

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

**ACTION OF THE ZONING ADMINISTRATOR**

On Wednesday, April 7, 1999, the Zoning Administrator approved with conditions a variance to allow a fence in a setback area and a special permit to expand a non-conforming structure for a single family residence for the project known as Z99-016. Findings of Fact and conditions of approval for the project are listed on pages 3-4.

**Project Information**

- Request: 1. Zoning Administrator Variance to reduce the required five foot street side yard setback (for solid fences higher than three feet ) to zero feet for a six foot high block wall for a single family residence on 0.13± developed acres in the Standard Single Family (R-1) zone.
2. Zoning Administrator Special Permit to extend a non-conforming street side yard setback building line an additional three feet for a small addition to an existing residence.

Location: 944 44th Street (D3, Area 1)

Assessor's Parcel Number: 008-0092-009

Applicant: Matthew and Nancy Mathai  
944 44th Street  
Sacramento, CA 95819

*Nancy WK 454-6879*  
*Pgr 650-5347*  
*Home 457-9557*

Property: Same as Applicant  
Owner:

Project Planner: Sandra Yope

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

**Surrounding Land Use and Zoning:**

North: R-1; Single Family Residence  
South: R-1; Single Family Residence  
East: R-1; Single Family Residence  
West: R-1; Single Family Residence

Property Dimensions:	60 feet x 100 feet
Property Area:	0.13± acres
Fence Building Materials:	Stucco covered Concrete and Brick
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

Project Plans: See Exhibits A-B

Previous Files: None

**Additional Information:** The applicant is requesting to replace an existing six foot high fence with a solid masonry wall. The existing fence is on top of a 16 inch high retaining wall that is currently located within the public right-of-way. The applicant is also requesting to extend the fence along the same line, at the same height, to the front (east) wall of the residence. The finished wall will have a brick cap along the top and a stucco finish (see Exhibit B). The site is located at the northwest corner of the intersection of J Street and 44th Street. The wall is located beyond the street side yard setback and property line. The Zoning Ordinance allows a maximum height of three feet for residential fences/walls in the first five feet of the street side yard setback area or a six foot decorative wrought iron fence. The applicant is requesting a variance to this requirement.

The applicant is also proposing to expand the southwest corner of the existing house three feet along the current wall line for a future window. The total expansion is three square feet. The existing structure is 11.3 feet from the side property line and the Zoning Ordinance requires a 12.5 foot street side yard setback. A special permit is required to expand a non-conforming structure.

The site is located within the East Sacramento Improvement Association (ESIA) area. Staff sent the plans to the association and they sent a letter in opposition to the variance for the wall. They want the wall set back from the property line with landscaping along the front of the wall (see Exhibit C). The project has been noticed and staff has received one call concerning the project. The caller expressed opposition to the wall being extended beyond the present location of the existing fence.

A neighbor came to the Zoning Administrator hearing to express her personal concerns and to represent ESIA's position as stated in their letter. She was concerned about the height and did not want the wall to extend past its present position. Staff discussed that the height of the wall is determined at the grade on the inside of the wall; therefore, with a grade differential the wall will be higher from the street side.

**Agency Comments:** The proposed project has been reviewed by the City Public Works-Transportation and Engineering Planning Division, and the Building Division. Public Works indicated that an encroachment permit would be required. There were no concerns or conditions from the other agencies.

**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, Section 15303(e) and 15305(a)}.

Conditions of Approval

- 1. The applicant may replace the existing fence in the same location with the new masonry wall and extend the wall to the east an additional seven feet for a total of 41 feet (see Staff Exhibits E and F). This section of the wall shall not exceed 7' 2" measured from the sidewalk to the top of the proposed brick cap. The remaining 32.5 feet of the proposed new wall shall be set back a minimum of four feet from back of sidewalk. The maximum height of the wall measured from the inside grade shall be six feet (including the brick cap). The Variance is to reduce the side yard setback from five feet to 1' 10" or four feet from the back of sidewalk to the wall.
- 2. ~~The applicant shall plant shrubs along the wall. The applicant shall submit a final landscaping plan to Planning staff for review and approval prior to installation.~~
- 3. The applicant shall obtain an encroachment permit from Public Works for the fence in the right-of-way prior to construction. **NOTE: The applicant shall be constructing the wall in the public right-of-way at their own risk, the City may at any time require the wall be removed.**
- 4. The applicant shall obtain building permits for the wall (total height exceeds six feet with retaining wall).

Findings of Fact-Variance:

- 1. Granting the variance does not constitute a special privilege extended to an individual applicant in that:
  - a. this section of J Street has numerous walls constructed (most prior to the fence regulations) with less than five feet side yard setbacks;
  - b. this section of J Street is busy, many of street side yard buildings are setback less than 12.5 feet; and
  - c. a variance would be and has been granted to other property owners facing similar circumstances.
- 2. 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.
- 3. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:

- a. the wall does not impair visibility of the sidewalk and J Street for the adjacent neighbor;
  - b. the four foot setback from back of sidewalk will break the massing of the wall and allow for landscaping, creating a more aesthetic street scape for pedestrians;
  - c. the walled area will provide additional safety and a noise buffer for the applicant from the high traffic volume along J Street.
4. The project is consistent with the General Plan which designates the subject site as Low Density Residential (4-15 du/na).

Findings of Fact-Special Permit:

1. The proposed project, as conditioned, is based upon sound principles of land use in that the proposed house expansion will not substantially alter the characteristics of the site or the surrounding neighborhood.
2. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:
  - a. the proposed house expansion is compatible in design with the existing house and other properties in the neighborhood;
  - b. there will still be adequate yard area; and
  - c. the lot is substandard in width.

*Joy D. Patterson*

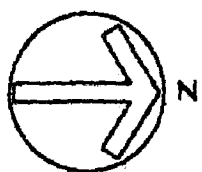
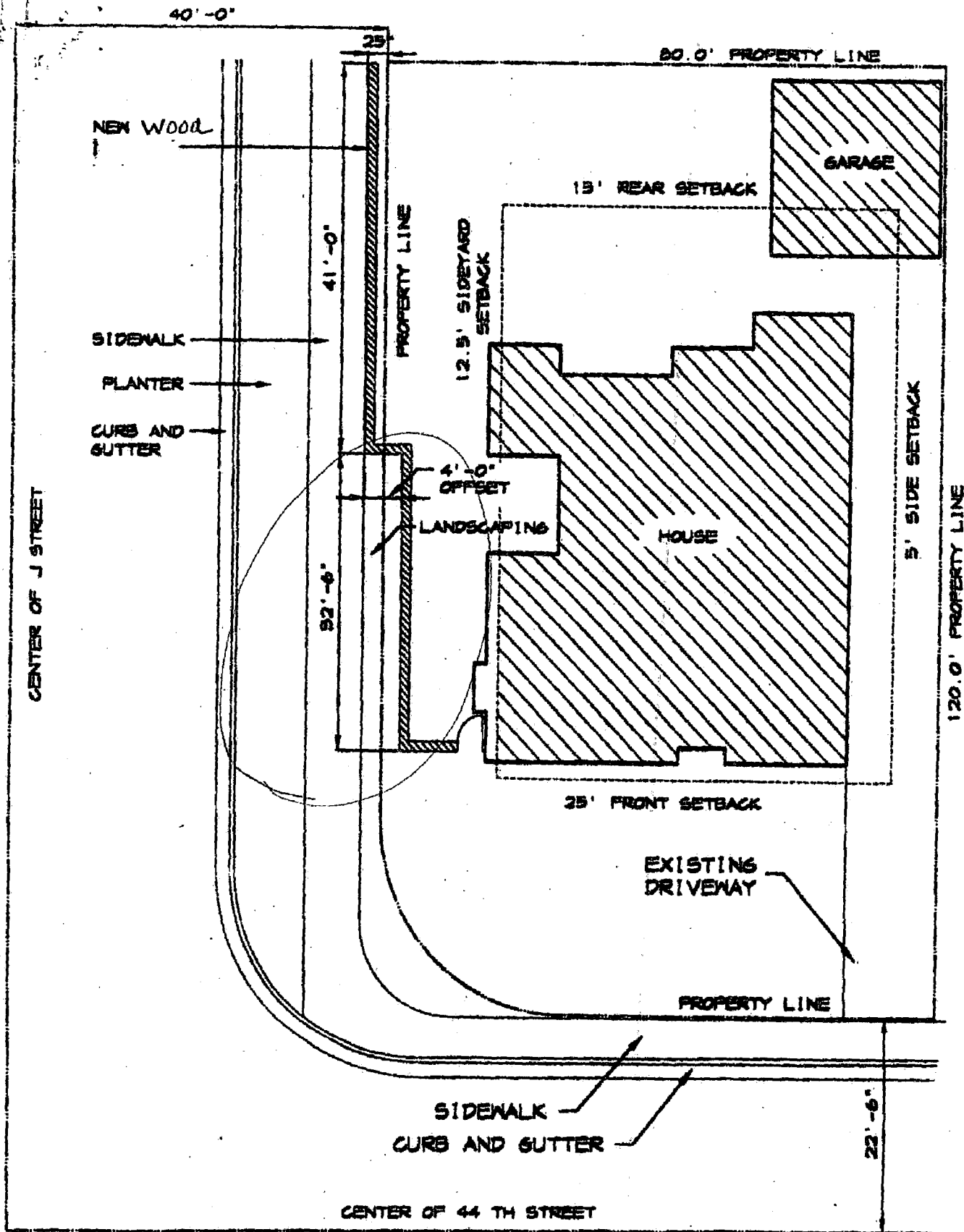
---

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  
ESIA, P.O. Box 19147, Sacramento, CA 95819



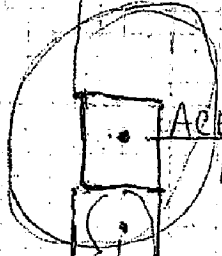
# SITE PLAN

944 44TH STREET, SACRAMENTO, CA

1" = 15'-0"

MAY 1, 1999

I Street



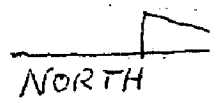
ACER P.  
15g (1)

Fence

Lawn

Photinia Fraseri  
5g (8)

Plan  
Landscape P  
944-44th Street  
Street



NORTH

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

**ACTION OF THE ZONING ADMINISTRATOR**

On Wednesday, April 7, 1999, the Zoning Administrator approved with conditions a variance to allow a fence in a setback area and a special permit to expand a non-conforming structure for a single family residence for the project known as Z99-016. Findings of Fact and conditions of approval for the project are listed on pages 3-4.

**Project Information**

- Request:     1.     Zoning Administrator Variance to reduce the required five foot street side yard setback (for solid fences higher than three feet ) to zero feet for a six foot high block wall for a single family residence on 0.13± developed acres in the Standard Single Family (R-1) zone.
2.     Zoning Administrator Special Permit to extend a non-conforming street side yard setback building line an additional three feet for a small addition to an existing residence.

Location:     944 44th Street (D3, Area 1)

Assessor's Parcel Number:     008-0092-009

Applicant:   Matthew and Nancy Mathai  
              944 44th Street  
              Sacramento, CA 95819

Property:    Same as Applicant  
Owner:

Project Planner:     Sandra Yope

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

**Surrounding Land Use and Zoning:**

North: R-1; Single Family Residence  
South: R-1; Single Family Residence  
East: R-1; Single Family Residence  
West: R-1; Single Family Residence

Property Dimensions:	60 feet x 100 feet
Property Area:	0.13± acres
Fence Building Materials:	Stucco covered Concrete and Brick
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

Project Plans: See Exhibits A-B

Previous Files: None

Additional Information: The applicant is requesting to replace an existing six foot high fence with a solid masonry wall. The existing fence is on top of a 16 inch high retaining wall that is currently located within the public right-of-way. The applicant is also requesting to extend the fence along the same line, at the same height, to the front (east) wall of the residence. The finished wall will have a brick cap along the top and a stucco finish (see Exhibit B). The site is located at the northwest corner of the intersection of J Street and 44th Street. The wall is located beyond the street side yard setback and property line. The Zoning Ordinance allows a maximum height of three feet for residential fences/walls in the first five feet of the street side yard setback area or a six foot decorative wrought iron fence. The applicant is requesting a variance to this requirement.

The applicant is also proposing to expand the southwest corner of the existing house three feet along the current wall line for a future window. The total expansion is three square feet. The existing structure is 11.3 feet from the side property line and the Zoning Ordinance requires a 12.5 foot street side yard setback. A special permit is required to expand a non-conforming structure.

The site is located within the East Sacramento Improvement Association (ESIA) area. Staff sent the plans to the association and they sent a letter in opposition to the variance for the wall. They want the wall set back from the property line with landscaping along the front of the wall (see Exhibit C). The project has been noticed and staff has received one call concerning the project. The caller expressed opposition to the wall being extended beyond the present location of the existing fence.

A neighbor came to the Zoning Administrator hearing to express her personal concerns and to represent ESIA's position as stated in their letter. She was concerned about the height and did not want the wall to extend past its present position. Staff discussed that the height of the wall is determined at the grade on the inside of the wall; therefore, with a grade differential the wall will be higher from the street side.

Agency Comments: The proposed project has been reviewed by the City Public Works-Transportation and Engineering Planning Division, and the Building Division. Public Works indicated that an encroachment permit would be required. There were no concerns or conditions from the other agencies.



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, Section 15303(e) and 15305(a)}.

Conditions of Approval

1. The applicant may replace the existing fence in the same location with the new masonry wall and extend the wall to the east an additional seven feet for a total of 41 feet (see Staff Exhibits E and F). This section of the wall shall not exceed 7' 2" measured from the sidewalk to the top of the proposed brick cap. The remaining 32.5 feet of the proposed new wall shall be set back a minimum of four feet from back of sidewalk. The maximum height of the wall measured from the inside grade shall be six feet (including the brick cap). The Variance is to reduce the side yard setback from five feet to 1' 10" or four feet from the back of sidewalk to the wall.
2. The applicant shall plant shrubs along the wall. The applicant shall submit a final landscaping plan to Planning staff for review and approval prior to installation.
3. The applicant shall obtain an encroachment permit from Public Works for the fence in the right-of-way prior to construction. **NOTE: The applicant shall be constructing the wall in the public right-of-way at their own risk, the City may at any time require the wall be removed.**
4. The applicant shall obtain building permits for the wall (total height exceeds six feet with retaining wall).

Findings of Fact-Variance:

1. Granting the variance does not constitute a special privilege extended to an individual applicant in that:
  - a. this section of J Street has numerous walls constructed (most prior to the fence regulations) with less than five feet side yard setbacks;
  - b. this section of J Street is busy, many of street side yard buildings are setback less than 12.5 feet; and
  - c. a variance would be and has been granted to other property owners facing similar circumstances.
2. 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.
3. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:

- a. the wall does not impair visibility of the sidewalk and J Street for the adjacent neighbor;
  - b. the four foot setback from back of sidewalk will break the massing of the wall and allow for landscaping, creating a more aesthetic street scape for pedestrians;
  - c. the walled area will provide additional safety and a noise buffer for the applicant from the high traffic volume along J Street.
4. The project is consistent with the General Plan which designates the subject site as Low Density Residential (4-15 du/na).

Findings of Fact-Special Permit:

1. The proposed project, as conditioned, is based upon sound principles of land use in that the proposed house expansion will not substantially alter the characteristics of the site or the surrounding neighborhood.
2. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:
  - a. the proposed house expansion is compatible in design with the existing house and other properties in the neighborhood;
  - b. there will still be adequate yard area; and
  - c. the lot is substandard in width.



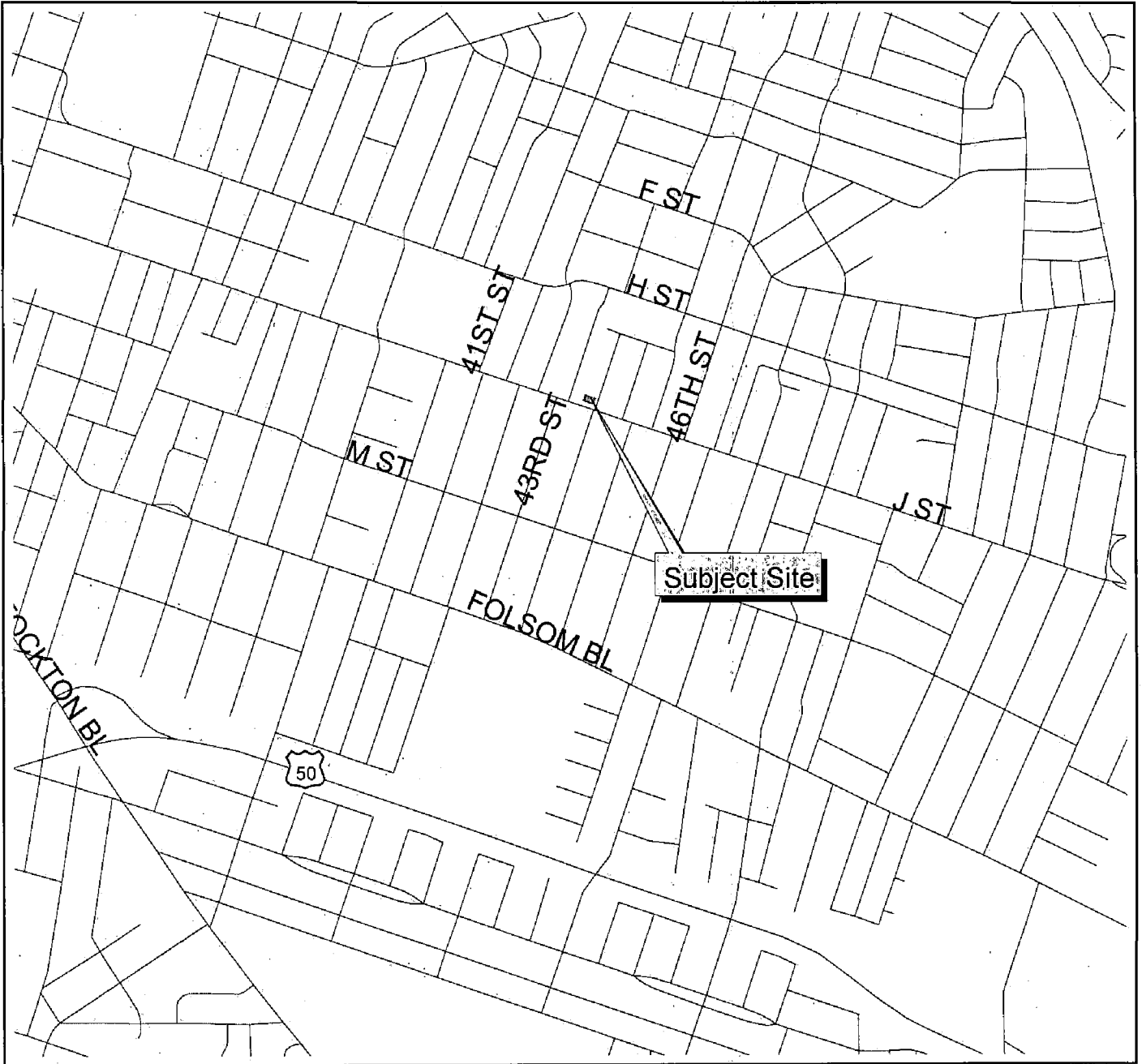
---

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.

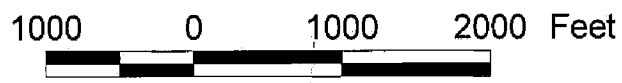
The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File  
Applicant  
ZA Log Book  
ESIA, P.O. Box 19147, Sacramento, CA 95819

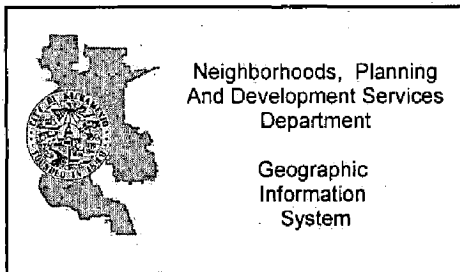
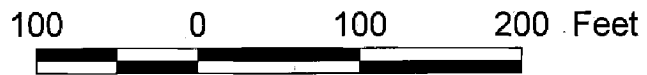
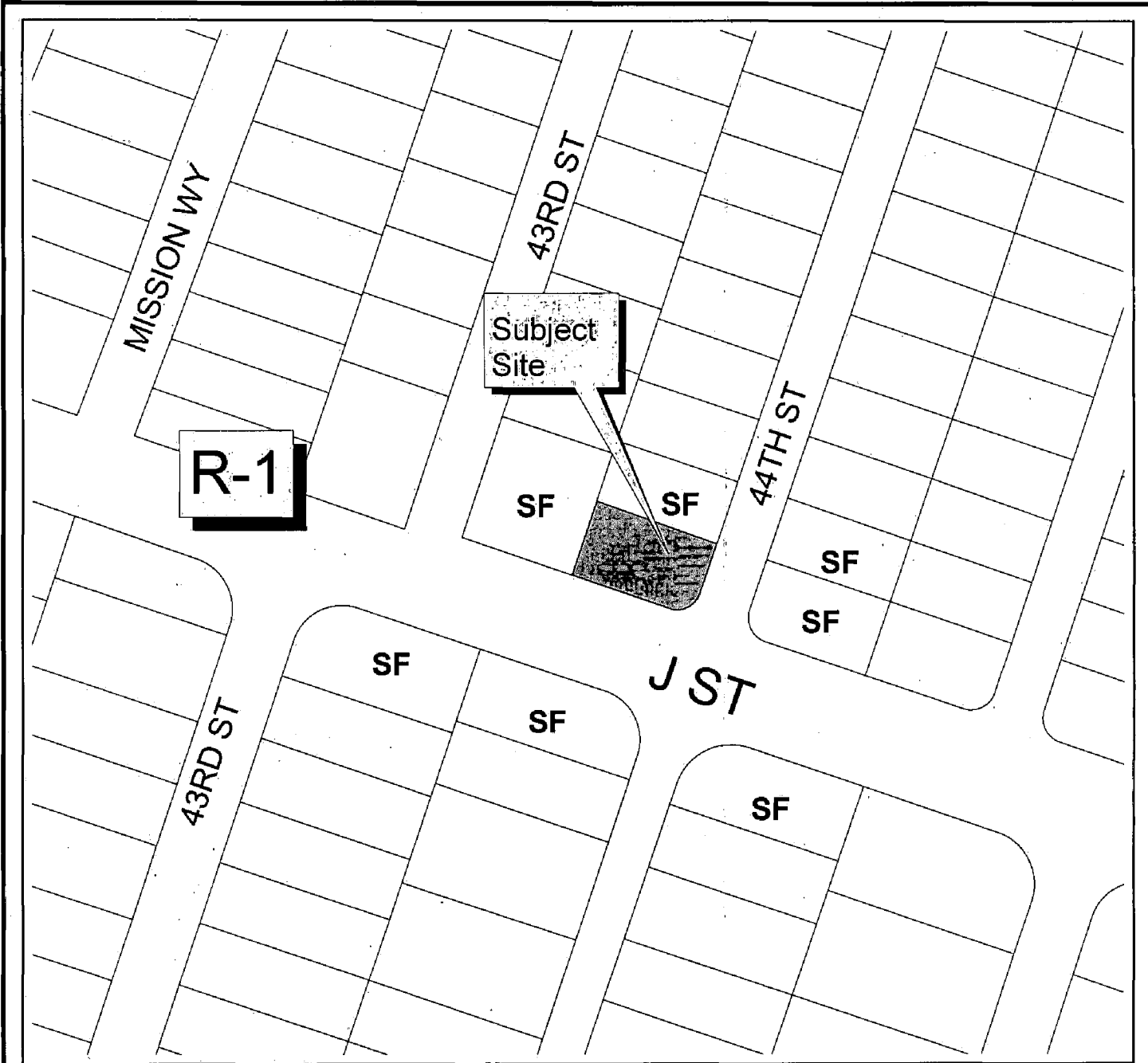


Neighborhoods, Planning  
And Development Services  
Department

Geographic  
Information  
System

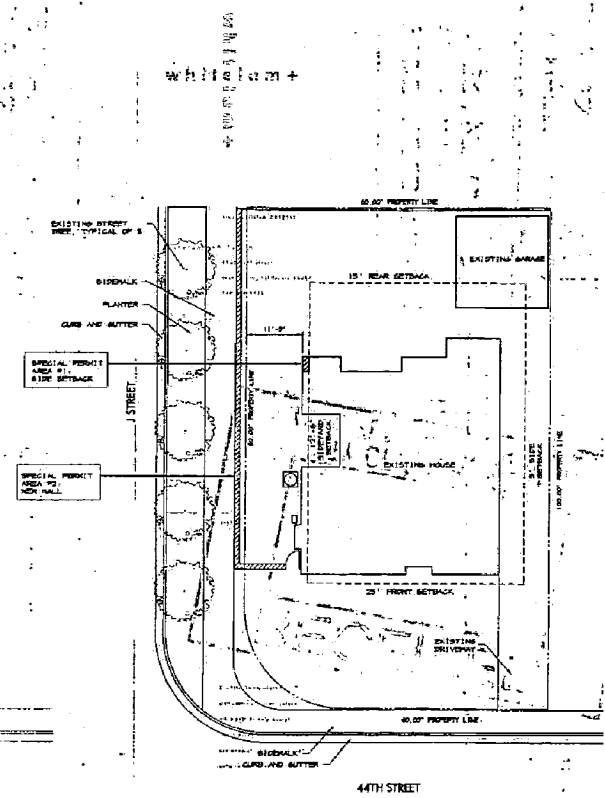
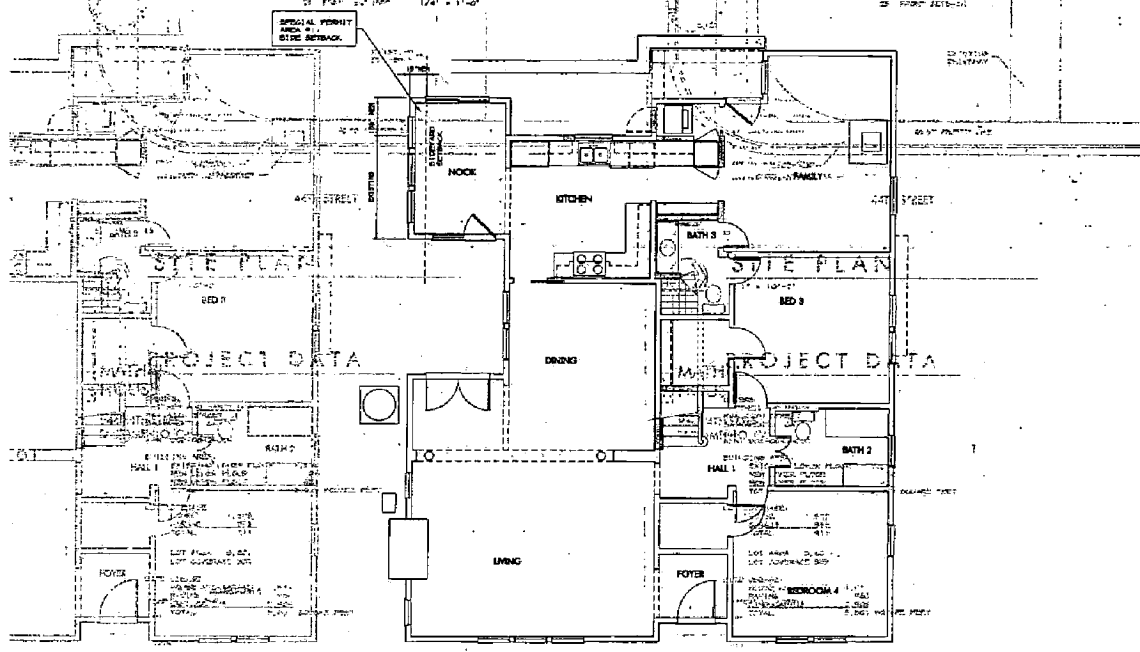
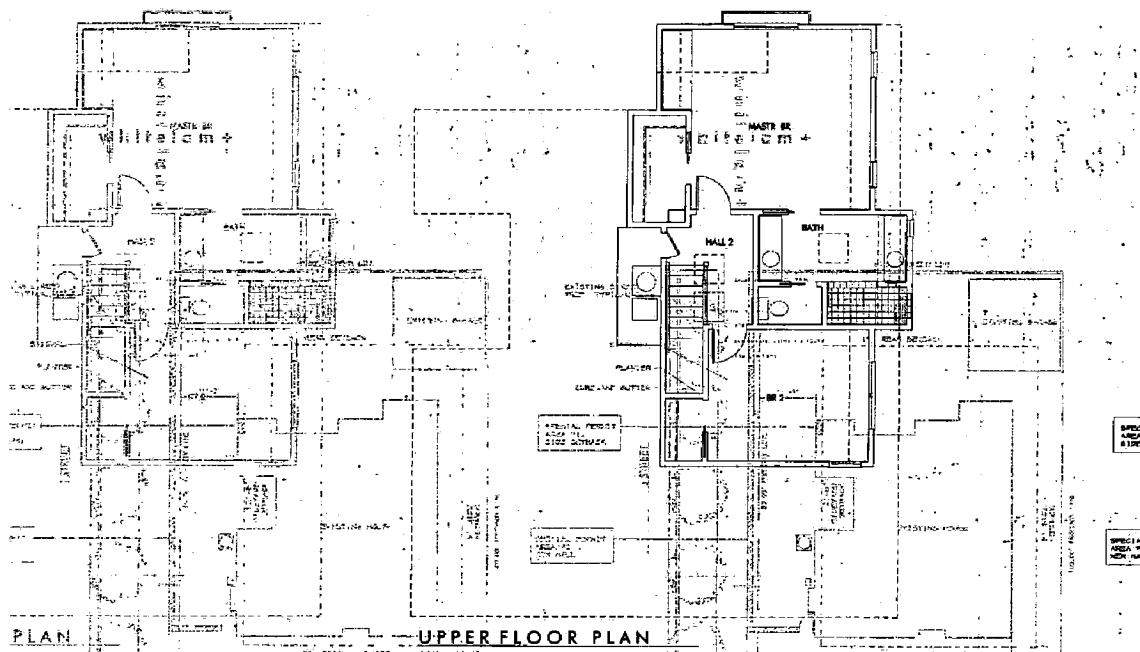


# VICINITY MAP



# LAND USE AND ZONING





**PROJECT DATA**

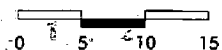
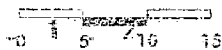
**MATTHEW HOUSE**  
OWNER: MATTHEW AND MARCO MATTHEW  
166 44TH STREET  
SACRAMENTO, CA  
SACRAMENTO, CA  
UNIVERSITY DESIGN GROUP

BUILDING AREA	
EXISTING LOWER FLOOR	1,970
NEW LOWER FLOOR	34
NEW LEVELS, STAIRS	631
TOTAL	2,635 SQUARE FEET

LOT COVERAGE	
HOUSE	1,970
GARAGE	203
TOTAL	2,173

LOT AREA	
LOT AREA	9,601
LOT COVERAGE %	22.6%

SITE USAGE	
HOUSE AND GARAGE	1,970
PAVING	1,000
LANDSCAPE	6,631
TOTAL	9,601 SQUARE FEET



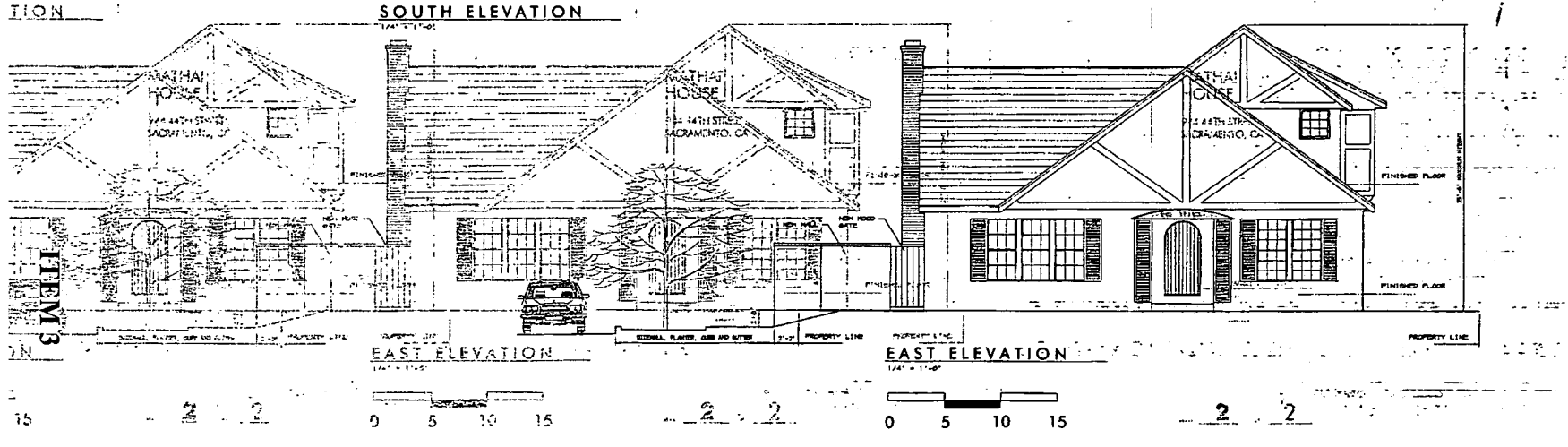
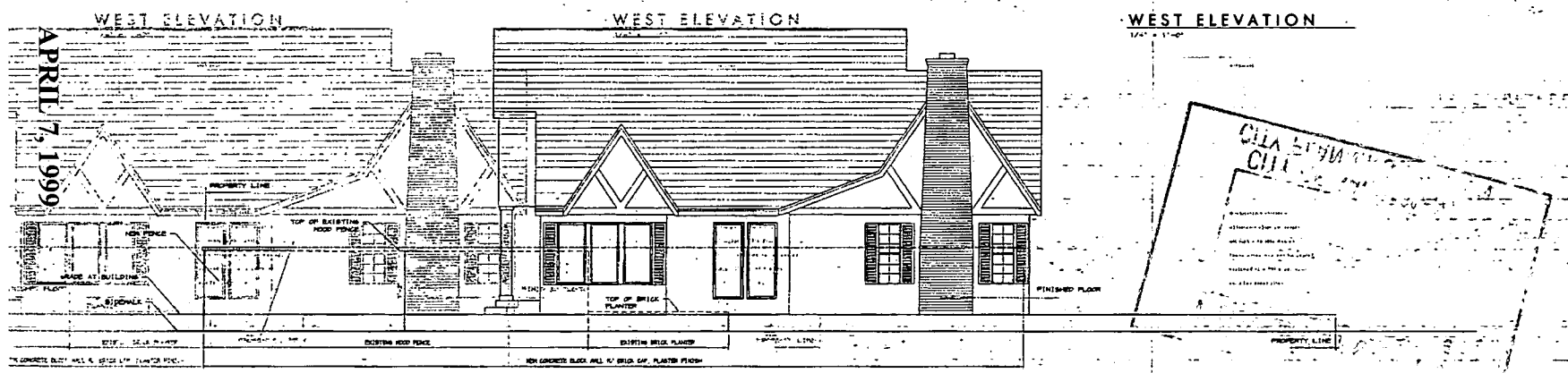
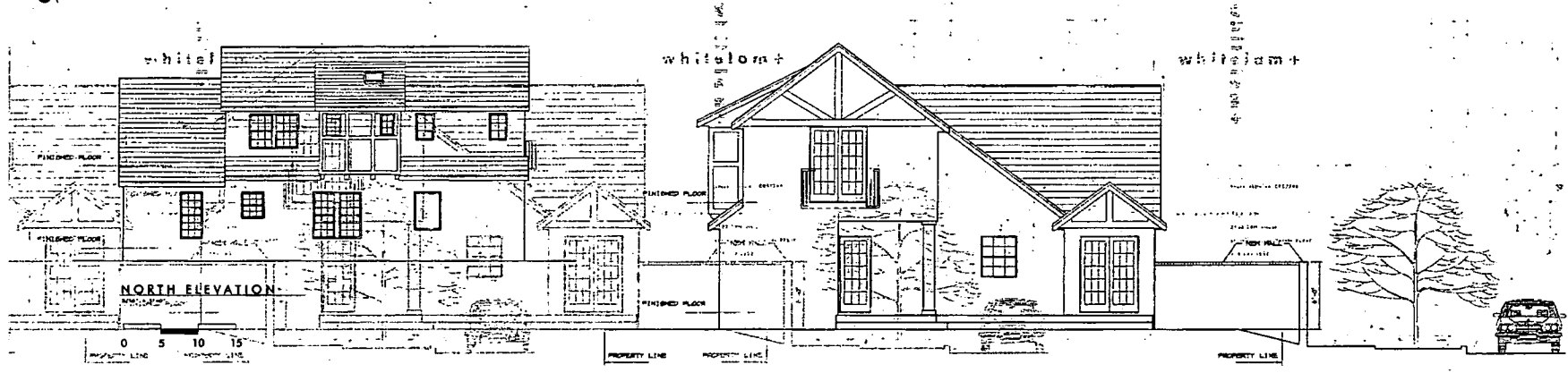
Z99-016

whitelom+

whitelom+

EXHIBIT B

MATHAI HOUSE  
944 44TH STREET  
SACRAMENTO, CA



APRIL 7, 1999

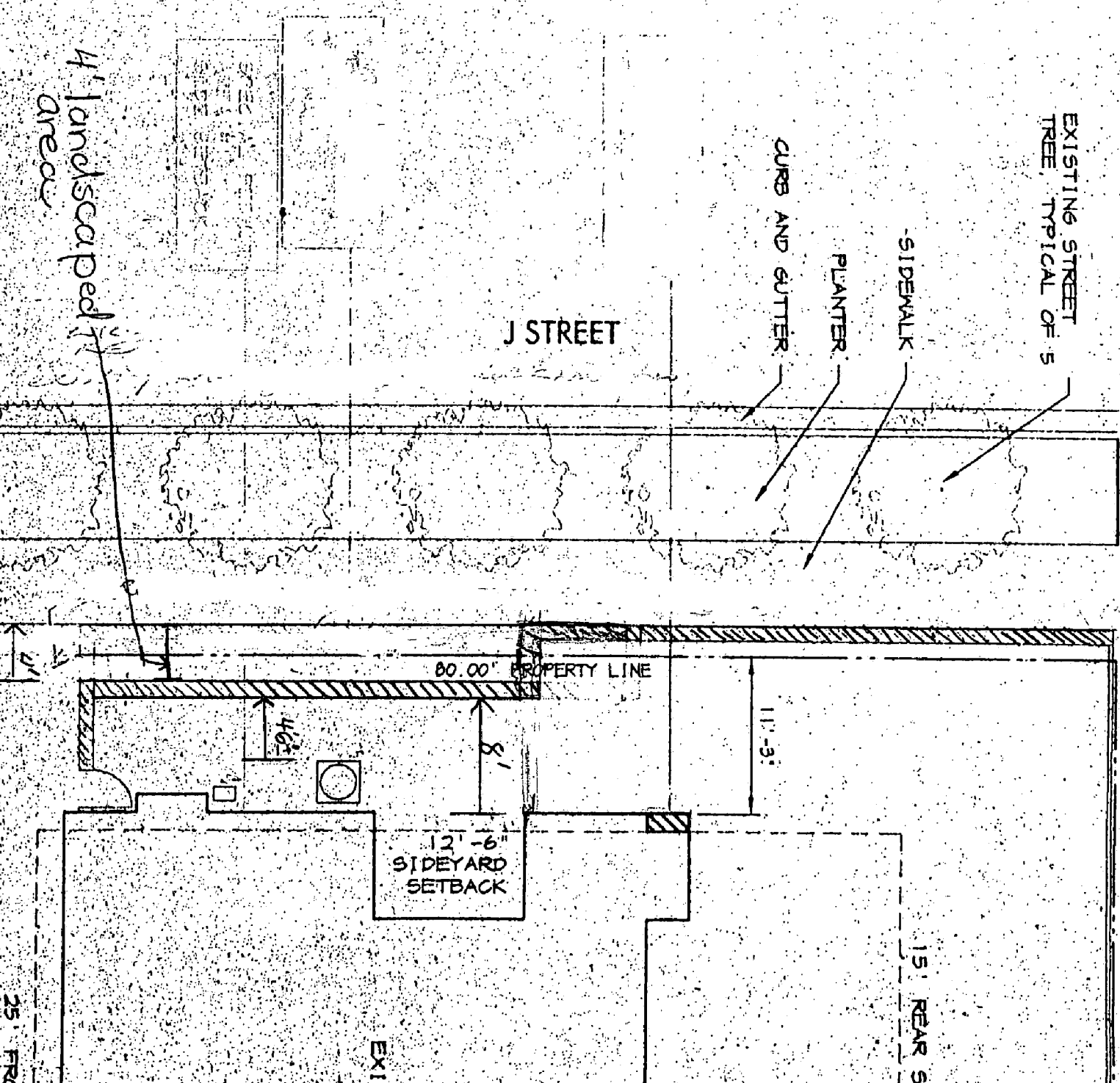
ITEM 3

15

2

2

**EXHIBIT D**  
Staff Exhibit



J STREET

EXISTING STREET TREE, TYPICAL OF 5

SIDEWALK

PLANTER

CURBS AND GUTTER

60.00' PROPERTY LINE

12'-6" SIDEYARD SETBACK

15' REAR S

60.00' FRG

EXIT

25' FRG

4' landscaped area

- Old fence location  
34.25' from rear property line  
39.5' from front of house
- Existing fence 7'2" from sidewalk to top (6'4" of wood grapestake fence)
- New wall 7'2" from sidewalk to top (including brick cap)

NEW WALL

NEW WOOD GATE

7'2"

6'4"

SIDENWALK, PLANTER, CURB AND GUTTER

2'-2" ← PROPERTY LINE

1'0"

4'

EAST ELE

1/4" = 1'-0"

0

5

