

P94-102 - 1701 47th Street

- REQUEST:
- A. Variance to reduce the side yard setback from five feet to zero feet for a single family home on 0.11± developed acres in the Standard Single Family (R-1) zone.
 - B. Variance to reduce the rear yard setback from 15 feet to 6 feet for a single family home on 0.11± developed acres in the Standard Single Family (R-1) zone.
 - C. Variance to increase the lot coverage from 40% to 42% for a single family home on 0.11± developed acres in the Standard Single Family (R-1) zone.
 - D. Variance to waive the garage requirement for a single family home on 0.11± developed acres in the Standard Single Family (R-1) zone.

LOCATION: 1701 47th Street (47th Street, South of Folsom Bl.)
008-0474-022
East Sacramento
Sacramento City Unified School District
Council District 3

APPLICANT:	Martha Hastings, 737-6559 Number 1701 47th Street, Sacramento, CA 95819
OWNER:	Martha G. Hastings 1701 47th Street, Sacramento, CA 95819
PLANS BY :	McDermott Design, 2696 Musgrave Place, El Dorado Hills, CA 95762
APPLICATION FILED:	September 21, 1994
STAFF CONTACT:	Jeanne Corcoran, 264-5317

SUMMARY/RECOMMENDATION: The applicant is proposing to bring into compliance

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with building and zoning codes a family room converted from a covered patio area. In order to meet the applicant's objectives, the project requires the discretionary entitlements described above. The basic issues of this project are the illegal conversion of a covered patio into habitable living area and the issuance of building permits which did not comply with zoning regulations. The conversion of the patio area occurred prior to ownership of the applicant. The building permit was issued without compliance with zoning regulations. **Staff recommends denial of the variances for setbacks and lot coverage; and supports the waiver of the garage requirement.** Staff recommends that the garage be demolished since the existing garage which measures 7.5' X 18' is substandard in size and would more than likely be used only for storage. With the removable of the garage the side yard, rear yard and lot coverage variances are no longer required since the residential unit will comply with setbacks and lot coverage. The approval of the garage variance will provide the living space desired by the applicant and is consistent with the City's plans and policies.

PROJECT INFORMATION:

General Plan Designation: Low Density Residential (4-15 du/ac)
Existing Land Use of Site: Single Family
Existing Zoning of Site: R-1

Surrounding Land Use and Zoning:

North: Single Family; R-1
South: Single Family; R-1
East: Single Family; R-1
West: Single Family; R-1

Setbacks:	Required	Provided
Front:	25'	24' (Existing)
Side(N):	5'	3' (Existing)
Side(S):	5'	0'
Rear:	15'	6'

Property Dimensions: 50' x 100'
Property Area: 0.11± net acres
Square Footage of Building: 2814± square feet
Height of Building: 25 feet, 2 stories
Exterior Building Materials: Stucco
Roof Material: Composition Shingle
Parking Provided: 1 space
Parking Required: 1 space

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OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant

will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Building Permit	Building Division (already issued)
Demolition Permit	Building Division

BACKGROUND INFORMATION: The subject site is developed with a single family residence and an attached garage. Sanborn Maps verify that originally a single family residence with a detached garage existed on the property. In 1992, the applicant purchased the property. At the time of purchase the patio had already been converted to a family room connecting the residence to the garage. The applicant has indicated to staff, that at the time of purchase it was disclosed to her that the family room may not have been built with building permits. In December of 1993, the 2nd floor of the house sustained fire damage when a fire broke out in the home. In April 1994, a building permit was issued to rebuild and expand the 2nd floor. During an inspection by Building Division the inspector mentioned to the contractor that the family room may not be legal. The room at that time, had a flat roof indicating to the inspector that the room may have been converted from a patio to a family room. There were other code violations indicating to the inspector that the room may not have been constructed with building permits. In August 1994, the applicant applied for and was issued another building permit to bring the family room up to code. The plans submitted to the Building Division indicated that the house would be attached to the garage which is located on the property line, a violation of zoning regulations. The building permit was issued without referring the request to Planning for review and direction or notifying the property owner that issuing the permit would violate zoning regulations.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The General Plan designates the site as Low Density Residential. A Housing Element goal of the General Plan is to "maintain and improve existing housing stock (GP, Sec 3-45). The proposed project is consistent with the designation and goals of the General Plan.

B. Site Plan Design/Zoning Requirements

1. Setbacks and Lot Coverage

The site is a 50' X 100' lot currently developed with a single family home and an attached garage. The residence is located on the side property line and within the rear yard setback area. Residential units are required to provide a five foot side yard setback, 15 rear yard setback and cover no more than 40 percent of the lot area. Detached accessory structures may be located on the property line if located more than 60 feet from the front property line and maintains a six foot distance

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from the residential unit. Detached accessory structures may also be located in the required rear yard setback area if they do not cover more than 25% of the required rear yard setback area.

The subject site and adjacent properties were developed as single family residences with detached garages. The surrounding properties still maintain the detached garages. When the patio was converted to a family room, the room could have been designed to comply with zoning regulations by constructing the room closer to the northern property line or providing a six foot distance between the residence and the detached garage. While staff recognizes the applicant's dilemma, staff is unable to support the variance requests for rear and side setbacks and lot coverage since the site has adequate area to locate the family room addition in compliance with zoning regulations.

2. Garage Requirements

The Zoning Ordinance requires enclosed garages for single family homes. Garages are to be 10 feet wide and 20 feet deep to allow for a standard car to be parked inside with adequate area to open doors. The existing garage measures 7.5 feet wide and 18 feet deep. In 1992, a washroom was constructed within the northwest corner of the garage making the garage substandard in size. The driveway is 8 feet wide and 76 feet deep thus providing adequate area for parking on site. Although the surrounding homes have garages, staff recommends the garage be demolished since it is not large enough to serve as a garage. With the removal of the garage, variances for the rear and side yard setbacks and lot coverage are no longer necessary. The demolition of the garage allows the living space desired by the applicant. The applicant, however, does not agree with the demolition of the garage. The applicant is concerned with the cost of garage demolition and the reconstruction of the roofline.

C. Building Design

The proposed family room is constructed of stucco with a composition shingle roof to match the existing structure. The flat patio cover has been changed to a gable roof. Staff finds the family room addition compatible with the existing structure and the surrounding neighborhood.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301(e)(1)).

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B. Public/Neighborhood/Business Association Comments

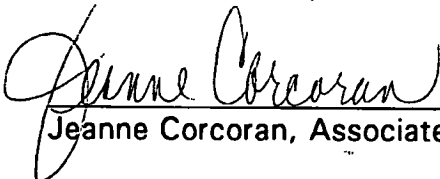
The project was reviewed by the East Sacramento Neighborhood Association . An East Sacramento Neighborhood representative spoke with the applicant and a few of the surrounding neighbors and she found no opposition to this project. They believe the applicant should receive approval of the variances.

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny any or all of the variances. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

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

- A. Adopt the attached Resolution denying the variance to reduce the side yard setback.
- B. Adopt the attached Resolution denying the variance to reduce the rear yard setback.
- C. Adopt the attached Resolution denying the variance to increase lot coverage.
- D. Adopt the attached Resolution approving the variance to waive the garage requirement for a single family home.

Report Prepared By,


 Jeanne Corcoran, Associate Planner

Report Reviewed By,


 Steve Peterson, Senior Planner

Attachments

Attachment A	Vicinity Map
Attachment B	Land Use and Zoning Map
Attachment C	Resolution Denying Variances
Attachment D	Resolution Approving Variance
Exhibit D-1	Site Plan
Exhibit D-2	Floor Plans
Exhibit D-3	Elevations

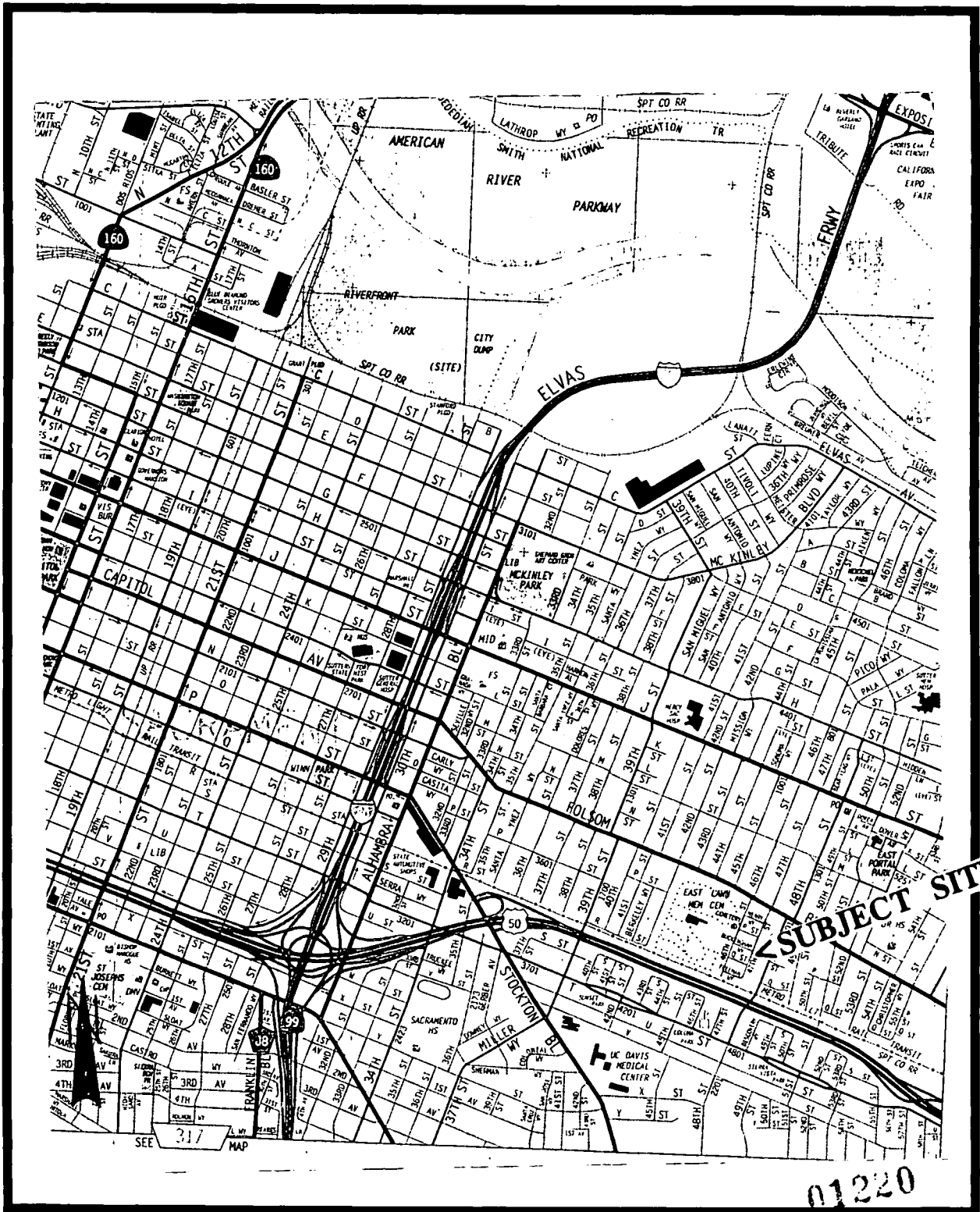
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ATTACHMENT A

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NOVEMBER 17, 1994

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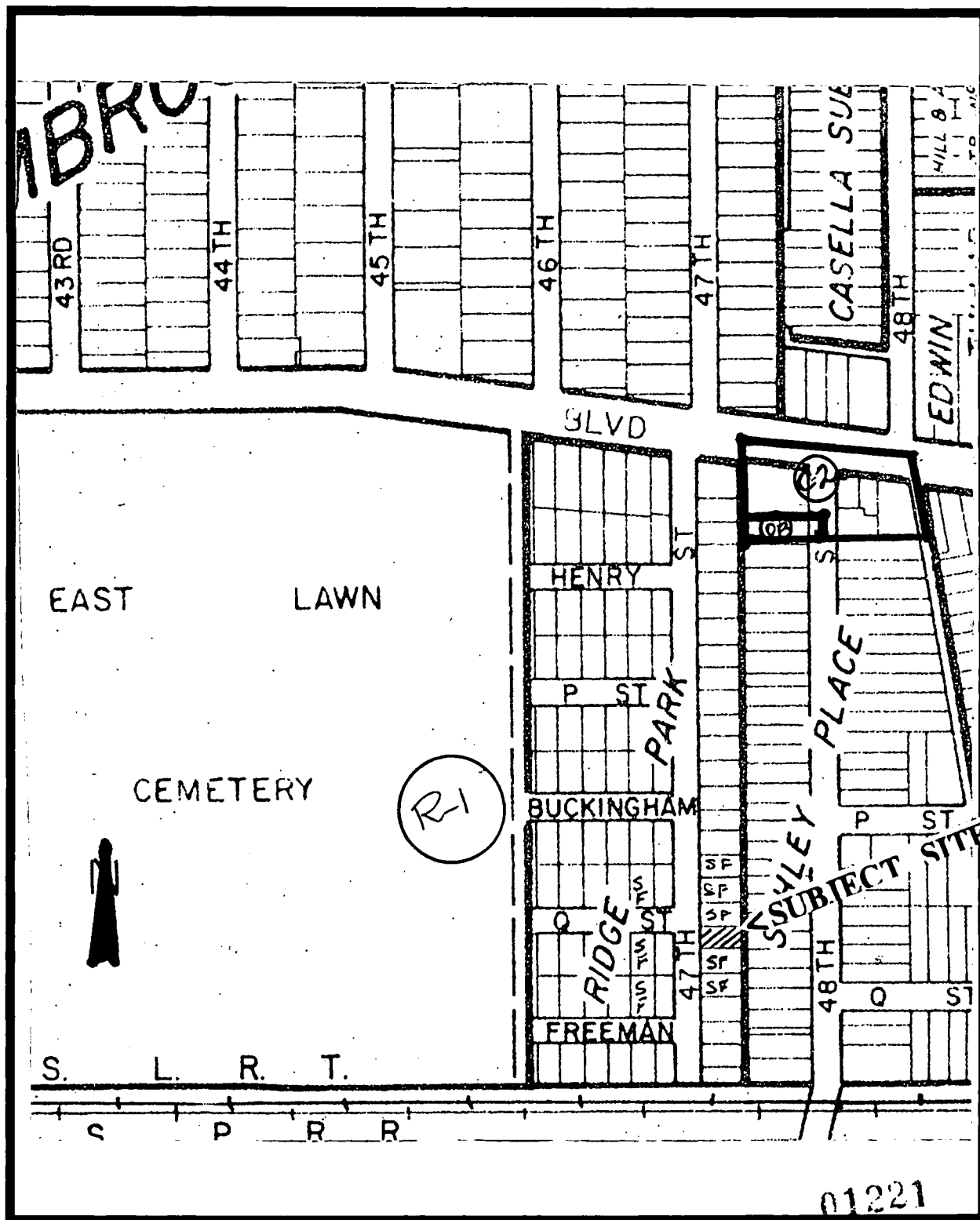
VICINITY MAP

ATTACHMENT B

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LAND USE & ZONING MAP

01221

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF November 17, 1994

A RESOLUTION ADOPTING FINDINGS OF FACT
AND DENYING VARIANCES FOR PROPERTY
LOCATED AT 1701 47th Street

(P94-102) (APN: 008-0474-022)

WHEREAS, the City Planning Commission on November 17, 1994, held a public hearing on the request for approval of variances to reduce the side yard setback, rear yard setback and increase the lot coverage for property located at the above described location;

WHEREAS, the proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301(e)(1)).

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

WHEREAS, the Planning Commission adopts the following findings of fact for denial of the variances:

1. Granting the variances constitute a special privilege extended to an individual property owner in that variances would not be granted to other property owners facing similar circumstances.
2. Granting the variances would be detrimental to the public welfare and result in the creation of a public nuisance in that adequate setbacks are not provided.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

1. The variances for the proposed family room addition are hereby denied.

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CHAIRPERSON

ATTEST:

SECRETARY TO PLANNING COMMISSION

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01223

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF November 17, 1994

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING A
VARIANCE FOR PROPERTY LOCATED AT 1701 47th Street

(P94-102) (APN: 008-0474-022)

WHEREAS, the City Planning Commission on November 17, 1994, held a public hearing on the request for approval of a variance to waive the garage requirement for property located at the above described location;

WHEREAS, the proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301(e)(1)).

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

WHEREAS, the Planning Commission adopts the following findings of fact for the variance:

1. Granting the variance does not constitute a special privilege extended to an individual property owner in that a variance would be granted to other property owners facing similar circumstances.
2. Granting the variance would not be detrimental to the public welfare nor result in the creation of a public nuisance in that adequate setback, lot coverage, and parking are provided on the site.
3. Granting the variance does not constitute a use variance in that residential use is allowed in the Standard Single Family (R-1) zone.
4. The project is consistent with the General Plan which designates the site as low density residential.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

1. The variance for the proposed garage waiver is hereby approved, subject to the following conditions:

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- a. The garage shall be demolished prior to issuance of certificate of occupancy.
- b. The foundation and fire place of the family room shall be brought up to building code standards.

CHAIRPERSON

ATTEST:

SECRETARY TO PLANNING COMMISSION

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Hastings Remodel

Sacramento, CA

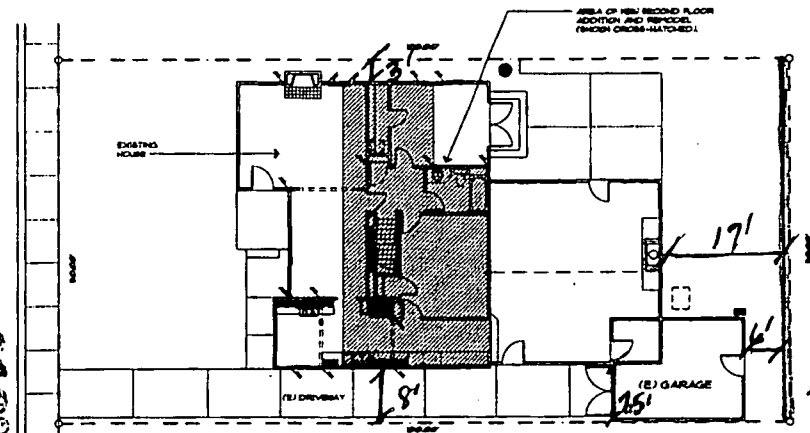
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 MERRILL
 1000 MARKET STREET
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 EXHIBIT D-1
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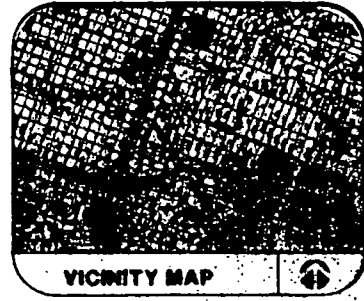
GENERAL NOTES:

- THE BUILDING SHALL CONFORM TO THE REQUIREMENTS OF TITLE 24 OF THE CALIFORNIA ADMINISTRATIVE CODE AND COMPLY WITH REGULATIONS SET FORTH BY THE ENERGY COMMISSION. SEE ACCOMPANYING COMPLIANCE DOCUMENTATION.
- ALL BLANK STAIR W/ OF THE FLOOR SHALL BE FRAGILE RESISTANT PER RM USC Sec. 504.3.
- GARAGE APPLIANCES SHALL HAVE SWITCH 6" ABOVE THE FLOOR AND SHALL BE PROTECTED FROM AUTO PFACT.
- GARAGE WALLS AND CEILING ADJACENT TO OR UNDER DRIVING SPACES SHALL HAVE 1 HOUR FIRE PROTECTION PER RM USC Sec. 504.1(4).
- PROVIDE A 1 1/2" SOLID CORE DOOR WITH AUTO CLOSER AT HOUSING TO GARAGE OR CARPORT.
- FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION. ALL EXISTING ARE BASED ON THE BEST INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE DRAWINGS. NO WARRANTY IS IMPLIED AS TO THE ACCURACY OF THE SAME. SHOULD CONDITIONS BECOME APPARENT WHICH DIFFER FROM THE CONDITIONS SHOWN, THE DESIGNER SHALL BE NOTIFIED IMMEDIATELY.
- IN ALL CASES, NOTED DIMENSIONS SHALL SUPERSEDE SCALED DIMENSIONS.
- CONSTRUCTION SHALL BE OF THE HIGHEST QUALITY WORKMANSHIP. ALL WALLS SHALL BE PLUMB AND TRUE. ALL CONNECTIONS SHALL BE MADE SECURE ACCORDING TO ACCEPTED CONSTRUCTION PROCEDURES OR AS SPECIFIED HEREIN OR AS PER THE NEW EDITION OF THE UNIFORM BUILDING CODE.
- THE DESIGNER ASSUMES NO RESPONSIBILITY FOR ANY CHANGES, ERRORS, OMISSIONS OR DERIVATIONS BY THE OWNER AND/OR CONTRACTOR, EITHER INTENTIONAL OR ACCIDENTAL.
- THE OWNER IS ADVISED THAT THESE DIMENSIONS AND ASSOCIATED CONSTRUCTION DOCUMENTS ARE THE ONLY FEDERAL AVAILABLE TO EXPRESS THE INTENT OF THE DESIGNER AND CANNOT BE ASSUMED ALL INCLUDING WITH REGARD TO R.O.A.

NOTE: THIS SITE PLAN IS ONLY FOR THE PURPOSES OF LOCATING THE EXISTING HOUSE WITH THE NEW ADDITION ON THE PROPERTY. THIS SITE PLAN DOES NOT SHOW, NOR LOCATE, ANY OTHER AUXILIARY BUILDINGS, LANDSCAPE, OR EXISTING TREES AND LANDSCAPING WHICH ARE NOT PART OF THIS NEW CONSTRUCTION. FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION. ANY COMPLETES OR CONFLICTS SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY.



SITE PLAN

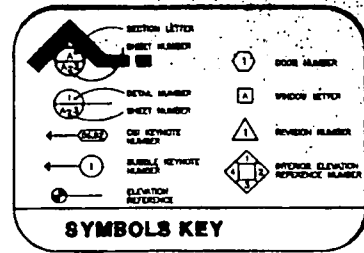


VICINITY MAP

OWNER: Martha Hastings
 ADDRESS: 1701 47th Street
 CITY/STATE/ZIP: Sacramento, CA 95844
 PARCEL #: 008-0474-027 PHONE #: 916-431-8084

SQUARE FOOTAGES: HOUSE		ADDITION		INSULATION	
FOOTPRINT	772 SF	772 SF	N/A	R-11 WALL	R-5 ATTIC
TOTAL UTILITY ENCL.	895 SF	248 SF	N/A	FLOOR	N/A
GARAGE	248 SF	N/A	N/A	CEILING	N/A
POOR (E)	N/A	N/A	N/A	FLOOR	R-11
PATIO	N/A	N/A	N/A	ATTIC	R-5
POOR	81 SF	N/A	N/A	TRUSS	DOUBLE TRUSS

PROJECT DATA



SYMBOLS KEY

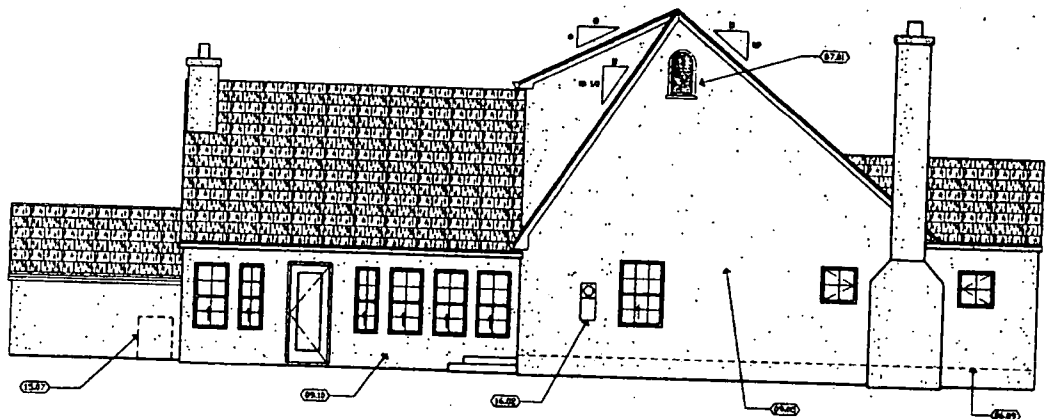
SHEET INDEX:

- (A-1) SITE PLAN
- A-2 DEMOLITION PLAN
- (A-3) FLOOR PLANS
- (A-4) EXTERIOR ELEVATIONS SECTION
- (A-5) EXTERIOR ELEVATIONS SECTION
- A-6 FOUNDATION FLOOR FRAMING PLAN
- A-7 ROOF FRAMING PLAN EXTERIOR ELEVATIONS SECTION
- A-8 ELECTRICAL PLAN
- A-9 DETAILS TITLE 24 ENERGY

Estimated 2 1/2 ft. easement for overhead utility lines

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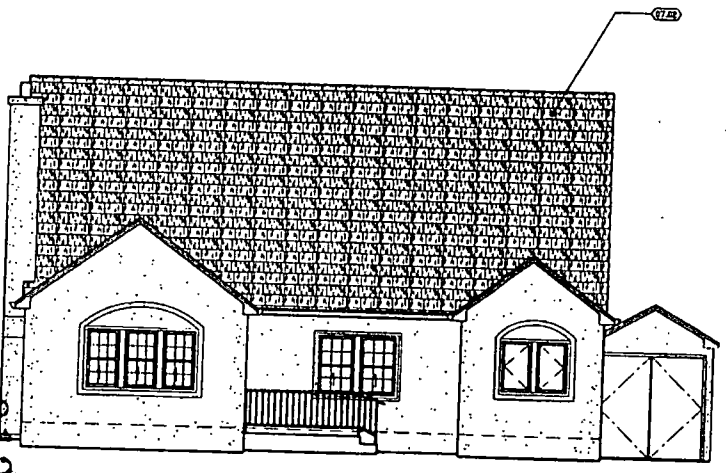
NOTE: COVER ALL NEW EXTERIOR WALLS WITH 3/4" CON. BRICK, 8 PLINCHED WITH 2" x 4" S.O. BRICK. HALVES OF GAS FIELD WALLS - BRICKS OTHERWISE NOTED. PLINTHS SHALL RUN CONTINUOUS WITH THE NEW PLANS TO THE SOLE PLANS WITH ALL JOINTS BLOCKED.

KEY NOTES

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NORTH ELEVATION

1/4" = 1'-0"

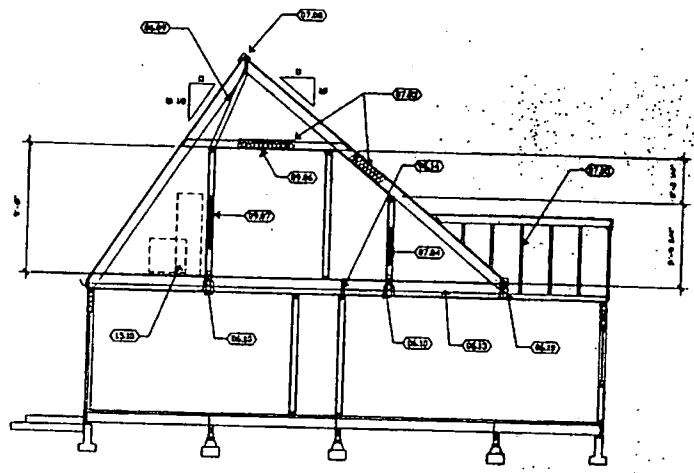


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WEST ELEVATION

1/4" = 1'-0"

A



SECTION

1/4" = 1'-0"

P 94-102 303M

EXHIBIT D-3

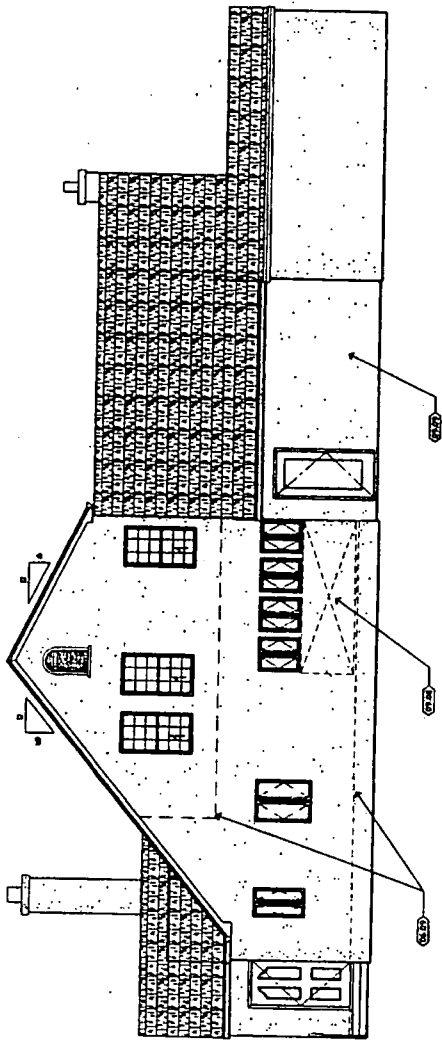
SMOLVATE ROBERTS

Item # 10

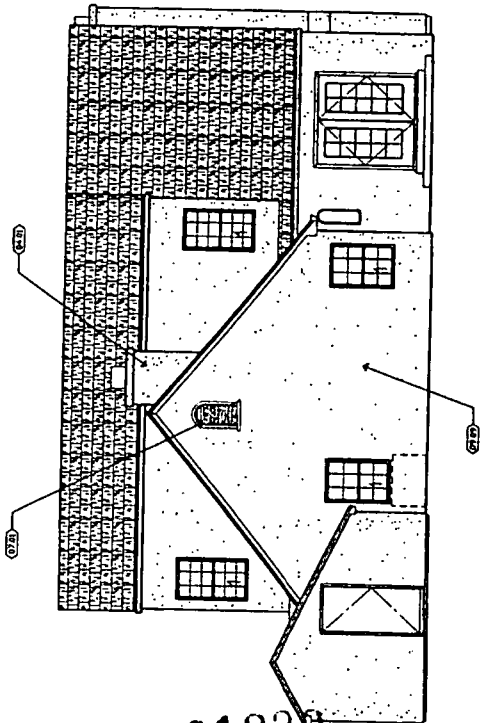
KEY NOTES

- 1. SEE ARCHITECT'S GENERAL NOTES AND SPECIFICATIONS.
- 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.
- 3. ALL MATERIALS SHALL BE OF THE BEST QUALITY AND SHALL BE APPROVED BY THE ARCHITECT BEFORE INSTALLATION.
- 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.
- 5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.
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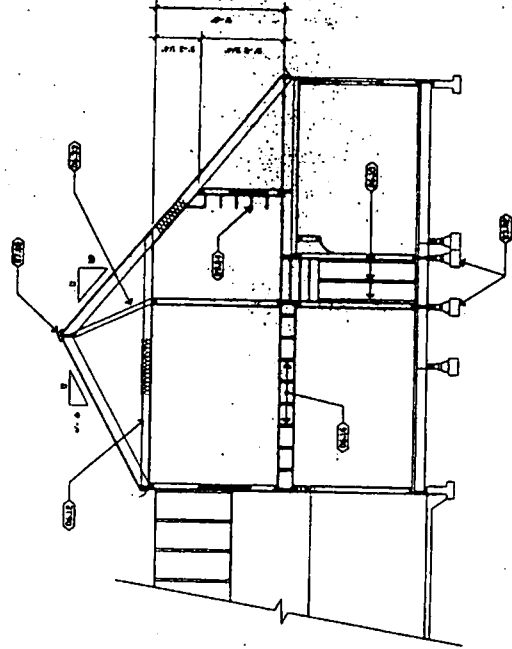
SEE ARCHITECT'S GENERAL NOTES AND SPECIFICATIONS FOR ALL MATERIALS AND FINISHES. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.



SOUTH ELEVATION



EAST ELEVATION



SECTION B