

**CITY PLANNING COMMISSION**  
**1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814**

<b>APPLICANT</b> <u>Buzz Garcia Associates, 1017 25th Street, Sacramento, CA 95816</u>
<b>OWNER</b> <u>Tom Donato, 1130 Markham Way, Sacramento, CA 95816</u>
<b>PLANS BY</b> <u>Buzz Garcia Associates, 1017 25th Street, Sacramento, CA 95816</u>
<b>FILING DATE</b> <u>May 21, 1992 ENVIR DET Exempt 15303(b) and 15305(a)</u> <b>REPORT BY</b> <u>SLV</u>
<b>ASSESSOR'S PCL. NO.</b> <u>012-0061-004</u>

- APPLICATION:**
- A. Special Permit to construct a 840 square foot second residential unit on 0.15<sub>±</sub> developed acres in the Standard Single Family (R-1) zone.
  - B. Variance to increase the size of a second residential unit from 640 square feet to 840 square feet.
  - C. Variance to reduce the side yard setback from five feet to 0 feet for a two story second residential unit.
  - D. Variance to exceed the maximum allowed fence height from six feet to eight feet.
  - E. Variance to waive the requirement for an enclosed garage.
  - F. Variance to reduce the required distance from the primary residence to an accessory structure from six feet to four feet for a trellis covered patio area.
  - G. Variance to allow tandem parking for one space.

**LOCATION:** 1130 Markham Way

**PROPOSAL:** The applicant is requesting the necessary entitlements to construct a second residential unit within a converted garage and to allow an existing non-conforming structure and wall to remain.

**PROJECT INFORMATION:**

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

Surrounding Land Use and Zoning:	Setbacks	Required	Provided
North: Single Family Residential, R-1	Front:	25'	29'
South: Single Family Residential, R-1	Side(East):	5'	0'
East: Single Family Residential, R-1	Side(West):	5'	3'Existing
West: Single Family Residential, R-1	Rear:	15'	55'

**APPLC. NO.** P92-149

**MEETING DATE** July 23, 1992

**ITEM NO.** 9

000408

Parking Required	2 spaces (1 enclosed garage)
Parking Provided	2 tandem spaces
Property Dimensions:	50 feet X 132.5 feet
Property Area:	0.15± acres (4,575 square feet)
Square Footage of Building:	Residence- 1,157 square feet Second unit- 840 square feet Total- 1,997 square feet
Building Height	22 feet (second unit)
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Stucco
Roof Material:	Shake

**PROJECT EVALUATION:** Staff has the following comments:

**A. Land Use and Zoning**

The subject site is a 4,575 square foot residential lot located in the Standard Single Family (R-1) zone. The site is developed with a 1,157 square foot single family residence and a 476 square foot garage. The garage has illegally been converted to living space. The General Plan designates the subject site as Low Density Residential (4-15 du/na). The surrounding land use and zoning for the subject site are single family residential zoned, (R-1) to the north, south, east, and west.

**B. Applicant's Proposal**

The applicant is proposing to construct a second floor on the existing garage structure and provide a second residential unit. The existing garage is located along the property line. Additionally, there is an existing eight foot brick wall which supports a trellis patio cover that has posts four feet from the existing house. The applicant is seeking variances to allow the non-conforming structures to remain. The applicant is also seeking a variances to waive the requirement for an enclosed garage for the existing house for the converted garage and to permit tandem parking for both residences on the existing driveway (See Exhibit A). The garage was converted without Planning approval or building permits. The wall and patio cover were also constructed without Planning approval or building permits. The owner was cited by Neighborhood Services for starting construction of the second floor without Planning approval or building permits.

**C. Staff Analysis**

**1. Site Plan:**

The subject site is a 50 foot by 132.5 foot interior parcel in totaling 0.158± acres and is developed with a single family residence. The site plan indicates a 29 foot front setback, a three foot west side yard setback, and a rear yard setback 55 foot rear yard setback from the primary structure and 20 feet from the proposed second residential unit. There is a pool and

lawn area in the back yard: The proposed second residential unit will reduce the side yard setback on the east to zero feet. A garage structure which does not provide living area, is permitted to be constructed on a side yard property line. There is an eight foot brick wall along the east property line and across the driveway that has a pedestrian entrance. The gated entry blocks vehicle access to the garage. The Zoning Ordinance requires a fence or wall height not exceed six feet. The applicant is requesting a variance to allow the eight foot wall to remain. Staff recommends denial of the variance in that no hardship exists to support the need for the additional wall height and the neighbors strongly object to the wall.

The proposed 840 square foot second unit is to be located within the existing converted garage. The Zoning Ordinance requires that a second residential unit not exceed 640 square feet, provide one parking space, and meet all lot coverage and setback requirements. The applicant is seeking variances to exceed the maximum square footage for the unit and to reduce the required side yard setback from five to zero feet. The applicant is not willing to reduce the size of the unit. Staff recommends denial of the special permit to construct a 840 square foot second residential unit in that the proposed unit exceeds the maximum size limit and does not meet the setback and parking requirements without variances. The proposed structure will be massive in size and location with relation to the adjacent property to the east. Additionally, staff recommends denial of the variances to exceed the maximum square footage for the unit and to reduce the required side yard setback from five to zero feet. The reduction of the side yard setback to zero feet for a two story structure will severely restrict the open area and visibility of the adjacent property to the east by creating a twenty foot wall along the property line.

The garage has been converted to living area without building permits or any documentation that it was converted legally prior to the ordinance change requiring a single enclosed garage for a single family residence. The applicant is seeking a variance to waive the requirement in order to allow the converted garage to remain. The proposed second unit requires one parking space. The applicant proposes to use the driveway for both spaces. The driveway is 64 feet long and eleven feet wide. A variance is required to allow tandem parking. Staff recommends denial of both variances in that no hardship exists and the garage parking was eliminated without planning approval or building permits.

The trellis covered patio attaches to the wall and the enclosed garage. The northern support column for the trellis cover is four feet from the primary residence. The Zoning Ordinance requires a minimum of six feet between an accessory structure and the primary residence. The applicant is seeking a variance to allow the trellis patio structure to remain. Staff recommends denial of the variance in that no hardship exists to support the close proximity of the two structures and the structure could have be built in conformance with the Zoning Ordinance requirements.

2. Building Materials and Design:

The proposed second unit will be finished in stucco and painted white with a shake roof. The first floor is 476 square feet consisting of a bathroom, den and a kitchen. The second floor consists of a 378 square foot loft and covered balcony. The second floor projects two feet

over the rear of the first floor.

D. Agency Comments

The proposed project was reviewed by Traffic Engineering, Engineering Development, Building Inspections, the Fire Department, and the Land Park Community Association. The following comments were received:

1. Engineering Development staff comments:

- a. Notice: Property to be developed in accordance with this special permit may be subject to flooding. Interested parties should ascertain whether and to what extent such flooding may occur. The applicable base flood elevations for the property should be reviewed. Base flood elevations are contained in the U.S. Army Corps of Engineers Flood Insurance Study Working Map for the Sacramento Community, dated January 1989, available at the City of Sacramento's Department of Public Works, Development Services Division, 927 10th Street, Room 100;
- b. This project is located within an area of the City which is serviced by a combination sewer and drainage system. The applicant may be required to share in the costs for improvements needed to upgrade the combination system.
- c. Sewer and water services to the existing lot are located in the alley adjacent to the rear of the lot and may conflict with the second unit.

2. Building Inspections staff comments:

- a. Compliance with Chapter 5 of the Uniform Building Code at the zero lot line and between the two residences will be required.
- b. Engineering is required for the eight foot wall.

E. Neighborhood Comments

A complaint to Neighborhood Services initiated the citation on the property. The adjacent neighbor on the east directly impacted by the existing and proposed structures has indicated through several calls to staff that the current structure has restricted the light and openness of their back yard. The property owner to the north has also complained.

**ENVIRONMENTAL DETERMINATION:** The Environmental Services Manager has determined that this project is exempt from environmental review pursuant to State EIR Guidelines (California Environmental Quality Act, Section 15303{b} and 15305{a}).

**RECOMMENDATION:** Staff recommends the following actions:

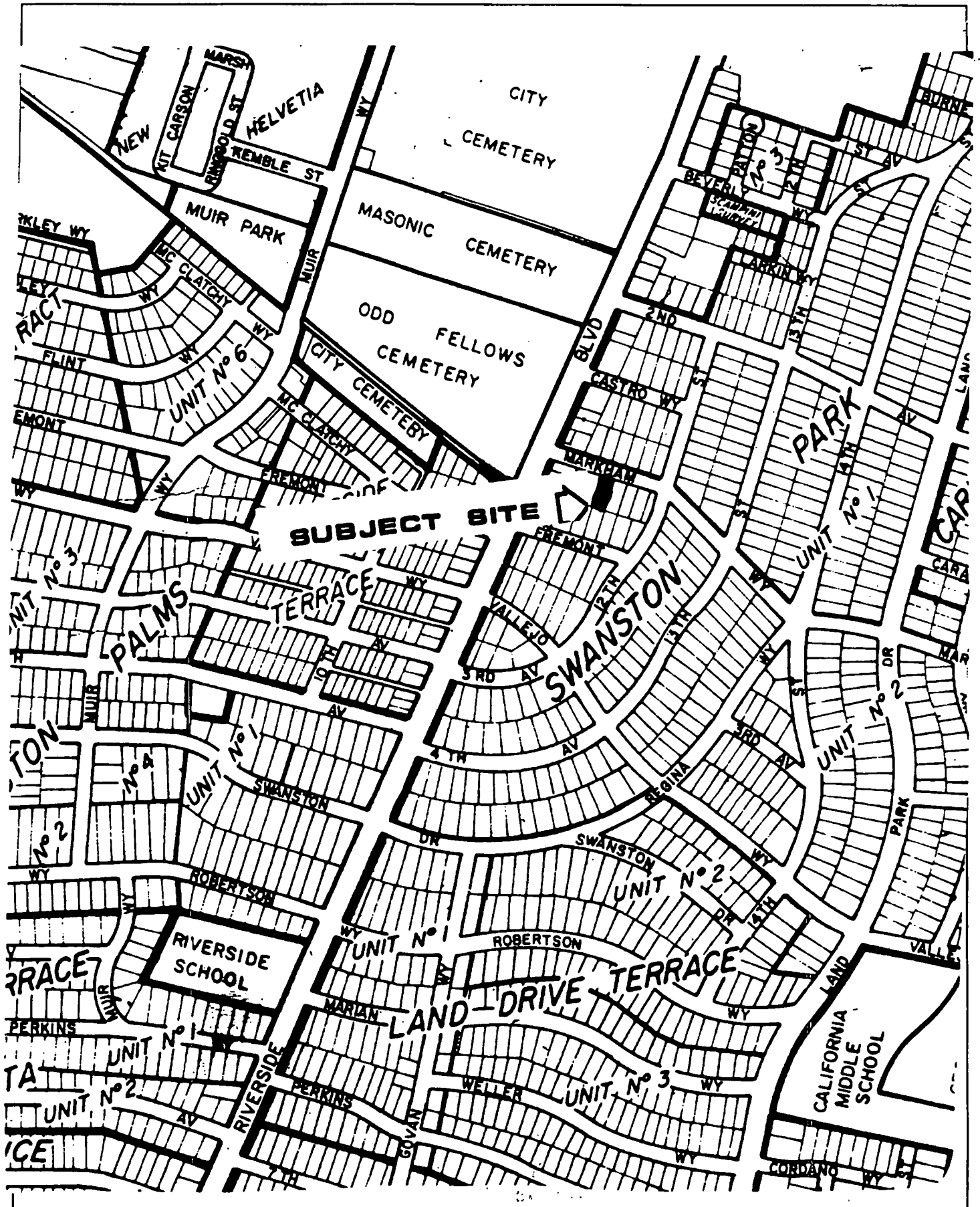
- A. Deny the Special Permit to construct a 840 square foot second residential unit based upon the

findings of fact which follow.

- B. Deny the Variance to reduce the required side yard setback from five feet to zero feet based upon the findings of fact which follow.
- C. Deny the Variance to increase the size of a second residential unit from 640 square feet to 840 square feet based upon the findings of fact which follow.
- D. Deny the Variance to the maximum allowed fence height from six feet to eight feet based upon the findings of fact which follow.
- E. Deny the Variance to waive the requirement for an enclosed garage based upon the findings of fact which follow.
- F. Deny the Variance to reduce the required distance from the primary residence to an accessory structure from six feet to four feet for a trellis covered patio area based upon the findings of fact which follow.
- G. Deny the Variance to allow tandem parking for one space based upon the findings of fact which follow.

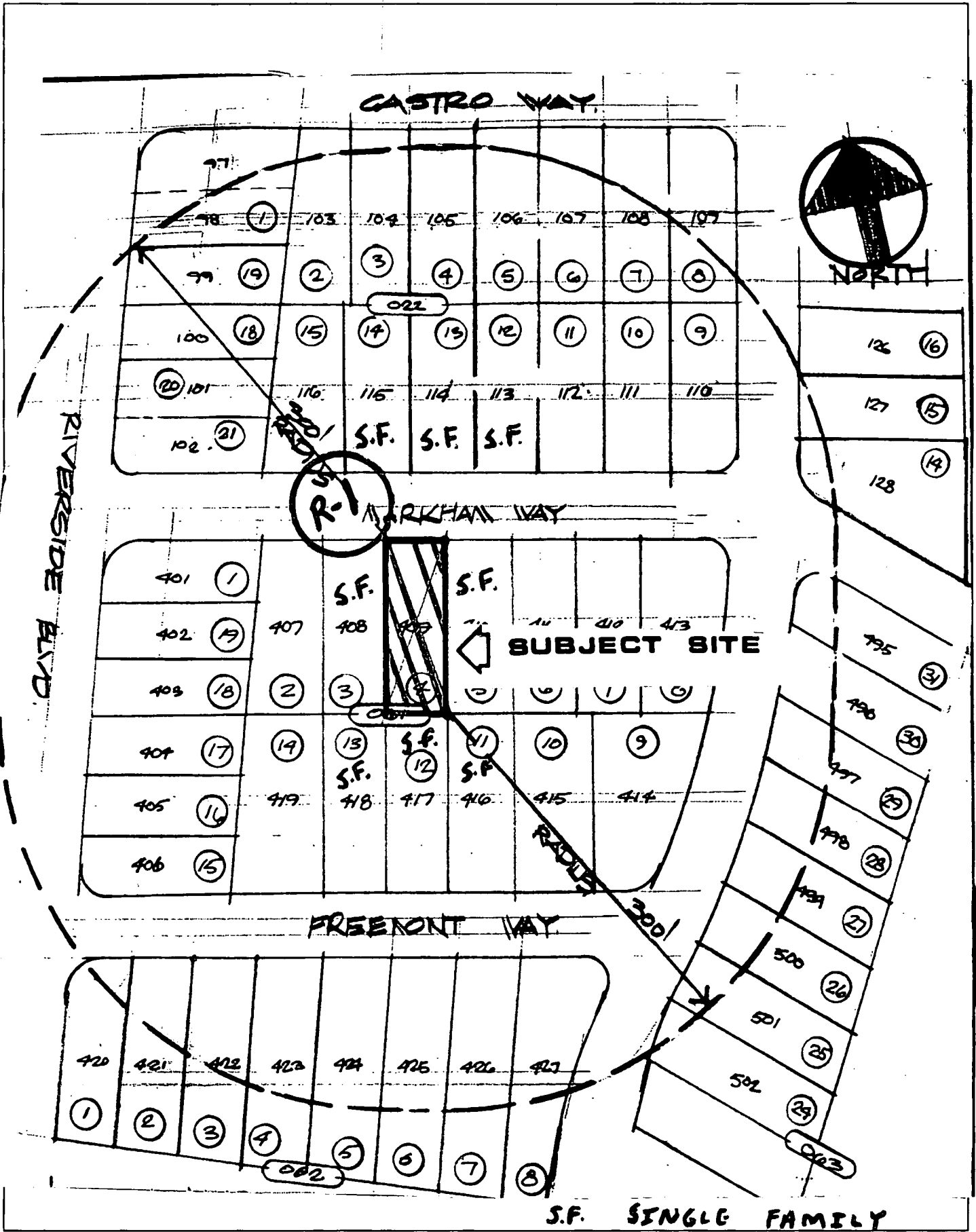
Findings of Fact:

1. The proposed project, as conditioned, is not based upon sound principles of land use in that:
  - a. the proposed second unit does not meet the requirements established for second units by the Zoning Ordinance;
  - b. the proposed unit is too massive in size and location relative to the adjacent property to the east; and
  - c. the proposed unit will have an adverse impact on the surrounding residences.
2. Granting the variances constitutes a special privilege extended to an individual applicant in that no hardship exists that would have prohibited the applicant from building the structures or proposing the additional structure to meet Zoning Ordinance requirements.
3. Granting the request will be injurious to property in the vicinity in that
  - a. the close proximity of the structures to adjacent properties creates a potential nuisance for those property owners; and
  - b. the reduced setbacks and increased unit size will dramatically restrict light and openness of the adjacent property by creating the effect of a twenty foot wall along the eastern property line.



VICINITY MAP

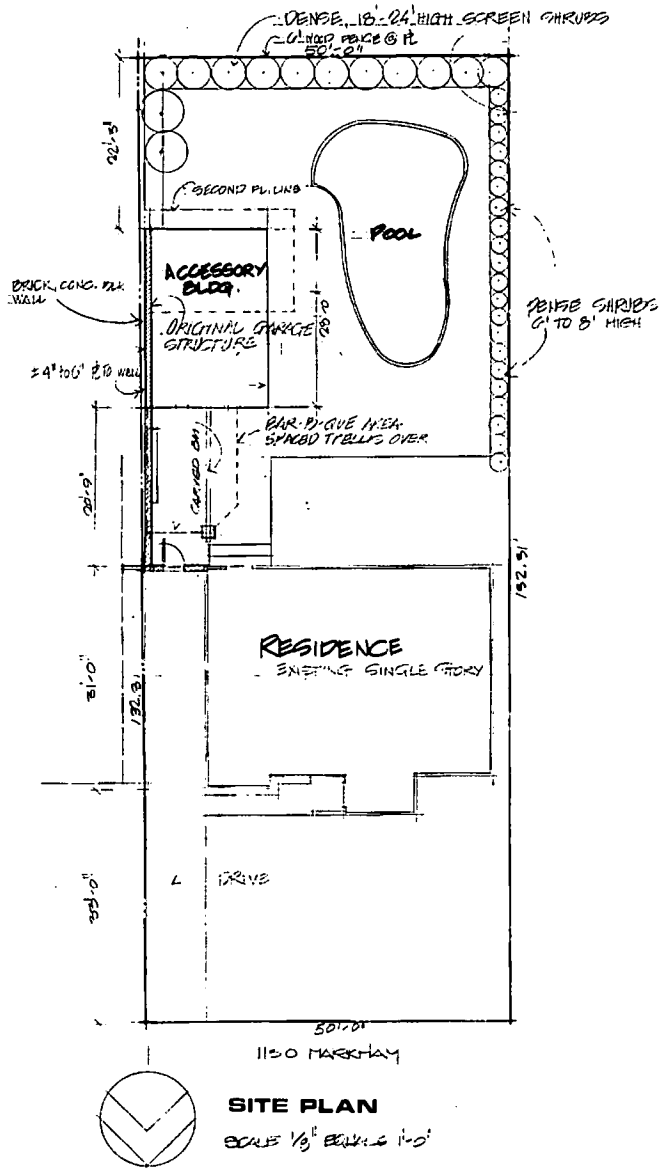
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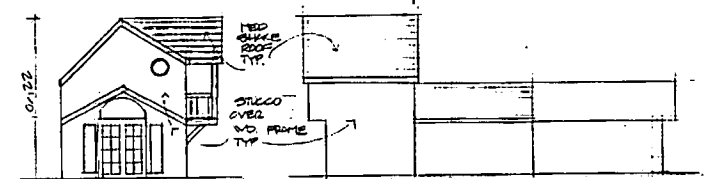
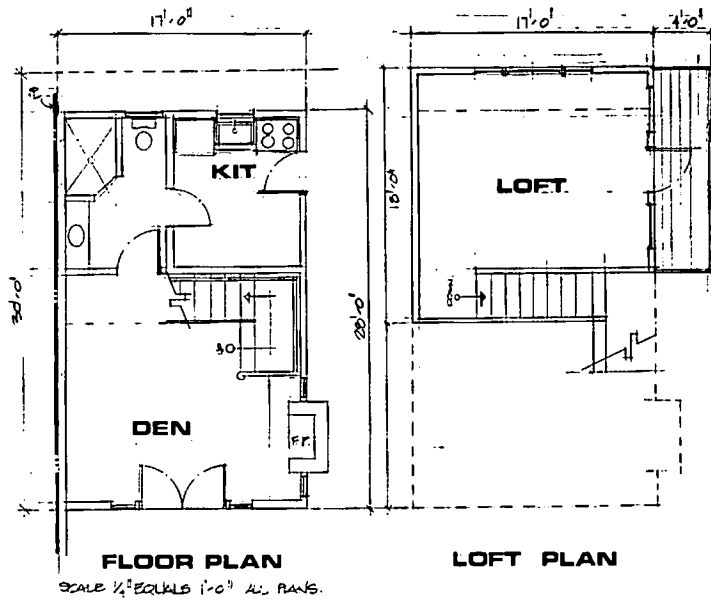
**LAND USE & ZONING MAP**

**000414**

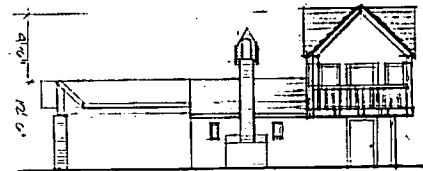
**EXHIBIT - A**



**SITE PLAN**  
SCALE 1/8" EQUALS 1'-0"

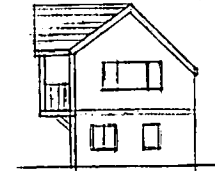


**FRONT ELEVATION**  
SCALE 1/8" EQUALS 1'-0" ALL ELEV.



**RIGHT ELEVATION**

**LEFT ELEVATION**  
FROM ADJACENT PROPERTY



**REAR ELEVATION**



ITEM 000413

8-27-92  
July 23, 1992

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**GARAGE CONVERSION**  
MR. SMRS. THOMAS DONATO  
1130 MARKHAM WAY  
SACRAMENTO CALIFORNIA

**BUZZ GARCIA ASSOCIATES**  
ARCHITECTURE & PLANNING  
1017 TWENTY-FIFTH STREET  
SACRAMENTO, CALIFORNIA 95816  
(916) 444-0784

BUZZ GARCIA ARCHITECT  
CALIF. LICENSE NO. 61328  
REVA LICENSE NO. 700  
ARIZONA LICENSE NO. 61328  
AZ LICENSE NO. 61328

5-20-92  
SHEET  
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