

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

ACTION OF THE ZONING ADMINISTRATOR

On Wednesday, July 15, 1998, the Zoning Administrator approved with conditions a variance to allow a small encroachment of existing wall sections beyond the three foot height limit to remain in the front setback area for an existing duplex for the project known as Z98-055. Findings of Fact and conditions of approval for the project are listed on pages 3 and 4.

Project Information

Request: Zoning Administrator Variance to allow existing portions of a masonry wall (six feet tall) to remain in the front yard setback area (exceeding the allowed three foot high solid fence height by three feet) for a duplex on 0.33± developed acres in the Standard Single Family (R-1) zone. (Six foot wrought iron will be installed between the brick columns and brick fountain wall).

Location: 2911 Riverside Boulevard (D4, Area 2)

Assessor's Parcel Number: 012-0113-020

Applicant: Peter Saucerman
2911 Riverside Boulevard
Sacramento, CA 95818

Property Owner: Same as Applicant

Project Planner: Sandra Yope

General Plan Designation: Low Density Residential (4-15 du/na)

Existing Land Use of Site: Duplex

Existing Zoning of Site: Standard Single Family (R-1)

Surrounding Land Use and Zoning:	Building Setbacks:	Required	Existing
North: R-1; Duplex	Front:	25'	29'
South: R-1; Single Family Residence	Side(E.):	5'	7'
East: R-1; Single Family Residences	Side(W.):	12.5'	10'
West: R-1; Single Family Residences	Rear:	15'	16.5'

Property Dimensions: Irregular
Property Area: 0.33± acres

Z98-055

July 15, 1998

ITEM 2

Topography: Flat
Street Improvements: Existing
Utilities: Existing

Project Plans: See Exhibit A

Previous Files: None

Background Information: On April 22, 1998, the owner/applicant was sent a letter indicating a possible fence violation from Neighborhood Code Enforcement for locating a solid fence in the front yard setback higher than three feet. The applicant was instructed to lower the fence or apply for a variance to allow it to remain. The applicant applied for the Zoning Administrator Variance and the application was considered complete on May 14, 1998.

Additional Information: The applicant constructed a several six foot brick sections that are varying widths and shapes. There is an eight foot span of wall that is six feet high toward the center of the parcel, two feet from the front (south) property line. The wall portion will also have a fountain on the yard side. The applicant proposes to place decorative wrought iron between the column/architectural pillars. There are several pillars that are three feet wide and one pillar that is four feet wide. The Zoning Ordinance stipulates that solid fences within the front yard setback area not to exceed three feet. The pillars along the east property line are also located within the clear zone for the adjacent driveway. The City Code requires no structure exceed 3.5 feet within the clear zone. The applicant requested a variance to allow the fence sections to remain as shown in Exhibit A.

The site is located within the Land Park Community Association and Upper Land Park Community Association areas. The project plans were reviewed by the associations. The Upper Land Park Community Association supported the project. The Land Park Community Association did not take an official position; however, they indicated their concern with the precedent setting nature of an approval and threatening the open lawn look of the neighborhood area. The project was noticed and staff received several calls. All calls were in opposition to the project stating that the walled/fenced area changes the character of the open lawn look of the Land Park Community. Two callers expressed concerns of visibility in addition to the overall impact to the area. The applicant provided a petition with the signatures of nearby property owners who supported the project. Two people also attended the hearing in opposition to the project.

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)}.

Conditions of Approval:

1. The fence shall conform to one of the following options:
 - a. reduce the four foot section and the eight foot section to no wider than 18 inches, reduce the second pillar from the east side in size to be outside the clear zone, and completely remove the eastern most pillar (all others are acceptable and all will be allowed to be six feet high){see Staff Exhibit B} or
 - b. reduce all sections to 3.5 feet in height {see Staff Exhibit C}.

The applicant shall submit revised plans reflecting the chosen option for Planning staff review and approval by close of business on August 7, 1998.

2. The masonry portion of the fence shall be in compliance with conditions no later than September 1, 1998 (wrought iron does not have to be installed by this date).
3. If the proposed fountain remains, the applicant shall obtain a building permit for the proposed fountain.

Findings of Fact:

1. The proposed project, as conditioned, is based upon sound principles of land use in that:
 - a. allowing the wall sections to remain, as conditioned, will not substantially alter the characteristics of the site or the surrounding neighborhood,
 - b. the reduced wall sections will allow a more open front yard and visibility to the front of the house.
2. Granting the variance would 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 request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:
 - a. the wall height meets visibility requirements of the City Code; and
 - b. the small sections of wall within the front yard setback area will not be out of character with the existing residence nor substantially alter the characteristics of the site and surrounding area.

4. Granting the variance request does not constitute a use variance in that the single family dwelling is residential use that is permitted in the Standard Single Family (R-1) zone.
5. The project is consistent with the General Plan which designates the subject site as Low Density Residential (4-15 du/na).

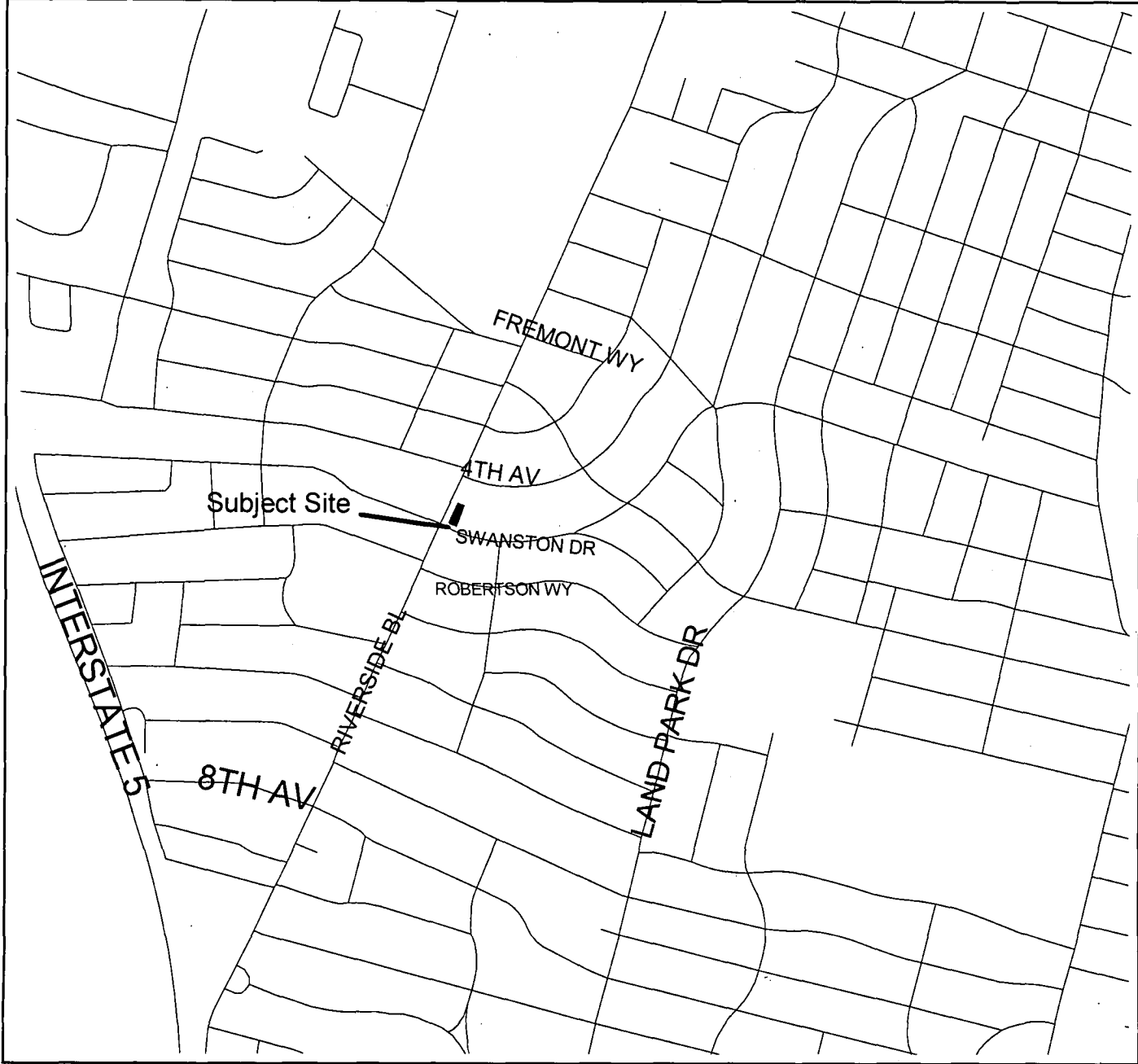


Joy D. Patterson
Zoning Administrator

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.

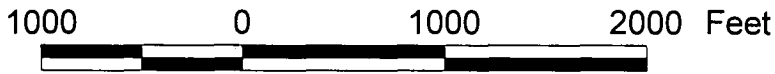
The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File
Applicant
ZA Log Book
Jean Price, Code Enforcement
Eric Hildebrandt; 1112 Swanston Drive; Sacramento, CA 95818
Roxanne Miller; 3530 Brockway Court; Sacramento, CA 95818



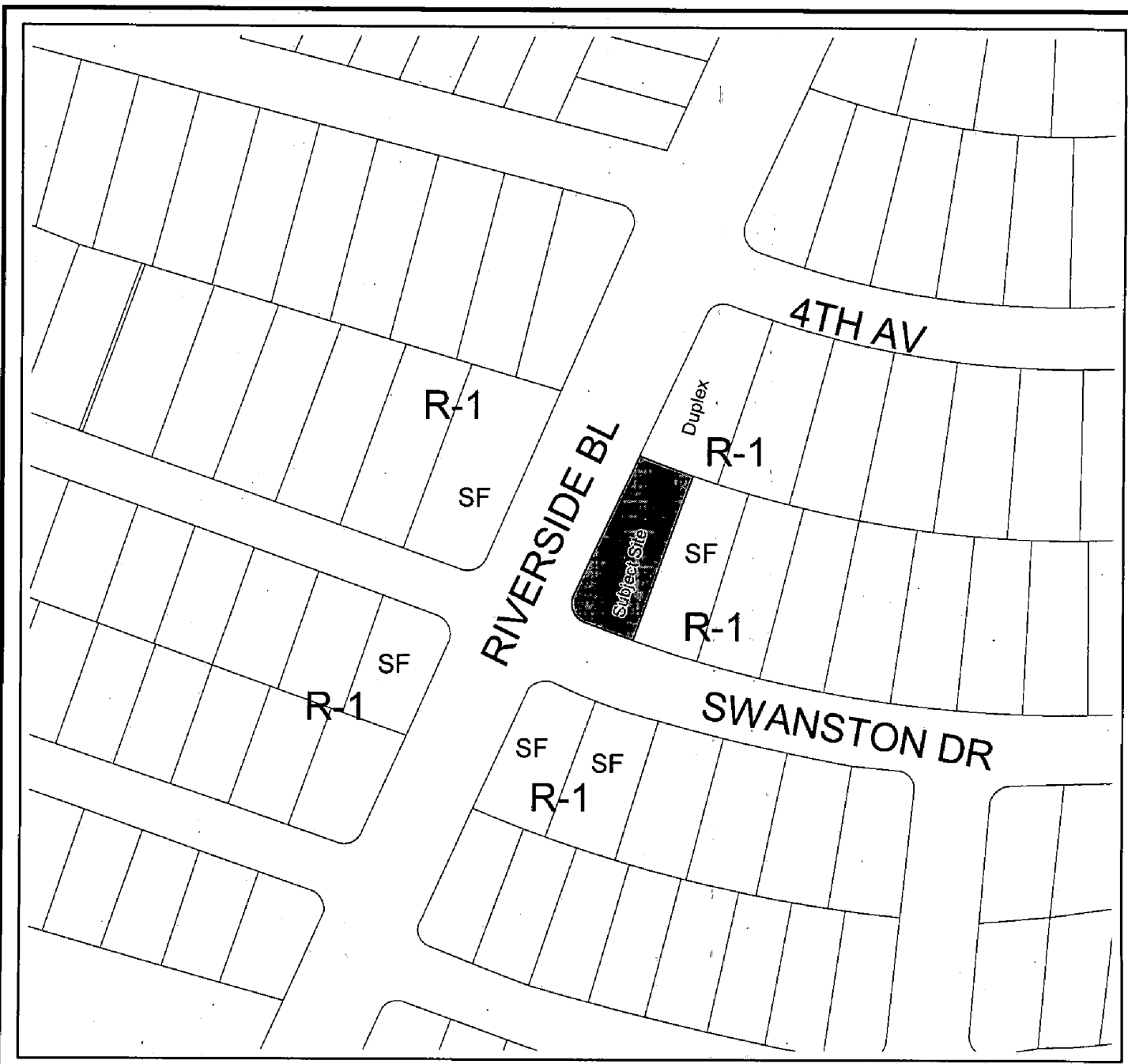
Neighborhoods, Planning
And Development Services
Department

Geographic
Information
System



VICINITY MAP





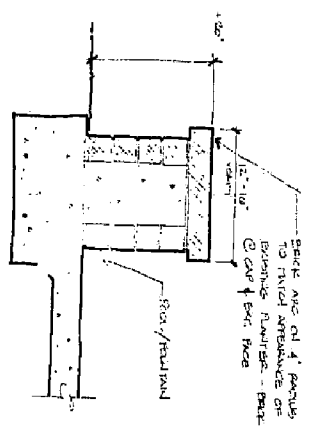
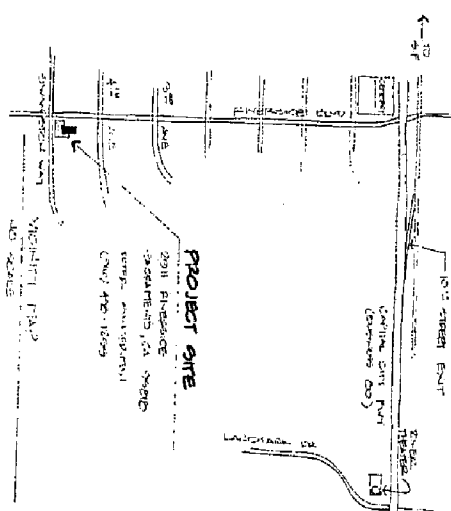
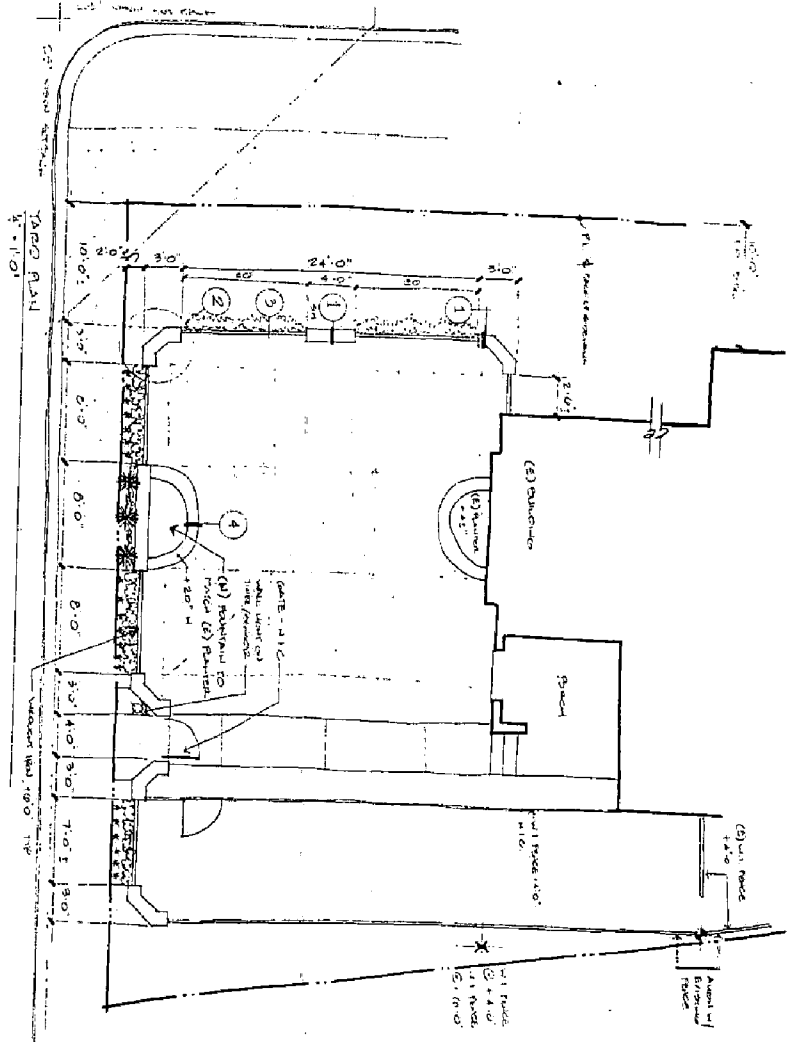
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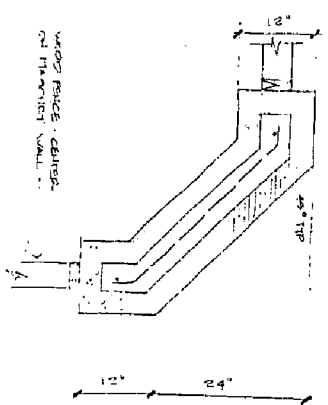
LAND USE AND ZONING



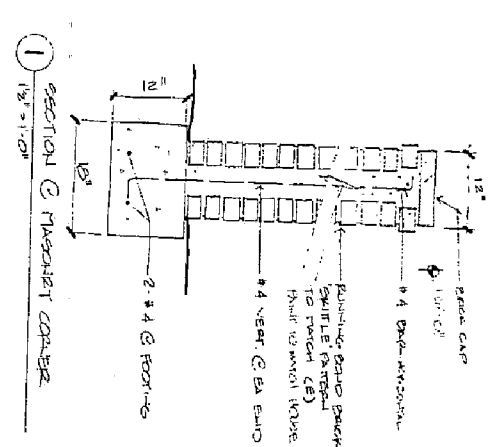
EXHIBIT - A



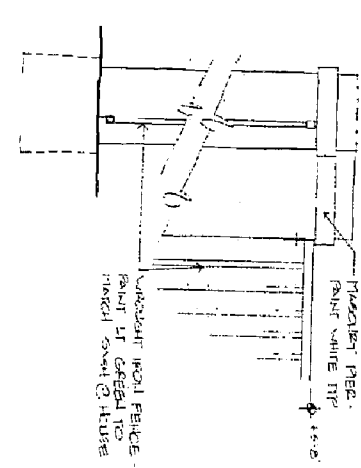
① SECTION AT BOUTIAN SEAT



② PLAN SECTION OF MASONRY



③ SECTION OF MASONRY CORNER



④ SECTION OF WROUGHT IRON FENCE

FILE# 298-055

EXHIBIT - B

STAFF EXHIBIT

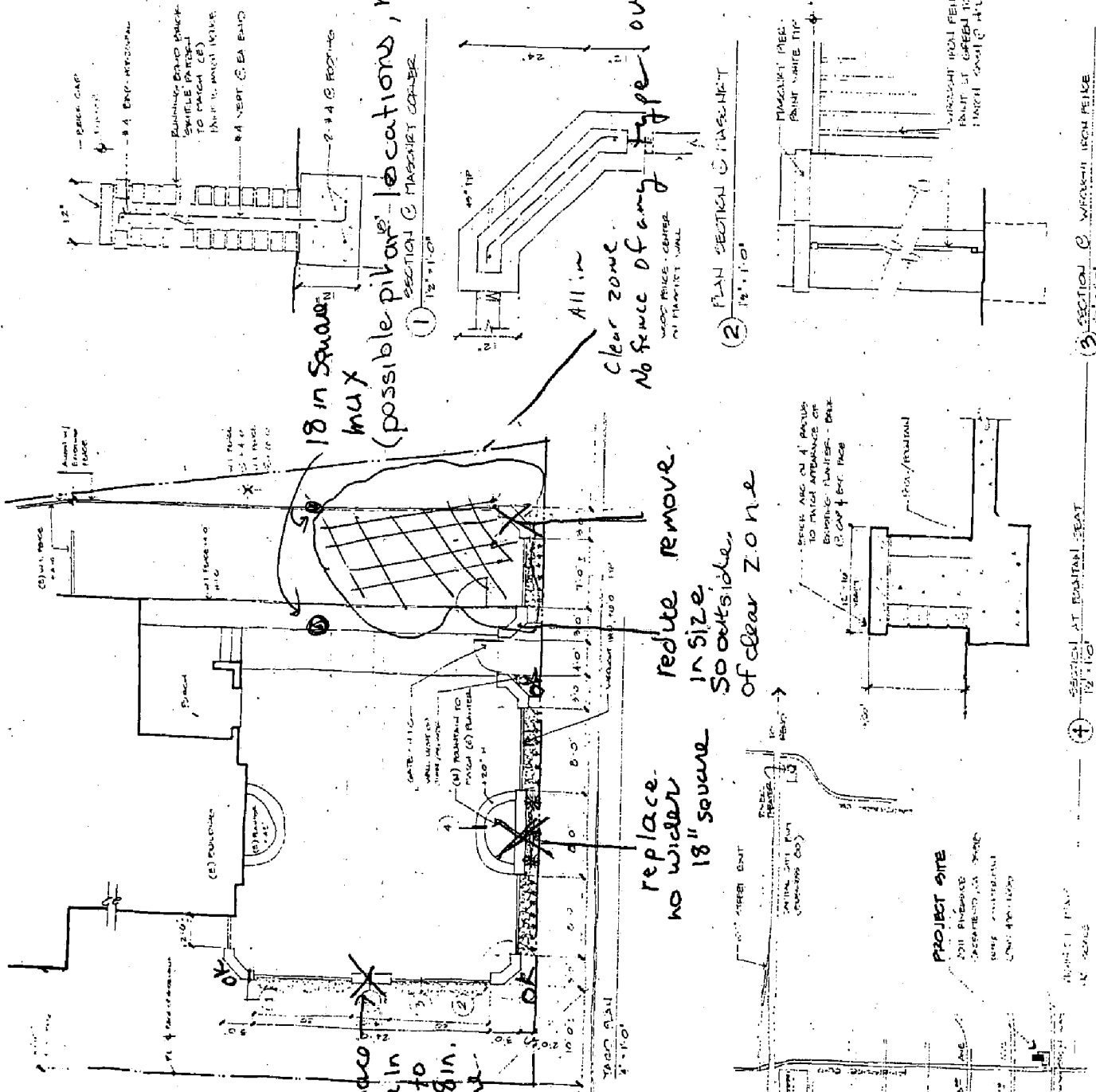
Option #1

18 in Square max
(possible pivot locations, not required, may be some variation)

All in
Clear zone
No fence of any type over 3' permitted.

replace, no wider 18" square
reduce remove, in size, so outside, of clear zone

replace, reduce in size to max 18 in. square



2# 2767

JULY 15, 1978

298-055

FILE # 298-055

