increase the value to their home as well as the surrounding homes.

Please feel free to contact either my husband, Brent G. Jones or myself at any time if you wish to further discuss this matter. You may reach either of us at work at (916) 442-9071 or at home (916) 452-0740.

 12/31/90

Kathleen A. Franklin

 12/31/90.

Brent G. Jones

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FORM C
 PLANNING DIRECTOR'S SPECIAL PERMIT/VARIANCE
 CERTIFICATION OF NOTICE
 PROPERTY LOCATION: 933 SONOMA WAY

November 16, 1990

We oppose the issuance of a special permit for the property located at 933 Sonoma Way, Sacramento, CA 95819. I have lived directly across the street from the Kludt's for the past ten (10) years. My husband has lived with me at 932 Sonoma Way for the past five (5) years. In that time we have witnessed three alterations to their home. The first required a variance, which I signed approval for, to install a pre-made bay window to the front of the house. It took the Kludt's three years from the time they started the project until they finally finished it by painting the wood trim around the window. They have also added a heat pump to the middle of their front yard without any screening or plants to cover up the unsightliness of the unit. Over six (6) years ago they began an addition to the back of the house which included remodeling the kitchen. To date, this addition has not been completed. We understand there is still bare sheetrock and subflooring inside and we know for a fact that the outside stucco still has never been painted. The appearance of this house has gone nowhere but down hill for the past ten years. They have let window frames rot from neglect. They even had a window fall out of the attic space onto the neighbors driveway. The neighbor moved the window frame to the side and informed the Kludt's that the window had fallen out. The hole left by the window was left open for months and the fallen window frame, which was intact including the glass, has been left leaning next to the house where the neighbor moved it for at least six months and it is still there!

We raise these issues because we feel the condition of this house decreases the value of all the homes in the neighborhood. We base our assumption on conversations with realtors involved in selling the homes on both sides of our home, in which they said the appearance of the Kludt's house made it more difficult to sell these two homes.

We also have heard that Mr. Kludt's has been transferred to San Luis Obispo for the next three years and they are planning to move the whole family down to southern California for this period. We are therefore concerned how they could effectively monitor major construction on their home from that distance. And in addition, Mrs. Kludt's stated that they couldn't sell the house in it's present condition for the assessed value. If their intention is to sell the house, we question why they should begin a major remodeling that is questionable if they will ever finish.

The Kludt's have demonstrated to us over the past ten (10) years that any project they start will take many more months and years than the average person would take to complete the same project. They have also demonstrated that they do not care about the appearance of their

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JAN 04

EXHIBIT D-4

PLANNING DIRECTOR'S SPECIAL PERMIT/VARIANCE: **RECEIVED**

CERTIFICATION OF NOTICE

The applicant requesting a Planning Director's Special Permit and/or variance shall mail copies of this letter to abutting property owners, to be signed by those property owners, and shall return the copies with the Post Office Proof of Mailing attached (no return receipt required) at the time the application is submitted.

Date: 28 Dec 90

PROPERTY OWNER:

Name: Kathy Franklen & Brent Jones

Address: 932 Sonoma Way, Sacramento, CA 95819

Assessor's Parcel Number: _____

Dear: Kathy & Brent

I am in the process of requesting a Planning Director's Variance/Special Permit (circle one) for the property located at: 932 Sonoma Way. I am requesting the Variance/Special Permit (circle one) in order to reduce the side yard from 5 to 3 feet for an addition to the second story of the existing residence

As part of this request, the City Planning Division requires that I notify you of my intentions. Receipt of this letter does not mean that you approve of this project. If you wish to make any comments regarding this request, use the space provided below and return a copy of this letter to:

City Planning Division
1231 'I' Street, Room 200
Sacramento, CA 95814

Sincerely,

Deborah E. Kleedt
Applicant

COMMENTS FROM PROPERTY OWNER:

We oppose the issuance of a special permit for the property located at 933 Sonoma Way. Our comments were mailed in on November 16, 1990. Attached is another copy of the original. Please give either of us a call if you have any further questions.

Kathy
Property Owner's Signature KATHLEEN A. FRANKLIN

Brent Jones
BRENT G. JONES

Application Number _____

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ITEM No. 6

City Planning Division
1231 T Street, Room 200
Sacramento, CA 95814

November 23, 1990

Ref: Planning Director's Special Permit/Variance as submitted by
Mr and Mrs Ron Kludt, 933 Sonoma Way, Sacramento

We do hereby object to the request for a Special Permit by the Kludt's of 933 Sonoma Way. Our property abuts the North side of 933 Sonoma Way.

The City Planning Commission, through years of experience, has concluded that the side yard radius between homes should be 5 feet. We adamantly concur. It is more conducive to privacy, habitability and air and light space. We therefore oppose this Special Permit.

Further, we have serious and warranted objections. In the three years that we have lived next door to the Kludt's it is apparent that they are unable or unwilling to do simple maintenance. Their property's general appearance is run down, with window panes broken, whole windows fallen out, paint cracked and peeling and the garden untended. These people appear to have no pride of ownership. This kind of neglect can impact the property values of the neighborhood.

In 1985 they added a room onto the rear of their residence. Now after five years, this addition is still raw unpainted stucco. The wood facings are also raw and unpainted. We can only conclude that another major building project will be treated with the same careless attitude by the Kludt's. Their demonstrated disregard for the normal maintenance of their property is of grave concern for the neighborhood. In consideration of this, a second story would not only invade our light and air space, it would be offensive to the sight.

Signed Creighton F. Norris
Creighton F. Norris
Patricia Norris
Patricia Norris

929 Sonoma Way
Sacramento, CA 95819

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ITEM NO. 6

PLANNING DIRECTOR'S SPECIAL PERMIT/VARIANCE:

RTIFICATION OF NOTICE

The applicant requesting a Planning Director's Special Permit and/or variance shall mail copies of this letter to abutting property owners, to be signed by those property owners, and shall return the copies with the Post Office Proof of Mailing attached (no return receipt required) at the time the application is submitted.

Date: 11-23-90

PROPERTY OWNER:

Name: CREIGHTON AND PATRICIA NORRIS

Address: 929 SONOMA WAY SACRAMENTO 95819

Assessor's Parcel Number: LOT # 2107, WRIGHT AND KIMBROUGH TRACT NO. 24 ANNEX
FILED IN BOOK 17 OF MAPS, MAP # 40

I am in the process of requesting a Planning Director's Variance/Special Permit (circle one) for the property located at: 933 Sonoma Way. I am requesting the Variance/Special Permit (circle one) in order to reduce the radius of the side yard from 5 feet to 3 feet for an addition to the second story of the existing residence.

As part of this request, the City Planning Division requires that I notify you of my intentions. Receipt of this letter does not mean that you approve of this project. If you wish to make any comments regarding this request, use the space provided below and return a copy of this letter to:

City Planning Division
1231 'I' Street, Room 200
Sacramento, CA 95814

Sincerely,
Woody E. Kludt
Applicant

COMMENTS FROM PROPERTY OWNER:

PLEASE REFER TO SEPARATE COMMENTS PAGE ATTACHED
HERE TO.

Creighton F. Norris, Patricia Norris
Property Owner's Signature

Application Number _____

CITY PLANNING DIVISION

NOV 27 1990

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EXHIBIT D-2

NOVEMBER 20, 1990

CITY PLANNING DIVISION
1231 I STREET, ROOM 200
SACRAMENTO, CALIFORNIA 95814

CITY PLANNING DIVISION

NOV 21 1990

RECEIVED

ATTENTION JOY PATTERSON

WE ARE CONCERNED THE PROPOSED PROJECT, TO ADD A SECOND STORY TO THE EXISTING RESIDENCE AT 933 SONOMA WAY, WILL NOT BE COMPLETED WITH REGARD TO QUALITY OR IN A TIMELY MANNER.

OUR CONCERNS ARE BASED ON: THE INCOMPLETED CONDITION OF VARIOUS REMODELING PROJECTS UNCHANGED SINCE WE MOVED TO SONOMA WAY IN SEPTEMBER 1986; THE CONTINUING DETERIORATION OF THE HOUSE AND YARD SINCE THAT TIME WITH VARIOUS ITEMS CONTINUOUSLY LEFT IN THE FRONT YARD OR ON THE DRIVEWAY FOR WEEKS AND MONTHS AT A TIME; AND THE ADMISSION OF THE OWNERS THAT IT WOULD BE DIFFICULT, IF NOT IMPOSSIBLE, TO REALIZE THE VALUE OF THE HOUSE IN ITS PRESENT CONDITION IF THEY SHOULD ATTEMPT TO SELL IN ANTICIPATION OF A POSSIBLE MOVE OUT OF TOWN.

WE WOULD WELCOME REASONABLE IMPROVEMENT TO THIS HOUSE AND PROPERTY TO REMOVE THE NEGATIVE EFFECT ON SURROUNDING HOMES. TO DATE THE OWNERS HAVE NOT DEMONSTRATED THIS WILL OCCUR.

Patricia L McIntosh
PATRICIA L. MCINTOSH

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ITEM NO. 6

PLANNING DIRECTOR'S SPECIAL PERMIT/VARIANCE:

NOTIFICATION OF NOTICE

The applicant requesting a Planning Director's Special Permit and/or variance shall mail copies of this letter to abutting property owners, to be signed by those property owners, and shall return the copies with the Post Office Proof of Mailing attached (no return receipt required) at the time the application is submitted.

Date: NOV 20, 1990

PROPERTY OWNER:

Name: STUART S. / PATRICIA L. MCINTOSH

Address: 928 SONOMA WAY

Assessor's Parcel Number: 008-0093-005-0000

Dear: _____

I am in the process of requesting a Planning Director's Variance/Special Permit (circle one) for the property located at: 933 Sonoma Way. I am requesting the Variance/Special Permit (circle one) in order to reduce the radius of the side yard from 5 to 3 feet for an addition to the second story of the existing residence.

As part of this request, the City Planning Division requires that I notify you of my intentions. Receipt of this letter does not mean that you approve of this project. If you wish to make any comments regarding this request, use the space provided below and return a copy of this letter to:

City Planning Division
1231 'I' Street, Room 200
Sacramento, CA 95814

Sincerely,
Worothy E. Kludt
Applicant

COMMENTS FROM PROPERTY OWNER:

THIS IS OUR SECOND FORM C IN RESPONSE TO THIS APPLICATION. THE FIRST FORM WAS RETURNED TO THE KLUDTS WITHOUT COMMENT. ATTACHED ARE OUR COMMENTS.

Patricia L. McIntosh
Property Owner's Signature

Application Number _____

Since 4-28-88 and have
seen a Total deterioration
of property, (2) Substantial
evidence is windows on
South side of house (Facing
our house) have fallen out
(From upstairs) and have
not been replaced. In fact,
one is still in our rose
bushes, (3) the rear of
house room addition has
never been completed,
(4) recommend see for yourself
or I can send photos of above
mentioned items plus more!!

Valonne Chase

PLANNING DIRECTOR'S SPECIAL PERMIT/VARIANCE:

CERTIFICATION OF NOTICE

The applicant requesting a Planning Director's Special Permit and/or variance shall mail copies of this letter to abutting property owners, to be signed by those property owners, and shall return the copies with the Post Office Proof of Mailing attached (no return receipt required) at the time the application is submitted.

Date: 11-17-90

PROPERTY OWNER:

Name: DANIEL J. / LA Vonne J CHASE

Address: 937 SONOMA Way - SACRAMENTO, CA 95814

Assessor's Parcel Number: 008-0094-012-0000

Dear: _____

I am in the process of requesting a Planning Director's Variance (Special Permit) (circle one) for the property located at: 937 Sonoma Way. I am requesting the Variance (Special Permit) (circle one) in order to reduce the radius of the side yard from 5 to 3 feet for an addition to the second story of the existing residence.

As part of this request, the City Planning Division requires that I notify you of my intentions. Receipt of this letter does not mean that you approve of this project. If you wish to make any comments regarding this request, use the space provided below and return a copy of this letter to:

City Planning Division-
1231 'I' Street, Room 200
Sacramento, CA 95814

CITY PLANNING DIVISION

NOV 20 1990

Sincerely,

Jocelyn E. Kleider
Applicant

RECEIVED

COMMENTS FROM PROPERTY OWNER:

Opposed!! And we will NOT give our Consent For Following reasons: (1) We Have lived here

[Signature]
Property Owner's Signature

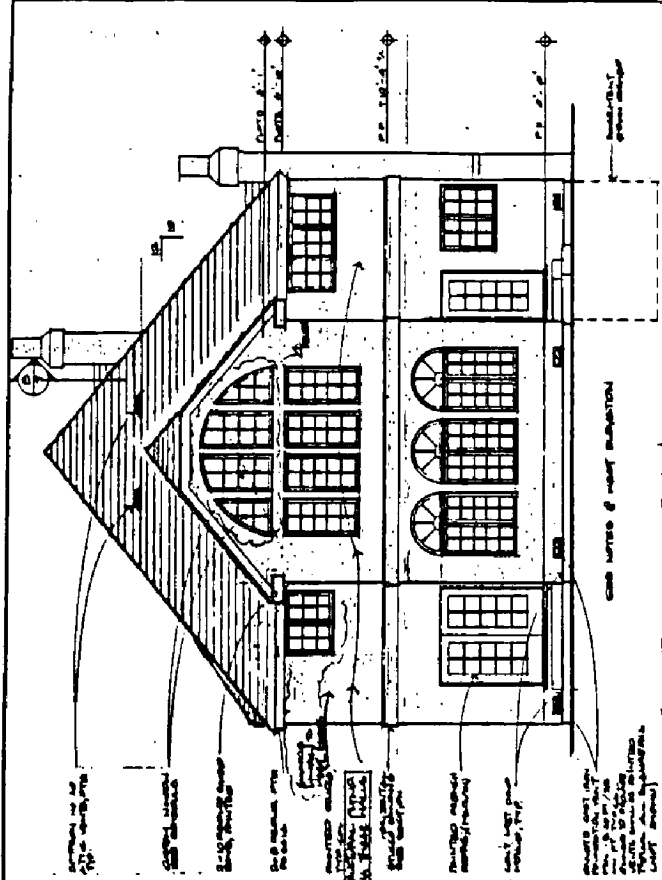
* See Attached Page. ITEM NO. 6

Application Number _____

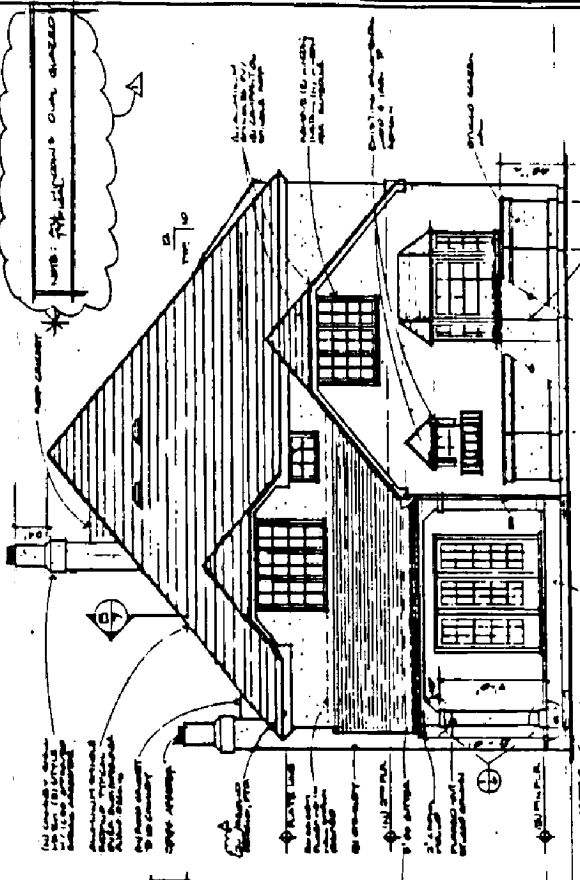
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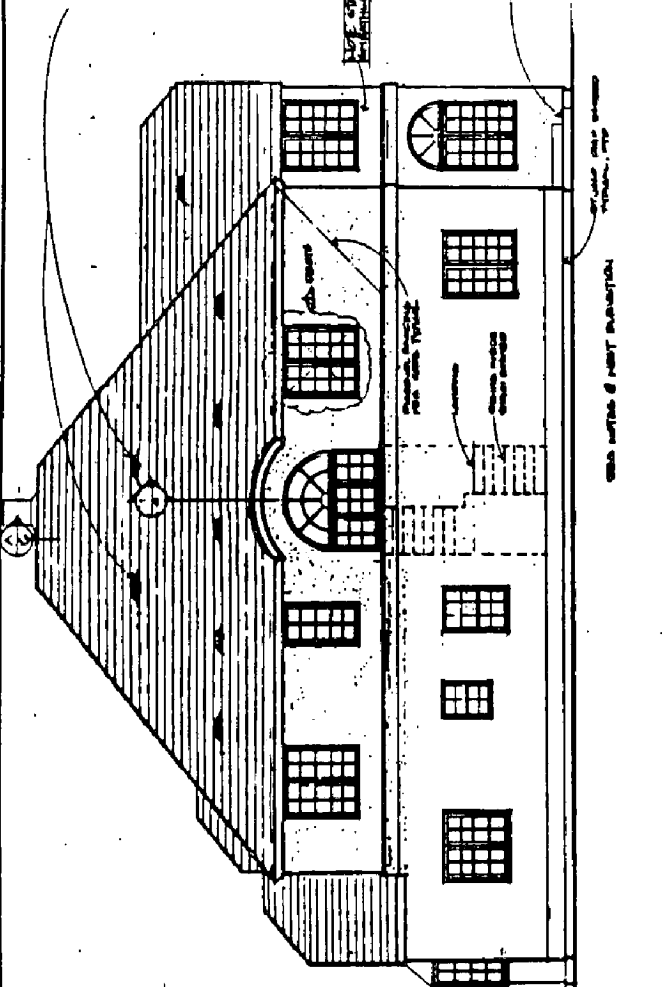
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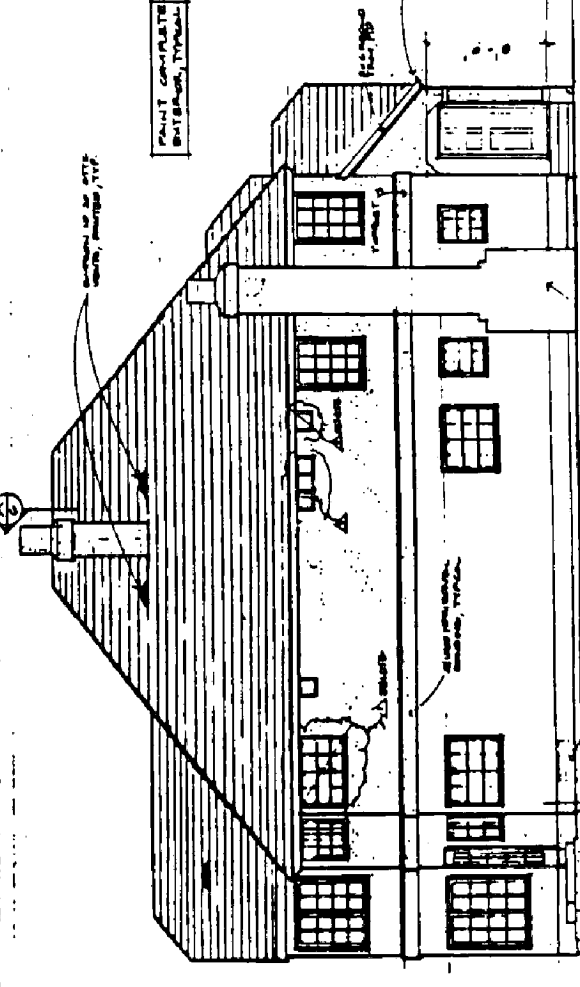
EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION

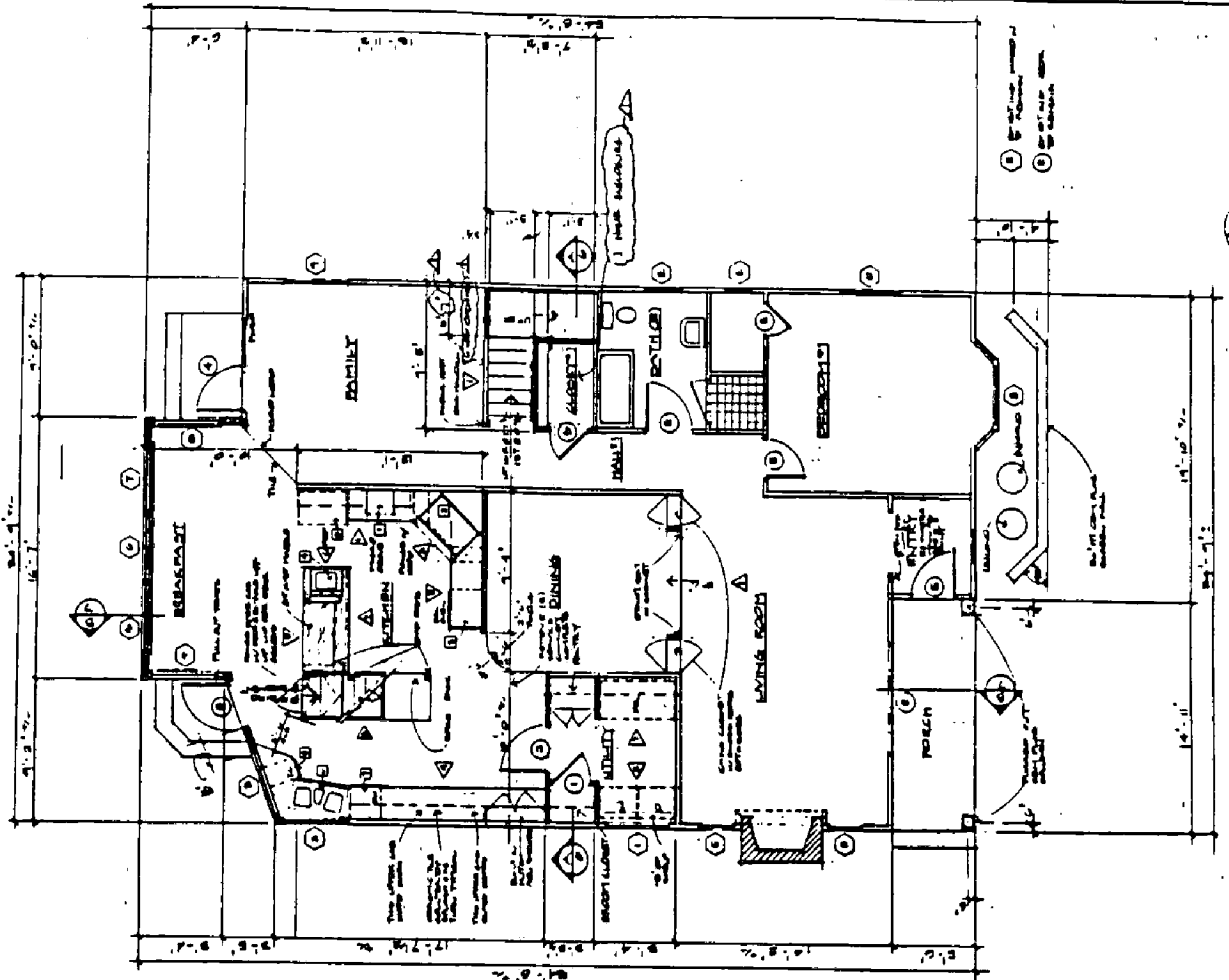


NORTH ELEVATION

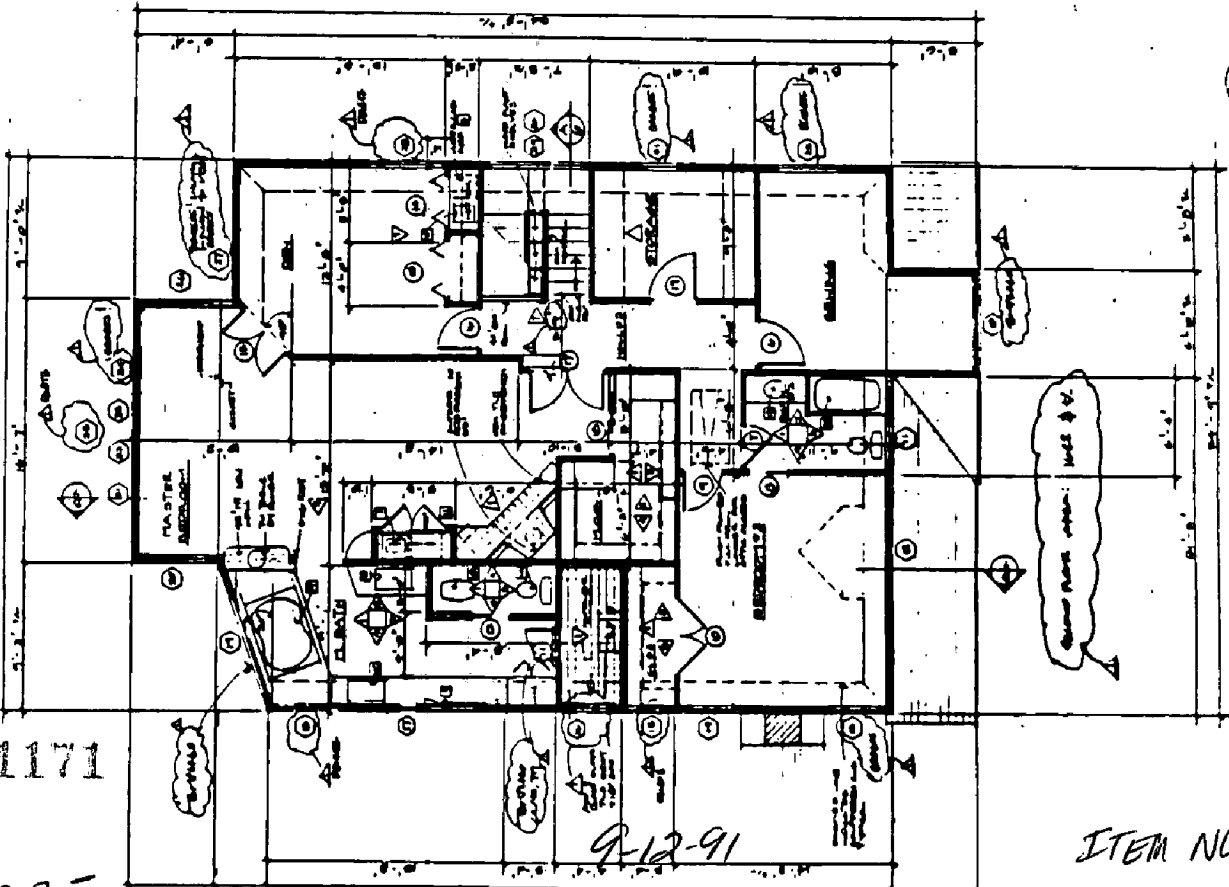
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ITEM NO. 6



FIRST FLOOR PLAN



SECOND FLOOR PLAN

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ITEM NO. 6

NEW SITE & FLOOR PLAN



SEE SHEET 100-100-100-100 FOR FLOOR PLAN AND ELEVATIONS.

SONOMA WAY

SEE SHEET 100-100-100-100 FOR FLOOR PLAN AND ELEVATIONS.

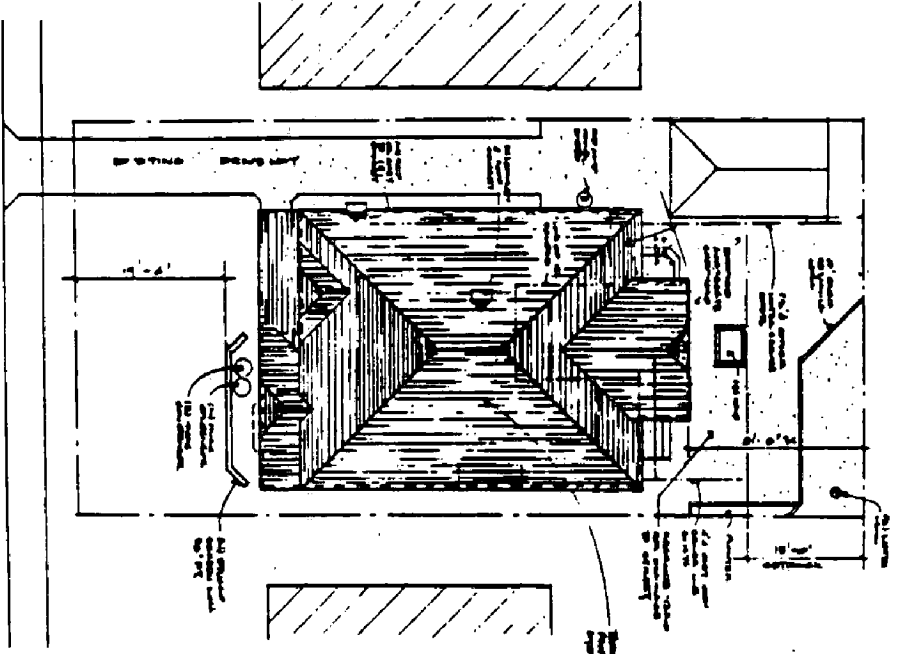


EXHIBIT A

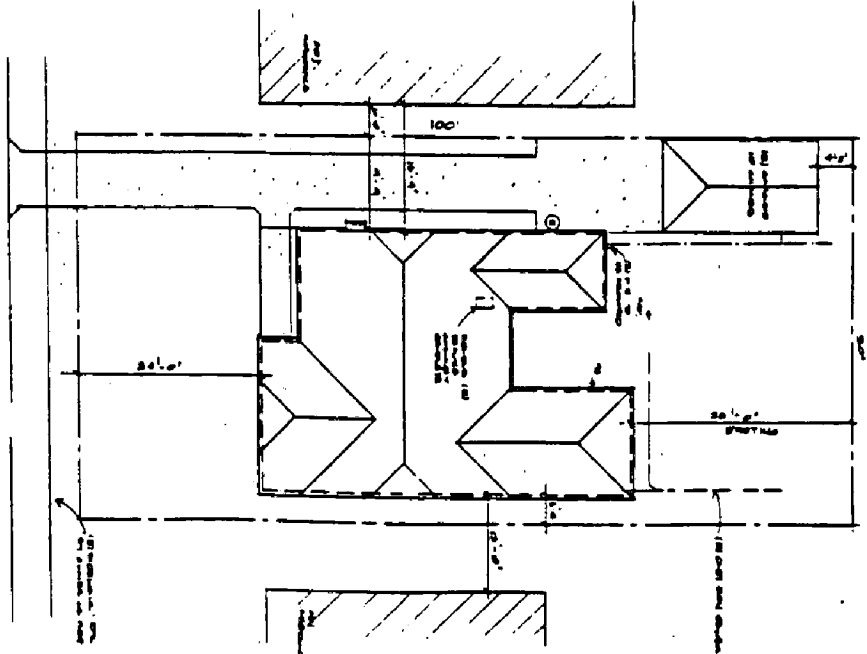
EXISTING SITE & FLOOR PLAN

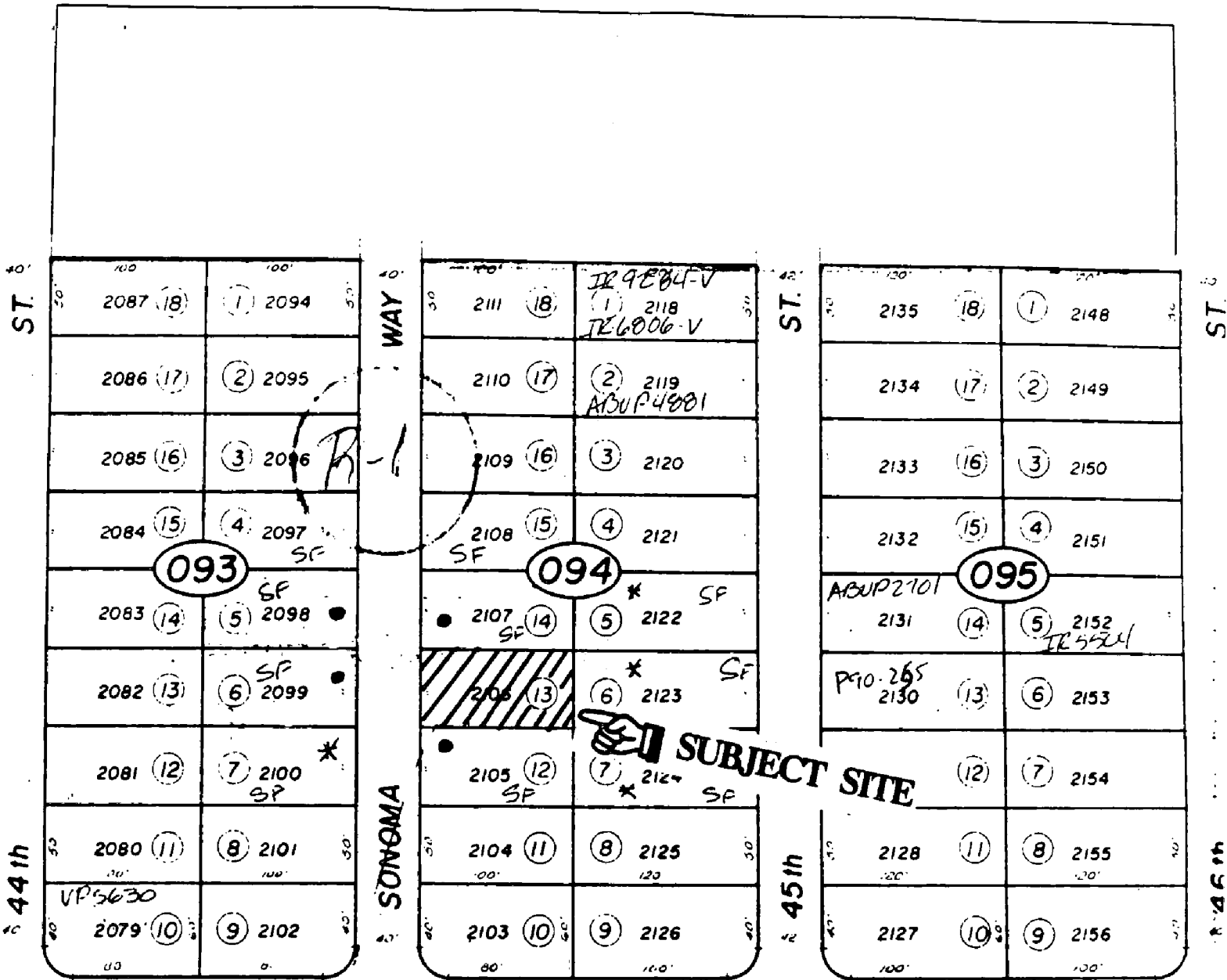


SEE SHEET 100-100-100-100 FOR FLOOR PLAN AND ELEVATIONS.

SONOMA WAY

SEE SHEET 100-100-100-100 FOR FLOOR PLAN AND ELEVATIONS.





Property Owners Approved
Property Owners Approve *

J

8 ST.

WBK

VICINITY, LAND USE & ZONING MAP