

CITY PLANNING COMMISSION

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

APPLICANT	Leland Worley, 2541 - 10th Avenue, Sacramento, CA 95818		
OWNER	Leland Worley, 2541 - 10th Avenue, Sacramento, CA 95818		
PLANS BY	Leland Worley, 2541 - 10th Avenue, Sacramento, CA 95818		
FILING DATE	7/23/87	ENVIR. DET.	Ex15303e
ASSESSOR'S-PCL. NO.	13-313-11	REPORT BY	EG/vf

- APPLICATION:**
- A. Variance to construct a house addition within five feet of the rear property line.
 - B. Variance to construct an addition within three feet, four inches of the side property line.

LOCATION: 2541 - 10th Avenue

PROPOSAL: The applicant is requesting the necessary entitlements to construct a house addition which will encroach into side and rear yard setbacks.

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:	Residential

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Residential; R-1	Front:	25'	30'
South: Residential; R-1	Side(Int):	5'	3'4" (min)
East : Residential; R-1	Rear:	15'	5'
West : Residential; R-1			

Parking Required:	1 space
Parking Provided:	1 space
Property Dimensions:	45' x 100'
Property Area:	0.10± sq. ft.
Square Footage of Building:	120 sq. ft. addition
Height of Building:	1 story
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Redwood
Roof Material:	Cedar Shake

PROJECT EVALUATION: Staff has the following comments:

- A. The subject site is a 4,950 sq. ft. lot which is zoned Standard Single Family (R-1). The lot is designated for residential uses in the 1974 General Plan. Surrounding uses are exclusively single family.

- B. The applicant is requesting a variance to construct a second story deck which would be located five feet from the rear property line and three feet, four inches from the side property line. The deck has been partially constructed and was "red-tagged" by City Building Inspections upon a complaint by a adjacent property owner. The attached letter outlines the concerns of the adjacent property owner and staff concurs with their concerns.
- C. The existing house is constructed within 10 feet of the rear property line and three feet, four inches of the side property line. Standard setbacks for rear yard and side yard are 15 feet and 5 feet, respectively. If the proposed deck variance were to be approved, the existing structure would occupy two-thirds of the required rear yard setback. Minimum setbacks have been established to provide open space, privacy and building separation. If these variances were to be approved it could set a precedent in the area to approve similar projects.
- D. The applicant has included letters of support from adjacent property owners. For the short-term it may be fine with the present neighbors that the applicant be allowed the deck variance. The problems arise in the future when new neighbors move in and the once "nice" deck becomes offensive to the new neighbors. In addition, the proposed deck will be eight feet above the ground and will have a greater impact on privacy. The closeness of the deck to the rear property line will also make the house to appear more massive and imposing.
- E. The applicant has not indicated that there is a unique hardship or unusual circumstances which necessitates that the deck be constructed. The applicant has created his own hardship by constructing the deck in the setback area and constructing the deck without benefit of the required building permits.
- F. The proposal has been reviewed by Public Works, Building Inspections and Fire Department. The following comment was received.

Public Works

Do not building over any existing easements, if any.

ENVIRONMENTAL DETERMINATION: The project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15303 e).

RECOMMENDATION: Staff recommends the following action:

Deny the variance based upon findings of fact which follow.

Findings of Fact

1. The proposal, if approved, would be a special privilege extended to one property owner in that no unique hardships or circumstances exist which justify grating the variance.

2. Granting the variance would be detrimental to public health, safety or welfare or result in the creation of a nuisance in that, minimum setbacks and open space will not be provided and privacy for the adjacent neighbors will be adversely impacted.

CITY PLANNING DIVISION

AUG 19 1987

RECEIVED

August 18, 1987

2532 9th Avenue
Sacramento, CA 95818

William Ishmael, Chairman
Sacramento City Planning Commission
Department of Planning and Development
1231 "I" Street, Ste. 200
Sacramento, CA 95814

Subject: P87-331; Hearing on Variance

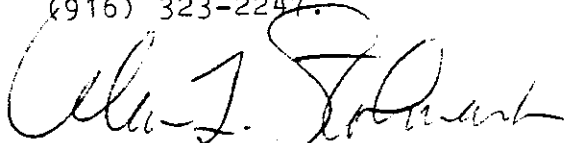
Dear Sir:

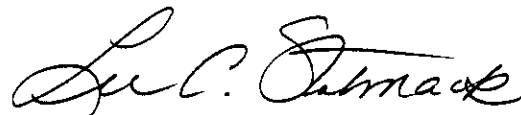
It has come to our attention that the homeowners at 2541 10th Avenue have applied for a variance to the building code to allow them to keep the second story deck they recently built on the back of their house. We are unable to attend the hearing on this matter due to a long-standing prior commitment out of town, but would like the opportunity to comment.

Our home is behind and to one side of this structure. We filed a complaint during the construction of the deck, concerned that use of such a structure, designed for entertainment, situated visually above our back yard, and directly abutting our property line, would encroach on our privacy. On those occasions when the deck has been in use, it does in fact intrude, allowing the neighbors full view of every part of our yard, including our patio and spa. Additionally, conversations carried on in even normal tones of voice on the deck can be heard all over our yard, increasing our sense of intrusion. Because of the elevation of the deck, these problems cannot be ameliorated by fencing or planting, as would be the case if the deck were at ground level.

We do not believe, as the homeowners at 2541 10th Avenue have contended, that their investment of time and money in this deck should entitle them to keep it. If they had applied for a building permit before starting construction, we would have had the opportunity to air our concerns and they would not be faced with financial loss. We believe that our greater investment in our home, and our right to privacy, should be the overriding issue. In consideration of this, we ask that you deny this request for a variance.

If you would like to discuss this matter anytime during the next week, we may be reached during the day at (916) 322-4807 or (916) 323-2247.


Alan L. Stolmack


Lee A. Stolmack

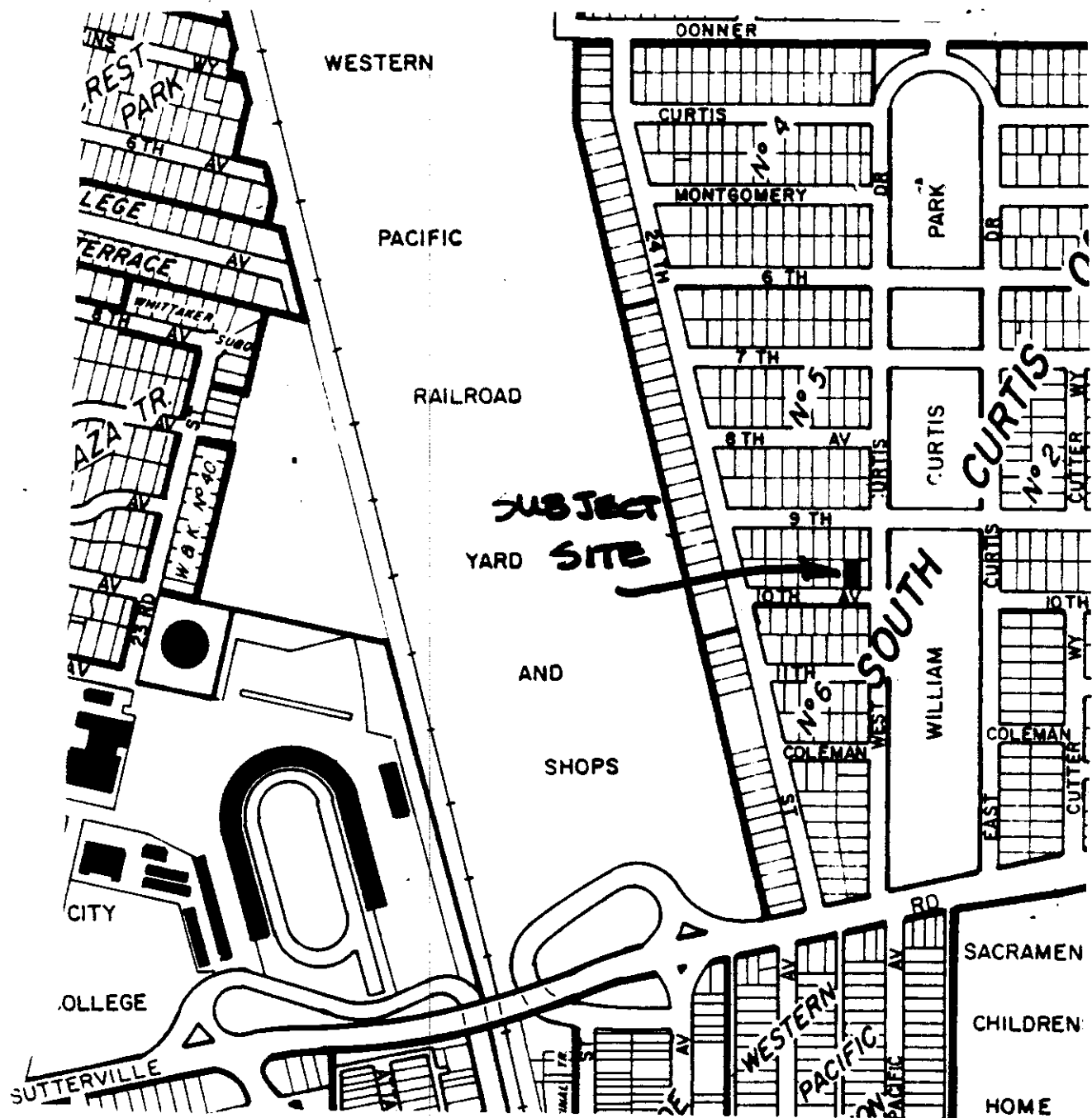
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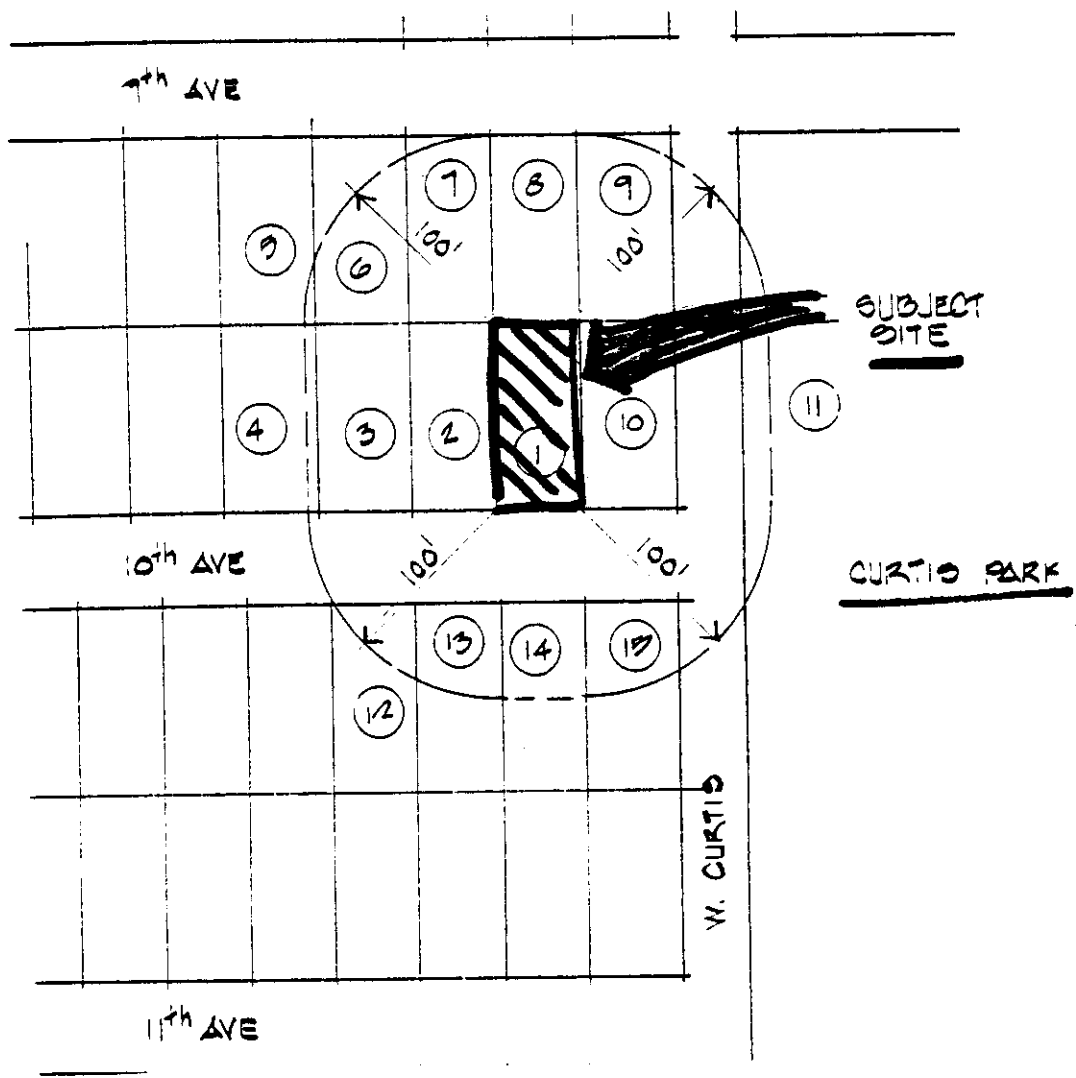


VICINITY MAP

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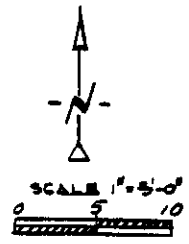
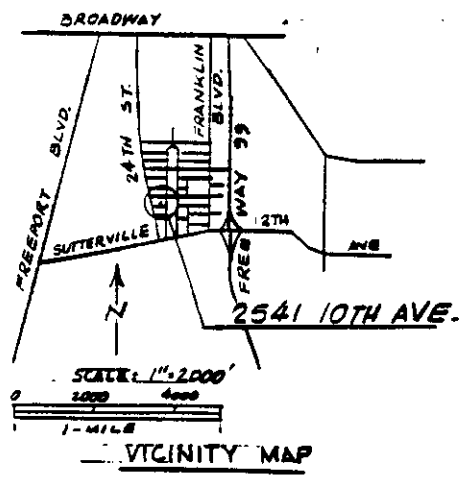
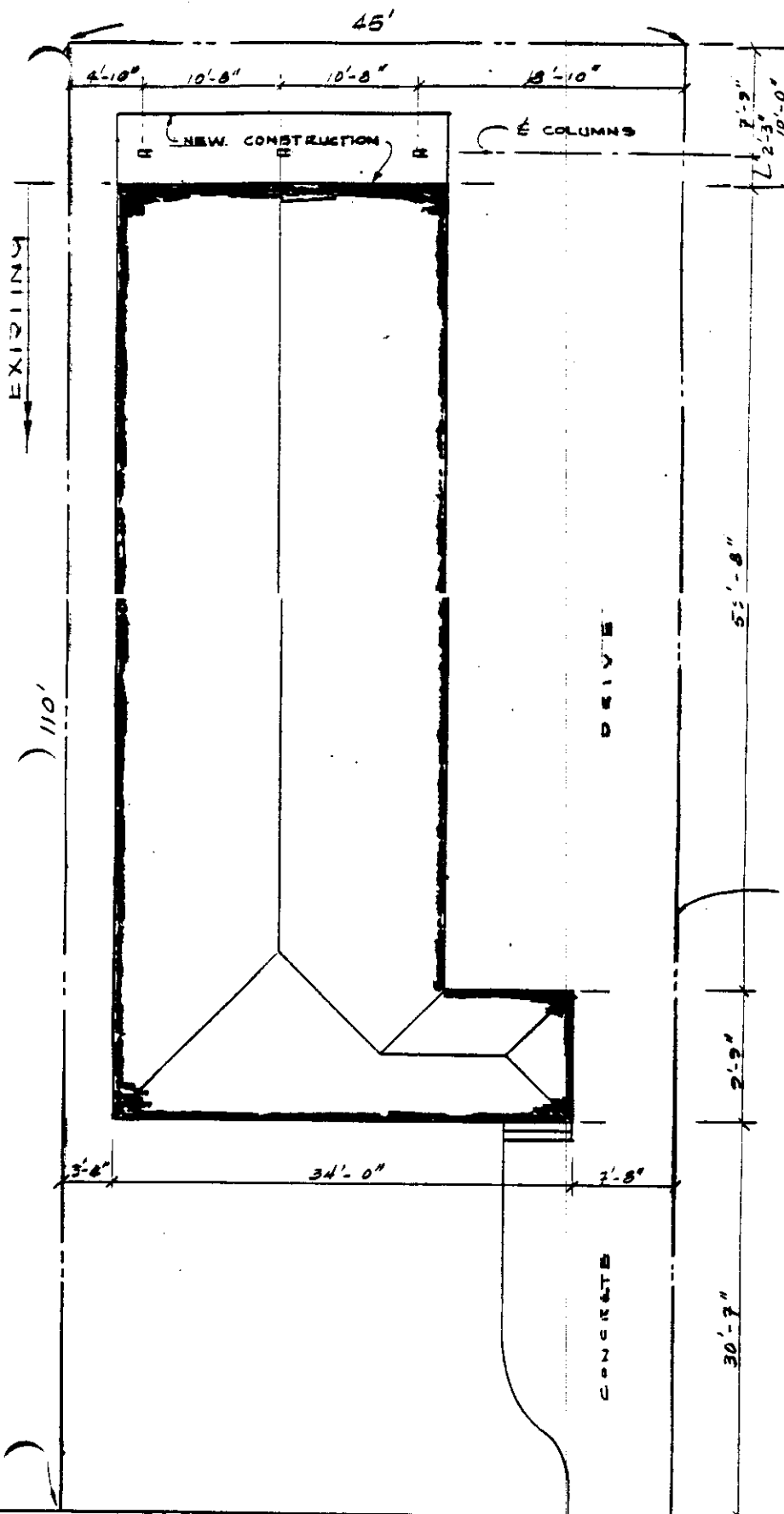
All lots zoned R-1
 Existing uses are single family

LAND USE & ZONING MAP

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E-10TH AVE

SITE PLAN

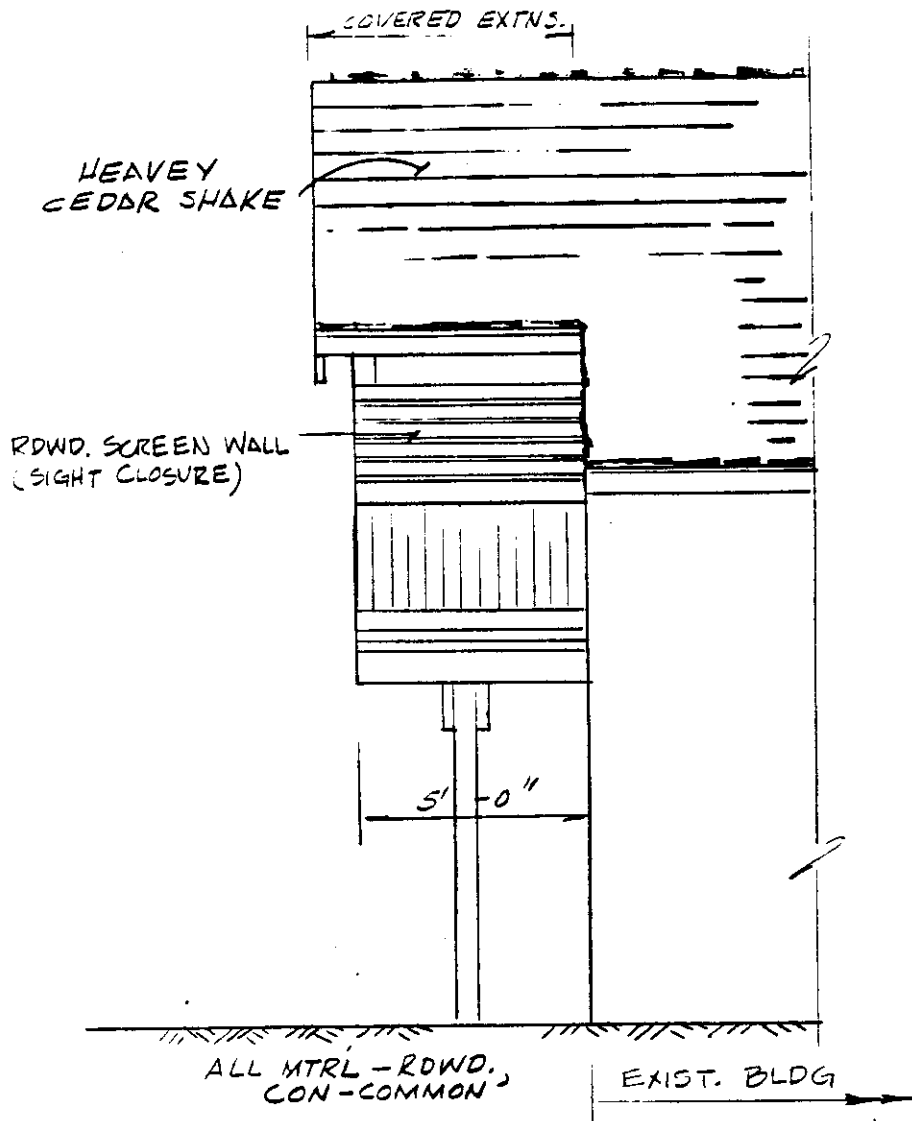
L. WORLEY RESIDENCE

2541 10TH AVE.

SACRAMENTO, CA

15 MAY 1987

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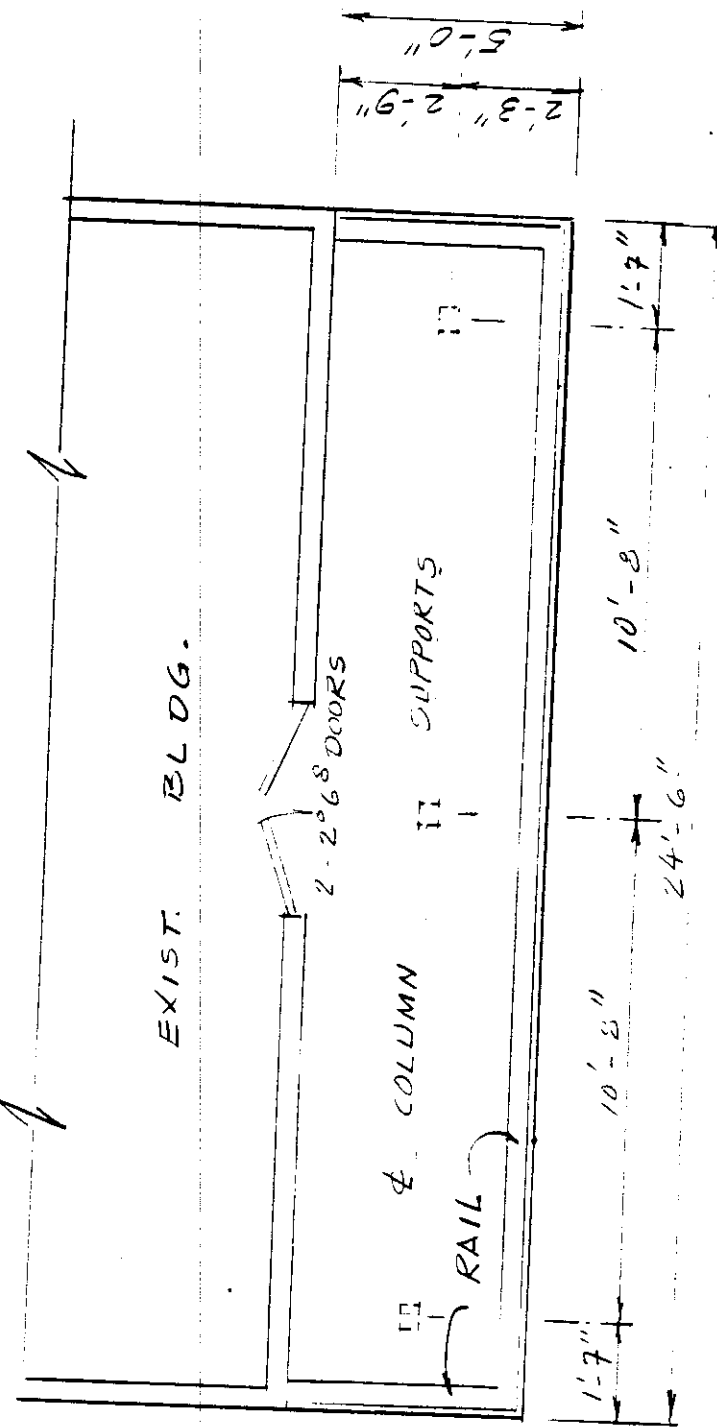


WEST ELEV.
 SCALE: 3/8" = 1'-0"
 0 1 2 3 4 5

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EXIST. BLDG.

ALL MTRL - RDWD, CON-COMMON

FLOOR PLAN

SCALE: $\frac{3}{8}'' = 1'-0''$
 0 1 2 3 4 5
 1/8 1/4 3/8 1/2 5/8 3/4 7/8

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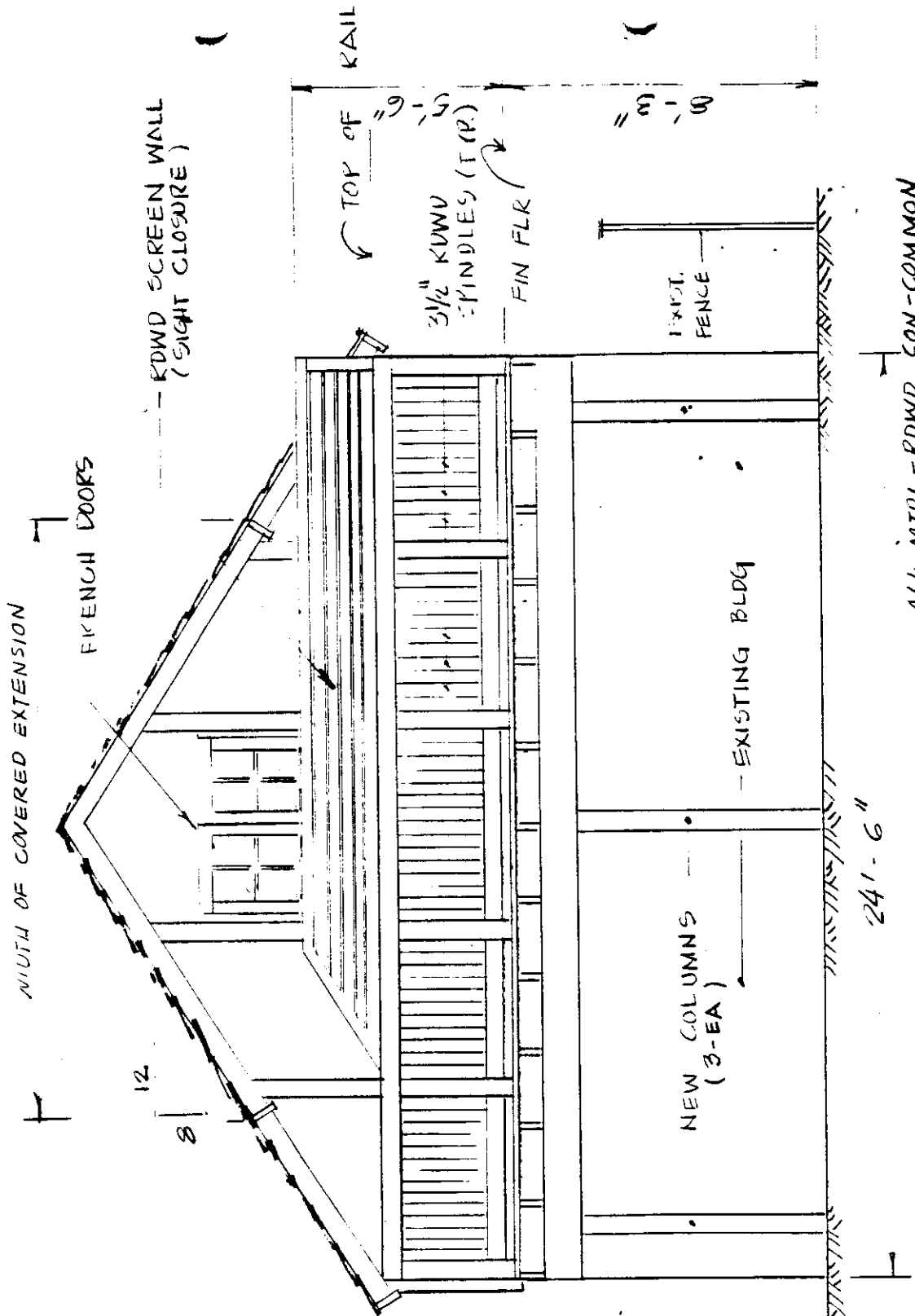
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Item 20



ALL MTRL - RDWD, CON-COMMON

NORTH ELEVATION
SCALE: 3/8" = 1'-0"
0 1 2 3 4 5
1/8 1/4 3/8 1/2 5/8 3/4 7/8

-EXIST. FENCE