

**CITY OF SACRAMENTO
DEPARTMENT OF PLANNING & DEVELOPMENT
ZONING ADMINISTRATOR
1231 I Street, Sacramento, CA 95814**

ACTION OF THE ZONING ADMINISTRATOR

On Wednesday, July 23, 1997, the Zoning Administrator approved with conditions a variance to allow a garage exceed the allowed rear yard lot coverage for a single family residence for the project known as Z97-052. Findings of Fact and conditions of approval for the project are listed on pages 3-4. The Zoning Administrator also approved a parcel merger by adopting the attached resolution (ZA97-018).

Project Information

- Request: 1. Zoning Administrator Variance to increase the allowed rear yard lot coverage from 25 percent to 35.9 percent for a 624 square foot garage for a single family residence on 0.16± vacant acres in the Standard Single Family (R-1) zone.
2. Zoning Administrator Parcel Merger to merge two parcels into one parcel totaling 0.16± vacant acres.

Location: Vacant lots on South Side of Montgomery Way between East Curtis Drive and Franklin Boulevard (D5, Area 3)

Assessor's Parcel Number: 013-0232-003 and 004

Applicant: Werner and Angela DeBoer
 2541 9th Avenue
 Sacramento, CA 95818

Property Same as Applicant
Owner:

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

Surrounding Land Use and Zoning:	Setbacks	Required	Proposed
North: R-1; Single Family Residence	Front:	25'	31'
South: R-1; Single Family Residence	Side(E.):	5'	11'

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East:	R-1; Single Family Residence	Side(W.):	5'	20'
West:	R-1; Single Family Residence	Rear:	15'	33.5'

Property Dimensions:	70 feet x 100 feet
Property Area:	0.16± acres
Square Footage of Buildings:	Proposed House- 2,600 square feet Proposed Garage- 624 square feet
Height of Buildings:	Residence- Two Stories, 31 feet Garage- Single Story, 16 feet
Exterior Building Materials:	Stucco
Roof Materials:	Tile
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

Project Plans: See Exhibits A-D

Legal Description: See Exhibit B

Previous Files: None

Additional Information: The applicant is requesting to merge two parcels into one parcel in order to construct a new single family residence. The Zoning Ordinance and Building Code do not permit structures to cross property lines. The applicant also proposes to construct a 624 square foot garage in the southwest corner of the lot along both property lines. There is a three foot utility easement for water and sewer lines along the rear (south) property line. The proposed garage will be 26 feet wide and 24 feet deep. The Zoning Ordinance allows accessory buildings to cover 25 percent of the rear yard setback area. The proposed garage will cover 35.9 percent of the rear yard setback area. The applicant is requesting a variance to exceed the allowed lot coverage.

There are existing trees on the parcel that affect site design. There is a heritage Cedar tree in the front area of the lot that will be saved as well a two smaller trees near the southwest corner that will be saved. The main residence can not be moved closer to the front (north) property line without impacting the heritage tree. The garage cannot be moved forward without affecting the two trees in the southwest corner; however, the trees are allowed to be removed.

The project is within the Sierra Curtis Neighborhood Association area. The project plans were sent to the neighborhood association and a member attended the meeting stating support for the project and concern that the Utility Department's policy that would no longer allow structures built over their easements would change the character of their

neighborhood with any new development (all existing garages are built over easements). The project was noticed and staff received one call inquiring to the exact location of the project.

Agency Comments

The proposed project has been reviewed by the City Utilities Department, the Building Division, and the Public Works - Transportation and Engineering Planning Divisions. The comments received pertaining to the lot line adjustment have been included as conditions in the attached resolution.

The Department of Utilities has issued a policy directive stating that "from this date forward, no structures such as garages, patios, or swimming pools should be approved within back/side yard easements for water, sewer, or drainage." Exceptions shall only be granted in writing by the Director. The Director would not issue an exception for this project.

The City Arborist also visited the site several times to discuss the necessary requirements to preserve the trees and to indicate which trees must be saved. Those requirements are listed as conditions of approval.

Environmental Determination: This project will not have a significant effect on the environment and is exempt from environmental review pursuant to State EIR Guidelines {California Environmental Quality Act, Sections 15303(e) and 15305(a)}.

Conditions of Approval

1. There shall be no further expansion of the garage or other structures in the rear yard setback area.
2. Size and location of the garage shall conform to revised plans submitted (see Exhibit A-2). The garage shall be located no closer than three feet to the rear property line. (This allows 312 square feet in the rear yard setback area or 29.7 percent).
3. The applicant shall obtain all necessary building permits prior to commencing construction.
4. The applicant shall hire an ISA Certified Arborist to design tree preservation measures to follow during construction. A copy of the measures shall be submitted to Planning prior to the issuance of any building permits.
5. The applicant shall complete all filing of paperwork and pay all necessary fees to Public Works for the parcel merger prior to the issuance of any building permits.

Findings of Fact:

1. The proposed project, as conditioned, is based upon sound principles of land use in that the proposed garage will not substantially alter the characteristics of the site or the surrounding neighborhood.
2. Granting the variance does not constitute a special privilege extended to an individual applicant in that a variance would be and has been granted to other property owners facing similar circumstances.
3. Granting the variance request does not constitute a use variance in that single family residences are permitted in the Standard Single Family (R-1) zone.
4. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:
 - a. there will be adequate rear yard area;
 - b. the proposed location of the garage will save an existing tree;
 - c. requiring the applicant to decrease the depth of the building would result in a substandard garage in depth; and
 - d. there are similar structures located near the rear property line in the area.
5. The project is consistent with the General Plan which designates the subject site as Low Density Residential (4-15 du/na).



Joy D. Patterson
Zoning Administrator

A use for which a Variance is granted must be established within two years after such permit is approved. If such use is not so established the Variance shall be deemed to have expired and shall be null and void. A Variance which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.

The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File
Applicant
ZA Log Book

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Z 97-052

(21)

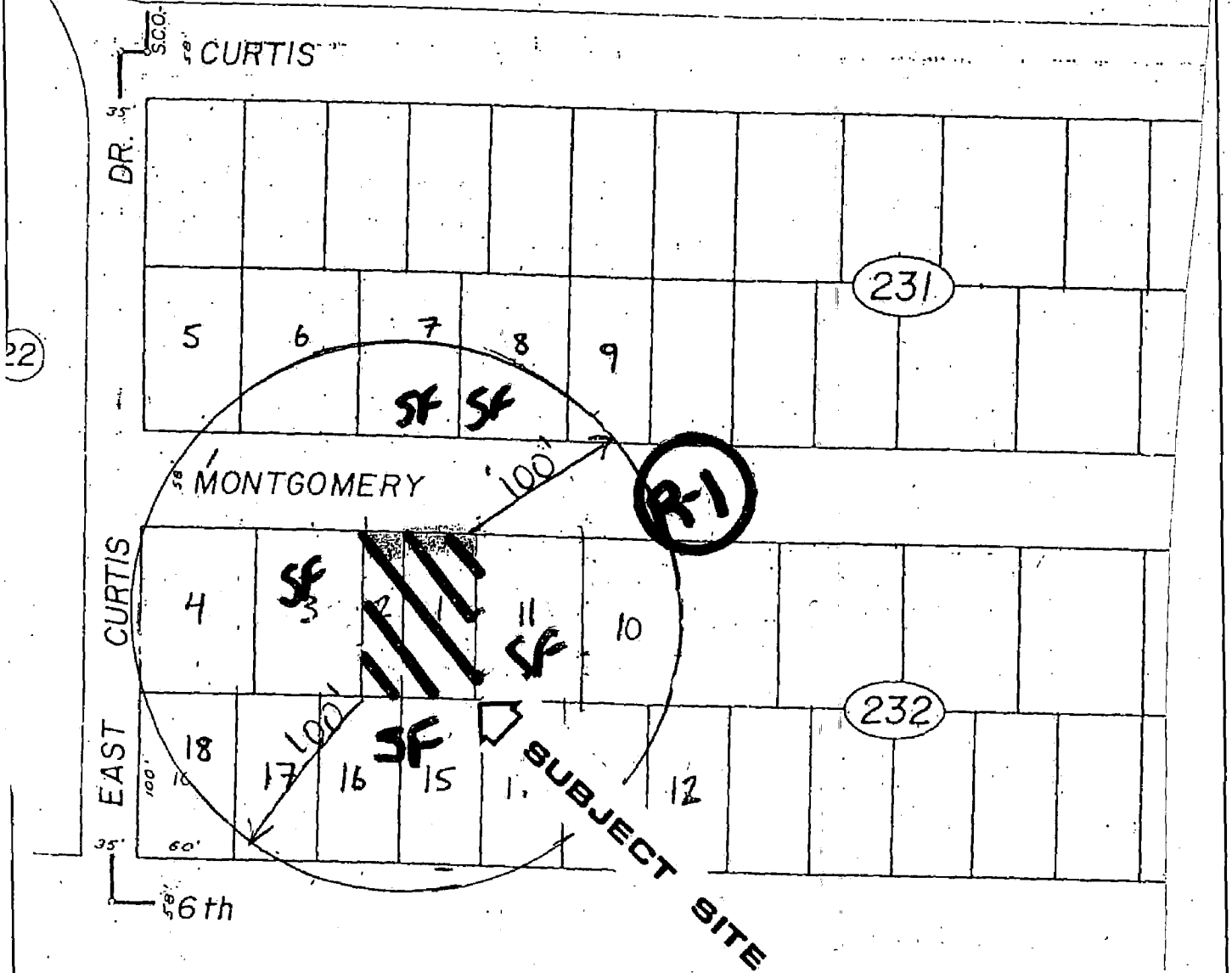
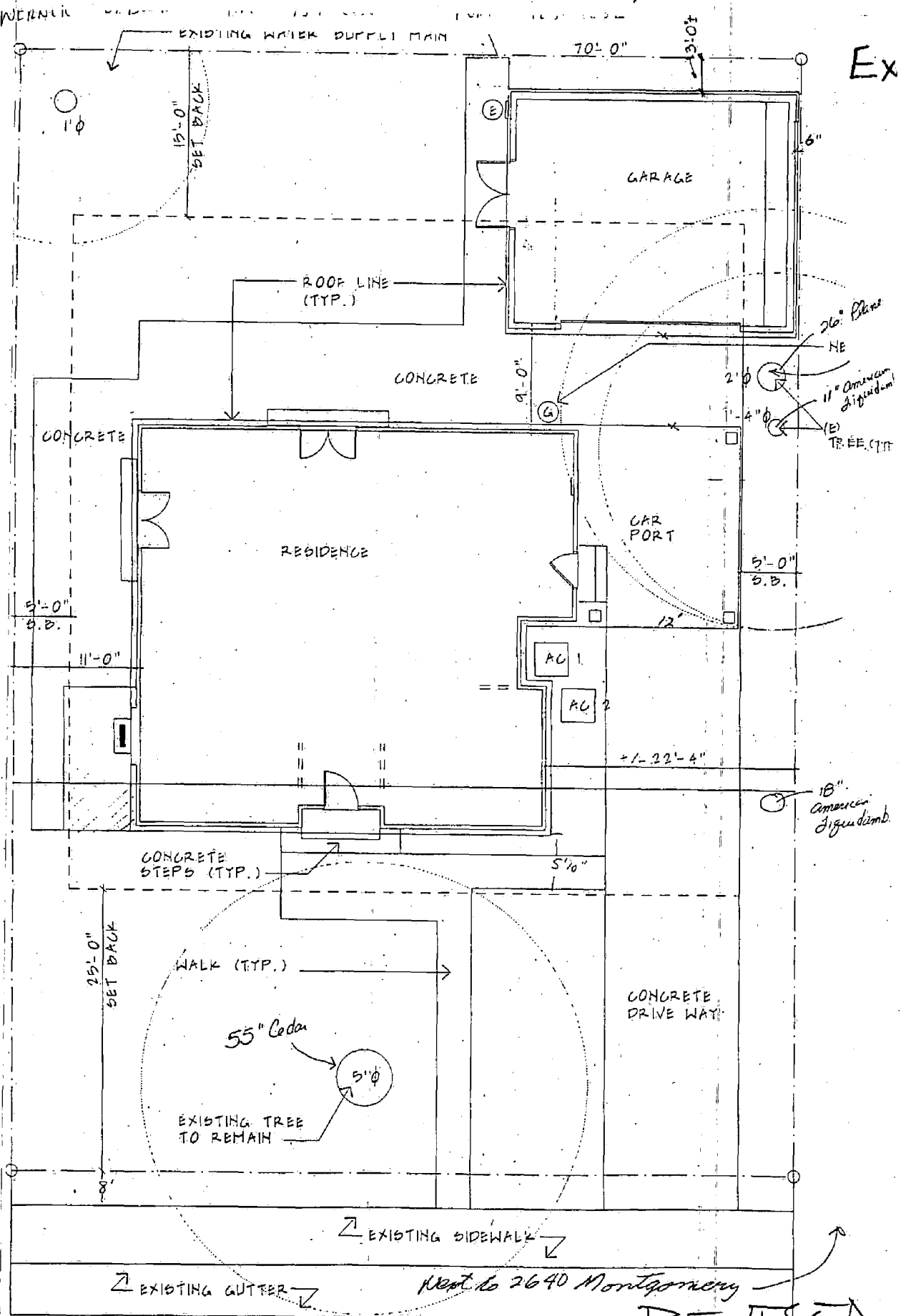


EXHIBIT A-2

Revised Site Plan



L 97-052

2666

REVISED

Sandra,
 Applicant can construct proposed garage but must have an 7-23-97
 ISA Certified Arborist provide tree preservation measures to follow

297-052 during construction. Dan Bkowski, City Arborist
 7-18-97 760-8604

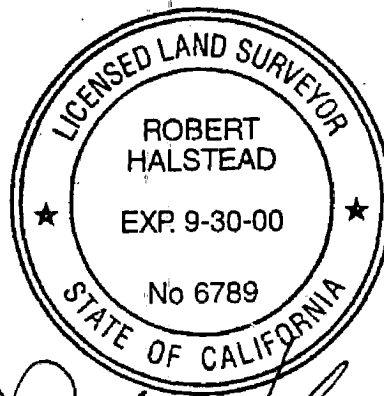
Item 2

EXHIBIT - B

Lot Line Adjustment Legal Description:

The East 25 feet of Lot 71 and the West 45 feet of Lot 72 of South Oaks Sub-division No. 1, according to the official plat thereof, filed in the office of the Recorder of Sacramento County on January 26, 1920, in Book 15 of Maps, Map No. 48, more particularly described as follows:

Beginning at the Northwesterly corner of said Lot 72, thence East along the North line of said Lot ,45 feet, thence South 0Deg.02Min.00Sec. East , 100 feet to a point on the Southerly line of said lot, thence West along the South line of Lot 72 and Lot 71, 70 feet, thence North 0Deg.02Min.00Sec. West, 100 feet to the North line of Lot 71, thence East along the North line of Lot 71, 25 feet to the point of beginning. Containing approx. 0.16 ac. End of description.



Robert Halstead

CITY OF SACRAMENTO
CITY PLANNING DIVISION

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EXHIBIT - C

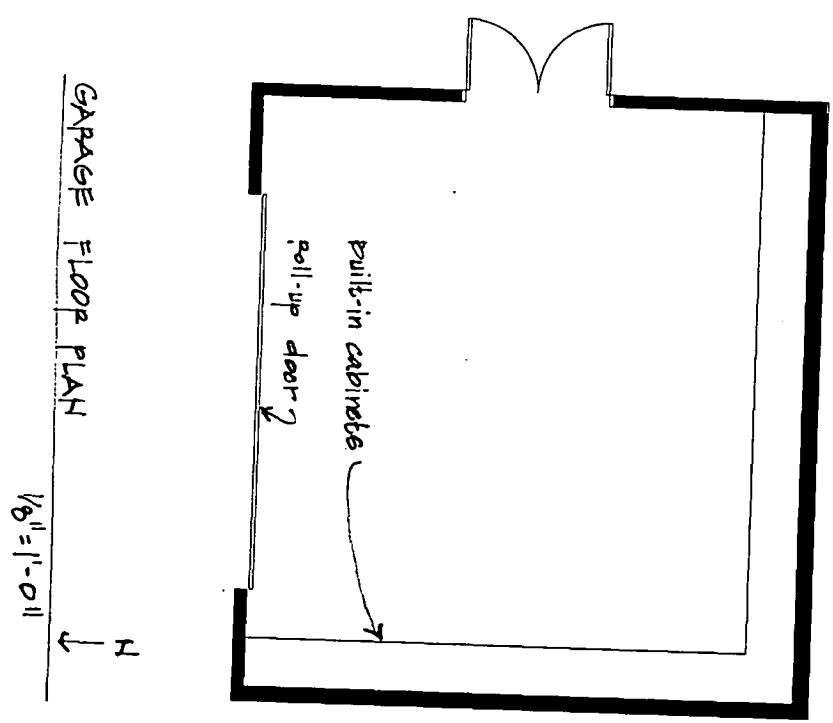
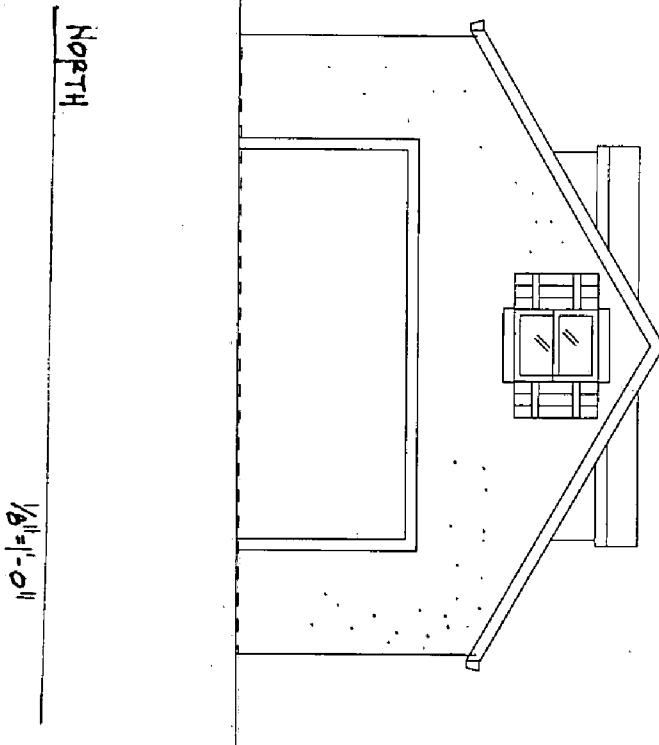


EXHIBIT D



297-052

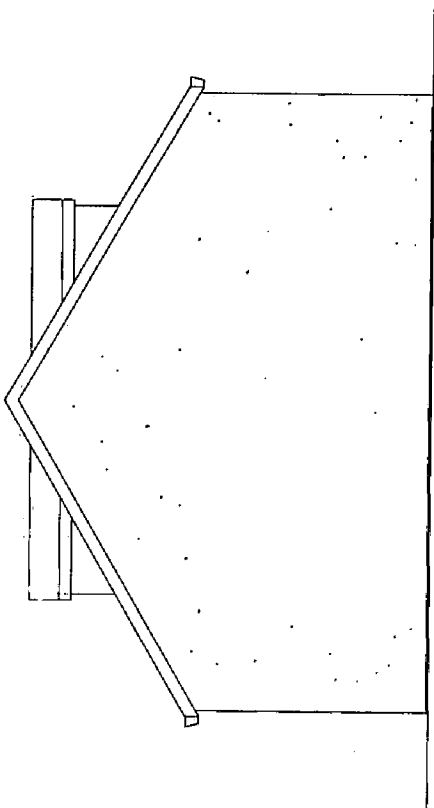
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SOUTH

110.1' x 118.1'

EXHIBIT D

EXHIBIT D

EAST

1/8" = 1'-0"

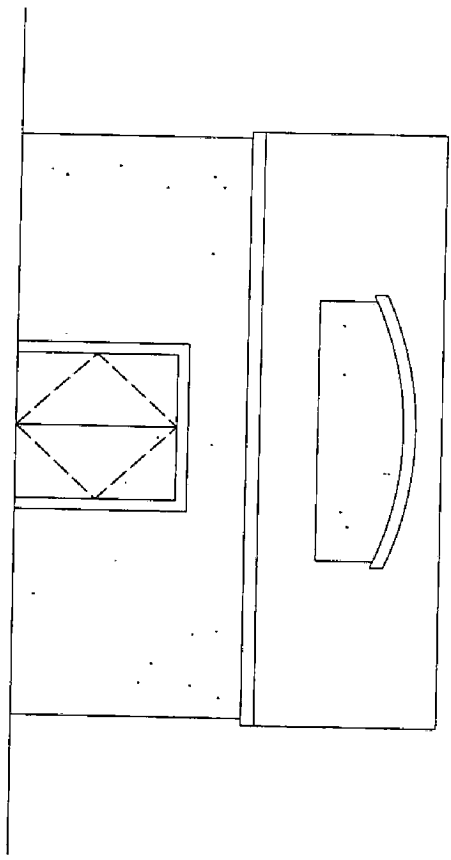


EXHIBIT D

1/2" = 8'

WEST

