

PLANNING DIRECTOR'S VARIANCE

927-10th Street, Suite 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Dorothy P. Kennedy, 1633 Vallejo Way, Sacramento, CA		
OWNER	Dorothy P. & Gerald S. Kennedy, 1633 Vallejo Way, Sacramento, CA		
PLANS BY	Dorothy P. Kennedy, 1633 Vallejo Way, Sacramento, CA		
FILING DATE	2-17-83	50 DAY CPC ACTION DATE	REPORT BY: JP:bw
NEGATIVE DEC.	N/A	EIR	ASSESSOR'S PCL. NO. 12-132-05

APPLICATION: Request for a Planning Director's Variance to construct a six-foot wooden fence in the street side yard setback and street right-of-way. (P83-064)

PROJECT INFORMATION:

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

Surrounding Land Use and Zoning:

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

Property Dimensions: 40' x 123'±  
 Property Area: 4,920± square feet  
 Topography: Flat  
 Street Improvements: Existing  
 Significant Feature of Site: Crocker Elementary School one block to west

STAFF EVALUATION: The subject site is a substandard 40' x 123'± single family corner lot. The applicant proposes to build a six-foot wooden fence for increased security, safety and privacy. A portion of the new fence along 17th Street will be set back seven and one-half feet and will be in line with the garage setback. The new fence along Vallejo Way would project approximately seven feet into the street right-of-way. This fence would be located 18 inches from the inside edge of the sidewalk. The actual property line and street right-of-way is located approximately nine feet from the inside edge of the sidewalk (see Exhibit A). This right-of-way exists along the north side of Vallejo Way between 17th Street and Land Park Drive and which consists of nine single family lots.

All of the individual owners of these lots are and have maintained this nine-foot strip with lawns, shrubs and trees. The subject property is not only a corner lot but also a lot with three street frontages. Several years ago the owner installed a four-foot high woven wire fence along the inside edge of the sidewalk. This existing fence also contains various climbing vines and shrubs. This fence will be removed and replaced with a redwood fence six feet in height as indicated in Exhibit A.

The City Traffic Engineering Department has reviewed the fence location and has recommended the angular setback at the corner as indicated in Exhibit A. The City Engineer has no objection to locating the fence in the right-of-way since no street widening is proposed and the owner is maintaining the nine foot strip along Vallejo Way. However, a revocable permit will be required prior to installation of this fence.

000007

Based on the facts that: a) the property has an existing four-foot high fence (which will be removed and replaced with a solid fence); b) the new fence will not hinder visibility to the public; c) the owner is seeking privacy and security; d) the owner will continue to maintain the street right-of-way; e) other similar fences in the neighborhood project into the street side yard setback area, staff supports the requested variance provided the owner installs shrubs in the 18-inch strip and maintains the street right-of-way.

ENVIRONMENTAL DETERMINATION: The project is exempt from environmental review pursuant to State EIR Guidelines (CEQA, Section 15105(a)).


STAFF RECOMMENDATION: Staff recommends that the variance request be approved based upon Findings of Fact which follow and subject to the following conditions:

1. The applicant shall obtain a revocable permit from the City Engineering Department before constructing the fence in the City right-of-way.
2. The applicant shall plant shrubs in the 18-inch planting strip along Vallejo Way.

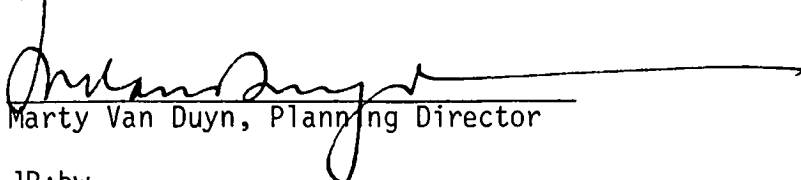
Findings of Fact

- a. The variance request, as conditioned, does not constitute a special privilege in that:
  - 1) similar fences are in the surrounding neighborhood;
  - 2) a variance would be granted to other property owners facing similar circumstances.
- b. The variance does not constitute a use variance in that single family dwellings are permitted in the R-1 zone;
- c. The proposal, as conditioned, will not be injurious to the general public or surrounding properties in that:
  - 1) the fence will be set at an angle at the northeast corner of the lot for traffic visibility;
  - 2) shrubs will be planted between the sidewalk and the new fence.
- d. The variance is consistent with the General Plan and 1963 Riverside-Land Park Community Plan which designate the site for residential use.

REPORT PREPARED BY:

  
Joy Patterson, Jr. Planner

RECOMMENDATION APPROVED:

  
Marty Van Duyn, Planning Director

JP:bw  
P83-064

000008



STREET

SEVENTEENTH

4<sup>th</sup> AVE

3-

2-

1- Subject site \*\*

STREET

5-

VALLEJO WAY

4-

SEVENTEENTH

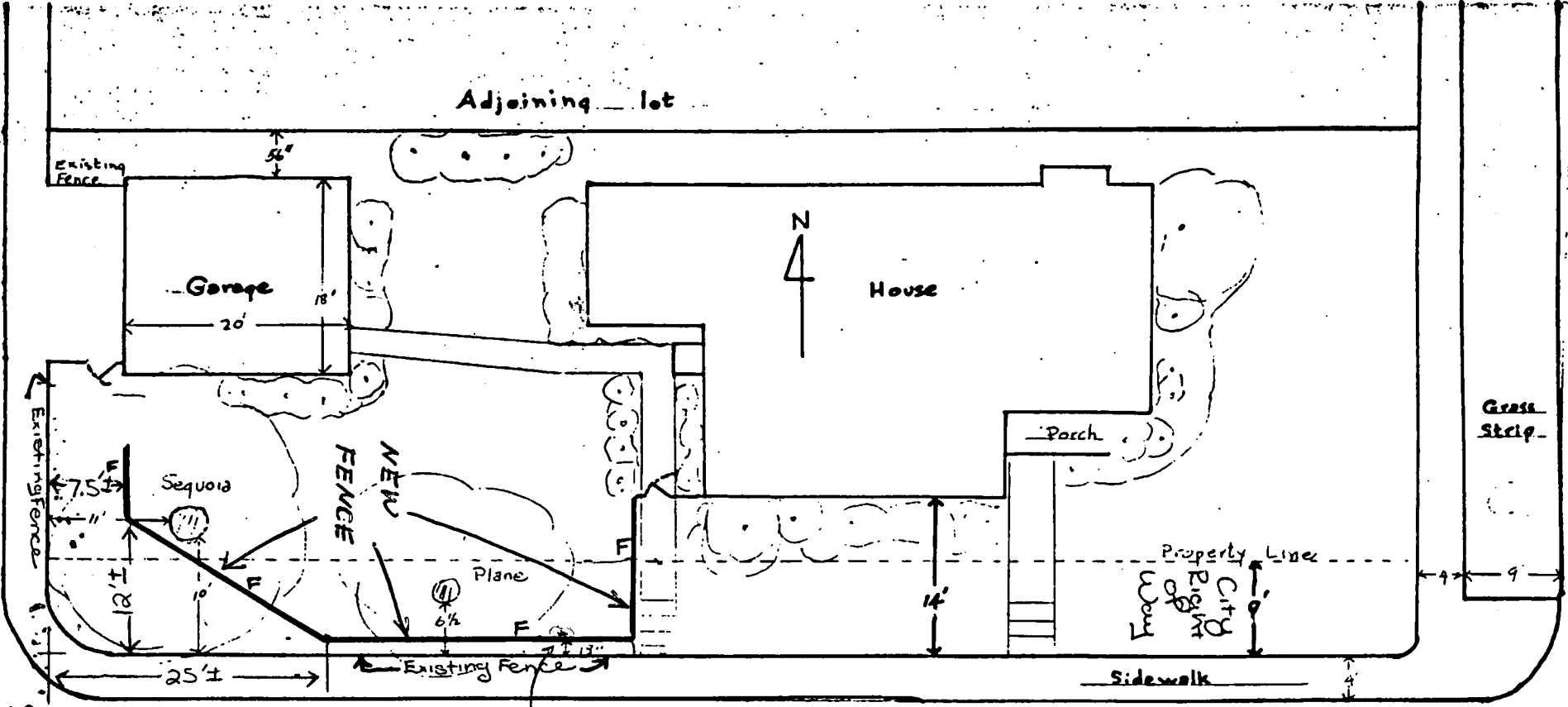
\*\*Subject site, legal description  
Lot 70, Block 12, Maple Park  
Dorothy P. & Gerald S. Kennedy

- 2. Paul R. & Wilma Goodwin, APN 12-132-04
- 3. Roger Lindgren & Diane Perdue,  
APN 12-125-07
- 4. Lloyd & Kathryn Caito, APN 12-221-01
- 5. Darryl & Wanda VonRotz, APN 12-134-28

**P 83064**

000010

California  
Middle  
School



Variance requested:  
 Permission to build retaining wall and fence more than 3' but not over 6' on city-owned property outside of owner's property line, approx. 18' from sidewalk, as indicated by heavy line designated "F".

Parcel No. 12-132-05  
 Lot 40.5 wide  
 Approx. 122.5 long  
 SCALE: 1" = 8'

18" ± 1633 Vallejo Way

000011

Exhibit A

X - Stop sign  
 P 83064

17th St  
 Precinct

Grass Strip

Sidewalk

Property Line

Porch

House

Garage

Adjoining lot

Existing Fence

Existing Fence

N

25' ±

20'

18'

25' ±

Sequoia

NEW FENCE

Plane

6'

Existing Fence

18" ±

14'

9'

City Right of Way

Sidewalk

Grass Strip

17th St

Precinct

Exhibit A

000011

Variance requested:  
 Permission to build retaining wall and fence more than 3' but not over 6' on city-owned property outside of owner's property line, approx. 18' from sidewalk, as indicated by heavy line designated "F".

Parcel No. 12-132-05  
 Lot 40.5 wide  
 Approx. 122.5 long  
 SCALE: 1" = 8'

18" ± 1633 Vallejo Way

Exhibit A

X - Stop sign  
 P 83064

17th St  
 Precinct

Grass Strip

Sidewalk

Property Line

Porch

House

Garage

Adjoining lot

Existing Fence

Existing Fence

N

25' ±

20'

18'

25' ±

Sequoia

NEW FENCE

Plane

6'

Existing Fence

18" ±

14'

9'

City Right of Way

Sidewalk

Grass Strip

17th St

Precinct

Exhibit A

000011