

CITY PLANNING COMMISSION
 1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT <u>Warren Helmuth Mayberry, 4696 Kerwood Way, Sacramento, CA 95823</u>		
OWNER <u>Warren Helmuth Mayberry, 4696 Kerwood Way, Sacramento, CA 95823</u>		
PLANS BY <u>Warren Helmuth Mayberry, 4696 Kerwood Way, Sacramento, CA 95823</u>		
FILING DATE <u>June 26, 1991</u>	ENVIR. DET. <u>Exempt 15305(a)</u>	REPORT BY <u>SLY</u>
ASSESSOR'S PCL. NO. <u>118-0022-028</u>		

- APPLICATION:**
- A. Variance to reduce the required side yard setback from five feet to zero feet on 0.18± developed acres in the Standard Single Family (R-1) zone.
 - B. Variance to reduce the required rear yard setback from 15 feet to 2.25 feet.
 - C. Variance to exceed the maximum 40 percent lot coverage by 4 percent.

LOCATION: 4696 Kerwood Way

PROPOSAL: The applicant is requesting the necessary entitlements to allow existing non-conforming structures to remain.

PROJECT INFORMATION:

General Plan Designation: Low Density Residential (4-15 du/na)
 1986 South Sacramento
 Community Plan Designation: Residential (4-8 du/na)
 Existing Zoning of Site: R-1
 Existing Land Use of Site: Single Family Residence

Surrounding Land Use and Zoning:	Setbacks	Required	Provided
North: Single Family Residential, R-1	Front:	25'	28'
South: Single Family Residential, R-1	Side(East):	5'	0'
East: Single Family Residential, R-1	Side(West):	5'	5'
West: Single Family Residential, R-1	Rear:	15'	2.25'

Parking Required: 1 car garage
 Parking Provided: 2 car garage
 Property Dimensions: Irregular
 Property Area: 0.18± acres
 Square Footage of Building: 1,900 square feet
 Topography: Flat
 Street Improvements: Existing
 Utilities: Existing
 Exterior Building Materials: Horizontal lap siding and stucco
 Roof Material: Composition shingles and metal

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site is residential lot developed with a single family home totaling 0.46± acres in the R-1 zone. The General Plan designates the subject site as Low Density Residential (4-15 du/na) and the 1986 South Sacramento Community Plan designates the site as Residential (4-8 du/na). The surrounding land use and zoning for the subject site are single family residential zoned, R-1 to the north, south, east, and west.

B. Applicant's Proposal

The applicant is proposing to allow existing non-conforming structures to remain. The applicant added over a period of time, ten to fifteen years ago, several structures which are attached to the original house. These additions do not meet Zoning Ordinances requirements in that they encroach into the rear and side yard setbacks 12.75 feet and five feet, respectively. The structures also exceed the maximum 40 percent lot coverage by four percent (See Exhibits A and B). The additions were also constructed without the benefit of building permits.

C. Staff Analysis

1. Site Plan:

The subject site is irregular in shape totaling 0.18± acres and is developed with a single family residence. The site plan indicates a 28 foot front setback, a five foot west side yard setback, an east side yard setback that ranges from zero to two feet, and a rear yard setback that ranges from 2.25 feet to 15 feet. The additions are attached to the main structure and serve as a closet, storage areas, a work shop, and a lean-to storage shed. The work shop and storage areas are used by the applicant for a hobby shop as the applicant is on a medical retirement and is unable to work.

The Zoning Ordinance requires a minimum five foot side yard setback and the applicant is requesting a variance to allow the existing structures which encroach into the entire setback area to remain. The applicant was originally cited for the lean-to structure which is visible from the street. The structure is a metal roof which attaches to the house and the fence reducing the setback area to zero feet and is used for a tool storage area. Upon application for the variance for the lean-to, the required site plan indicated the other structures which also encroach into the side yard and rear setback areas. None of the other structures are visible from the street and appear to be screened from the adjacent properties by large trees around the perimeter of the property.

Adjacent to the lean-to storage area is a 160 square foot walk-in closet accessed from the main structure. It is located approximately ten inches from the east fence line. There is a 222 square foot storage room connected to the closet with the entrance from the closet. This structure also parallels the east property line approximately ten inches from the fence line. There is another 224 square foot storage area attached to the house and the eastern storage area. There are two accesses to this area from the storage area and the outside. This section does not encroach into any setback area. The last structure, a 463 square foot work shop, attaches to the eastern storage area, however, its access is from the back yard through a separate door. This structure is also located in the east side yard setback area ranging from one to two feet away the east fence line.

The work shop structure also encroaches into the rear yard setback area from 12.75 feet at the western end to 11.7 feet at the eastern end. The Zoning Ordinance requires a minimum rear yard setback of fifteen feet and the applicant is seeking a variances to allow the existing structure to remain. Detached structures are permitted in the rear setback area provided they are not attached to the main structure and they do not cover more than 25 percent of the rear setback area. This structure does not cover more than 2"

percent of the rear area, however it is attached to the main structure which requires a variance. Also in the rear area is a pool and landscaping.

The additional structures combined with the main house, covered patio, and garage totals 3,617 square feet. The total lot area is approximately 8,200 square feet. The structures cover 44 percent of the total lot. The Zoning Ordinance stipulates a maximum 40 percent lot coverage in the R-1 zone, therefore a variance is required.

Staff recommends denial of the variances to reduce the required side yard and rear yard setback areas and to exceed lot coverage in that no hardship can be found to allow the encroachment and additional lot coverage because the workshop and other additions could have been constructed to meet Zoning Ordinance requirements.

2. Building Materials and Design:

The buildings are all finished in stucco and are painted to match the house. They have metal roofs with composition shingles which match the house's roofing material. They are well kept and attractive in appearance. The lean-to is a metal roof that serves as a cover and is not enclosed. This is the only visible structure from the street.

D. Agency Comments

The proposed project was reviewed by Traffic Engineering, Engineering Development, Building Inspections, the Fire Department, and the South Sacramento Area Community Advisory Council. The following comments were received:

South Sacramento Area Community Advisory Council staff comments:

Recommend denial unless adjacent owners are willing to grant "light/air" easements to Mayberry to protect the fire separation between structures. Application appears to encroach on neighbor's visual privacy, both of which devalue the properties.

E. Neighborhood Comments

The applicant has contacted all adjacent property owners and they are all supportive of his obtaining the variances. The applicant has submitted a petition from adjacent and nearby property owners indicating their support (see Exhibit C).

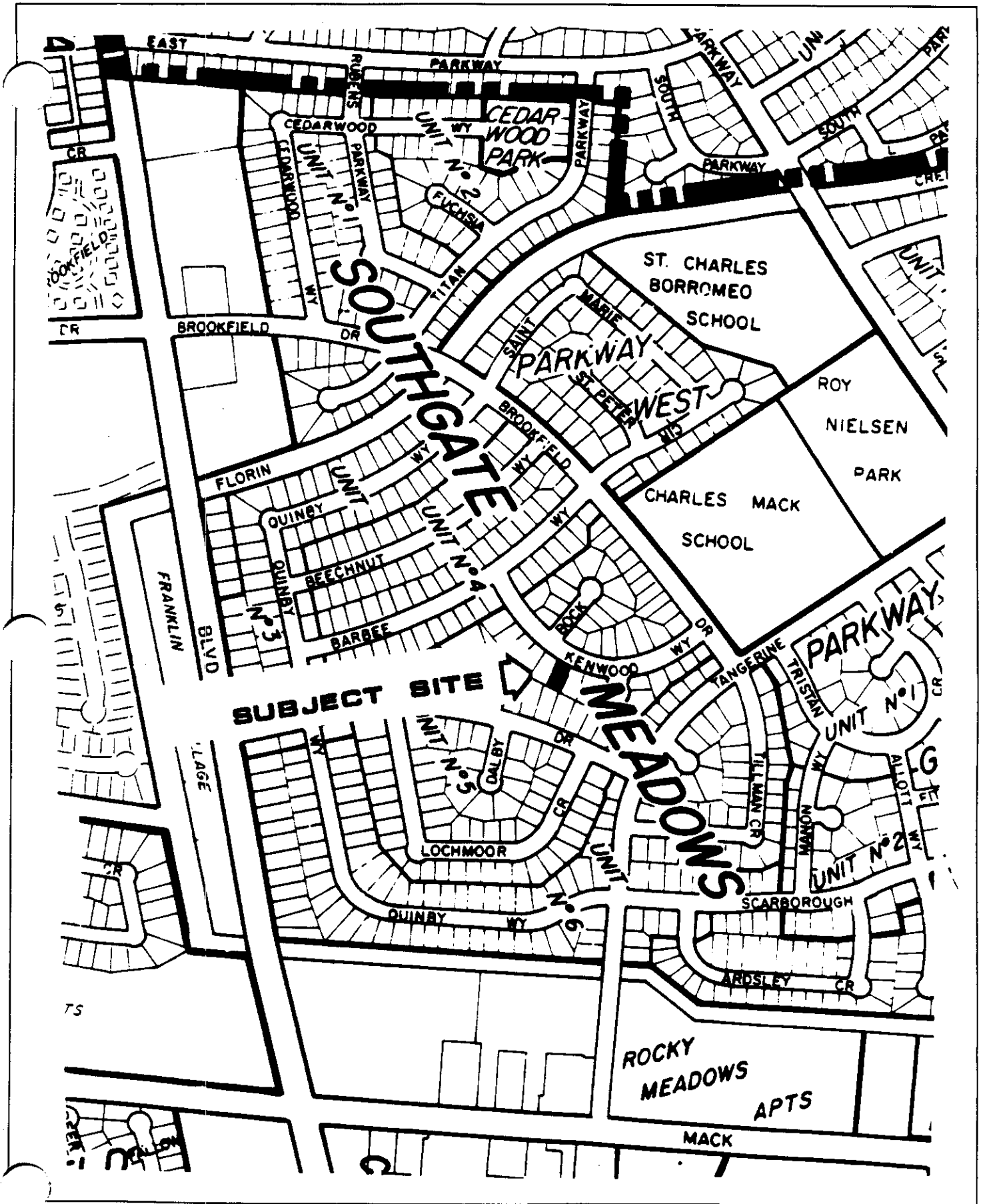
ENVIRONMENTAL DETERMINATION: The Environmental Services Manager has determined that this project is exempt from environmental review pursuant to State EIR Guidelines (California Environmental Quality Act, Section 15305{a}).

RECOMMENDATION: Staff recommends the following actions:

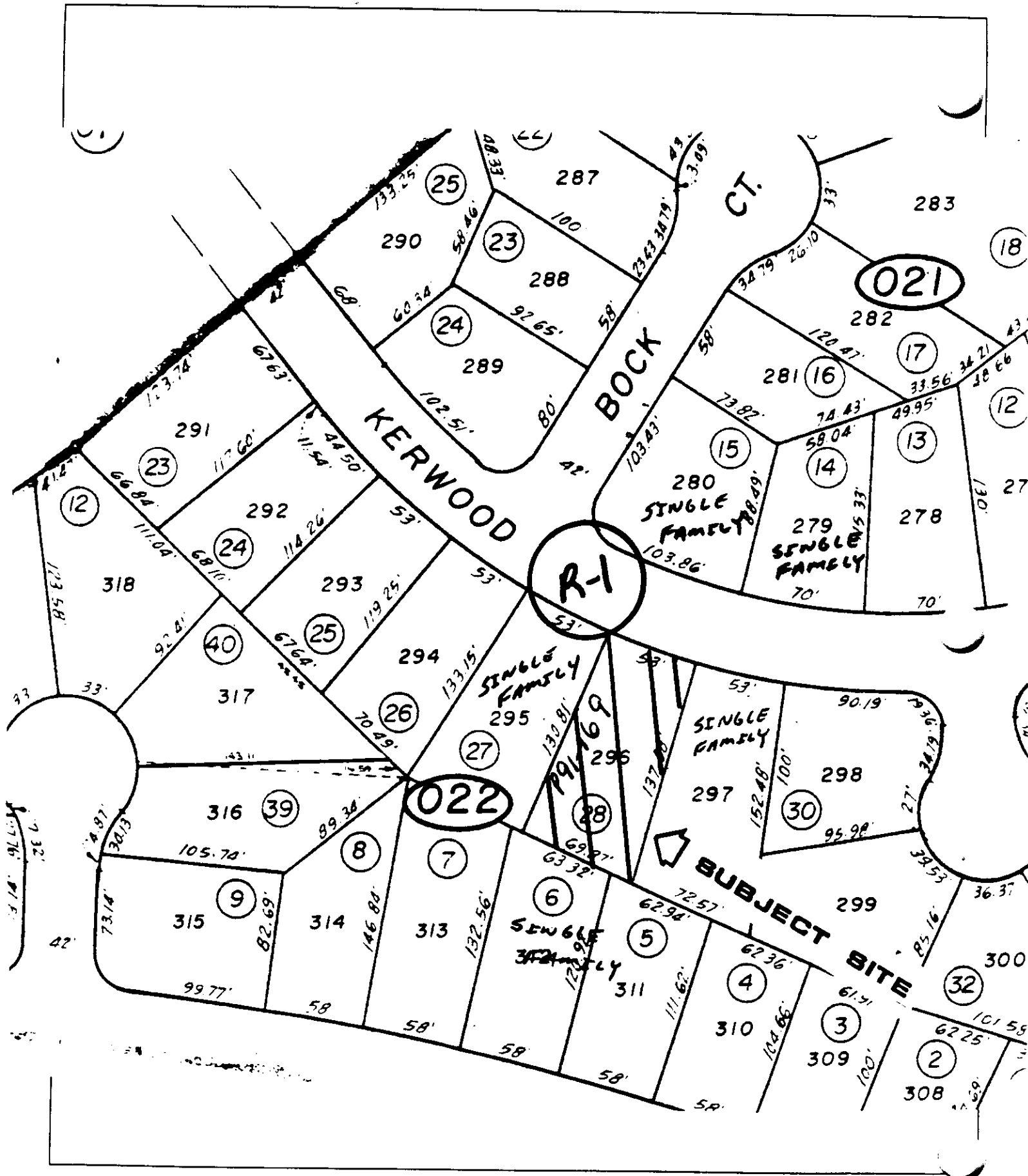
- A. Deny the Variance to reduce the required side yard setback from five feet to zero feet based upon the findings of fact which follow.
- B. Deny the Variance to reduce the required rear yard setback from 15 feet to 2.25 feet based upon the findings of fact which follow.
- C. Deny the Variance to exceed the maximum 40 percent lot coverage by 4 percent based upon the findings of fact which follow.

Findings of Fact:

1. Granting the variance does constitute a special privilege extended to an individual applicant in that no hardship exists that would have prohibited the applicant from building the structures to meet Zoning Ordinance requirements.
2. Granting the request will be injurious to property in the vicinity in that the close proximity of the structures to adjacent properties creates a potential nuisance for those property owners.



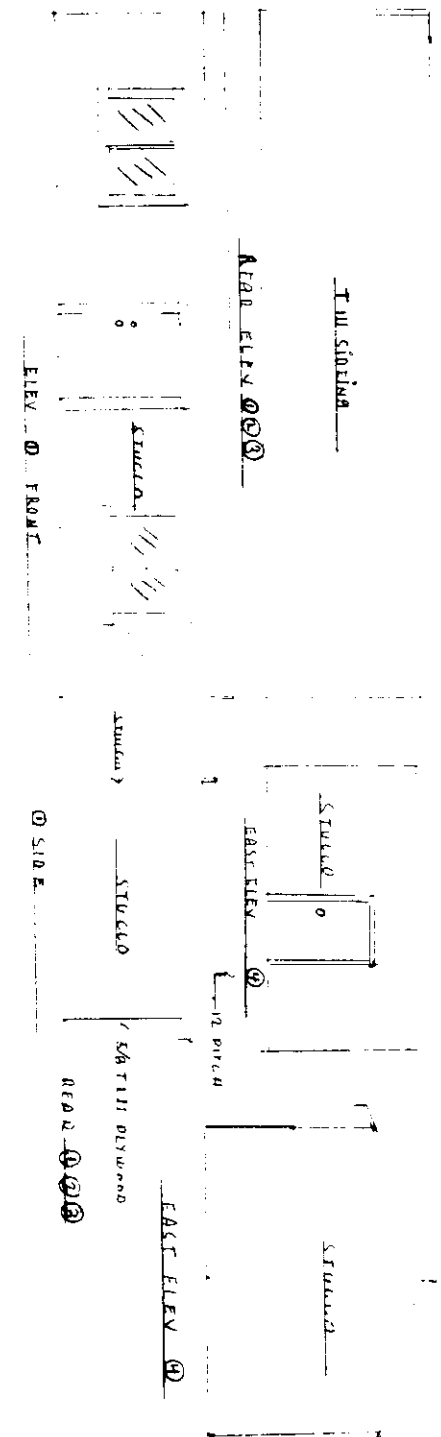
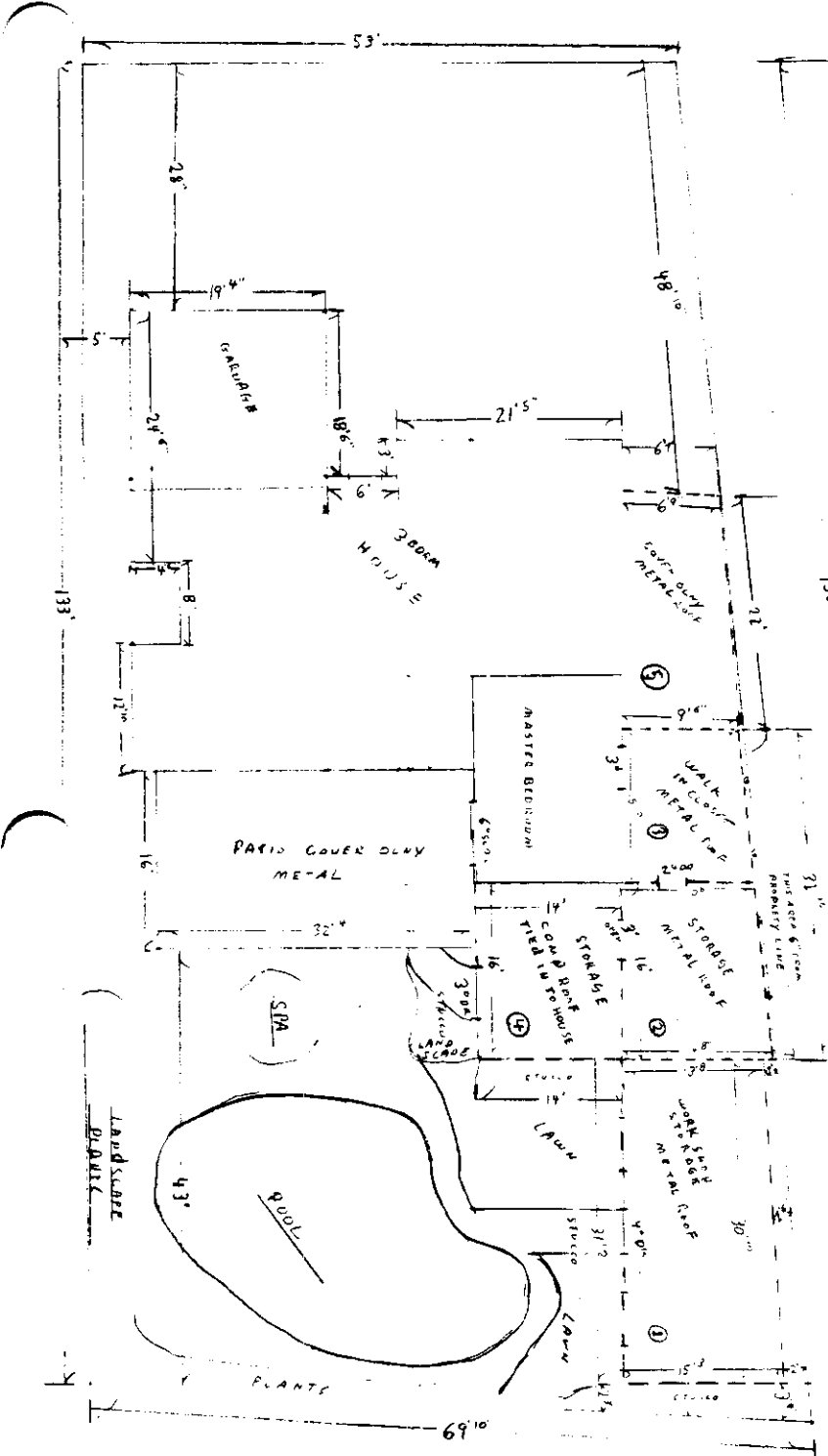
VICINITY MAP



LAND USE & ZONING MAP

KERWOOD WAY

EXHIBIT - A



TOTAL STRUCTURE COVERAGE 3619 sq ft
 TOTAL LOT 9898 sq ft
 FRONTLINE DIMENSIONS REQUIRING VARIANCE 257

STRUCTURE	AREA	REQUIREMENTS
1	4631	REQUIRE VARIANCE
2	7121	REQUIRE VARIANCE
3	1201	REQUIRE VARIANCE
4	1297	REQUIRE VARIANCE
5	1885	REQUIRE VARIANCE

4437 RIVINGTON RD
 4616 KERWOOD DR
 SACRAMENTO, CALIF 95815

EXHIBIT - B



FRONT



WORK SHOP (Looking)



West Storage Area



HERBERT MERREWS AT 57
470. MERREWS NEXT DOOR - PICTURE
2' HLT FROM DIRTY UTED FACING 4456
DARK AND NEXT - SHEDS ARE
VISIBL

VIEW FROM NEIGHBOR
(Looking West)

5-25-91

EXHIBIT - C

SACRAMENTO PLANNING DEPARTMENT
1. -I STREET, ROOM 200
SACRAMENTO, CA 95814

TO WHOM IT MAY CONCERN:

WE HAVE NO DIFFICULTIES NOR COMPLAINTS WITH THE
EXISTING LEAN-TO AND BUILDING ADDITIONS AT THE
RESIDENCE OF MR. WARREN H. MAYBERRY AT 4696 KERWOOD WAY,
LOT 296, AS SAID LOT IS SHOWN ON THE "PLOT OF SOUTHGATE
MEADOWS UNIT NO. 5", ACCORDING TO THE OFFICIAL PLOT
HEREOF IN SACRAMENTO COUNTY, CALIFORNIA.

NAME	ADDRESS	PHONE
Barbara Velle	4707 Kerwood Way	427-2518
Nita Reiley	4724 Kerwood Way	392-6356
TERESITA ANCHETA	4665 BOYLE DR.	427-7302
Herbert Murriweather's	4700 Kerwood Way	422-4125
Ken Smith	4678 KERWOOD WAY	429-8646
P91-169	AUGUST 22, 1991	ITEM 20