

City Planning Commission
Sacramento, California

Members in Session:

Subject: Appeal of the Planning Director's denial of a Variance to reduce the front setback from 25 feet to 22 feet, 9 inches on 0.14+ developed acres in the Standard Single Family (R-1) zone.

Location: 1997 Oxford Street

BACKGROUND INFORMATION: On February 28, 1991, the Planning Director approved a Special Permit to expand a non-conforming structure which reduces the side yard setback from five feet to three feet and denied a Variance to reduce the front setback from 25 feet to 22 feet, 9 inches. The entitlements were requested to expand and remodel an existing single family residence. The applicant has appealed the Planning Director's denial of the Variance.

STAFF ANALYSIS: Attached is the staff report for the Planning Director's Special Permit and Variance. Staff could find no hardship to support the front yard setback variance. The surrounding residences have setbacks which exceed the required 25 feet. The applicant is proposing an extensive remodel of the home. The plans should be revised to accommodate the front yard setback. The applicant's appeal request is attached (Exhibit 1) also attached (Exhibit 2) is a letter explaining the applicant's request.

RECOMMENDATION: Staff recommends the Planning Commission deny the appeal of the Planning Director's decision based upon findings of fact in the staff report.

Respectfully Submitted,



Joy Patterson
Senior Planner

Report Prepared By:

Cindy Gnos
Assistant Planner

APP.NO. P90-468 MEETING DATE April 11, 1991 ITEM NO. 20

002492

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of 0.14± developed acres in the Standard Single Family (R-1) zone. The site is developed with a single story, 1,346 square foot residence. The General Plan designates the site Low Density Residential (4-15 du/na). The North Sacramento Community Plan designates the site Residential (4-8 du/na). The surrounding land use and zoning include single family residential, zoned R-1, on the north, east, and west; and a duplex, also zoned R-1, to the south.

B. Applicant's Proposal

The applicant is proposing ground floor and second story additions to an existing single family residence. The total square footage of the residence, after the addition, would be 2,849.75 square feet. The applicant is requesting a special permit to expand a non-conforming three foot side yard setback for part of the first floor addition. Also requested is a variance to reduce the front setback from 25 feet to 22 feet, 9 inches to allow for a useable garage. The second story addition meets all the required setbacks.

C. Staff Analysis

As noted above, the subject site currently contains a single story, 1,346 square foot, residence. There is no existing garage, however, it appears, at one time, that the garage may have been converted to a den along with a bathroom addition. There is also a carport which looks to be an addition, which extends in front of the den and bathroom. This existing carport is not large enough to cover a car and extends into the side setback even further than the three foot setback of the existing house.

Staff has no objection to the special permit to expand the three foot side setback of the existing residence. The three foot side setback, however, should not encroach further into the front yard than the 25 foot front setback. Staff can find no hardship to support the variance to reduce the front setback. The surrounding residential properties have setbacks which exceed the 25 foot requirements. To reduce the setback to less than 25 would be out of character with the neighborhood. Staff suggests the plans be modified to meet the 25 foot front setback. This can be accomplished by eliminating, or relocating, the bathroom to allow for a deeper garage.

D. Agency Comments

The proposed project was reviewed by Engineering Development Services, Traffic Engineering, and the Woodlake Improvement Committee. No comments were received.

ENVIRONMENTAL DETERMINATION: The Environmental Services Manager has determined that the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared.

RECOMMENDATION: Staff recommends the Planning Director take the following actions:

- A. Ratify the Negative Declaration;
- B. Deny the Planning Director's Variance to reduce the front yard setback from 25 feet to 22 feet, 9 inches based upon findings of fact which follow; and
- C. Approve the Planning Director's Special Permit to expand a non-conforming structure which reduces the side yard setback from five feet to three feet subject to conditions and based upon findings of fact which follow.

APPLICATION NUMBER P90-468

4-11-91

Hem # 20

002494

EXHIBIT - 1

CITY OF SACRAMENTO

DEPARTMENT OF PLANNING AND DEVELOPMENT
1231 "I" STREET, SACRAMENTO, CA 95814

PLANNING
ROOM 200 449-5604

APPEAL OF THE DECISION OF THE SACRAMENTO CITY PLANNING DIRECTOR

DATE: MARCH 18, 1991

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning
Director of 2-28-91 (approval date), project # P 90-468

when:

Special Permit For _____

Variance For REDUCE FRONT YARD SETBACK FROM
25 FT. TO 22 FT. - 9 INCHES.

was: _____ Granted / X Denied by the City Planning Director

GROUND'S FOR APPEAL: (explain in detail) WE BELIEVE THE LEGAL
STANDARDS OR REQUIREMENTS FOR THE VARIANCE HAVE
BEEN MET UNDER THE CIRCUMSTANCES. IN THAT
EVENT, THIS APPEAL IS WARRANTED.

PROPERTY LOCATION: 1997 OXFORD STREET, SACRAMENTO, CA 95815

APPELLANT: JOHN M. GORMAN / THERESA M. MERCIER (print) PHONE # (916) 641-1369

ADDRESS: 1997 OXFORD STREET, SACRAMENTO, CA 95815

APPELLANT'S SIGNATURE: John M. Gorman / Theresa M. Mercier

THIS BOX FOR OFFICE USE ONLY

Filing Fee: \$125.00 by Applicant: \$125.00 _____ by 3rd Party \$ 40.00

Received By: B. Williams Date: 3-18-91

Distribute Copies To: MVD JP WW SG (original & receipt)
RT
Valerie

P# 90-468 Scheduled for Commission On: _____

EXHIBIT - 2

HACKARD, TAYLOR & PHILLIPS

A PROFESSIONAL CORPORATION

ATTORNEYS

1435 RIVER PARK DRIVE, SUITE 300

SACRAMENTO, CALIFORNIA 95815

TELEPHONE: (916) 929-5545

TELEFAX: (916) 929-0283

MICHAEL A. HACKARD
JOHN M. TAYLOR
GEORGE E. PHILLIPS
B. DEMAR HOOPER
CRAIG M. SANDBERG
MARCUS J. LO DUCA
CYNTHIA J. PATTON
MICHAEL J. RAINVILLE
M. REED HOPPER
GEORGE T. KAMMERER
JONATHAN C. RIESE
JAMES B. WILEY

March 1, 1991

HAND DELIVERED

Mr. Marty Van Duyn
Planning Director
City of Sacramento
Planning and Development Department
1237 I Street, Suite 300
Sacramento, California 95814

Re: P90-468 -- Request for Planning Director's Special Permit and
Variance for 1997 Oxford Street

Dear Mr. Van Duyn:

This office represents Theresa Mercier and John Gorman, owners of 1997 Oxford Street in the Woodlake area. Our clients are applicants for a Planning Director's special permit and variance which are needed to complete the proposed remodel of their home. It is our understanding that Current Planning staff is recommending approval of the special permit, and we would encourage your approval of that recommendation.

Regarding the requested front yard setback variance, we believe that contrary to staff's recommendation of denial, both the facts here and the applicable law would support your issuance of the requested variance. The criteria of Government Code Section 65906 are satisfied by the following facts:

1. Unlike their neighbors' double lots, our clients' home would, without the approval of the variance, remain the only home on Oxford Street or the adjacent Garden Street without a garage.
2. Given those facts, granting of the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity.

002510

P90-468

4-11-91

Item # 20

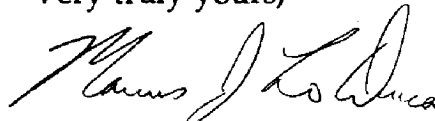
Mr. Marty Van Duyn
March 1, 1991
Page 2

3. There is no question that a garage is a permitted use in the zone in which our clients' house is located. Nonetheless, because their home is approximately 50 years old and the City's standard street and sidewalks are of relatively recent vintage, the larger right of way found in current standards creates the situation of a 2 feet, 3 inch encroachment on our clients' front yard.
4. Our clients would have to tear out an existing bathroom in order to meet current City setback standards. In addition to creating severe economic hardship, such an action would invade the structural integrity of the decades-old structure. Far from being self-imposed, the hardship is a function of the existing 50-year old structure on a small lot seeking to enjoy the same privilege as all surrounding homes, namely, a garage. The front yard encroachment is absolutely necessary in order for the garage to be functional, that is, park a car and allow passengers to exit enter and a vehicle.

Based on the above facts, we believe that all of the requirements of Government Code Section 65906 have been satisfied, and we urge your issuance of the requested variance.

If you have any questions or require additional information, please do not hesitate to call.

Very truly yours,



Marcus J. Lo Duca

MLD:jee

cc: John Gorman and Theresa Mercier

P90-468

002511

4-11-91

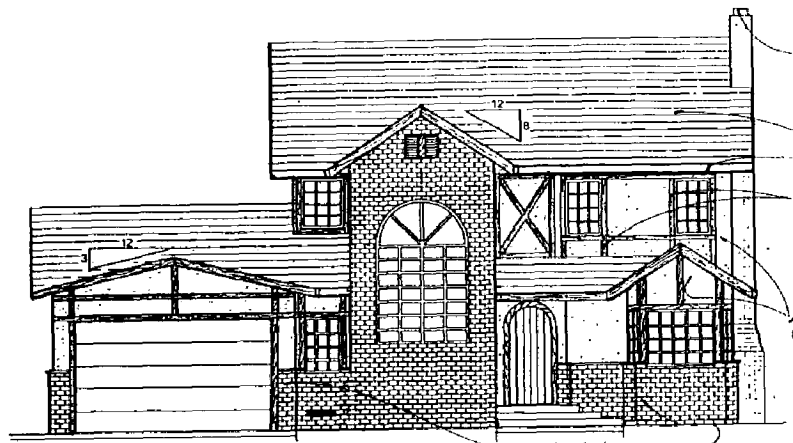
Item # 20

P90-468

002507

4-11-91

Item # 20



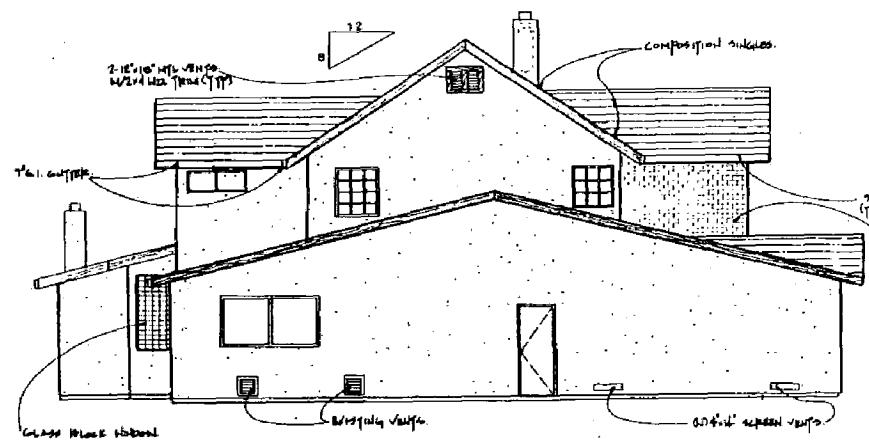
EAST ELEVATION

1/4" = 1'-0" ②



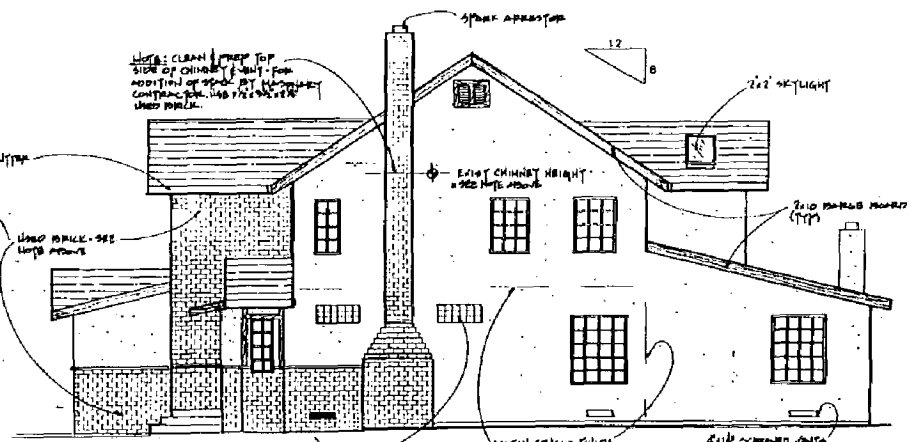
WEST ELEVATION

1/4" = 1'-0" ②



SOUTH ELEVATION

1/4" = 1'-0" ②



NORTH ELEVATION

1/4" = 1'-0" ②

REVISIONS	BY

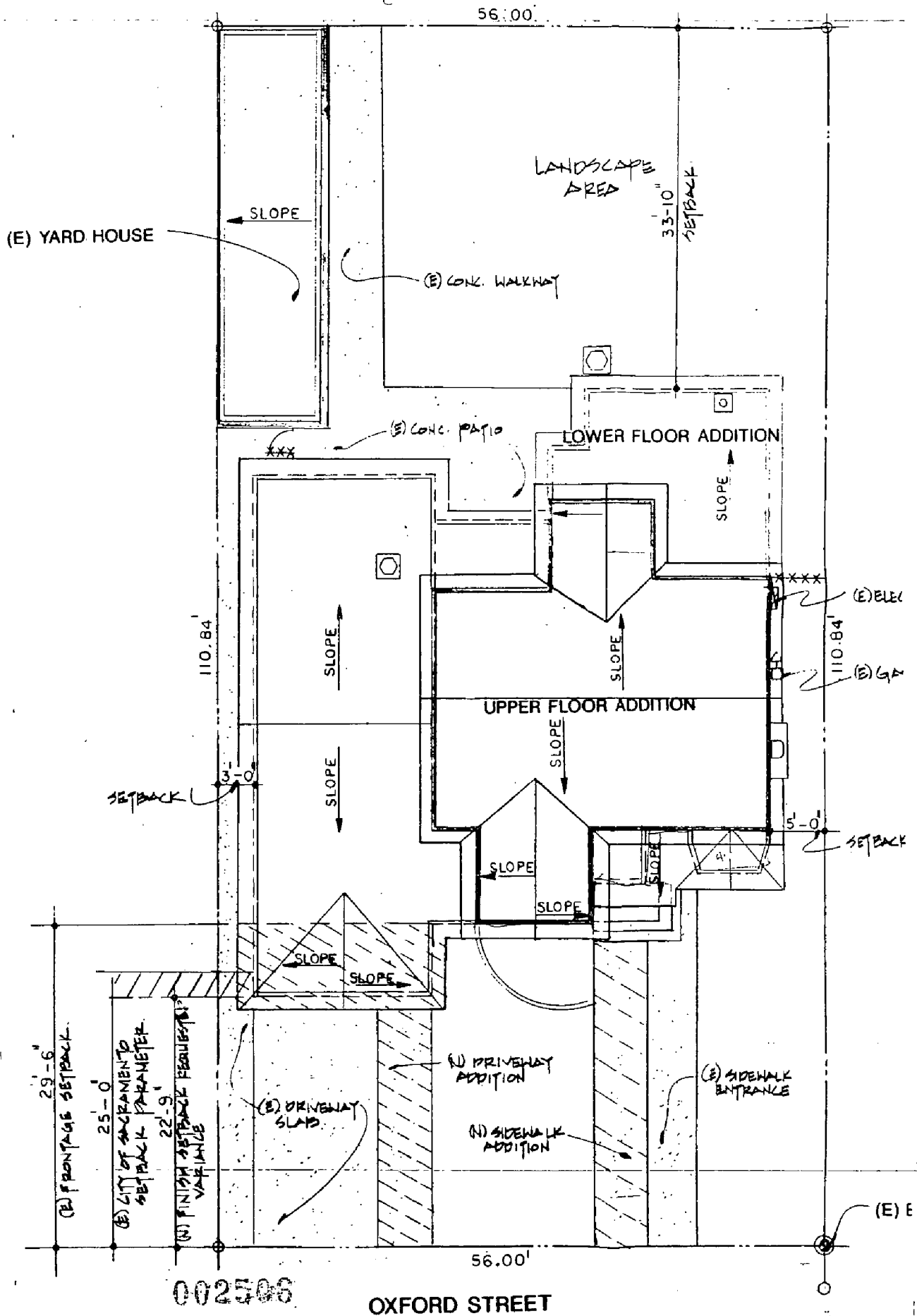
HOME ADDITION FOR:
 MR. & MRS. JOHN GORMAN
 1997 OXFORD ST.
 SACRAMENTO CA. 95815
 PHONE: (916) 641-1369
 A.P.N. # 275-0232-006

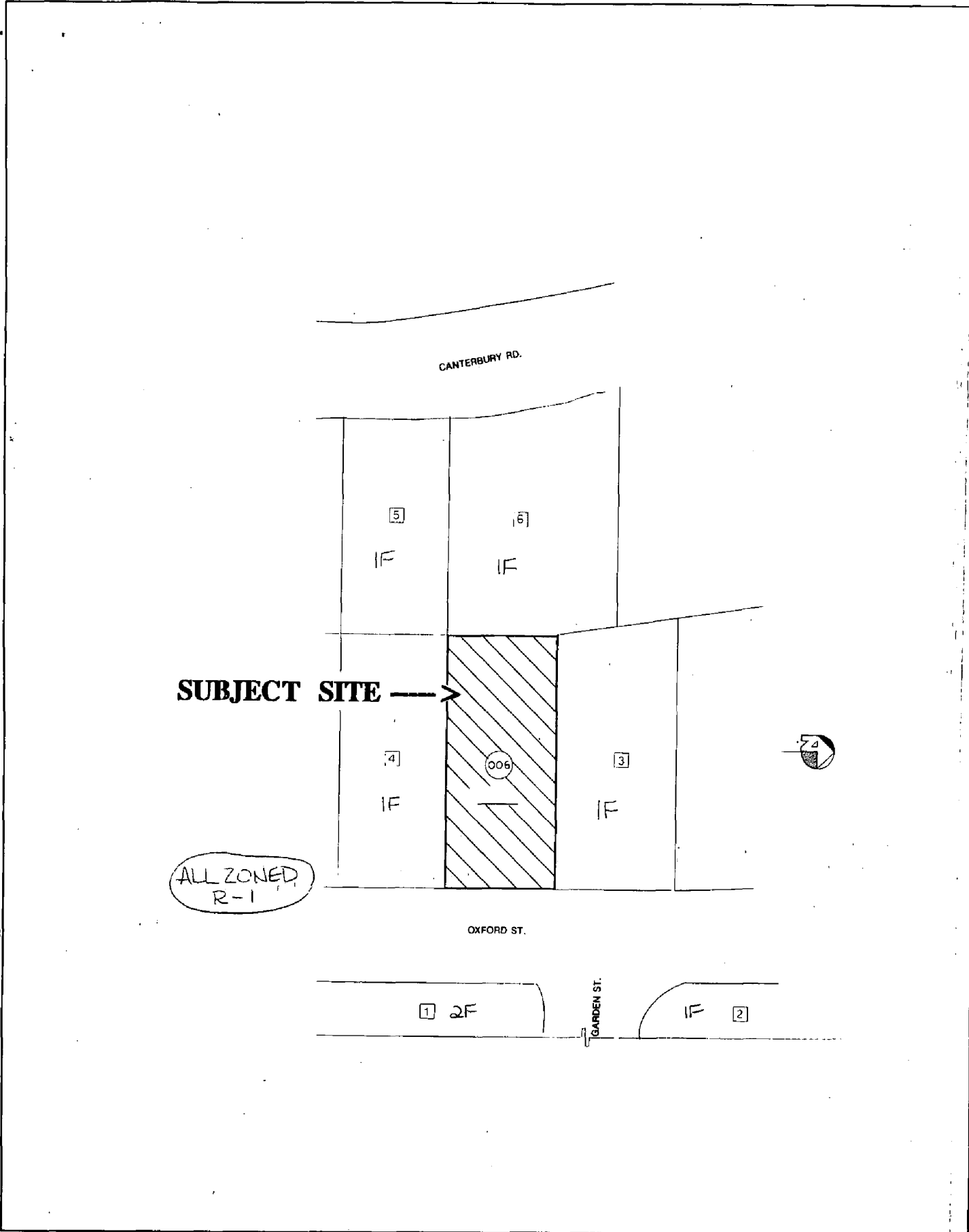
EXHIBIT - B
ELEVATIONS

DRAFTING
 ARCHITECTURAL & ENGINEERING SERVICE
 COMMERCIAL - RESIDENTIAL PROJECTS

DATE: 11-17-90
 DRAWN: [signature]
 CHECKED: J.R.S.
 NO: 700501
 SHEET:
A-3
 OF 4 SHEETS

EXHIBIT - A SITE PLAN

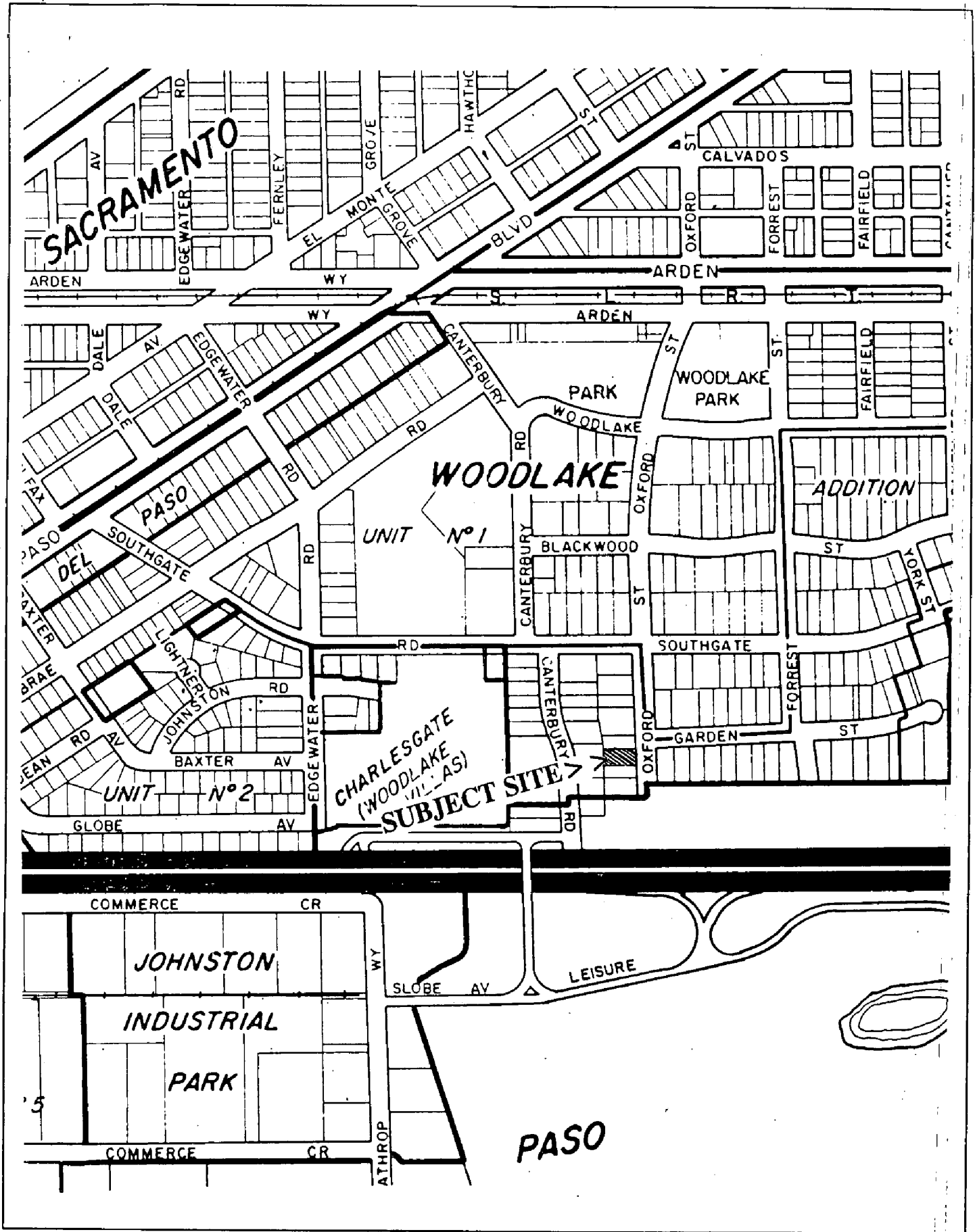




SUBJECT SITE →

ALL ZONED
R-1

LAND USE & ZONING MAP



VICINITY MAP

EXHIBIT - 2

HACKARD, TAYLOR & PHILLIPS

A PROFESSIONAL CORPORATION

ATTORNEYS

1435 RIVER PARK DRIVE, SUITE 300

SACRAMENTO, CALIFORNIA 95815

TELEPHONE: (916) 929-5545

TELEFAX: (916) 929-0283

MICHAEL A. HACKARD
JOHN M. TAYLOR
GEORGE E. PHILLIPS
B. DEMAR HOOPER
CRAIG M. SANDBERG
MARCUS J. LO DUCA
CYNTHIA J. PATTON
MICHAEL J. RAINVILLE
M. REED HOPPER
GEORGE T. KAMMERER
JONATHAN C. RIESE
JAMES B. WILEY

March 1, 1991

HAND DELIVERED

Mr. Marty Van Duyn
Planning Director
City of Sacramento
Planning and Development Department
1237 I Street, Suite 300
Sacramento, California 95814

Re: P90-468 -- Request for Planning Director's Special Permit and
Variance for 1997 Oxford Street

Dear Mr. Van Duyn:

This office represents Theresa Mercier and John Gorman, owners of 1997 Oxford Street in the Woodlake area. Our clients are applicants for a Planning Director's special permit and variance which are needed to complete the proposed remodel of their home. It is our understanding that Current Planning staff is recommending approval of the special permit, and we would encourage your approval of that recommendation.

Regarding the requested front yard setback variance, we believe that contrary to staff's recommendation of denial, both the facts here and the applicable law would support your issuance of the requested variance. The criteria of Government Code Section 65906 are satisfied by the following facts:

1. Unlike their neighbors' double lots, our clients' home would, without the approval of the variance, remain the only home on Oxford Street or the adjacent Garden Street without a garage.
2. Given those facts, granting of the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity.

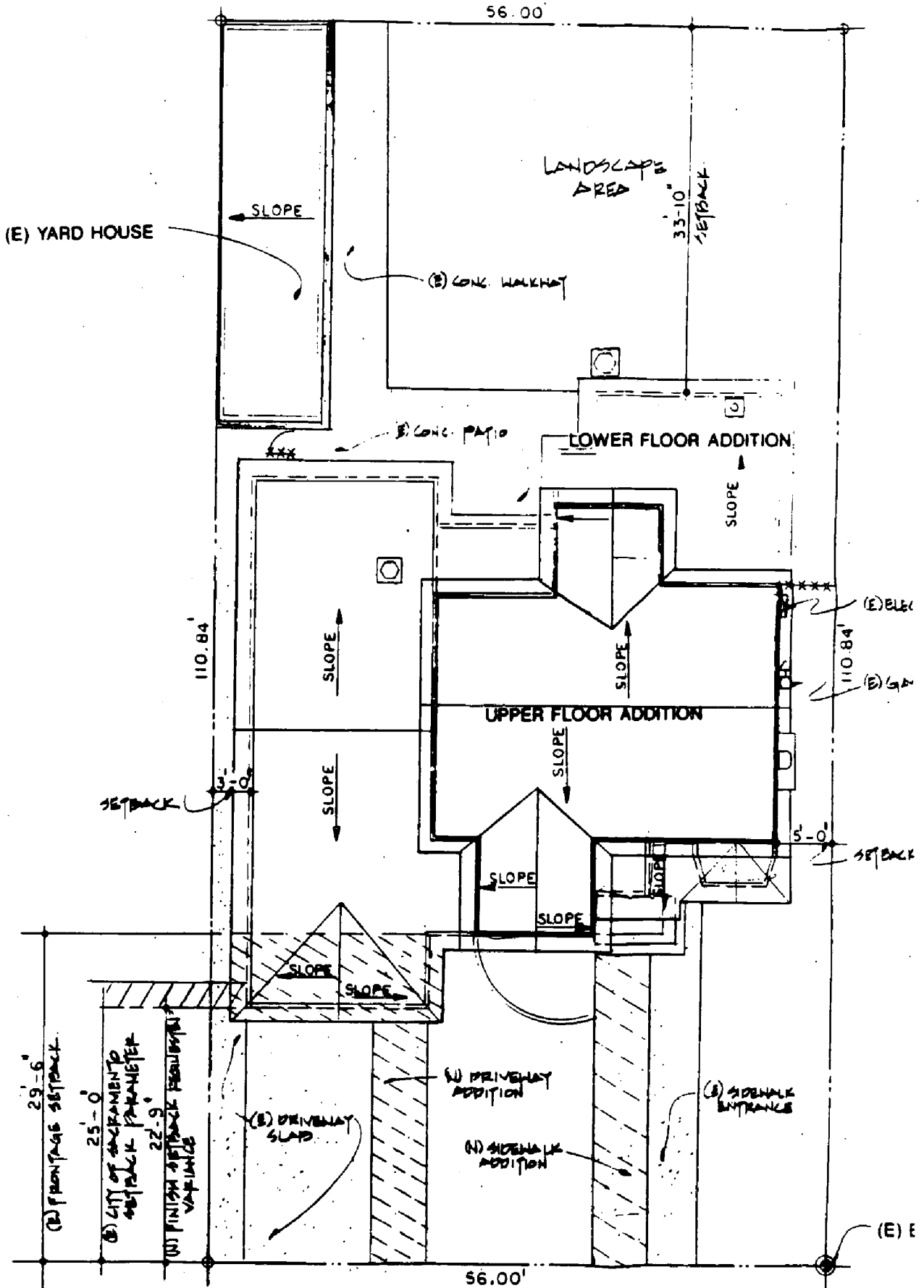
P90-468

002502

4-11-91

Item # 20

EXHIBIT - A SITE PLAN



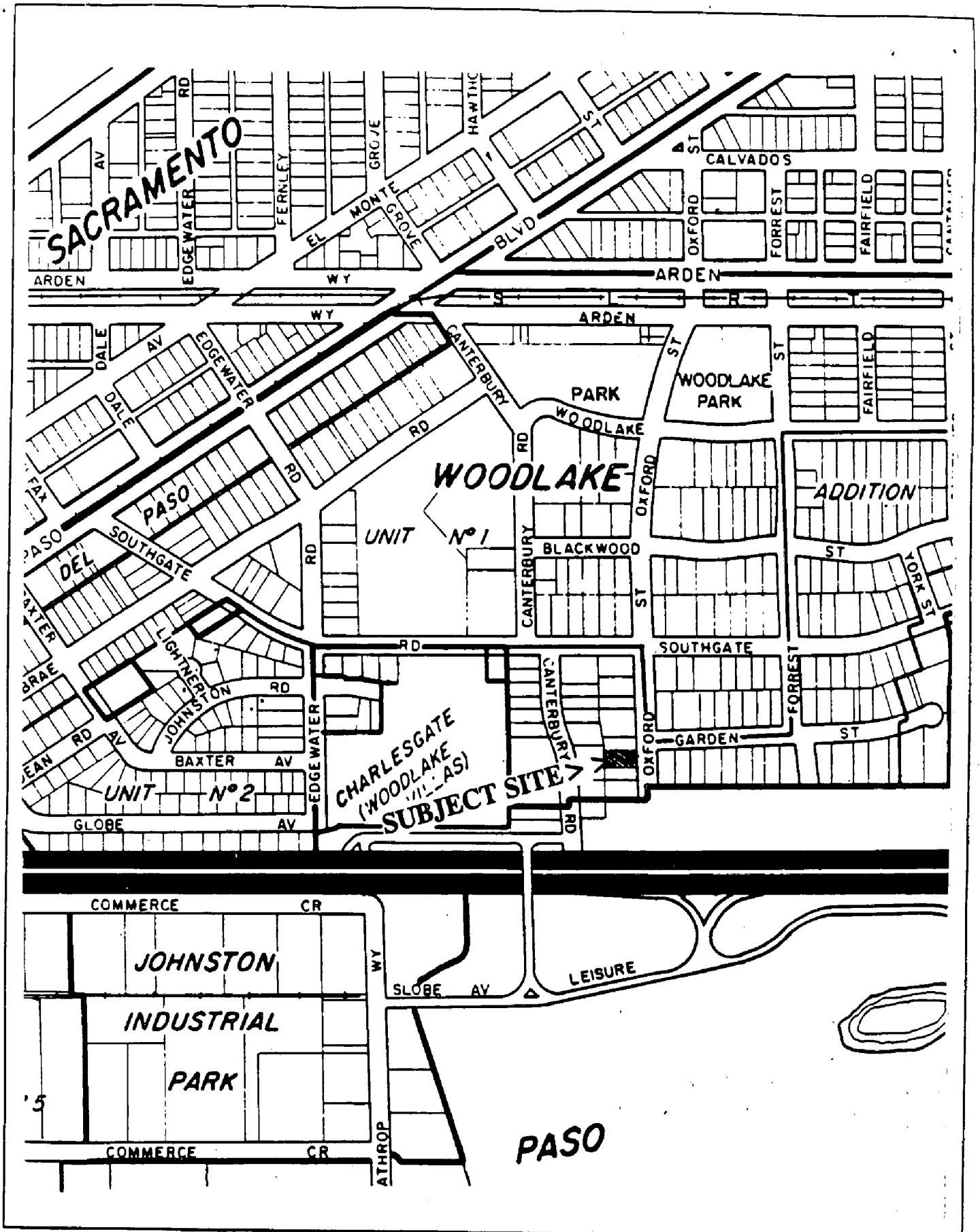
002498

OXFORD STREET

P90-468

April 11, 1991

Item #20



VICINITY MAP

P90-468

4-11-91

Mem # 20

002496