

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

**PLANNING DIRECTOR'S SPECIAL PERMIT AND VARIANCE**  
 1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

<b>APPLICANT</b>	<u>J. B. Southward / J.B.S. Drafting &amp; Design, 3318 Westwood Drive, Rocklin, California 95677</u>		
<b>OWNER</b>	<u>John M. Gorman and Theresa M. Marcier, 1997 Oxford Street, Sacramento, California 95815</u>		
<b>PLANS BY</b>	<u>J. B. Southward / J.B.S. Drafting &amp; Design, 3318 Westwood Drive, Rocklin, California 95677</u>		
<b>FILING DATE</b>	<u>December 3, 1990</u>	<b>ENVIR. DET.</b>	<u>Negative Declaration</u>
<b>ASSESSOR'S PCL. NO.</b>	<u>275-0232-006</u>	<b>REPORT BY</b>	<u>CG</u>

**APPLICATION:**

- A. Negative Declaration.
- B. Planning Director's Variance to reduce the front yard setback from 25 feet to 22 feet, 9 inches on 0.14± developed acres in the Standard Single Family (R-1) zone.
- C. Planning Director's Special Permit to expand a non-conforming structure which reduces the side yard setback from five feet to three feet on 0.14± developed acres in the Standard Single Family (R-1) zone.

**LOCATION:** 1997 Oxford Street

**PROPOSAL:** The applicant is requesting the necessary entitlements to expand and remodel an existing single family residence.

**PROJECT INFORMATION:**

<b>General Plan Designation:</b>	Low Density Residential (4-15 du/na)
<b>North Sacramento Community Plan Designation:</b>	Residential (4-8 du/na)
<b>Existing Zoning of Site:</b>	R-1
<b>Existing Land Use of Site:</b>	Single Family Residence

<b>Surrounding Land Use and Zoning:</b>		<b>Setbacks:</b>	<b>Required</b>	<b>Provided</b>
North:	Single Family; R-1	Front:	25'	22'-9"
South:	Duplex; R-1	Side(North):	5'	5'
East:	Single Family; R-1	Side(South):	5'	3'
West:	Single Family; R-1	Rear:	15'	33'-10"

<b>Existing Parking:</b>	Carport and driveway
<b>Proposed Parking:</b>	One Car Garage
<b>Property Dimensions:</b>	56' x 110.84'
<b>Property Area:</b>	0.14± acres
<b>Square Footage of Existing Home:</b>	1,346 square feet
<b>Total Proposed Square Footage:</b>	2,849.75 square feet
<b>Height of Building:</b>	2 stories
<b>Topography:</b>	Flat
<b>Street Improvements:</b>	Existing
<b>Utilities:</b>	Existing
<b>Exterior Building Materials:</b>	Stucco, Wood, Brick
<b>Roof Material:</b>	Composition Shingles

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**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**

A 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.

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Conditions - Special Permit

- 1. The three foot side setback shall be allowed only to the 25 foot front setback line.
- 2. The applicant shall submit revised plans indicating the 25 foot front setback being met.

Findings of Fact - Variance

- 1. Granting the variance would constitute a special privilege extended to an individual applicant in that:
  - a. a variance would not be granted to other property owners facing similar circumstances;
  - b. there is no hardship involved to support the request.
- 2. Granting the variance would be injurious to the public welfare in that all the other property owners have front setbacks which exceed the 25 foot requirement.
- 3. Granting the variance would be contrary to the General Plan and North Sacramento Community Plan in that a reduced front setback would not maintain the character of the residential neighborhood.

Findings of Fact - Special Permit

- 1. The project, as conditioned, is based upon sound principles of land use in that the single family residence is compatible with the surrounding homes and currently exists with a three foot side setback.
- 2. The project, as conditioned, will not be detrimental to the public safety or welfare, nor result in the creation of a nuisance in that:
  - a. All remaining setbacks are met;
  - b. The home does not exceed the maximum 40 percent lot coverage; and
  - c. A garage is being provided.
- 3. The project is consistent with the General Plan and North Sacramento Community Plan which designates the site for residential uses.

Report Prepared By:

Cindy Gnos  
 Cindy Gnos, Assistant Planner

2-22-91  
 Date

Recommendation Approved By:

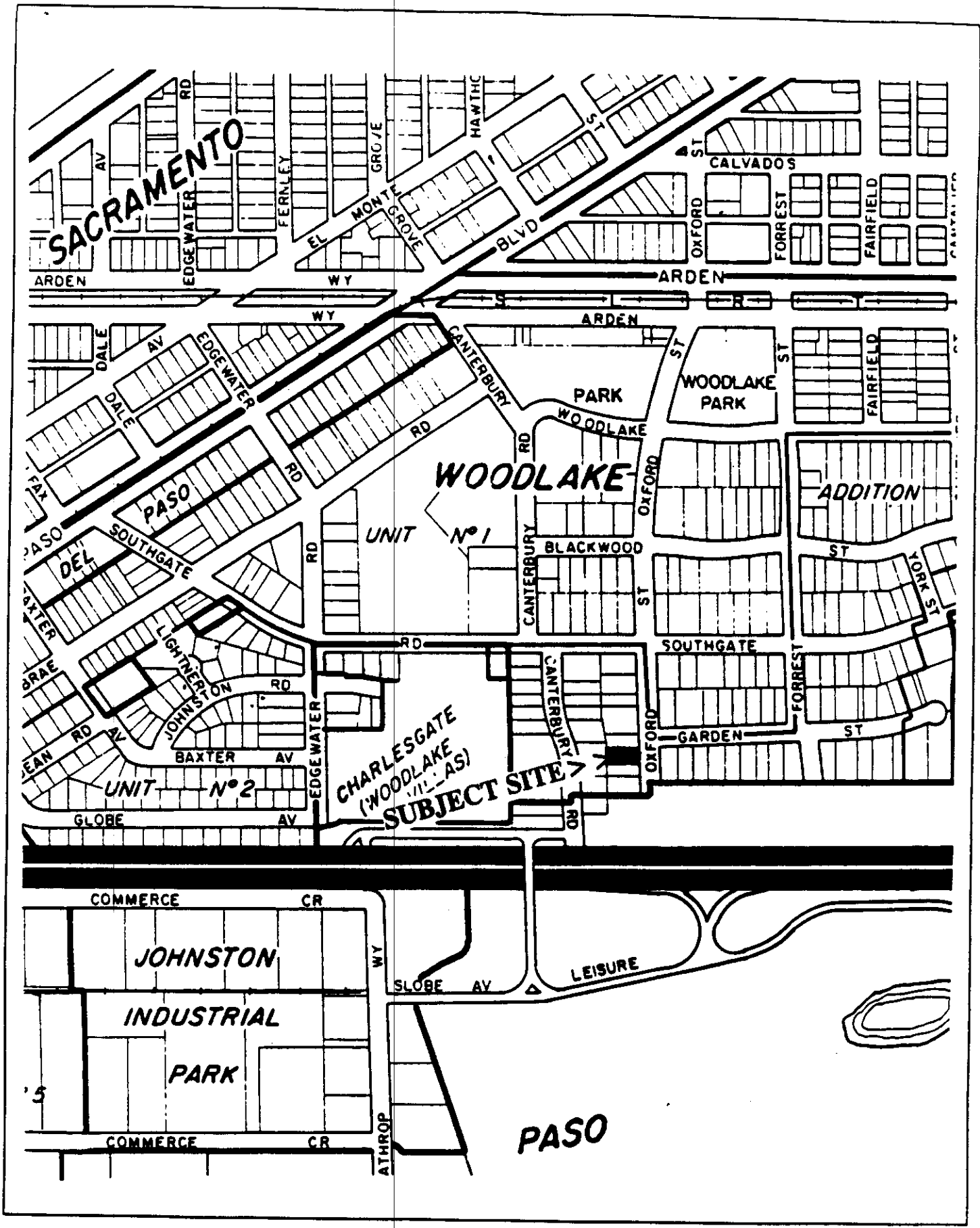
Marty VanDuyn  
 Marty VanDuyn, Planning Director

2/28/91  
 Date

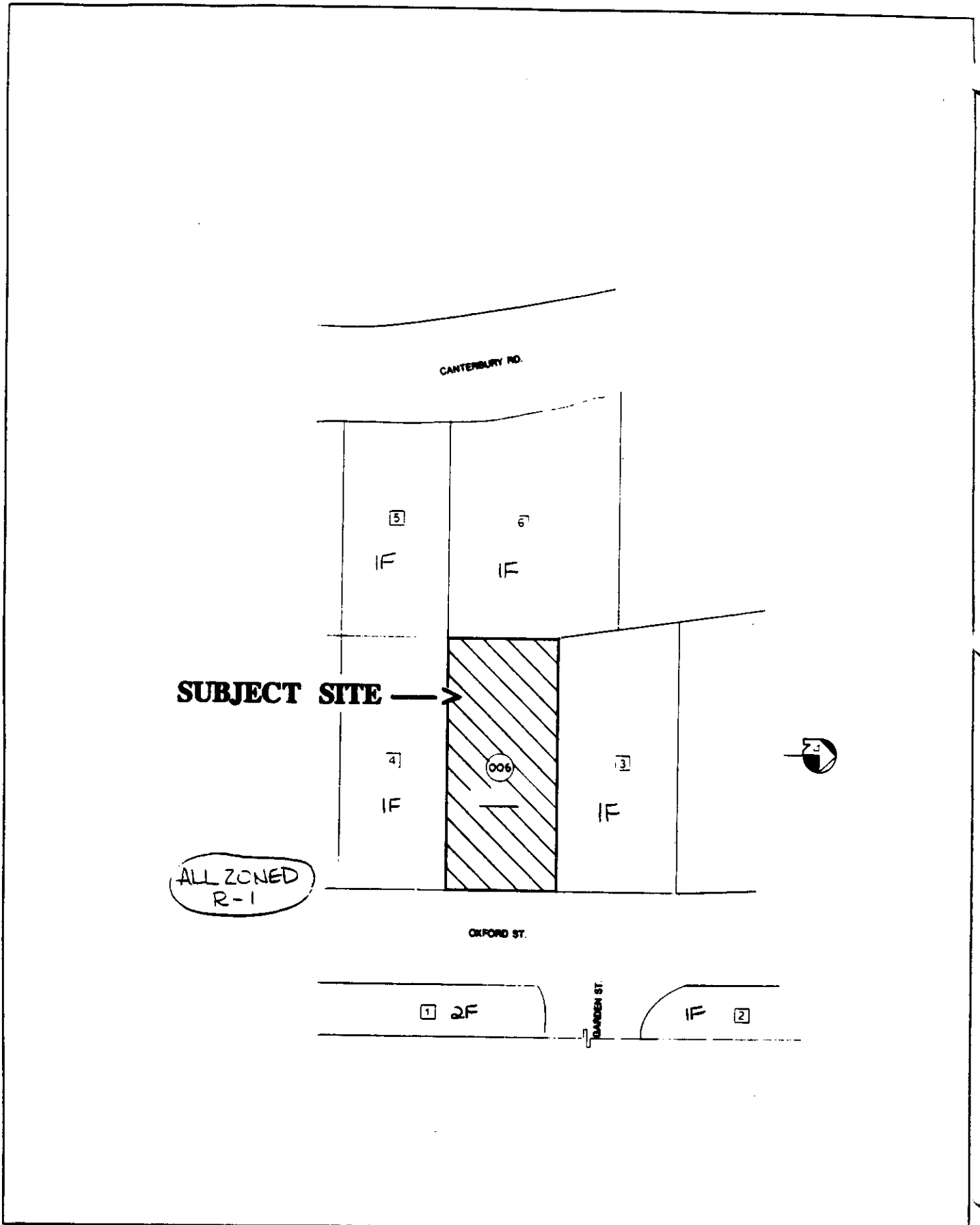
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**VICINITY MAP**



**SUBJECT SITE** →

ALL ZONED  
R-1

CANTERBURY RD.

OXFORD ST.

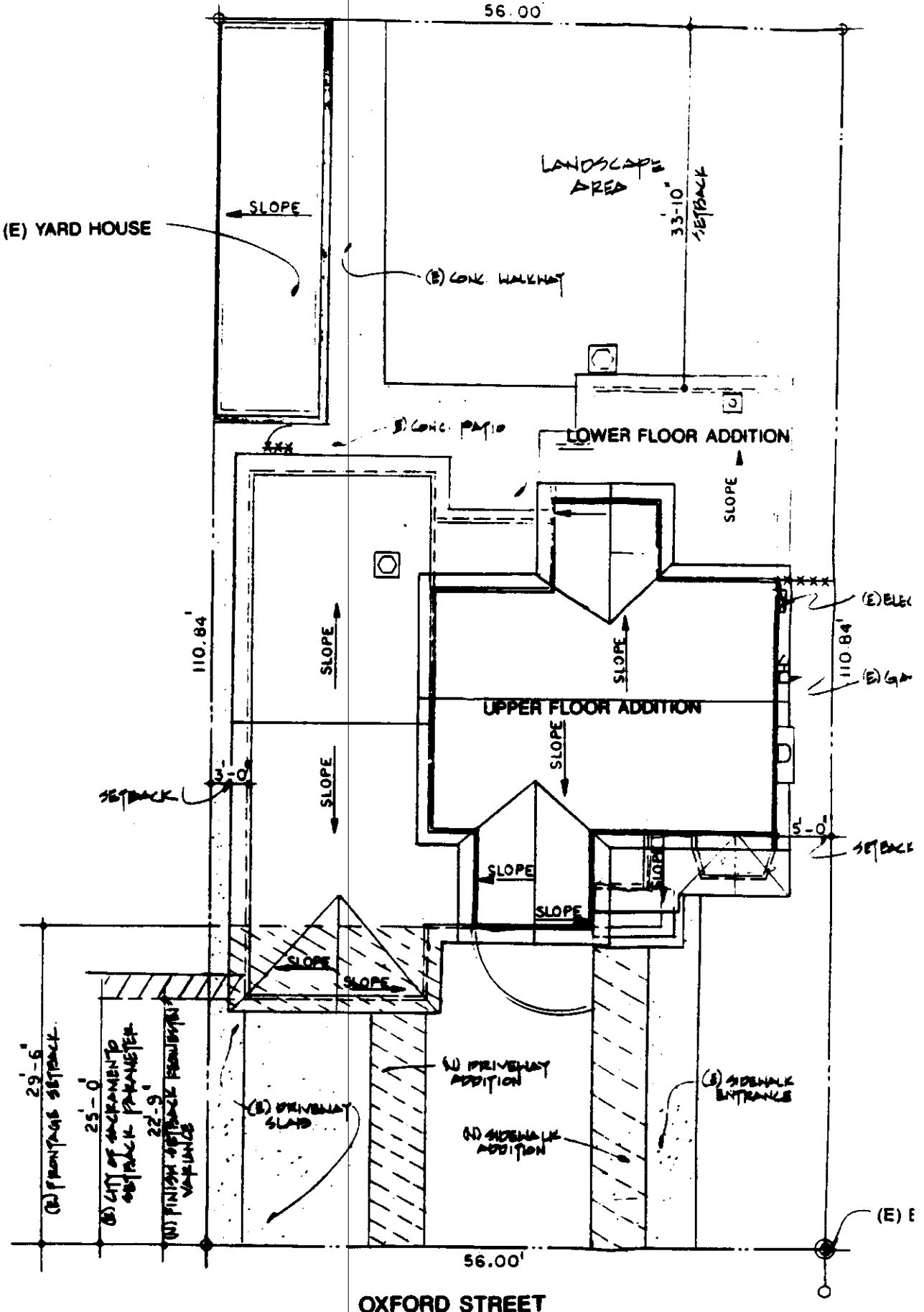
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GARDEN ST.

IF 2

**LAND USE & ZONING MAP**

# EXHIBIT - A SITE PLAN



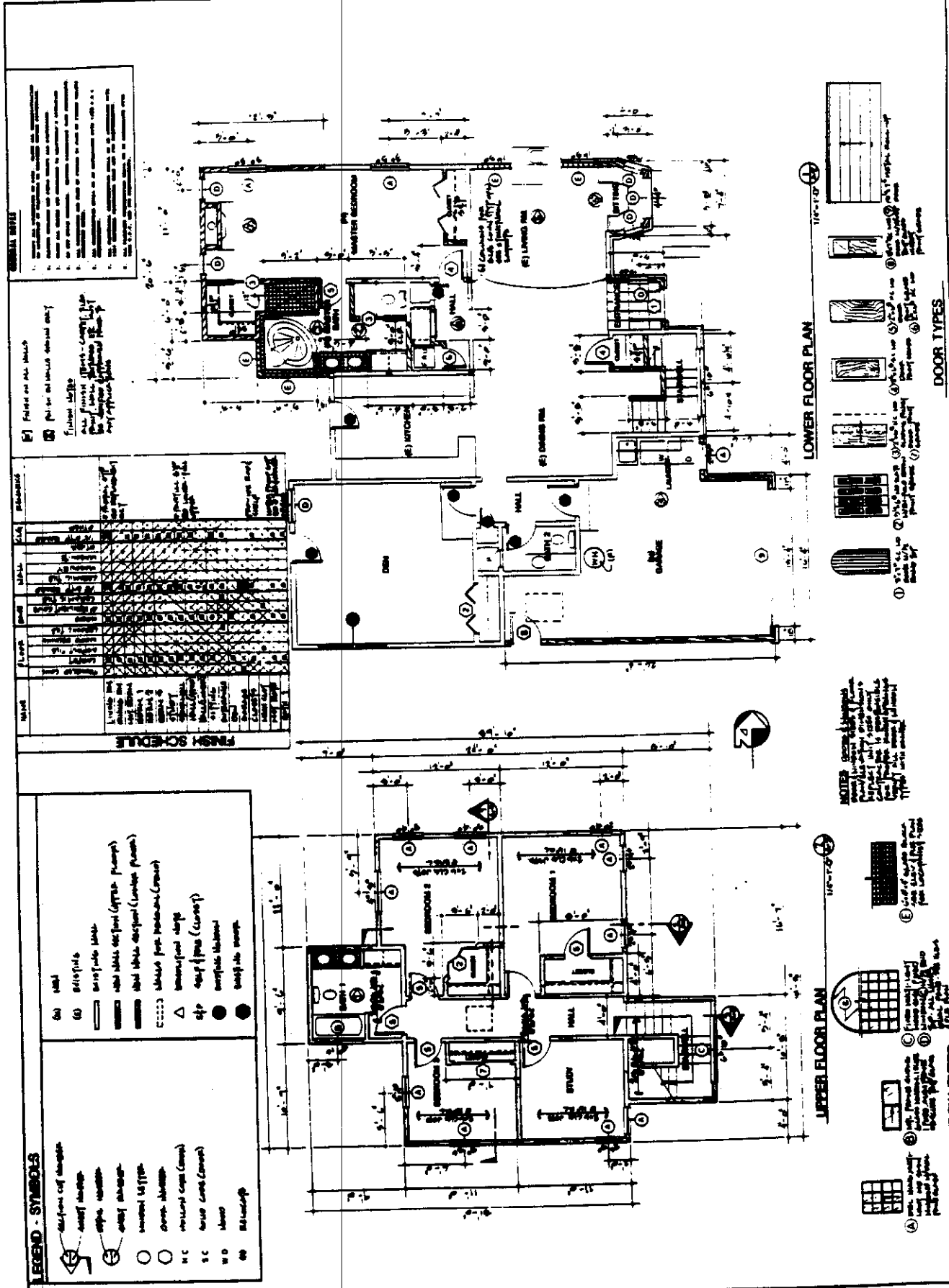




# EXHIBIT - C FLOOR PLANS

MR. & MRS. JOHN GORMAN  
1987 DORFORD ST.  
SACRAMENTO, CA 95815  
PHONE (916) 641-1268  
A.P.N. # 275-0232-008

HOME ADDITION FOR  
MR. & MRS. JOHN GORMAN  
1987 DORFORD ST.  
SACRAMENTO, CA 95815  
PHONE (916) 641-1268  
A.P.N. # 275-0232-008



**LEGEND - SYMBOLS**

- Sections of change
- Window types
- Door types
- Notes
- Dimensions
- Room labels
- Structural symbols
- Material callouts
- Finish callouts
- Notes
- Dimensions
- Room labels
- Structural symbols
- Material callouts
- Finish callouts

**FINISH SCHEDULE**

Room	Finish	Notes
Living Room	Carpet	
Dining Room	Carpet	
Kitchen	Carpet	
Bedroom	Carpet	
Bathroom	Carpet	
Hall	Carpet	
Staircase	Carpet	
Entry	Carpet	
Living Room	Carpet	
Dining Room	Carpet	
Kitchen	Carpet	
Bedroom	Carpet	
Bathroom	Carpet	
Hall	Carpet	
Staircase	Carpet	
Entry	Carpet	

**DOOR TYPES**

Symbol	Description
(1)	6'0" x 8'0" wood door with 1/2" thick glass insert
(2)	6'0" x 8'0" wood door with 1/2" thick glass insert and transom
(3)	6'0" x 8'0" wood door with 1/2" thick glass insert and transom and storm door
(4)	6'0" x 8'0" wood door with 1/2" thick glass insert and transom and storm door and transom
(5)	6'0" x 8'0" wood door with 1/2" thick glass insert and transom and storm door and transom and storm door
(6)	6'0" x 8'0" wood door with 1/2" thick glass insert and transom and storm door and transom and storm door and transom and storm door

**WINDOW TYPES**

Symbol	Description
(1)	6'0" x 8'0" wood window with 1/2" thick glass insert
(2)	6'0" x 8'0" wood window with 1/2" thick glass insert and transom
(3)	6'0" x 8'0" wood window with 1/2" thick glass insert and transom and storm door
(4)	6'0" x 8'0" wood window with 1/2" thick glass insert and transom and storm door and transom
(5)	6'0" x 8'0" wood window with 1/2" thick glass insert and transom and storm door and transom and storm door
(6)	6'0" x 8'0" wood window with 1/2" thick glass insert and transom and storm door and transom and storm door and transom and storm door

# 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 13, 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 90-463,

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

GROUNDS 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: <u>\$125.00</u> by Applicant: \$125.00	_____ by 3rd Party \$ 40.00
Received By: <u>B. Williams</u>	Date: <u>3-18-91</u>
Distribute Copies To: NVD	JP AG WW SG (original & receipt)
P# <u>90-468</u>	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.

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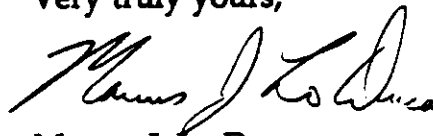
Mr. Marty Van Duyn  
March 1, 1991  
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3. There is no question that a garage is a permitted use in the zone in which our clients' house is located. Nonetheless, because their home is approximately 50 years old and the City's standard street and sidewalks 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