

# CITY PLANNING COMMISSION

1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT Carlos Campean, 1312 Nevis Court, Sacramento, CA 95822  
OWNER Carlos Campean, 1312 Nevis Court, Sacramento, CA 95822  
PLANS BY Anthony Rios, 1183 Aldertree Way, Sacramento, CA 95822  
FILING DATE 5-9-86 ENVIR. DET. Exempt 15301(e)4 REPORT BY LP:bw  
ASSESSOR'S-PCL. NO. 016-0305-022

APPLICATION: Variance to allow a six-foot high block wall on a front property line in a Single Family Residential (R-1) zone.

LOCATION: 1312 Nevis Court

PROPOSAL: The applicant is requesting the necessary entitlement to allow a six-foot high block wall on a front property line.

PROJECT INFORMATION:

1974 General Plan Designation:	Residential
1965 Sutterville Heights Community Plan Designation:	Light Density Residential
Existing Zoning of Site:	R-1 (EA-4)
Existing Land Use of Site:	Single Family Residence

Surrounding Land Use and Zoning:

North: Single Family Residence; R-1 (EA-4)  
South: Sewer Treatment Plant; R-1 (EA-4)  
East: Single Family Residence; R-1 (EA-4)  
West: Single Family Residence; R-1 (EA-4)

Property Dimensions:	Irregular
Property Area:	0.16+ acres
Height of Fence:	Six feet
Topography:	Flat
Street Improvements/Utilities:	Existing
Fence Material:	Slumpstone block with wrought iron gate

PROJECT EVALUATION: Staff has the following comments:

- A. The subject site is a 0.16+ acre lot developed with a single family residence located at 1312 Nevis Court in the Single Family Residential-Executive Airport-4 Overlay (R-1,EA-4) zone. Surrounding land uses include single family residences to the north, east and west. The sewer treatment plant is to the south across Fruitridge Road from the site. All these properties are located in the R-1 zone and are designated for residential land uses, with the exception of the sewer treatment plant, in the 1974 General Plan.
- B. The applicant has constructed a six-foot high masonry wall (slumpstone) with a 15 and one-half foot high arch over the driveway entrance, and with a five foot, 10 inch high wrought iron gate across the driveway entrance. The wall is abutting the back side of the sidewalk, and the gates are placed on the inside of the wall.

- C. The Zoning Ordinance Fence Regulations for residential lots specifically detail the fencing allowed in a front yard. For instance, decorative open metal wrought iron fences six feet in height may be placed along the front yard and street side yard property lines or within these yard area setbacks. This does not allow solid walls, such as the applicant's, or fences composed of material other than wrought iron. A three-foot high wall is allowed along the front yard and side yard property lines. Both of these fences must provide a triangular clear vision zone.

The applicant's fence meets none of these requirements. There is no clear vision zone, plus the gates across the driveway only three feet from the back of the side walk do not provide an area to park while the gates are being opened or closed. The other fences in front yards in the vicinity provide both a clear vision zone and a parking area, and the majority of properties do not have fenced front yards.

- D. The Ordinance provides for variances when strict application of requirements will result in practical difficulty or unnecessary hardship for home owner. There are ground rules which govern the variance consideration, and among these are: no special privilege can be extended to a property owner, and the variance must not be injurious to public welfare or to property in the vicinity of the applicant's property.

This project does not satisfy any of the grounds for a variance. The applicant can construct a six-foot wrought iron fence in the front yard, which would provide adequate security from traffic; the block wall gives a fortress-like appearance to the site which is a detriment to other properties in the vicinity. The wall does not provide a clear vision zone for cars using the driveway, nor an area to park while the gates are being opened.

ENVIRONMENTAL DETERMINATION: The project is exempt from environmental review pursuant to State EIR Guidelines (CEQA, Section 15301(e)(4)).

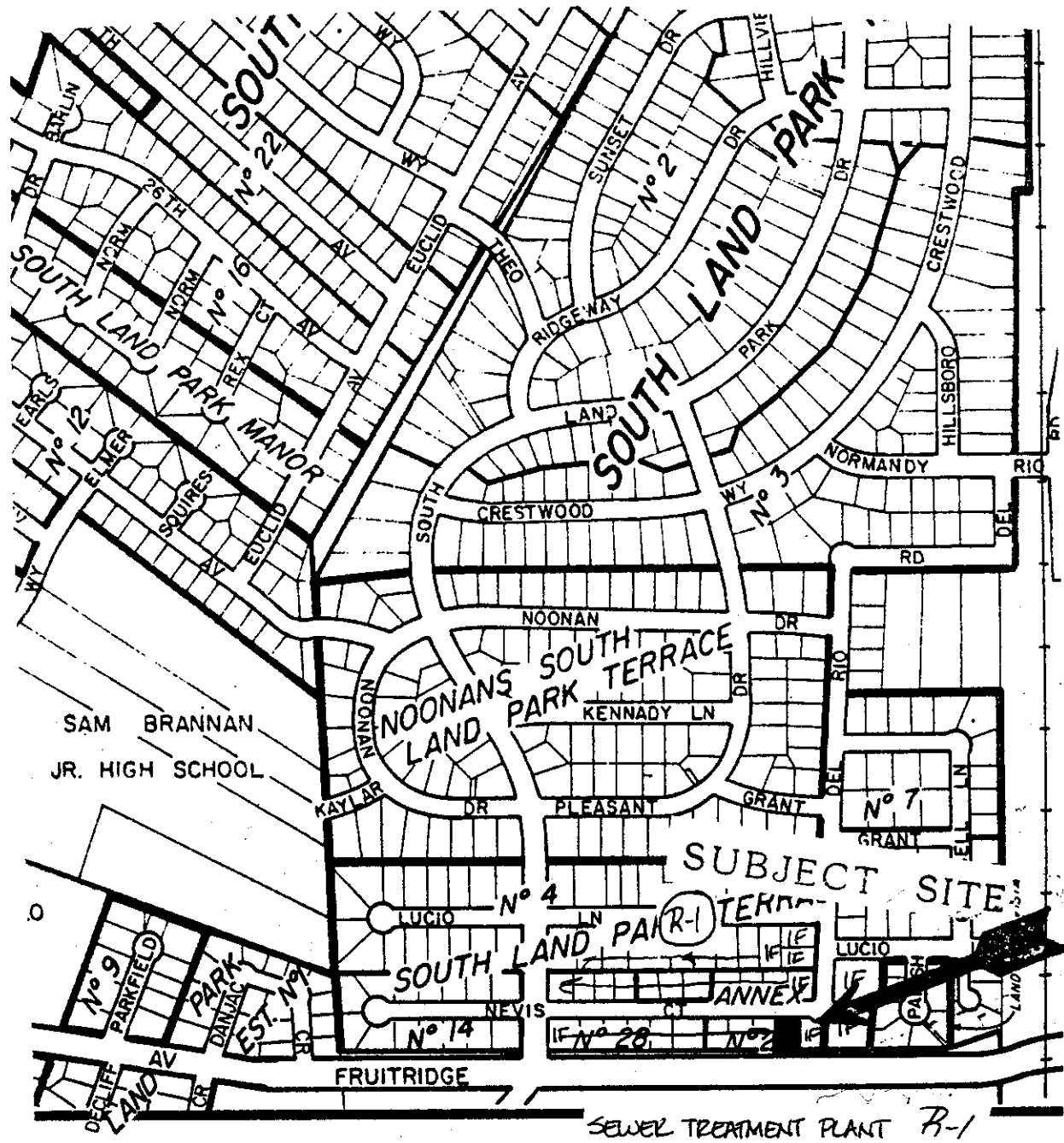
RECOMMENDATION: Staff recommends the following action:

Denial of the variance, based upon Findings of Fact which follow.

Findings of Fact

1. The granting of the variance would constitute a special privilege extended to an individual, in that:
  - a. a six-foot high wrought iron fence can be constructed in the front yard to provide safety and privacy;
  - b. other properties in the vicinity with fences in the front yard conform to Code requirements.

2. Granting the variance is injurious to property in the vicinity, in that:
  - a. the six-foot high block wall creates the impression of a fortress which is not in keeping with the appearance of other properties in the vicinity;
  - b. the wall does not provide either a clear vision area or a parking area while the gates are being opened or closed.



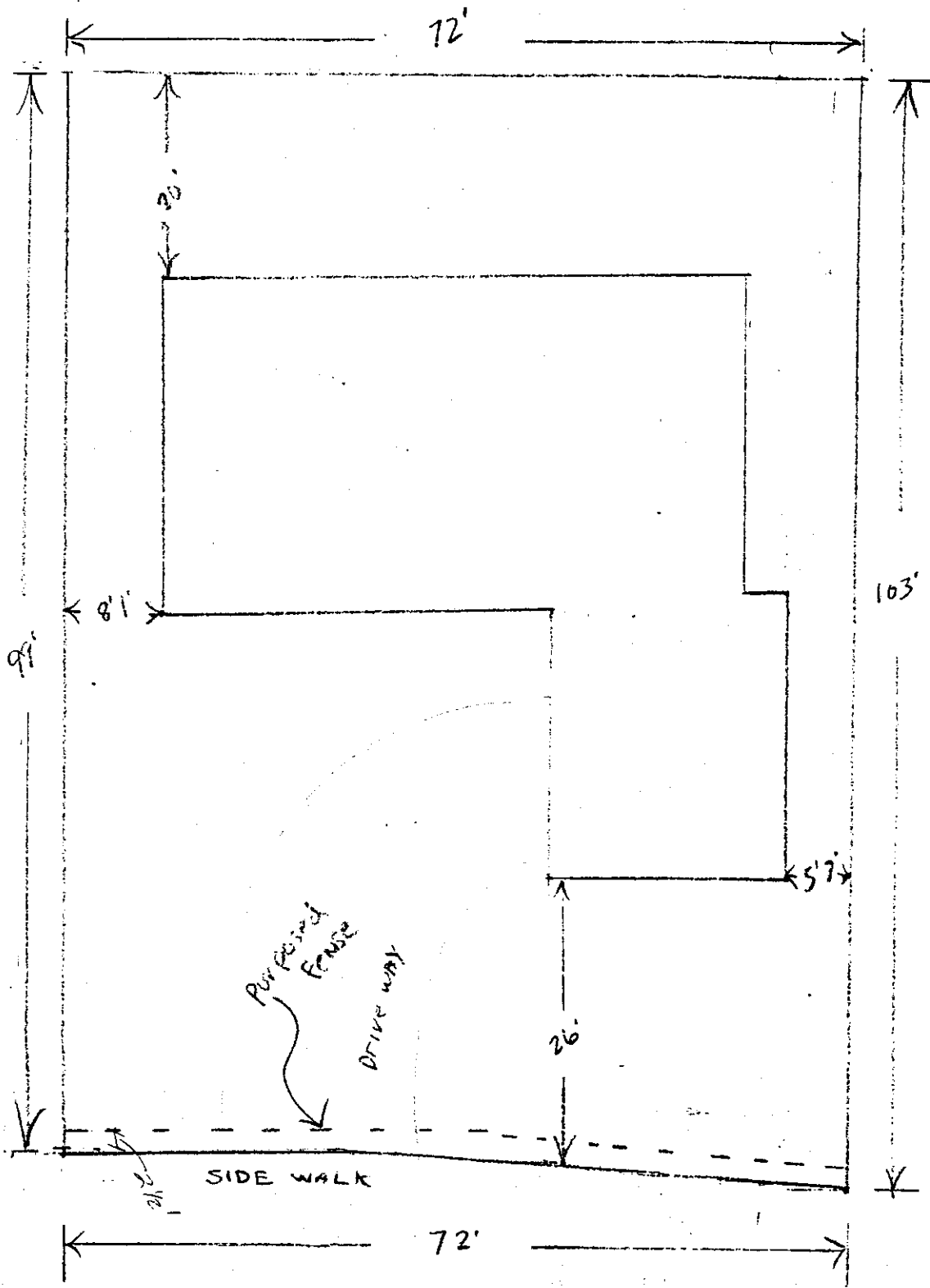
VICINITY - LAND USE - ZONING

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EXHIBIT A



PLOT PLAN

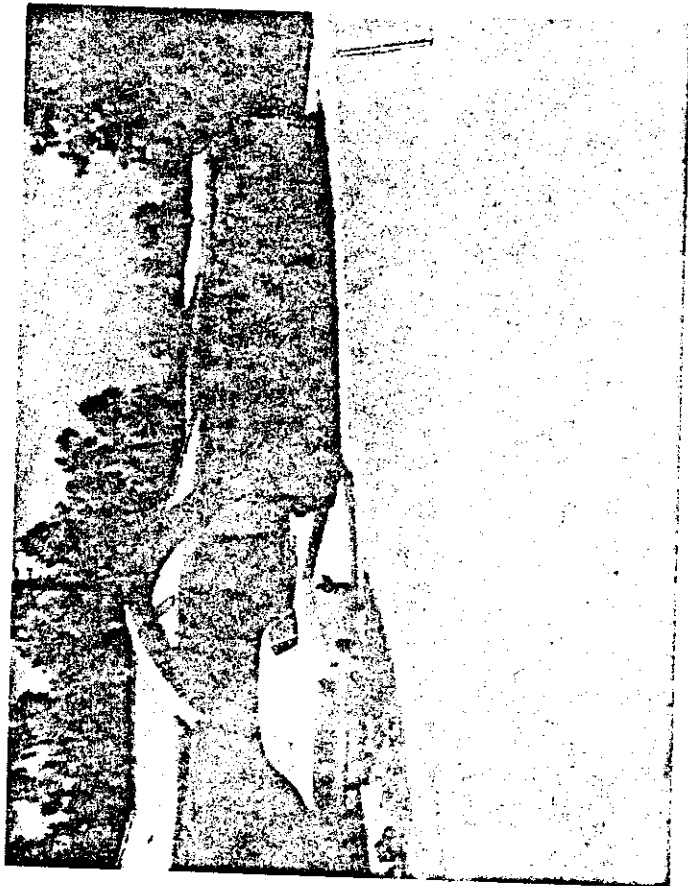
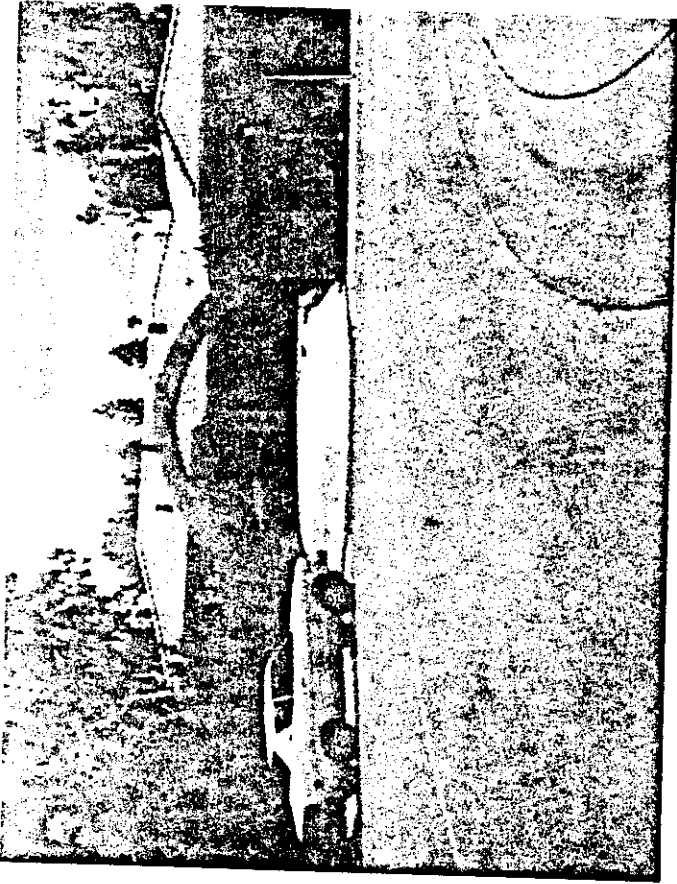
SCALE 1/2" = 5'

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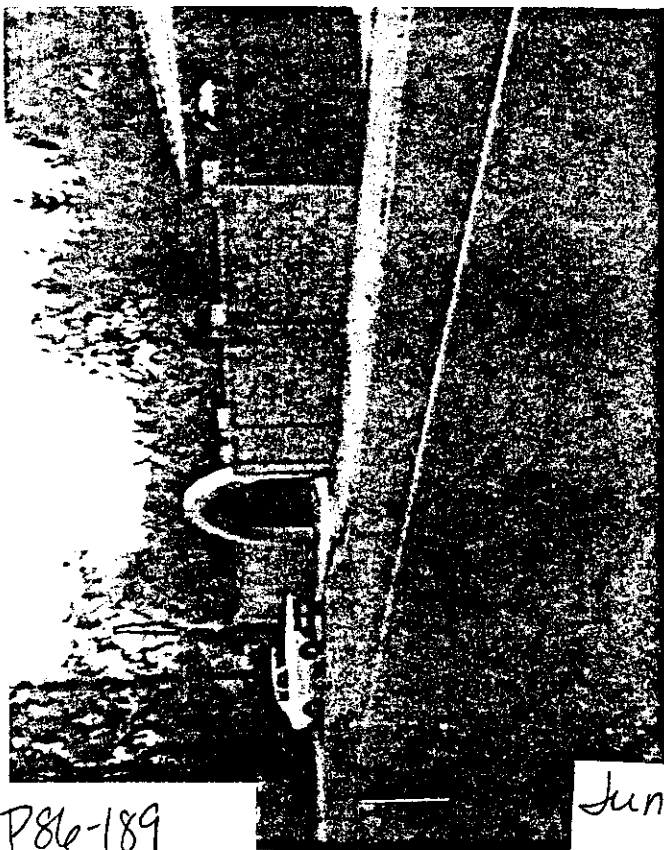
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EXHIBIT B



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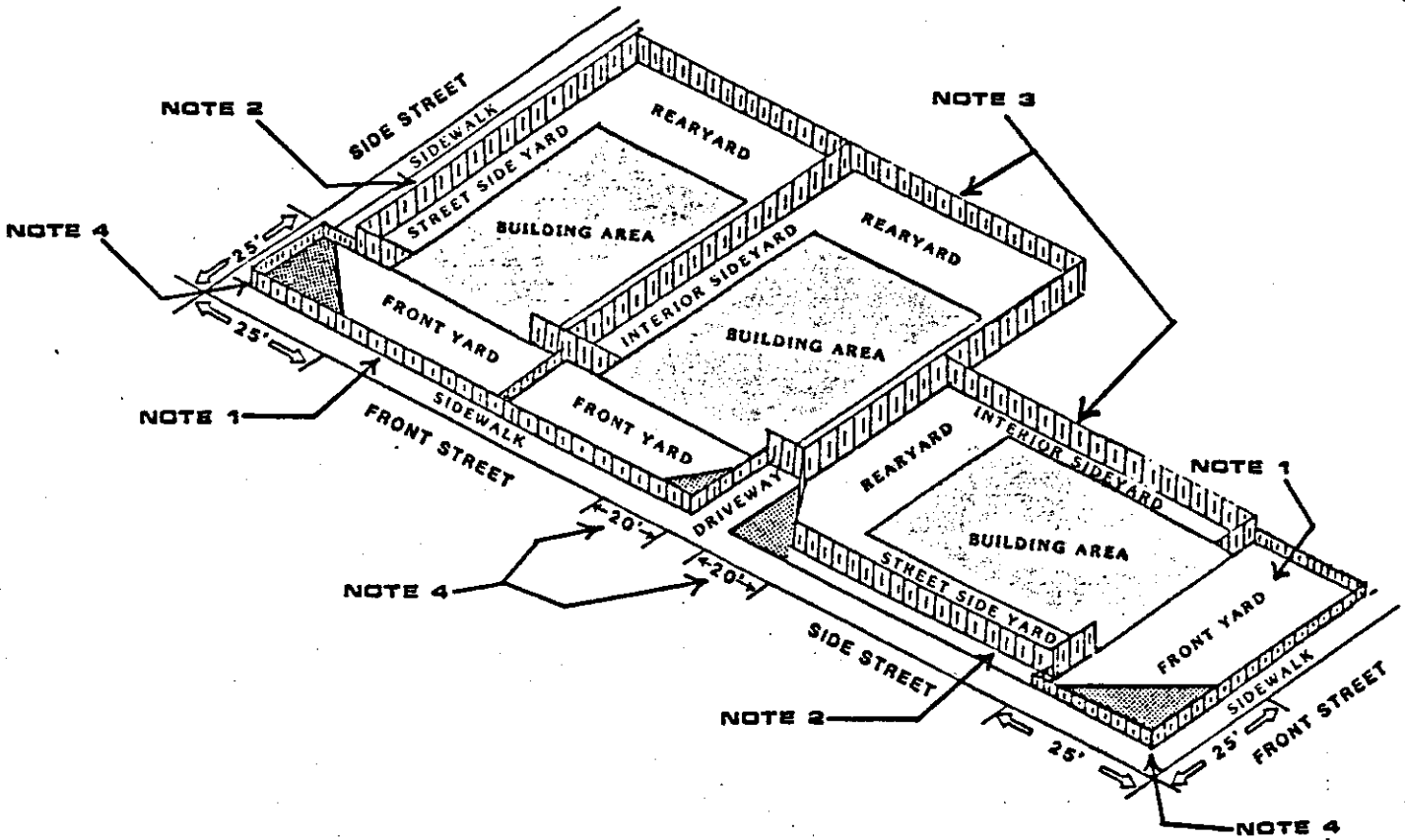


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**FENCE REGULATIONS FOR RESIDENTIAL LOTS  
CITY OF SACRAMENTO**

ADOPTED 7/31/84 - ORDINANCE NO. 84-077  
EFFECTIVE 8/30/84



Fence Regulations for Residential Lots  
City of Sacramento

Fence heights and materials within the setback areas are permitted as follows:

**Note 1 - Front Yard Setback Areas**

- (a) A maximum three feet (3') high fence constructed of wood, woven-wire (e.g. chainlink, cyclone), masonry (concrete block, brick, stucco, or similar material) or open metal (commonly referred to as wrought iron) is permitted to be located on the front property line or within the front yard setback area.
- (b) A fence exceeding three feet (3') in height, but not exceeding six (6') in height is permitted to be located on the front property line or within the front yard setback area if the fence is constructed of decorative open-metal fencing (commonly referred to as wrought iron). A woven-wire (e.g. chainlink, cyclone) fence exceeding three feet (3') in height is not permitted. (See Note 4 regarding regulations for clear vision zones.)

**Note 2 - Street Side Yard Setback Areas**

- (a) A maximum three feet (3') high fence constructed of wood, woven-wire (e.g. chainlink, cyclone), masonry (concrete block, brick, stucco, or similar material) or open metal (commonly referred to as wrought iron) is permitted to be located on the street side property line or within the street side yard setback area.
- A maximum six feet (6') high fence constructed of the same materials is permitted within the street side yard setback area if the fence is located a minimum distance of five feet (5') from the street side property line.

**Exception - Central City only**

A maximum six feet (6') high fence is permitted in the street side setback area if the fence is placed on a line parallel to the street which represents the extension of the wall of the main dwelling which is nearest the street, or if the fence is located a distance of five feet (5') from the street side property line, whichever is less.

The area between the fence and street must be landscaped with a combination of shrubs, climbing vines and low ground cover. This landscape area must be irrigated and properly maintained in good condition.

- (b) A fence exceeding three feet (3') in height but not exceeding six feet (6') in height is permitted to be located on the street side property line or within the street side yard setback area if the fence is constructed of decorative open-metal fencing (commonly referred to as wrought iron). A woven-wire (e.g. chainlink, cyclone) fence exceeding three feet (3') in height is not permitted. (See Note 4 regarding regulations for clear vision zones.)

**Note 3 - Interior Side Property Line and Rear Yard Property Line**

- (a) A maximum six feet (6') high fence is permitted to be located on the interior side or rear property line.
- (b) A maximum eight feet (8') high fence is permitted on the interior side or rear property line if the adjoining property is developed as a school, park, or in any non-residential use.  
A City Building Permit is required for fences exceeding six feet (6') in height.

**Note 4 - Clear Vision Zones**

In order to maintain clear visibility and traffic safety at street corners and within areas adjacent to private driveways, height regulations pertaining to clear vision zones are established as follows:

- (a) **Corner Lots:** A fence or wall may not exceed three feet (3') in height within the triangular corner area formed by measuring a distance of twenty-five feet (25') along the front and street side yard curb lines from the corner and a diagonal line joining the two points on the curb lines.  
If no standard curbs exist, the distances shall be measured along the front and street side property lines.
- (b) **Setback areas adjacent to Driveways:** A fence or wall may not exceed three feet (3') in height within the triangular area next to the driveway and public street. The triangular area is determined by measuring a distance of twenty feet (20') along the curb line in each direction from the edge of the driveway and a second line measured along the edge of the driveway a distance equal to the required front or street side yard setback of the lot, or to the front of the garage or carport, and a diagonal line joining these two points.  
If no standard curbs exist, the distances shall be measured along the street property lines.

**General Provisions - Landscaping**

Every minimum front and street side yard setback area in residential zones shall be irrigated, landscaped and maintained with primarily low ground cover. Only living vegetation may be used as ground cover, and no parking shall be permitted in the required setback areas except on approved driveways.