

# CITY PLANNING COMMISSION

927 10TH STREET, SUITE 300 - SACRAMENTO, CALIFORNIA 95814

|               |   |                        |               |
|---------------|---|------------------------|---------------|
| APPLICANT     | Laura L. Smith, 3972 Lutheran Circle, Sacramento, CA 95826    |                        |               |
| OWNER         | John & Margaret Smith, 6939 Ruskutt Way, Sacramento, CA 95823 |                        |               |
| PLANS BY      | Applicant   |                        |               |
| FILING DATE   | 10/7/1983   | 50 DAY CPC ACTION DATE | REPORT BY: JP |
| NEGATIVE DEC. | Ex. 15105(e) EIR  | ASSESSOR'S PCL. NO.    | 013-201-1200  |
|               | 15105(a)  |                        |               |

- APPLICANT:
1. Variance to encroach four ft. into the required five ft. rear yard setback for attached accessory structures on corner lots in order to construct a 480± sq. ft. garage.
  2. Variance to construct a six ft. high wooden fence in the required front and street side yard setback areas.

LOCATION: 2477 Donner Way

PROJECT INFORMATION:

|   |                           |
|---|---------------------------|
| 1974 General Plan Designation:            | Residential               |
| 1963 Oak Park Community Plan Designation: | Light Density Residential |
| Existing Zoning of Site:                  | R-1                       |
| Existing Land Use of Site:                | Single Family Residence   |

Surrounding Land Use and Zoning:

|                                      |                  |
|--------------------------------------|------------------|
| North:                               | Residential, R-1 |
| South:                               | Residential, R-1 |
| East:                                | Residential, R-1 |
| West:                                | Residential, R-1 |
| Parking Required:                    | 1 space          |
| Parking Provided:                    | 1                |
| Property Dimensions:                 | 60.54' x 100'    |
| Property Area:                       | 6,054 sq. ft.    |
| Proposed Square Footage of Building: | 1,580 sq. ft.    |
| Topography:                          | Flat             |
| Street Improvements:                 | Existing         |
| Utilities:                           | Existing         |
| Exterior Building Colors:            | Green and Brown  |
| Exterior Building Materials:         | Wood siding.     |

Staff Evaluation: Staff has the following comments regarding this proposal:

1. The subject site is a 60' x 100' corner lot in the Single Family, R-1 Zone. A single family residence is constructed on the site. An attached carport is located six feet from the rear yard property line. This carport is in conformance with the Zoning Ordinance which allows attached accessory structures on corner lots to be a minimum of five feet from the rear lot line. The applicant is requesting a variance to enlarge and enclose the carport to within one foot of the rear yard lot line.

In addition, a portion of the residence encroaches three feet into the required five foot side yard setback. The location of the residence on the parcel, with the substandard setback and attached accessory structure, creates a usable rear yard area of 423± sq. ft. The applicant, therefore, is also requesting the necessary entitlements to construct a six foot high wooden fence along the street

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MEETING DATE November 10, 1983

CPC ITEM NO. 19

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sideyard lot line and five feet from the front yard lot line. (see Exhibit A and B).

2. Staff cannot justify the granting of the variance to encroach into the required rear yard setback area for the garage addition. The applicant already has a covered parking area for the single family unit. An enclosed attached garage could be built in this area in conformance with the Zoning Ordinance. In addition, if the attached structure, as proposed, were to be built one foot from the property line, access to the rear yard area from the street would be constrained. Staff, therefore, recommends denial of the proposed variance to encroach into the rear yard setback for a garage addition.
3. Relative to the fence variance, there does not appear to be any hardship involved that would justify granting a variance to locate a six foot high fence in the required front and street sideyard setback areas. The applicant has stated that a fence is desired in order to create a useable private yard area and a play area for children and pets. A fence could be constructed in conformance with Zoning Ordinance regulations, however, which would achieve the same purposes (Exhibit A).

In addition, the fence as proposed, would not be in conformance with existing fences and setbacks in the neighborhood and could create a visual eyesore in the area. Several neighborhood residents have contacted staff to indicate their opposition to the placement of a fence in the setback areas. Staff, therefore, cannot support the variance since there are no hardships or unusual circumstances to justify the variance approval. A private and useable yard area could be designed within ordinance requirements as indicated in Exhibit A.

Staff Recommendation: Staff recommends the following actions:

1. Denial of the variance to encroach four feet into the required five foot rear yard setback for attached accessory structures.
2. Denial of the variance to construct a six foot high wooden fence in the required front and street sideyard setbacks.

Findings of Fact

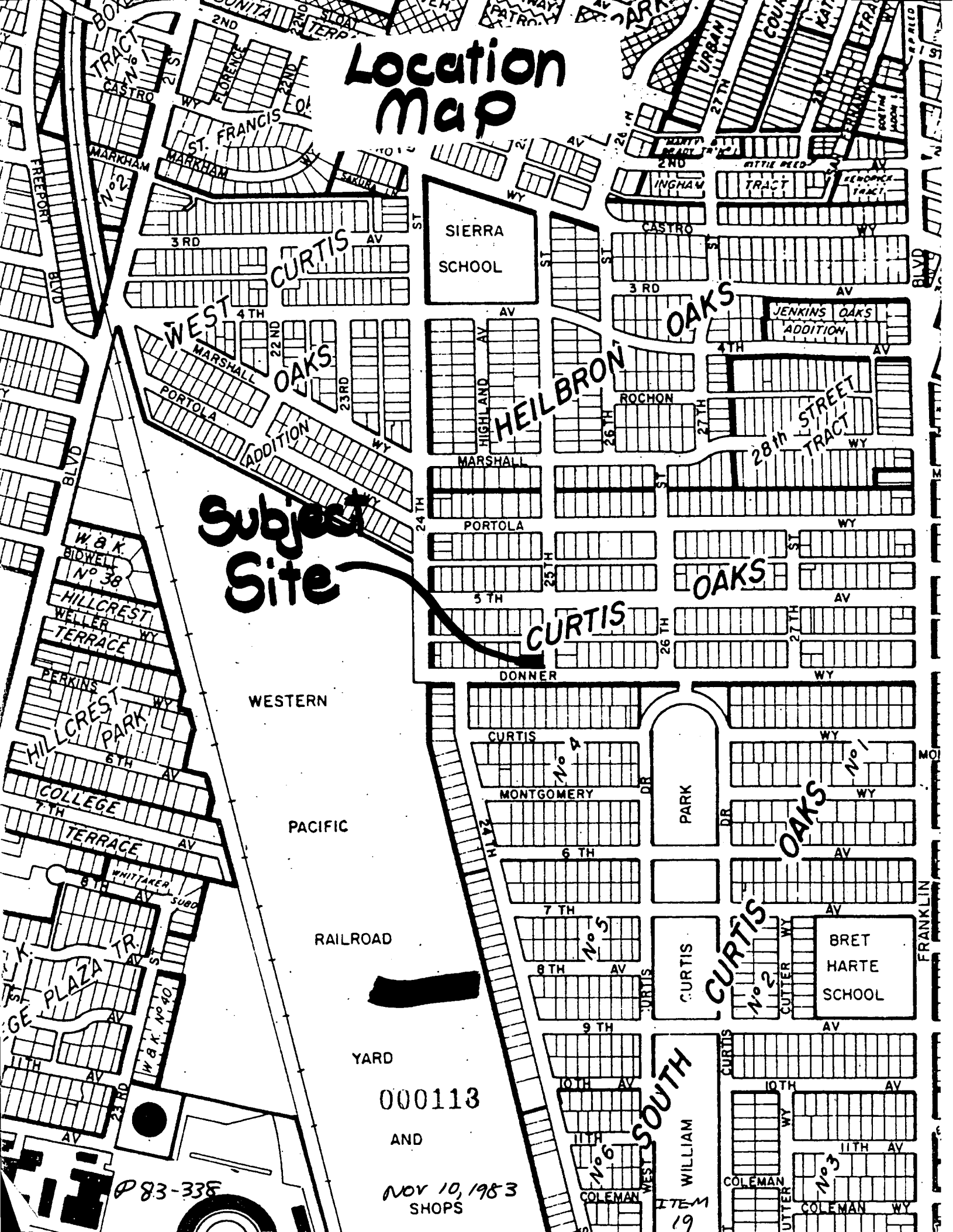
- a. Staff cannot find, nor has the applicant presented, any unusual circumstances to warrant justification for approval of the proposed variances.
- b. The proposed variances, if granted, would constitute a special privilege extended to one individual property owner in that:
  - 1) The single family residence already has one attached covered parking space.
  - 2) A six foot high fence could be constructed on the site outside of the setback areas and in conformance with the Zoning Ordinance which would serve the same purpose as the proposed fence, to provide a private yard area and a play area for children and pets.

- c. The variances are contrary to the purpose and intent of the Zoning Ordinance which prohibits attached accessory structures on corner lots to be closer than five feet to the rear lot line and fences in required front and side yard set-back areas.



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# Location Map



**Subject Site**

SIERRA SCHOOL

HEILBRON OAKS

OAKS

CURTIS

CURTIS OAKS No 1 No 2

BRET HARTE SCHOOL

WEST SOUTH WILLIAM

WESTERN

PACIFIC

RAILROAD

YARD

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AND

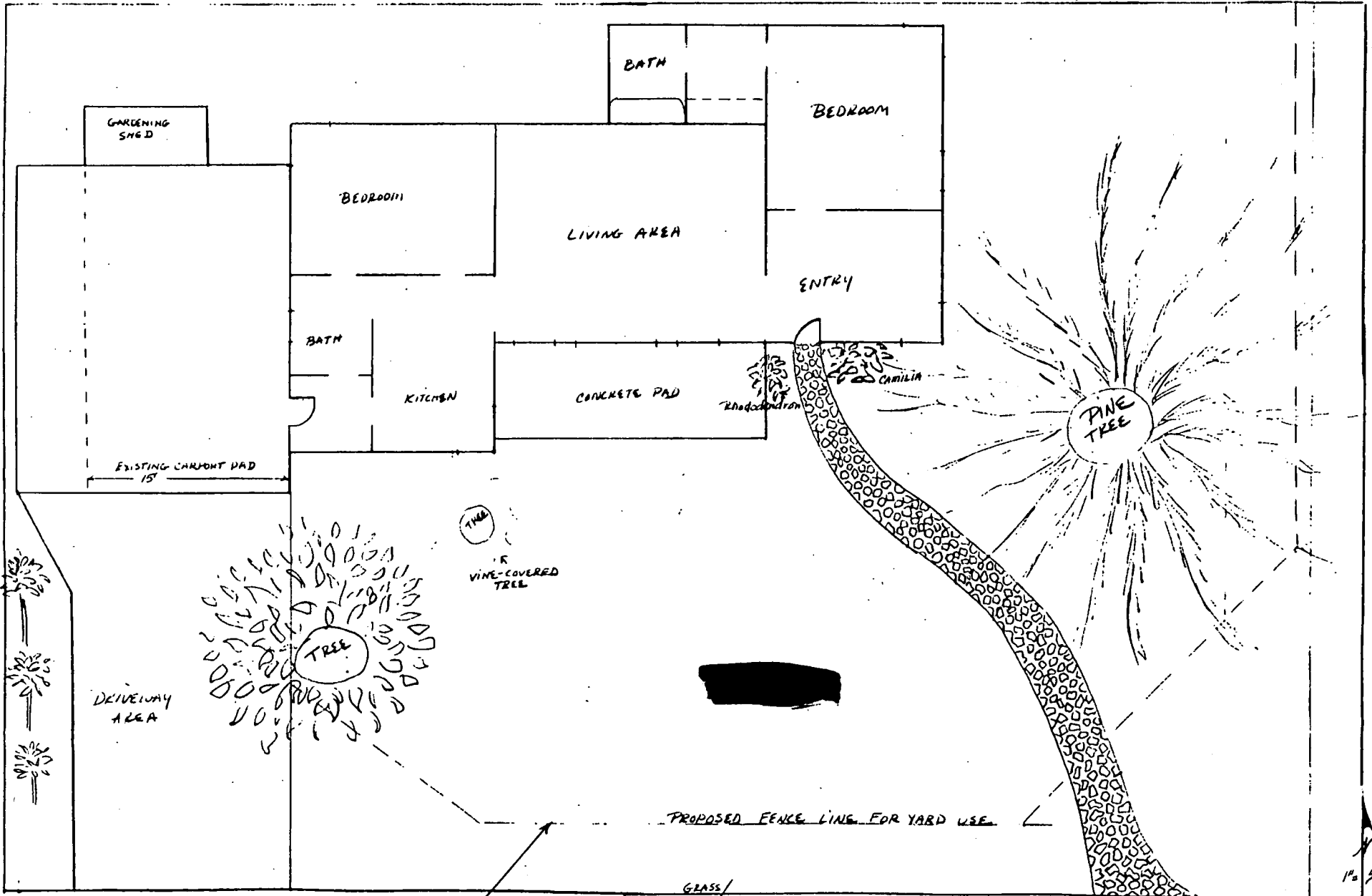
NOV 10, 1983 SHOPS

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ITEM 19

NEIGHBOR'S MILIVE WAY

25th STREET



EXISTING CARPORT PAD  
15'

DRIVEWAY  
AREA

BEDROOM

LIVING AREA

BEDROOM

BATH

BATH

KITCHEN

CONCRETE PAD

ENTRY

PINE  
TREE

TREE

TREE

VINE-COVERED  
TREE

CAMELIA

Rhododendron

PROPOSED FENCE LINE FOR YARD USE

GLASS/  
SIDEWALK

Existing 5' right-of-way  
from sidewalk

Approximately  
1" = 5'

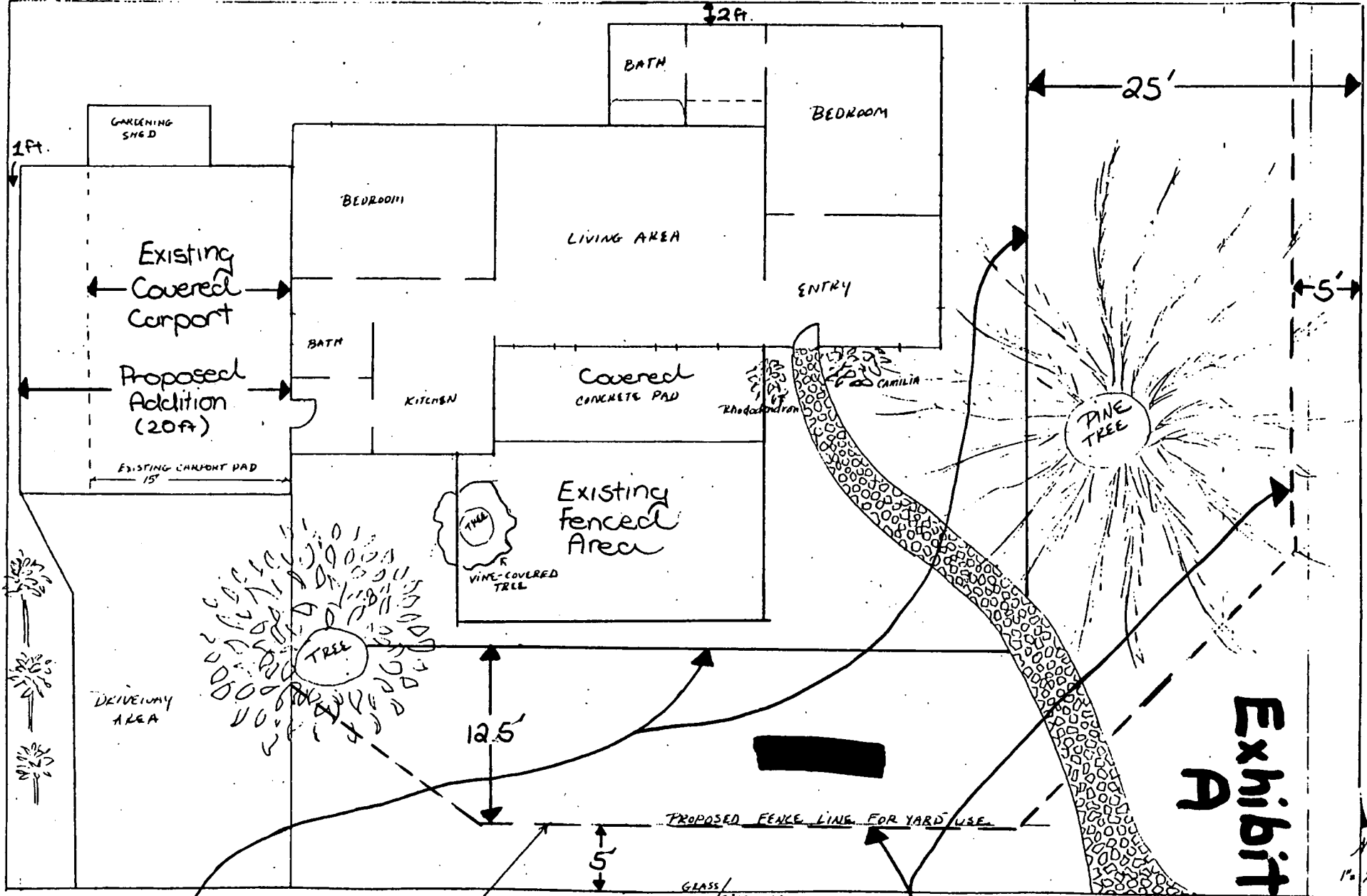
LOT SIZE = 100' X 60.54'  
PARCEL # 013-201-1200

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DONNER WAY

PG3-338

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25th STREET

Exhibit A

Where Current Zoning Ordinance would Allow Six Foot Fence To Be Constructed

Existing 5' right-of-way from sidewalk

Proposed Six Foot Fence

LOT SIZE = 100' X 60.54'  
PARCEL # 013-201-1100

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DONNER WAY

Approximately 1" = 5'

ITEM 19

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DINNER WAY

LOT SIZE = 100' x 100.54'  
PARCEL NO. 013-201-1200

1" = 5' (Approx. Math)

2577 STREET

# Exhibit B

