

CITY PLANNING COMMISSION

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

APPLICANT Buzz Garcia Assoc. - 1610 Arden Way, Sacramento, CA 95816
OWNER David and Barbara Erickson - 11 Keel Court, Sacramento, CA 95831
PLANS BY Buzz Garcia Assoc. - 1610 Arden Way, Sacramento, CA 95816
FILING DATE 3-17-89 ENVIR. DET. 15305a REPORT BY PW:sg
ASSESSOR'S PCL. NO. 030-0300-038

APPLICATION: Variance to reduce the required 15 foot rear yard setback to one foot six inches to allow an existing 454 square foot addition to a single family home.

LOCATION: 11 Keel Court

PROPOSAL: The applicant is requesting the necessary entitlements to allow an existing 454 square foot house addition.

PROJECT INFORMATION:

General Plan Designation: Low Density Residential
1988 Pocket Community
Plan Designation: Low Density Residential
Existing Zoning of Site: R-1
Existing Land Use of Site: Single Family Home

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Residential; R-1	Front:	25'	25'
South: Residential; R-1	Side(Int):	5'	6'
East: Lake Greenhaven; R-1	Side(Int):	5'	7'
West: Residential; R-1	Rear:	15'	1-1/2'

Parking Required: 1 space
Parking Provided: 2 spaces
Property Dimensions: 83' x 120'
Property Area: .20+ acres
Square Footage of Building: Existing 2,500 plus 454 sq. ft. illegal addition for a 2,954 sq. ft. total
Height of Building: 15'
Topography: Flat
Street Improvements: Existing
Utilities: Existing
Exterior Building Materials: Stucco, T-111
Roof Material: Grey/blue
Unique Site Characteristic: Lake Greenhaven adjacent to rear of site

BACKGROUND INFORMATION: On February 26, 1969 the Planning Commission approved a variance to reduce the required 15 foot rear yard setback to 11 feet in order to construct a single family home on the subject site. The existing submitted plans of the house do not match what was originally approved in 1969. The submitted plans indicate a viewing area with a rear setback of only 5 feet. The 1969 variance approval required an 11 foot setback.

This leads staff to conclude that the viewing area was enclosed illegally at some time subsequent to the 1969 variance approval. Now the applicant is before the Commission requesting a rear yard variance for an addition that has recently been constructed without building permits or prior variance approval. On January 25, 1989 the City Building Division received a complaint from a neighbor explaining that the addition had been built on or near the rear property line and that the addition now blocks the neighbor's view of Lake Greenhaven.

An inspection of the site by the Building Division revealed that the addition was in fact only 1.5 feet from the rear yard property line and that no building permit had been pulled. Even though the addition was essentially completed, a stopwork order was issued. On March 3, 1989 the Building Division issued a Notice of No Building Permit and gave the applicant 10 days to comply. On March 17, 1989 the applicant filed for the subject variance.

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site is a 0.20+ acre interior lot located in the Standard Single Family (R-1) zone and developed with a 2,500 square foot single family home. Both the General Plan and 1988 Pocket Community Plan designate the site for low density residential uses. The site is surrounded on three sides by existing single family homes zoned R-1. Adjacent to the rear of the site is a water finger of Lake Greenhaven.

B. Applicant's Proposal

The applicant is requesting a variance to reduce the required 15 foot rear yard building setback to 1.5 feet. The variance approval is required to legalize a 454 square foot addition that has been built without a building permit and in violation of the Zoning Ordinance.

C. Evaluation

Staff has no justification to support the variance request. The applicant has not presented any unusual circumstances or hardship to warrant the approval of the variance. The applicant has constructed the addition without building permits even though the Lake Greenhaven Association had requested review of the addition as far back as November 28, 1988.

The applicant has constructed the addition 1.5 feet from the adjacent neighbor's property line (see parcel page). The adjacent neighbor has a lot configuration that allows a clear unobstructed view of the lake, provided proper setbacks are maintained. The lot configurations throughout the subdivision have clearly been designed, in fact, to give every property the greatest possibility of a view of the lake (Exhibit A). By granting this variance, not only would the neighbor lose the view but the essential intent of the original subdivision design would be circumvented. Research has shown no other properties in the surrounding area have requested variances for setback variations.

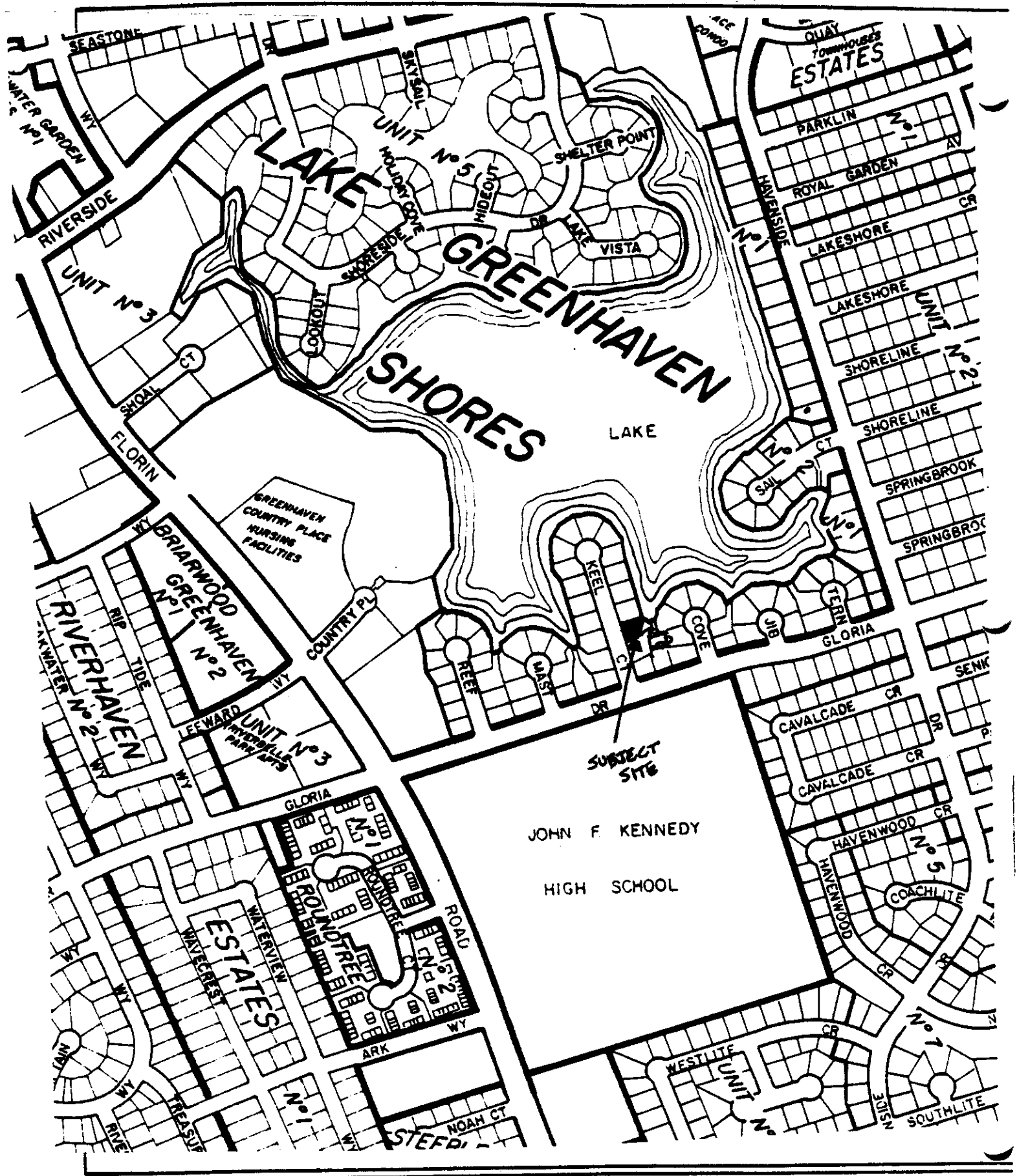
Finally, staff has received a letter by the Lake Greenhaven Association (LGA) objecting to the house addition and variance request (Exhibit B letter documents the Association's attempts to review the project, as required by the Association's C.C. & R's.). The letter states that the construction of the addition was clearly in violation of the C.C. & R's and that the applicant once served on LGA Board of Directors. The approval of the variance would set a precedent for the entire Lake Greenhaven area, wherein others may follow suit to construct additions, raised decks, or patio covers that do not conform to Ordinance or C.C. & R's.

ENVIRONMENTAL DETERMINATION: The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA, Section 15305a).

RECOMMENDATION: Staff recommends the Commission deny the variance based upon the findings of fact which follow.

Findings of Fact

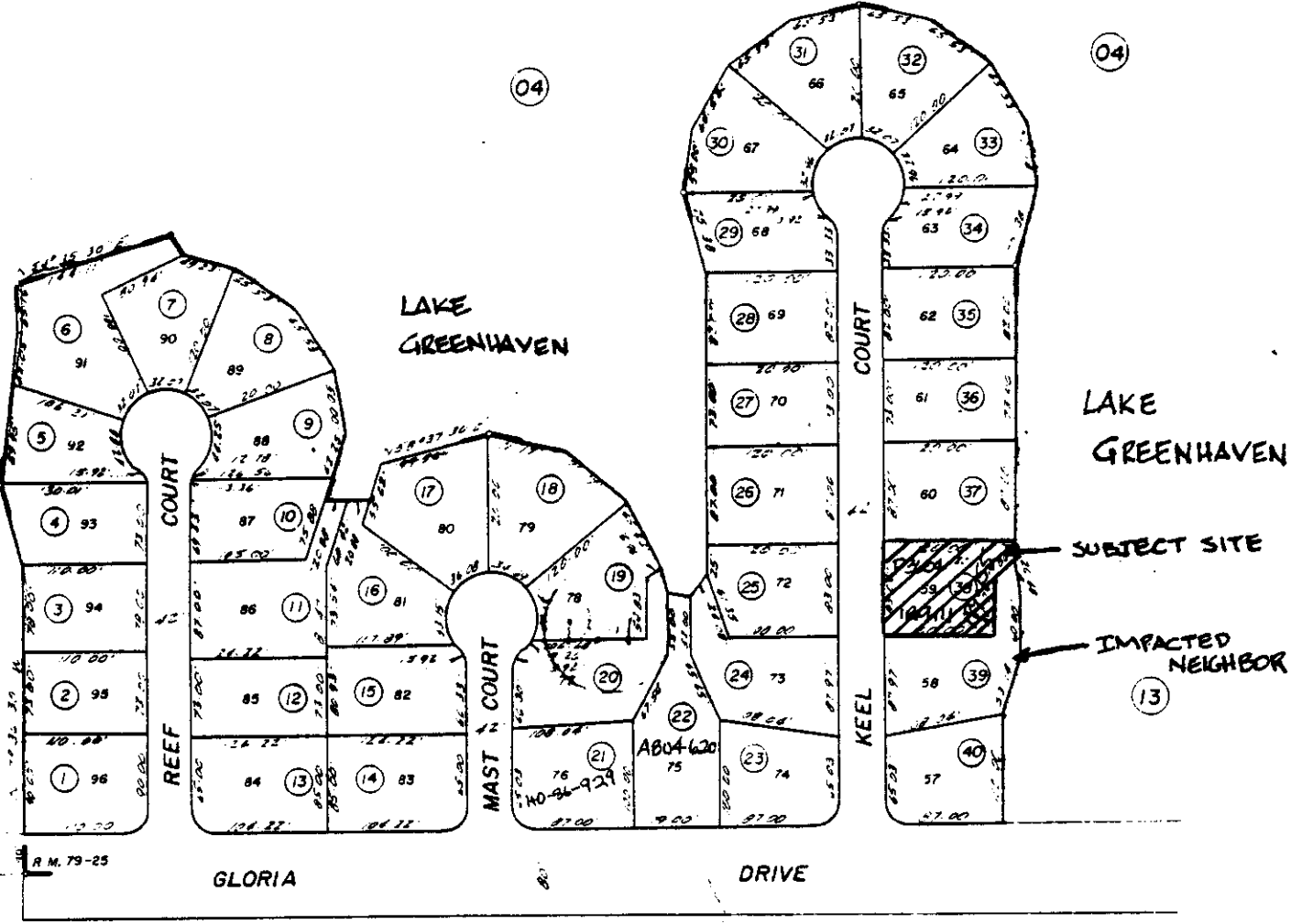
1. Staff cannot find, nor has the applicant presented, any unusual circumstances or hardship to warrant justification for approval of the variance.
2. The proposed variance, if approved, would constitute a special privilege extended to one individual property owner in that every other lot in the immediate subdivision has conformed with the Zoning Ordinance setback requirement.



VICINITY MAP

EXHIBIT A

ADJACENT LOT CONFIGURATION



POINT WEST CORPORATE CENTER
1418 ANKEN WALK SUITE 212
SACRAMENTO, CALIFORNIA 95834
(916) 442-8888

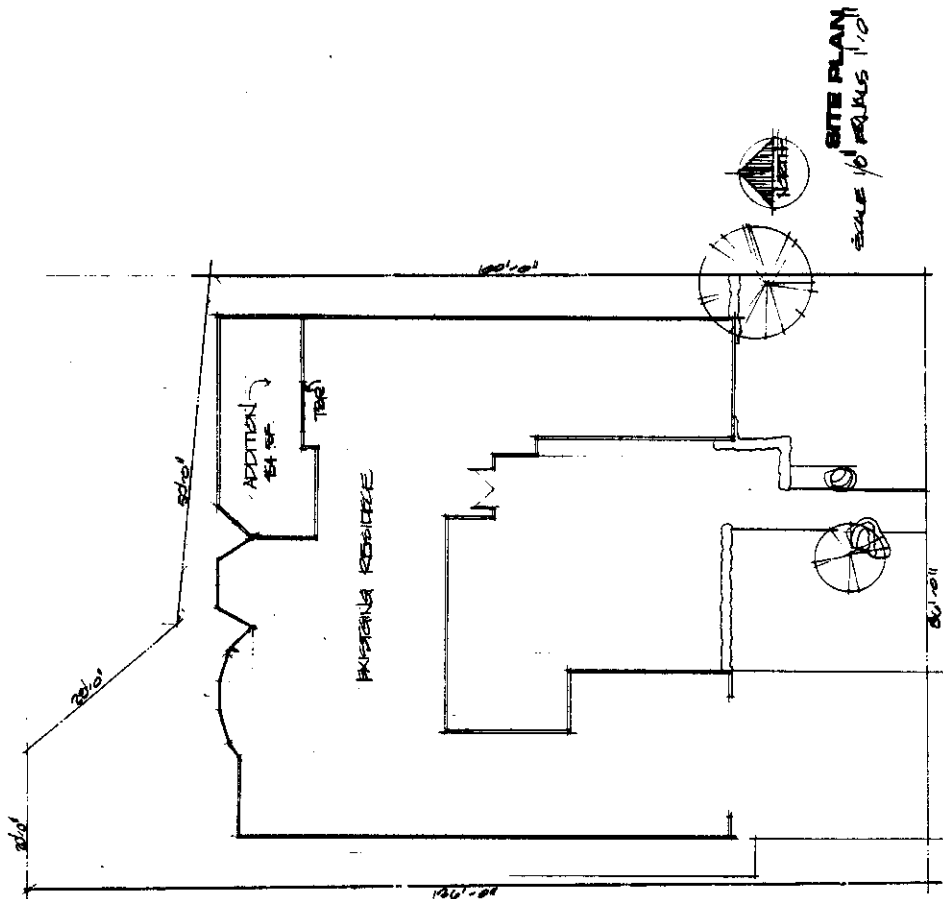
buzz garcia associates
ARCHITECTURE PLANNING

PROJECT NO. 88-001
DATE 11/11/89
DRAWN BY J. GARCIA
CHECKED BY J. GARCIA

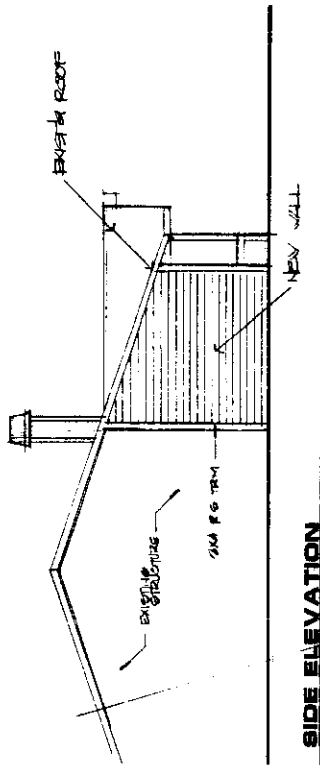
AN ADDITION TO
THE ERICKSON RESIDENCE
SACRAMENTO CALIFORNIA



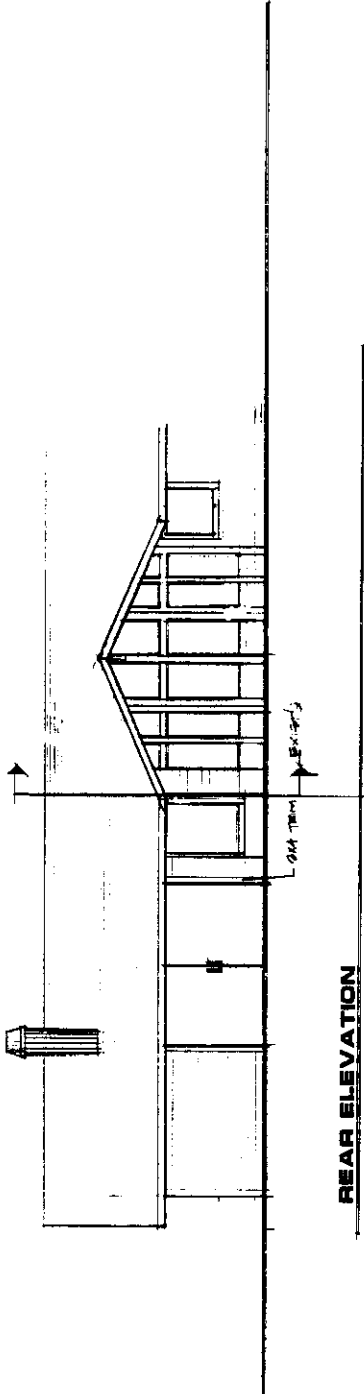
SITE PLAN



ELEVATIONS



SIDE ELEVATION



REAR ELEVATION

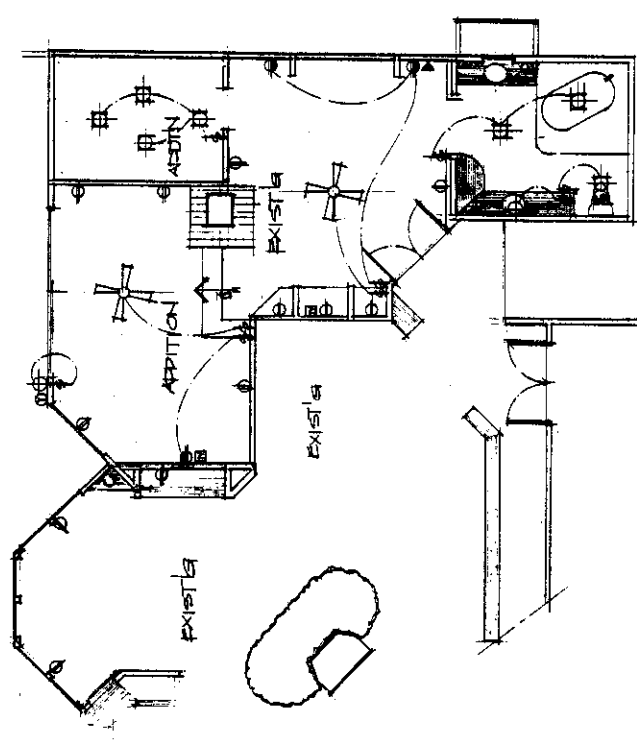
SCALE 1/4"=1'-0"

BUZZ GARCIA ASSOCIATES
ARCHITECTURE & PLANNING
1315 ROSEN WAY SUITE 202
SACRAMENTO, CALIFORNIA 95811
916-442-8888

DATE: 5/11/89
DRAWN BY: JWG
CHECKED BY: JWG

AN ADDITION TO
THE BRICKSON RESIDENCE
SACRAMENTO CALIFORNIA

FLOOR PLAN



SCALE: 1/4" = 1'-0"

FLOOR AND ELECTRICAL PLAN

LAKE GREENHAVEN ASSOCIATION

EXHIBIT B

PO BOX 22577

Sacramento, Calif. 95822

April 12, 1989

Mr. Price Walker
Planning and Development
Planning Division
1231 I. Street Room 200
Sacramento, CA 95814

CITY PLANNING DEPARTMENT

APR 13 1989

RECEIVED

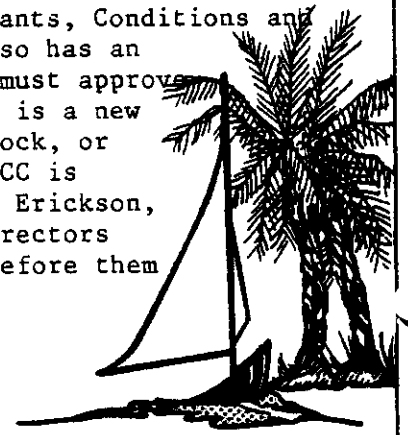
Re: P89-155 Parcel #030-0300-038
11 Keel Court; Sacramento, CA 95831

Dear Mr. Walker;

This response to the above referenced Parcel was solicited by your "Site Plan Review" (copy attached), dated March 24, 1989, to consider a variance to reduce the rear yard setback to 1.5 ft.

The Board of Directors representing the Lake Greenhaven Association, Inc. (LGA) is opposed to the granting of a variance on this Parcel. The property owner commenced the building project without application for a variance or a building permit from the City of Sacramento. As you know, the structure now rests very close to the neighbor's property line. This new structure obstructs that neighbor's lake view from his home almost completely. This neighbor, residing at 7 Keel Court, has complained to the LGA Board of Directors and does not want a variance to reduce the setback granted.

Lake Greenhaven Shores homeowners are protected by Covenants, Conditions and Restrictions, and they spell out the setbacks clearly. LGA also has an active, on-going Architectural Control Committee (ACC), which must approve any construction on property within LGA boundaries, whether it is a new home, addition to existing structure, remodel, addition of a dock, or similar projects. The necessity to have plans passed by the ACC is addressed in LGA's Newsletter periodically. Additionally, Mr. Erickson, property owner of 11 Keel Court, served on the LGA Board of Directors for more than one year and ACC Committee reports on projects before them are presented to the Board of Directors at each meeting.



P89-155

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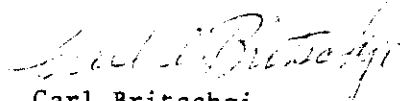
Mr. Price Walker
Planning and Development
April 12, 1989
Page 2

Mr. Erickson did not present his plans to the ACC Committee. When his construction was observed, he was asked to "cease and desist" his construction. He was additionally asked to present his plans for consideration and to supply his building permit number. He did not comply with the requests and his construction continued. If he had presented his plans to the ACC, approval would not have been granted because of the drastic encroachment into the setback area which also greatly obstructs the lake view of his neighbor which that setback should protect.

I urge you to deny the variance to reduce the setback on this parcel.

Please keep me informed of all proceedings in this matter, including the dates of any meetings, in advance.

Sincerely,



Carl Britschgi,
President
Lake Greenhaven Association, Inc.
Board of Directors

Attachment

cc: C. Sproul
J. Young, ACC Chrmn.
L. Robie, City Council

P.S. Per our telephone conversation, I am also attaching copies of correspondence between David Erickson and the ACC Chairman.

LAKE GREENHAVEN ASSOCIATION

PO BOX 22577
Sacramento, Calif. 95822

11/28/88

Mr. David Erickson
11 Keel Court
Sacramento 95831

re: Patio enclosure

Dear Mr. Erickson,

It has been called to the attention of the Board of Director and the Architectural Control Committee of the Lake Greenhaven Association that you have been enclosing the patio of your home as an additional room. This action is against the CC & R of the Lake Greenhaven Homeowner Association because it requires prior approval by the Architectural Committee and/or the Board of Director (see page 7 of the Unit 2 CC & R).

It is my understanding that you have neither obtained committee or Board approval, nor have you submitted any architectural plans for consideration of such approval.

The Association president, Mr. Carl Britschgi, had notified you verbally 2 weeks ago, and I am following up in writing to you, to cease and desist your current construction pending submission of two sets of your architectural drawings, including details of the setbacks, and review and decision of your plans by the Architectural Control Committee.

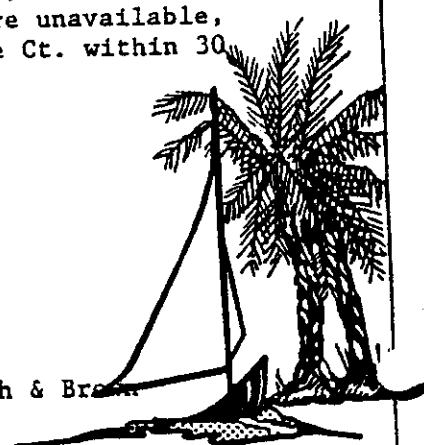
You are invited to come to our next Board meeting (Dec. 14, 1988 at 7942 Pocket Road at 7:30 p.m.) to present your plan. If you are unavailable, you may submit your plans to Mr. Carl Britschgi at 11 Cove Ct. within 30 days of receipt of this letter.

Thank you in advance for your cooperation.

Sincerely yours,


J.M. Young
Chairman Architectural Control Committee
Lake Greenhaven Homeowner Association

CC: Donna May, esq., c/o Weintraub, Genshlea, Hardy, Erich & Brown
Board of Director, Lake Greenhaven Association



DAVID H. ERICKSON
11 Keel Court
Sacramento, California 95831

January 3, 1989

Mr. J.M. Young - Chairman
Architectural Control Committee
Lake Greenhaven Association
P.O. Box 22572
Sacramento, Ca. 95822

Dear Mr. Young:

Thank you for your letter of December 6, 1988. Per your request I have ceased work on the improvement project on my home. I am also enclosing the architectural drawings for the east elevation improvement and a copy of recorded easements and set backs issued by Stewart Title Co. when I purchased this property. (note that there are no existing easements or set backs on the east side of this property except for a beach easement which is not an issue) I am also enclosing a photograph taken from the east side of the property toward the south, showing the existing patio and roof structure prior to enclosing the patio area.

During the time I served on the Association Board of Directors the only Architectural Control issues discussed dealt with new home construction and beach front encroachment. I did not realize that basic home improvement projects fell under the control of the Board of Directors.

My home improvement project is being completed in five basic phases.

1. Re-roofing using wood shakes and the repair of eaves and roof sheeting. This was completed in late July.
2. Installation of wood siding on east and west side of house. (this brings the house into compliance with existing CC&R regulations) Addition of soffets and enclosed eaves on east and west side of house. This was completed in mid September.
3. Enclose existing patio area on the east side of house using existing roof structure. This was completed in mid October
4. Landscape front yard area with tree and shrubbery plantings. This was completed in early December.
5. Construct new deck area and replace existing dock. The projected completion date is mid March 1989.

889-155

5/11/89

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LAKE GREENHAVEN ASSOCIATION

PO BOX 22577
Sacramento, Calif. 95822

1/12/89

Mr. David Erickson
11 Keel Court
Sacramento 95831

Dear Mr. Erickson,

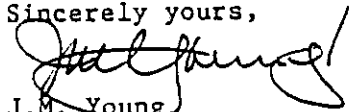
We have received your letter addressed to the Architectural Control Committee dated Jan. 3, 1989, and two blue prints consisting drawings of elevation of your enclosed patio and deck plan. Unfortunately, these drawing are grossly inadequate to allow this committee to review your construction to pass on any fair judgment.

Specifically, the committee needs from you the following:

1. A site plan showing location of your house in relation to the property lines, with details of the setbacks both to the sides and to the beach area. This should be drawn in $\frac{1}{4}$ or 1 inch scale as specified in the CC & R;
2. Some color boundaries or highlighting delineating your new enclosed area;
3. Elevation drawing detailing the type of siding and the colors used;
4. Any fencing around your new deck area and the summated height;
5. Your building permit no. for your new construction.

We would like to receive these documents within one to two weeks unless we hear from you.

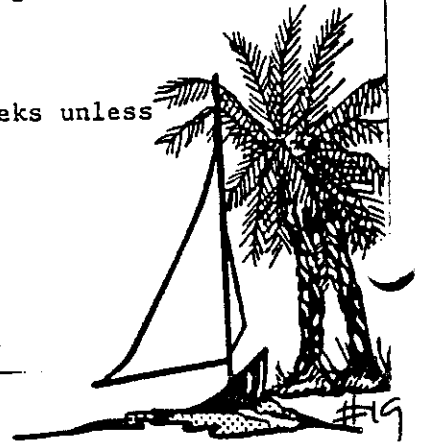
Sincerely yours,



J.M. Young
Chairman, Architectural Control Committee

c.c. Board of Directors, Lake Greenhaven Association
Kurt Sproul, esq.

5/11/89

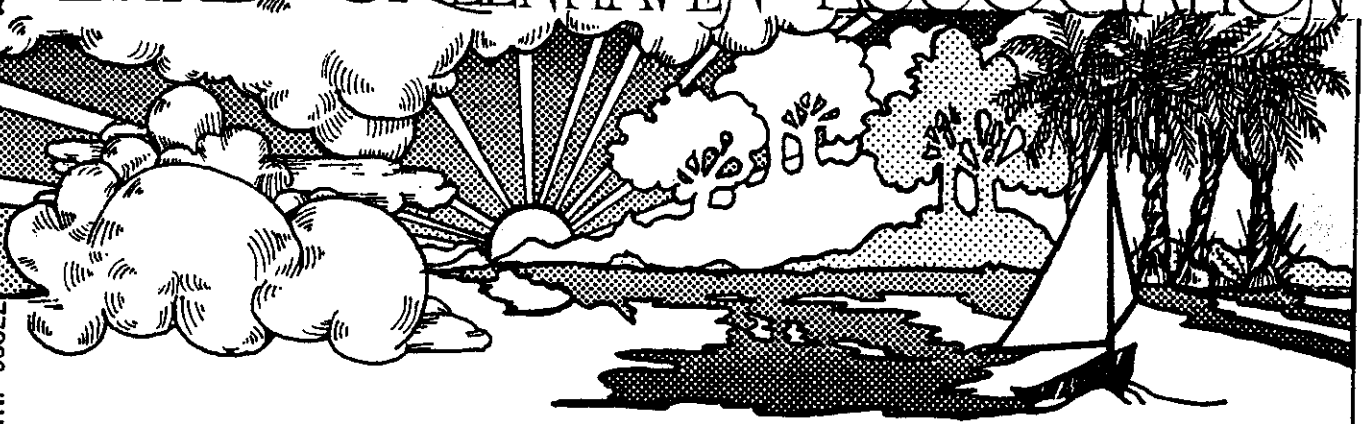


187-155

LAKE GREENHAVEN ASSOCIATION

PO BOX 22572

Sacramento, Calif. 95822



April 13, 1989

Councilmember Lynn Robie
District 8
Office of the City Council
City Hall Room 205
915 I Street
Sacramento, CA 95814-2672

Re: Request for Variance to Reduce Setbacks, Pending Before City Planning Commission

Dear Councilmember Robie;

At the suggestion of Mr. Price Walker, City Planner in charge of the application for a variance to reduce setbacks in a rear yard (to 1.5 ft.), I am forwarding to you copies of correspondence between the parties involved. In the event you are contacted regarding this project in your District 8, I felt it important for you to have pertinent information as it is available.

Please don't hesitate to call on me or other members of the Board of Directors for Lake Greenhaven Association if you need more information regarding this project, or any other matter we could assist you with. The Association's telephone number is 429-9162, or I can be reached at home at 422-9074.

I want you to know again how much we appreciate all your efforts in our area.

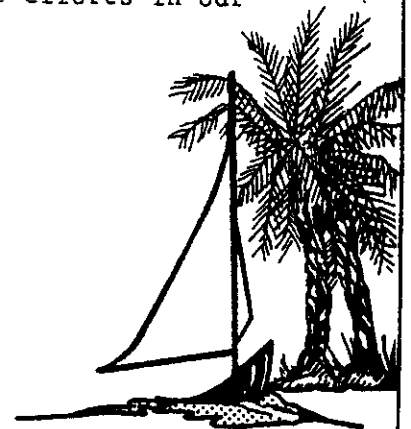
Sincerely,

Karen Miner

Karen Miner
Board of Directors
Lake Greenhaven Association

Attachments

cc: C. Sproul
P. Walker, Planner ✓



P89-155

5/11/89

#19



CITY OF SACRAMENTO

DEPARTMENT OF PLANNING AND DEVELOPMENT
1231 "I" Street
Sacramento, Ca. 95814

Administration
Room 300 449-5571
Building Inspections
Room 200 449-5716
Planning
Room 200 449-5604

NOTICE OF NO BUILDING PERMIT

Owner: David & Barbara Erickson
11 Keel Court
Sacramento, CA 95831

Subject: 11 Keel Court
Date: March 3, 1989

You are hereby notified that the construction you have done in the form of a room addition and pool in front yard is in violation of the Sacramento Building Code insofar as you have failed to obtain a building permit for this project

You are hereby now required to obtain a building permit for this construction and to make any necessary changes required to meet the requirements of the Sacramento City Building Code. A period of 10 days will be allowed, from the date of this notice for you to obtain this permit.

If you have any questions concerning this notice, please do not hesitate to contact the undersigned Building Inspector at 449-5716 between 7:30 a.m. - 8:00 or 3:00 p.m. to 4:00 p.m.

Failure to obtain a permit may necessitate further action by this department.

D.T. Sullivan
Building Inspections Manager


Building Inspector
J. Zimmerman

CITY OF SACRAMENTO
CITY PLANNING DIVISION

MAY 09 1989

Clyde & Chris Martinez
7 Keel Court
Sacramento, CA 95831

RECEIVED

May 6, 1989

City of Sacramento
Department of Planning
and Development
1231 I Street
Sacramento, CA 95814-2998

Dear Commissioners,

This is to state our strong opposition to the request for variance (P89-155) at 11 Keel Court. Our resistance stems from all the following concerns and factors:

The variance, if approved, would directly affect our right to not have any structure within fifteen feet of our property line which abutts the property on which the variance is requested.

The requested variance is in violation of the community norms as reflected in the Covenants, Conditions, Restrictions, ByLaws, Rules and Regulations of the Lake Greenhaven Association.

The existing structure for which variance is sought substantially impairs our right to visual access to Lake Greenhaven, thereby threatening the pleasure and value of our property.

The reckless manner in which the owner(s) of the property at 11 Keel Court deicetfully undertook the addition to the former structor in violation of our rights, the Lake Greenhaven Association and the Building Codes of the city should not be legitimized through the award of a variance.

We recommend that the request for variance be denied. Further, we request that the Planning Commission order forthwith, that the existing addition to the structure at 11 Keel Court be removed to the extent that it no longer impenges upon the mandatory fifteen feet setback as is required by the Building Code.

Sincerely,


Christine L. Martinez


Clyde E. Martinez

P89-155

#19