

P95-075 DETACHED ART STUDIO

- REQUEST:
- A. Variance to encroach 2 feet into the required 6-foot separation between the main building and a 544 square-foot detached accessory structure (art studio) on a 6,400 square-foot lot in the Standard Single-Family (R-1) zone;
 - B. Variance to exceed 10 feet for a 14-foot wall on a detached accessory structure; and
 - C. Variance to exceed the 25% maximum rearyard setback area limitation to cover 72% of the rearyard setback area for a detached accessory structure.

LOCATION: 1554 35th Street
Assessor's Parcel Number: 007-0295-031
Council District 3

APPLICANT:	Nicholas C. Steinmetz, 916-736-0847 1554 35th Street, Sacramento, CA 95816
OWNER:	Nicholas C. Steinmetz, 916-736-0847 1554 35th Street, Sacramento, CA 95816
APPLICATION FILED:	July 28, 1995
STAFF CONTACT:	Mike Dale, Planner, 264-8309

SUMMARY/RECOMMENDATION: The property owner is seeking the necessary entitlements to construct a 544 square-foot detached art studio at the above location. The site is developed with a single-story, 824± square-foot single-family dwelling. The purpose of the art studio is to provide work space for a painter (property owner) and storage space for materials and large (7' x 10') paintings.

The project's primary issues relate to the location of the existing and proposed structures on the site. The parcel has a large frontyard and small rearyard abutting a public alley. The structure would occupy most of the rearyard area. Adequate space exists in the frontyard to compensate for the loss of backyard space. Staff therefore supports the requested entitlements subject to conditions.

PROJECT INFORMATION:

General Plan Designation:	Low-Density Residential (4-15 du/na)
Existing Land Use of Site:	Single-Story House, Detached Shed
Existing Zoning of Site:	Standard Single-Family (R-1)

Surrounding Land Use and Zoning: (see Attachment B)

North:	Single-Family Dwelling Unit: R-1
South:	Duplex: R-1
East:	35th Street, Single-Family Dwelling Unit: R-1
West:	Public Alley, Single-Family Dwelling Unit: R-1

Property Area:	40' x 160' = 6,400 \pm square-foot lot
Proposed Lot Coverage:	Overall = (824 + 544) / 6,400 = 21%
	Rearyard = (32' x 13.5') / (40' x 15') = 72%
Size of Existing Dwelling Unit:	824 \pm square feet
Size of Proposed Art Studio:	544 \pm square feet
Height of Existing Dwelling Unit:	14 feet
Height of Proposed Art Studio:	14-foot wall height
Setbacks of Proposed Art Studio:	Rear = 18 inches
	Sides = 5 feet (on the south), 3 feet (on the north)
	From Main Structure = 4 feet
Proposed Art Studio Materials:	Exterior = Fir Siding
	Roof = Rolled Paper and Cement
Proposed Exterior Colors:	White

OTHER APPROVALS REQUIRED: In addition to the requested entitlements, the applicant shall obtain building permits from the Department of Planning and Development.

BACKGROUND INFORMATION: Building permit records indicate that the main residential structure existed prior to 1926. A room was added to the building in 1940.

STAFF EVALUATION:A. **Policy Considerations**

General Plan. The General Plan encourages the improvement and enhancement of existing residential developments which are compatible with surrounding land uses and which meet the needs and improve the quality of life of its residents.

Zoning. The proposed art studio qualifies as a detached "accessory building" according to Section 5 of the zoning ordinance. Accessory structures are allowable in the R-1 zone. The zoning ordinance indicates that accessory buildings should be designed to be incidental and subordinate to the main building. Detached accessory structures should not be located in the frontyard area. When located more than 60 feet from the front property line, no minimum rear or sideyard setbacks are required for the structure. However, the structure may not cover more than 25% of the required rearyard area. The structure may not be used for living quarters.

- B. **Variance - to encroach 2 feet into the required 6-foot separation between the main building and a detached accessory structure:** The zoning ordinance indicates that a minimum of six feet of space should exist between a main structure and a detached accessory structure. This requirement is intended to provide adequate space (light and air) between buildings. The proposal does not conform to this requirement in that only four feet are proposed between the structures.

The applicant's original proposal was to locate the structure within three feet of the main building. Due to comments from the City's building-permit section, the proposed structure is now setback four feet from the house. Construction of the building will be subject to the City's building code requirements pertaining to fire safety. Subject to these requirements, staff believes that adequate "light and air" will exist between the two structures.

Staff is supportive of the owner's request to locate a detached accessory structure in the rearyard area due to the size and location of the lot, and the location of the existing house on the lot. The 6,400 square foot single-family lot is larger than the City's standard 5,200 square foot lot size, and the rear of the lot is adjacent to a 20-foot wide public alley. The house is situated about 24 feet from the rear property line but has a large frontyard which is about 103 feet in depth. The proposed structure would occupy a large portion of the rearyard area. However, adequate space exists in the frontyard to compensate for the loss of rearyard area. Furthermore, the alley would provide adequate separation from the proposed structure and the residential uses to the west. In order to ensure that adequate space is retained in the frontyard area, staff recommends that *a minimum 40-foot by 15-foot area of un-obstructed open space be preserved in the frontyard area.*

The applicant has indicated future plans to fully connect the studio to the house. This would require Planning Commission approval of a separate variance to allow the expansion of the living area into the rearyard area.

- C. **Variance - to exceed 10 feet for a 14-foot tall wall on a detached accessory structure:** The zoning ordinance indicates that the highest point on the roof of a detached accessory structure should not exceed 18 feet, and the walls of the building should not exceed 10 feet in height. The proposal does not conform to the second requirement in that the walls of the flat-roofed structure would be about 14 feet tall. The height restriction is intended to ensure that detached accessory structures are subordinate and incidental to the main residence.

The owner indicates that the 14-foot wall height is needed in order to have the ability to turn large (7' x 10') paintings from top to bottom within the detached structure.

Staff is supportive of the requested variance because the proposed structure would be shorter than the 18-foot height limit allowed for detached accessory structures, and the view of the proposed studio would be mostly obstructed by the existing 14-foot tall residence. However, the structure will be visible from the neighboring properties and the public alley which borders other single-family residences. Staff therefore recommends that *the design of the building be subject to review and modification by the Design Review staff, prior to the issuance of building permits*, in order to improve the building's aesthetics.

- D. **Variance - to exceed the maximum 25% rearyard setback area to cover 72% of the required rearyard setback area for a detached accessory structure:** The zoning ordinance indicates that the maximum allowable lot coverage permitted in the R-1 zone is 40 percent. However, no more than 25% of the rearyard area may be covered by structures. The "rearyard area" is defined as the 15-foot setback area from the rear property line. The proposal does not conform to the second requirement in that the structure would occupy about 432 square feet (72%) of the 600 square-foot (40' x 15') rearyard area. The restriction is intended to ensure that adequate yard area and space is provided between buildings in residential areas.

Staff is supportive of a variance to occupy the rearyard area because the site exceeds the City's standard 5,200 square foot lot size, and the rearyard area abuts a 20-foot wide public alley. Adequate space exists on the lot to compensate for the loss of rearyard area, and the public alley provides adequate space between the residential structures located to the west. However, staff believes that the proposed 18-inch setback from the rear property line would not provide adequate space to maintain either the property or the existing fence on the rear property line. Staff therefore recommends that *the proposed structure be setback a minimum of 30 inches* which is equivalent to half of the dimension of a standard City sidewalk. Staff considered a 36-inch setback but concluded that a 30-inch setback would be sufficient because five-foot wide City sidewalks are designed to allow for two way pedestrian traffic. A 30-inch setback will allow

adequate space for a person to walk behind the house and maintain the area. This setback will also help reduce the visual affect of the proposed 14-foot walls. Subject to this condition, the rearyard lot coverage would be about 67 percent.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The project involves the construction of a limited number of new, small facilities or structures in an urbanized area. The proposal therefore qualifies for a categorical exemption pursuant to Section 15303(b) of the California Environmental Quality Act (CEQA) Guidelines.

B. Public / Neighborhood / Business Association Comments

An early notice of the applicant's proposal was routed to the East Sacramento Improvements Association (ESIA) as well as to adjacent property owners. Staff subsequently followed-up with a phone call to ESIA. At the time of this writing (1/16/96), staff has received no opposition to this project.

C. Summary of Agency Comments

Staff received comments from the following agencies:

City Arborist. All the trees on the property can be saved or removed at the owner's discretion.

Building-Permit Section. Fire wall requirements shall be satisfied per Chapter 5 of the U.B.C. where accessory structures encroach closer than six feet to main residential structure. Engineering will be required for 14-foot wall and any structures providing lateral support for the wall.

Police. The Police Department recommends that the area between the house and the proposed structure be well lit and that fencing be provided to discourage un-invited access from the front of the house to the rear structure.

PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve or deny the requested entitlements. The Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

Adopt the attached Resolution approving a **Variance** to encroach 2 feet into the required 6-foot separation between the main building and a 544 square-foot detached accessory structure (art studio) on a 6,400 square-foot lot in the Standard Single-Family (R-1) zone; a **Variance** to exceed 10 feet for a 14-foot tall wall on a detached accessory structure; and a **Variance** to exceed 25% to cover 67% of the required rearyard setback area for a detached accessory structure subject to conditions and based upon findings of fact.

Report Prepared By,

Mike Dale
Mike Dale, Associate Planner

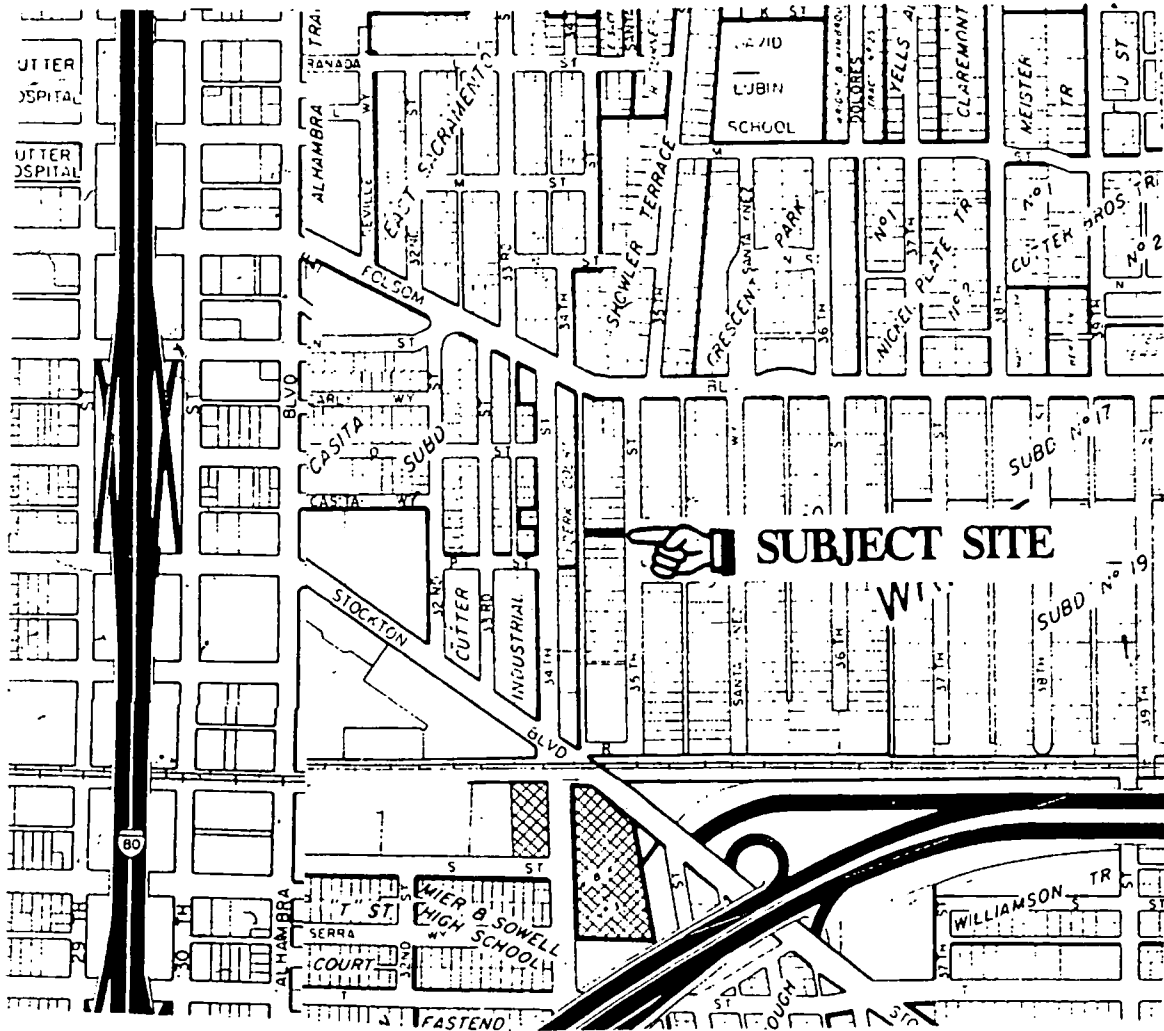
Report Reviewed By,

Steve Peterson
Steve Peterson, Senior Planner

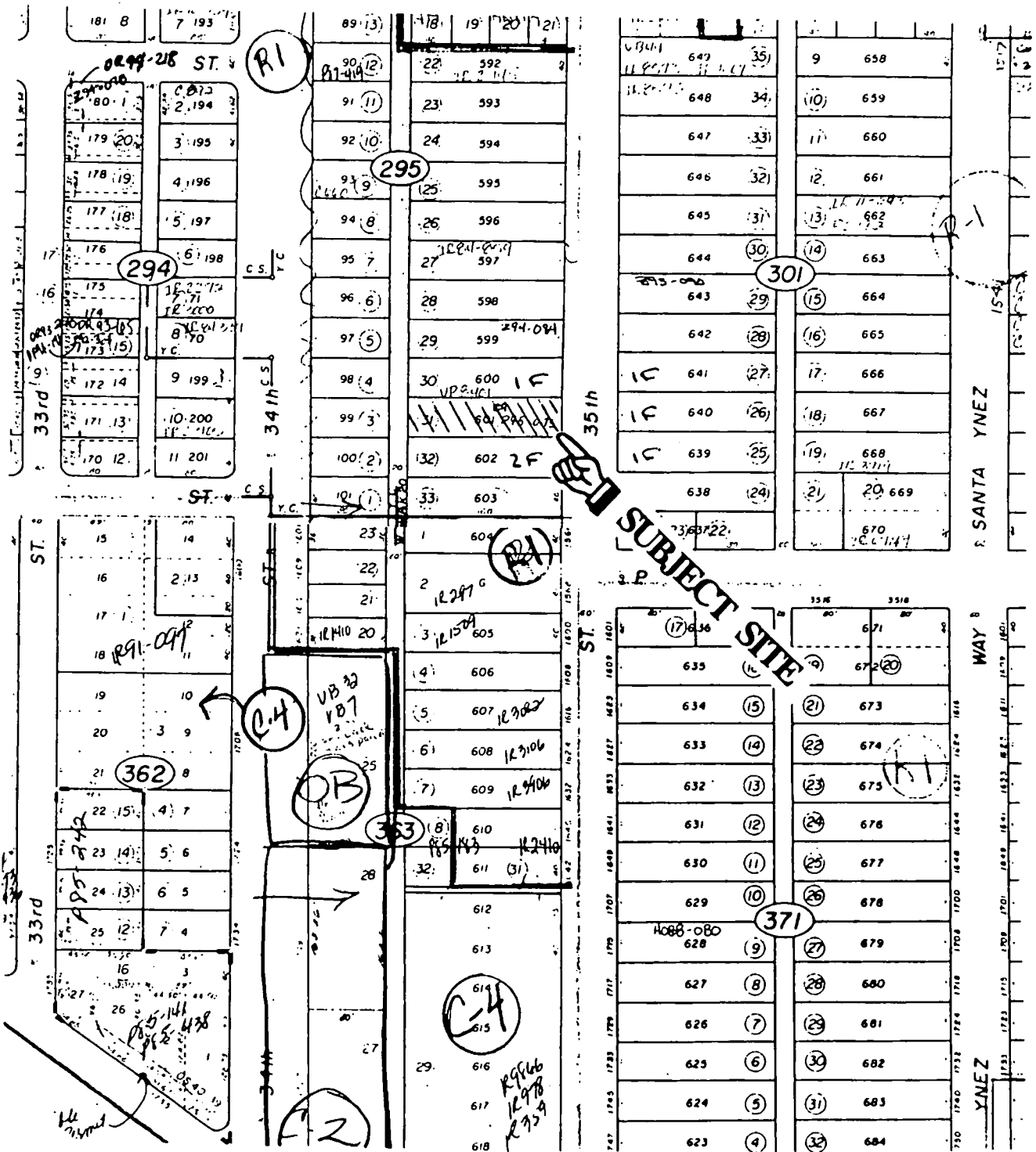
Attachments

- | | |
|--------------|---------------------------|
| Attachment A | Vicinity Map |
| Attachment B | Land Use and Zoning Map |
| Attachment C | Resolution - Variances |
| Exhibit C-1 | Site Plan |
| Exhibit C-2 | Floor Plan and Elevations |

Attachment A
Vicinity Map



Attachment B Land Use and Zoning Map



**Attachment C
Resolution - Variances****RESOLUTION NO.**

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION
ON DATE OF JANUARY 25, 1996.

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING
VARIANCES FOR PROPERTY LOCATED AT 1554 35TH STREET.

(P95-075) (APN: 007-0295-031)

WHEREAS, the City Planning Commission on January 25, 1996, held a public hearing on the request for approval of **Variance** to encroach 2 feet into the required 6-foot separation between the main building and a 544 square-foot detached accessory structure (art studio) on a 6,400 square-foot lot in the Standard Single-Family (R-1) zone; a **Variance** to exceed 10 feet for a 14-foot tall wall on a detached accessory structure; and a **Variance** to exceed 25% to cover 67% of the required rearyard setback area for a detached accessory structure at the above location;

WHEREAS, the project constitutes the construction of a limited number of new, small facilities or structures in an urbanized area and therefore qualifies for a categorical exemption pursuant to Section 15303(b) of the California Environmental Quality Act (CEQA) Guidelines;

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

WHEREAS, the Planning Commission adopts the following findings of fact for the variances:

1. The variances, as conditioned, do not constitute a special privilege extended to an individual property owner in that the circumstances are such that the same variances would be appropriate for any property owner facing similar circumstances;
2. The variances, as conditioned, do not constitute "use variances" in that detached accessory structures are allowed in the R-1 zone;
3. The variances, as conditioned, will not be injurious to the public welfare, nor to property in the vicinity of the subject site;
4. The variances, as conditioned, are in harmony with the General Plan and the intent of the zoning ordinance such that the proposed detached art studio is compatible

with surrounding land uses and will enhance the quality of life of its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SACRAMENTO THAT:

The variances are approved subject to the following conditions:

1. The location and construction of the proposed detached accessory structure shall be in accordance with City building codes.
2. A minimum 40-foot by 15-foot area of un-obstructed and un-occupied open space shall be preserved in the frontyard area in addition to the 25-foot front setback area.
3. The design of the proposed detached accessory structure shall be subject to review and modification by the Design Review staff prior to issuance of building permits in order to reduce massing along the rear property line and to improve aesthetics adjacent to the ally and neighboring properties.
4. The proposed detached accessory structure shall not exceed 14 feet in height, shall not exceed 544 square feet, and shall be setback a minimum of 30 inches from the rear property line.
5. The narrow passage way between the house and the proposed detached structure shall be well illuminated to allow clear visibility from both structures into area.
6. Additional fencing shall be provided, to the satisfaction of the Police Department, to prevent un-invited access from the front of the house to the proposed structure.

CHAIRPERSON

ATTEST:

SECRETARY TO PLANNING COMMISSION

P95-075

Exhibit C-1
Site Plan

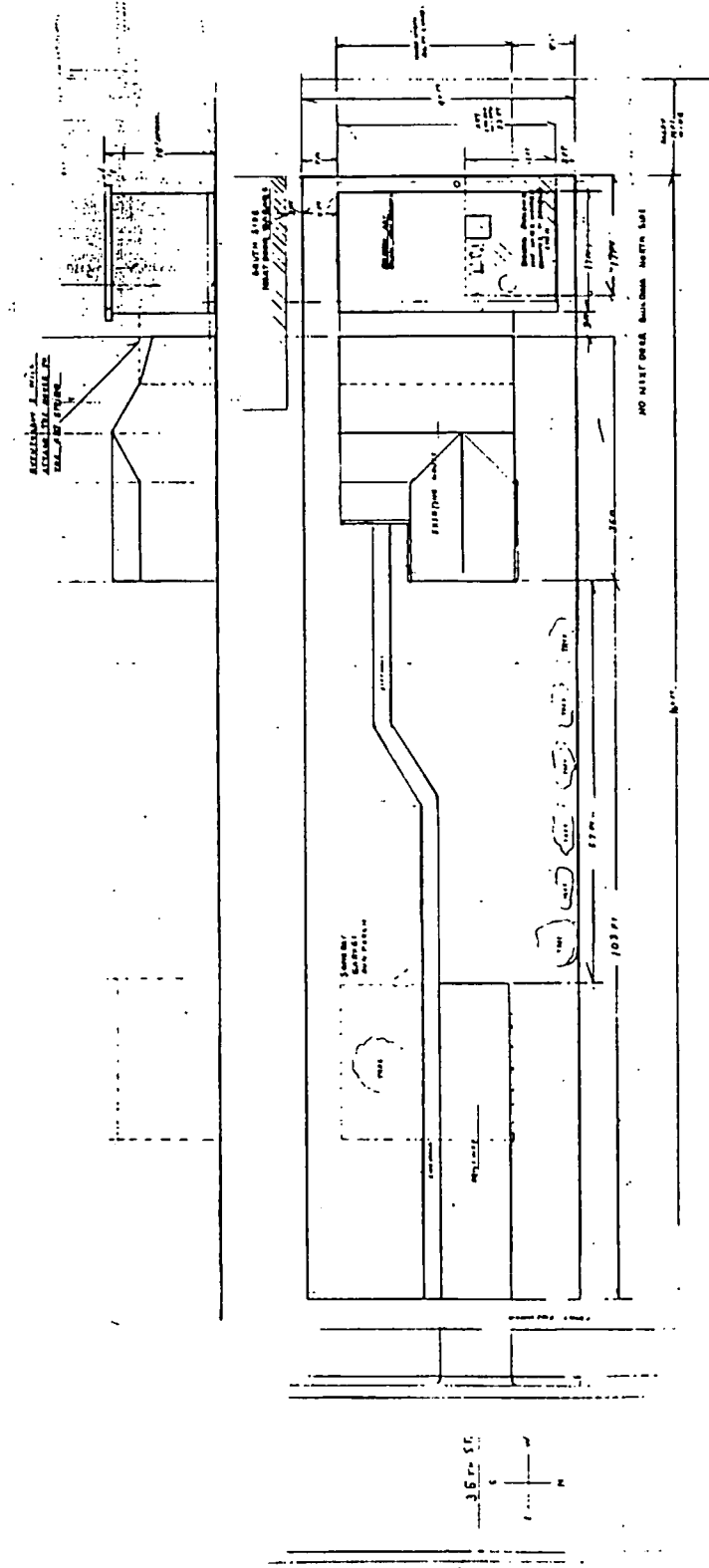


Exhibit C-2
Floor Plan and Elevations

