

**CITY OF SACRAMENTO**

**Permit No: 9805148**

**1231 I Street, Sacramento, CA 95814**

**Insp Area: 4**

**Site Address: 2319 MORELL ST SAC**

**Sub-Type: AOTHR**

**Parcel No: 2740083014**

**Housing (Y/N): N**

**CONTRACTOR**

**OWNER**

**ARCHITECT**

BEARDSLEY ROBERT J  
SACRAMENTO CA

95816

**Nature of Work: replace demolished garage-existing footing remains**

**CONSTRUCTION LENDING AGENCY:** I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C).

Lender's Name \_\_\_\_\_ Lender's Address \_\_\_\_\_

**LICENSED CONTRACTORS DECLARATION:** I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with section 7000) of Division 3 of the Business and Professions Code and my license is in full force and effect.

License Class \_\_\_\_\_ License Number \_\_\_\_\_ Date \_\_\_\_\_ Contractor Signature \_\_\_\_\_

**OWNER-BUILDER DECLARATION:** I hereby affirm under penalty of perjury that I am exempt from the contractors License Law for the following reason (Sec. 7031.5, Business and Professions Code; any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 (commencing with Section 7000) of Division 8 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00);

\_\_\_\_ I, as a owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professional Code: The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his/her own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he/she did not build or improve for the purpose of sale.)

\_\_\_\_ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractors License Law).

\_\_\_\_ I am exempt under Sec. \_\_\_\_\_ B & PC for this reason: \_\_\_\_\_

Date 6/12/98 Owner Signature A R Beardsley

**IN ISSUING THIS BUILDING PERMIT,** the applicant represents, and the city relies on the representation of the applicant, that the applicant verified all measurements and locations shown on the application or accompanying drawings and that the improvement to be constructed does not violate any law or private agreement relating to permissible or prohibited locations for such improvements. This building permit does not authorize any illegal location of any improvement or the violation of any private agreement relating to location of improvements.

I certify that I have read this application and state that all information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction and herby authorize representative(s) of this city to enter upon the above mentioned property for inspection purposes.

Date 6/12/98 Applicant/Agent Signature A R Beardsley

**WORKER'S COMPENSATION DECLARATION:** I hereby affirm under penalty of perjury one of the following declarations:

\_\_\_\_ I have and will maintain a certificate of consent to self-insure for workers' compensation as provided for by Section 3700 of the Labor Code, for the performance of work for which the permit is issued.

\_\_\_\_ I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier \_\_\_\_\_ Policy Number \_\_\_\_\_

\_\_\_\_ (This section need not be completed if the permit is for \$100 or less) I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

Date 6/12/98 Applicant Signature A R Beardsley

**WARNING: FAILURE TO SECURE WORKER'S COMPENSATION COVERAGE IS UNLAWFUL AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000) IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST AND ATTORNEY'S FEE.**

**THIS PERMIT SHALL EXPIRE BY LIMITATION IF WORK IS NOT COMMENCED WITHIN 180 DAYS.**

# WENINGER ENGINEERING

6717 SWENSON WAY  
SACRAMENTO CA. 95831  
(916) 428-8632

Sheet: V1 of: 1  
By: J.W. Date: 12/12/98  
Job No.: 98023

## BEARDSLEY GARAGE

MURELL RD  
SACRAMENTO CA. 95824

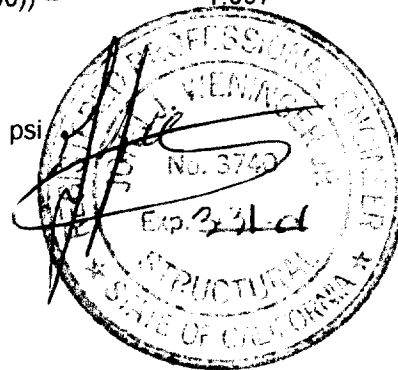
**TOP CHORD:**  $l_e = 6.325 \text{ ft}$   $d = 3.5 \text{ ''}$   $E = 1600000 \text{ psi}$   $F_c = 1300 \text{ psi}$

$P = 1.39 \text{ k}$   $A = 5.25 \text{ in}^2$   $P/A = 265 \text{ psi}$   
 $M = 0.2 \text{ kft}$   $S = 3.06 \text{ in}^3$   $M/S = 784 \text{ psi}$

$l_e/d = 6.325 \text{ ft} * 12 / 3.5 \text{ ''} = 21.69$   $ct = 1 + (1200 * l_e / (0.589 * 1600000)) = 1.097$

$k = 0.671 * (ct * (E / F_c))^{0.5} = 24.65$

THEREFOR  $F'_c = F_c * (1 - 1/3 * (l_e/d/k)^4) = 1040 \text{ psi}$   $F'_b = 1313 \text{ psi}$



### INTERACTION:

$$265/1040 + 784/1313 = 0.8518 < 1.25 \text{ O.K.}$$

**WEB:**  $5.65 \text{ ft}$

$P = 0.35 \text{ k}$   $A = 5.25 \text{ in}^2$   $P/A = 67 \text{ psi}$

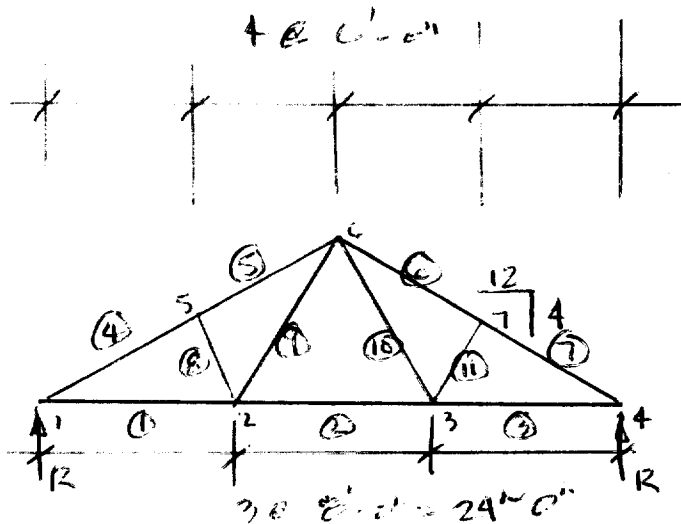
$l_e/d = 5.65 \text{ ft} * 12 / 1.5 \text{ ''} = 45.20$   $ct = 1 + (1200 * l_e / (0.589 * 1600000)) = 1.086$

THEREFOR  $F'_c = 0.3 * (ct * E / (l_e/d)^2) = 255.2 \text{ psi} > 66.7 \text{ psi O.K.}$

### BOTT. CHORD:

$T = 1.29 \text{ k} = 1290 \text{ \#}$   $T/A = 246 \text{ psi} < 575 \text{ psi O.K.}$

MAX LOAD TO TIE PLATE  $1390 \text{ \#} / 2 = 695 \text{ \#}$  W/ 1.25 INCREASE ALLOWED  
TIE PLATES ARE IN GOOD CONDITION AND TIGHTLY SECURED TO THE TRUSS  
(E) TRUSS IS IN GOOD CONDITION AND CAPABLE OF SUPPORTTING THE CODE REQUIRED LOADS.



BEARDSLEY GARAGE TRUSS

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=====
Units ..... US Standard
Steel Code..... AISC 9th Edition ASD
Allowable Stress Increase Factor.. 1.250
Include Shear Deformation..... Yes
Include Warping..... Yes
No. of Sections for Member Calcs.. 5
Do Redesign..... Yes
P-Delta Analysis Tolerance..... 0.50%
Vertical Axis..... Y
  
```

```

===== < Joint Coordinates > =====

```

Joint No	X Coordinate ft	Y Coordinate ft	Z Coordinate ft	Joint Temperature °F
1	0.000	0.000	0.000	0.00
2	8.000	0.000	0.000	0.00
3	16.000	0.000	0.000	0.00
4	24.000	0.000	0.000	0.00
5	6.000	2.000	0.000	0.00
6	12.000	4.000	0.000	0.00
7	18.000	2.000	0.000	0.00

```

===== < Boundary Conditions > =====

```

Joint No	Translation			Rotation		
	X K/in	Y K/in	Z K/in	Mx K-ft/rad	My K-ft/rad	Mz K-ft/rad
1	Fixed	Reaction	Fixed			Fixed
4		Reaction	Fixed			Fixed
6			Fixed			Fixed

```

===== < Members > =====

```

Member No	Joints		x Axis Rotate	Section Set	End I: MMM	Releases J: MMM	Offsets		Inactive? Label	Length ft
	I	J					I-End in	J-End in		
1	1	2		BOTCHD	BenPIN	BenPIN				8.00
2	2	3		BOTCHD	BenPIN	BenPIN				8.00
3	3	4		BOTCHD	BenPIN	BenPIN				8.00
4	1	5		TPCHD	BenPIN					6.32
5	5	6		TPCHD		BenPIN				6.32
6	6	7		TPCHD	BenPIN					6.32
7	7	4		TPCHD		BenPIN				6.32
8	5	2		WEB	BenPIN	BenPIN				2.83
9	2	6		WEB	BenPIN	BenPIN				5.66
10	6	3		WEB	BenPIN	BenPIN				5.66
11	3	7		WEB	BenPIN	BenPIN				2.83

BEARDSLEY GARAGE TRUSS

```

===== < Basic Load Case Data > =====
BLC          Basic Load Case          Load Type Totals
No.          Description                Nodal  Point Dist. Surface
-----
1           DL                          4
2           LL                          4
    
```

```

===== < Member Distributed Loads, BLC 1 > =====
Member      Joints      Load Pattern      Pattern
            I        J        Label              Multiplier
-----
4           1        5        DL                1.0000
5           5        6        DL                1.0000
6           6        7        DL                1.0000
7           7        4        DL                1.0000
    
```

```

===== < Member Distributed Loads, BLC 2 > =====
Member      Joints      Load Pattern      Pattern
            I        J        Label              Multiplier
-----
4           1        5        LL                1.0000
5           5        6        LL                1.0000
6           6        7        LL                1.0000
7           7        4        LL                1.0000
    
```

```

===== < Load Patterns > =====
Pattern      Magnitudes      Locations
Label      Dir      Start      End      Start      End
-----K/ft,F-----K/ft,F-----ft or %-----ft or %-----
DL          Y          -0.010    -0.010    0.000    0.000
LL          Y          -0.032    -0.032    0.000    0.000
    
```

```

===== < Load Combinations > =====
No.  Description      BLC  Fac  BLC  Fac  BLC  Fac  BLC  Fac  BLC  Fac  BLC  Fac  RWPE
-----
1  DL + LL          1    1    2    1                                Y
    
```

```

===== < Joint Displacements, LC 1 : DL + LL > =====
Joint  +----- Translation -----+ +----- Rotation -----+
No.    X      Y      Z      X Rotate  Y Rotate  Z Rotate
-----in-----in-----in-----rad-----rad-----rad-----
2      0.000  0.000  0.000  0.000000  0.000000  0.000000
3      0.015 -0.128  0.000  0.000000  0.000000  0.000000
4      0.024 -0.128  0.000  0.000000  0.000000  0.000000
5      0.039  0.000  0.000  0.000000  0.000000  0.000000
6      0.026 -0.118  0.000  0.000000  0.000000 -0.00084
7      0.019 -0.128  0.000  0.000000  0.000000  0.000000
8      0.012 -0.118  0.000  0.000000  0.000000  0.00084
    
```

BEARDSLEY GARAGE TRUSS

File: BB

=====< Reactions, LC 1 : DL + LL >=====

Joint No.	X	Y	Z	Mx	My	Mz
	K	K	K	K-ft	K-ft	K-ft
1	NC	0.53	NC	0.00	0.00	NC
4	0.00	0.53	NC	0.00	0.00	NC
Totals:	0.00	1.06	0.00			
Center of Gravity Coords (X,Y,Z) (ft) :				12.000,	2.000,	0.000

=====< Member Section Forces, LC 1 : DL + LL >=====

Member	Joints I - J	Sec	Axial	Shear y-y	Shear z-z	Torque	Moment y-y	Moment z-z
			K	K	K	K-ft	K-ft	K-ft
1	1- 2	1	-1.29	0.00	0.00	0.00	0.00	0.00
		2	-1.29	0.00	0.00	0.00	0.00	0.00
		3	-1.29	0.00	0.00	0.00	0.00	0.00
		4	-1.29	0.00	0.00	0.00	0.00	0.00
		5	-1.29	0.00	0.00	0.00	0.00	0.00
2	2- 3	1	-0.80	0.00	0.00	0.00	0.00	0.00
		2	-0.80	0.00	0.00	0.00	0.00	0.00
		3	-0.80	0.00	0.00	0.00	0.00	0.00
		4	-0.80	0.00	0.00	0.00	0.00	0.00
		5	-0.80	0.00	0.00	0.00	0.00	0.00
3	3- 4	1	-1.29	0.00	0.00	0.00	0.00	0.00
		2	-1.29	0.00	0.00	0.00	0.00	0.00
		3	-1.29	0.00	0.00	0.00	0.00	0.00
		4	-1.29	0.00	0.00	0.00	0.00	0.00
		5	-1.29	0.00	0.00	0.00	0.00	0.00
4	1- 5	1	1.39	0.10	0.00	0.00	0.00	0.00
		2	1.37	0.03	0.00	0.00	0.00	-0.10
		3	1.35	-0.03	0.00	0.00	0.00	-0.10
		4	1.33	-0.09	0.00	0.00	0.00	0.00
		5	1.31	-0.16	0.00	0.00	0.00	0.20
5	5- 6	1	1.15	0.16	0.00	0.00	0.00	0.20
		2	1.13	0.09	0.00	0.00	0.00	0.00
		3	1.11	0.03	0.00	0.00	0.00	-0.10
		4	1.09	-0.03	0.00	0.00	0.00	-0.10
		5	1.07	-0.10	0.00	0.00	0.00	0.00
6	6- 7	1	1.07	0.10	0.00	0.00	0.00	0.00
		2	1.09	0.03	0.00	0.00	0.00	-0.10
		3	1.11	-0.03	0.00	0.00	0.00	-0.10
		4	1.13	-0.09	0.00	0.00	0.00	0.00
		5	1.15	-0.16	0.00	0.00	0.00	0.20
7	7- 4	1	1.31	0.16	0.00	0.00	0.00	0.20

BEARDSLEY GARAGE TRUSS

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===== < Member Section Forces, LC 1 : DL + LL > =====
Member  Joints  J  Sec  Axial      Shear      Shear      Torque      Moment      Moment
              -  -  -      y-y      z-z      K-ft      y-y      z-z
              -  -  -      K      K      K      K-ft      K-ft      K-ft
-----
          2-   2  1  1.33      0.09      0.00      0.00      0.00      0.00
          2-   2  2  1.35      0.03      0.00      0.00      0.00     -0.10
          2-   2  3  1.37     -0.03      0.00      0.00      0.00     -0.10
          2-   2  4  1.39     -0.10      0.00      0.00      0.00      0.00
-----
          5-   2  1  0.35      0.00      0.00      0.00      0.00      0.00
          5-   2  2  0.35      0.00      0.00      0.00      0.00      0.00
          5-   2  3  0.35      0.00      0.00      0.00      0.00      0.00
          5-   2  4  0.35      0.00      0.00      0.00      0.00      0.00
          5-   2  5  0.35      0.00      0.00      0.00      0.00      0.00
-----
          2-   6  1  -0.35      0.00      0.00      0.00      0.00      0.00
          2-   6  2  -0.35      0.00      0.00      0.00      0.00      0.00
          2-   6  3  -0.35      0.00      0.00      0.00      0.00      0.00
          2-   6  4  -0.35      0.00      0.00      0.00      0.00      0.00
          2-   6  5  -0.35      0.00      0.00      0.00      0.00      0.00
-----
         10-   6  3  -0.35      0.00      0.00      0.00      0.00      0.00
         10-   6  2  -0.35      0.00      0.00      0.00      0.00      0.00
         10-   6  3  -0.35      0.00      0.00      0.00      0.00      0.00
         10-   6  4  -0.35      0.00      0.00      0.00      0.00      0.00
         10-   6  5  -0.35      0.00      0.00      0.00      0.00      0.00
-----
         10-   3  7  0.35      0.00      0.00      0.00      0.00      0.00
         10-   3  2  0.35      0.00      0.00      0.00      0.00      0.00
         10-   3  3  0.35      0.00      0.00      0.00      0.00      0.00
         10-   3  4  0.35      0.00      0.00      0.00      0.00      0.00
         10-   3  5  0.35      0.00      0.00      0.00      0.00      0.00
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# FAX

Complaint on behalf of Ernie Sides of 2321 Morell St.

LARRY METTLER

416-6014 +V.M. DAYTIME 24HRS

590-4141 Pt. +V.M.

DATE: 6-17-98 # OF PAGES: \_\_\_\_\_

COMPANY: SACRAMENTO BUILDING DEPT.

COMPANY FAX NUMBER: (916) 264-8370

ATTN: Don Dumford

COMMENTS: Please note this is an official Complaint

Re: 2319 Morell St. - Contractor - Owner: Bob Beardsley

Permit 9805148 R -

Issues: ① Foundation is approx 2 1/2 ft. into Front Set Back

② Top plate is approx. 10ft or Higher above Floor.

③ All Trusses ARE used, removed From his house down the street 3yrs. Ago! Where are the Engineering calculations on these?

④ Rt. Side - Trusses at Gable end ARE less than 12" From the property line!



Copy

NEIGHBORHOODS, PLANNING  
AND DEVELOPMENT SERVICES  
DEPARTMENT

CITY OF SACRAMENTO  
CALIFORNIA

1231 F STREET, SUITE 200  
SACRAMENTO, CA 95811  
PH 916-264-7619  
FAX 916-264-7046

COMMUNITY SERVICES DIVISION

**MEMORANDUM**

DATE: July 8, 1998

TO: Vincene Jones, Administrative Assistant

FROM: Ron Pecci, Chief Building Inspector *RP*

SUBJECT: 2319 Morell St.; Mr. Beardsley

The following is a chronology of inspections at the subject property.

June 12, 1998

We received a complaint concerning possible improper construction in progress. (See item A).

June 16, 1998

Inspector Jim Riordan made a site visit. The owner had a permit to replace a garage damaged by dry rot on an existing footing. He also had a set of city approved plans. (See item B).

The following discrepancies were identified by the inspector:

WHAT PLANS SHOW	WHAT WAS THERE
• 34 foot wide (+ or -) lot	• 30.5 foot wide lot
• 5 foot setback both sides	• 5 foot setback southside
	• 18 inch setback northside
• 8 foot high ceiling	• 10 foot high ceiling
• 7 foot high door	• 9 foot high door
• attachment to plan show a minimum braced wall panel of 2' - 8".	• Actual panel width 2' - 0" (See item C).



WHAT PLANS SHOW	WHAT WAS THERE
<ul style="list-style-type: none"> <li>• Existing foundation and slab.</li> <li>• The building permit was valued at \$3150.00 because owner's claim of existing footings.</li> </ul>	<ul style="list-style-type: none"> <li>• Original permit was for a single family dwelling and R/W Deck. (See item D).</li> <li>• True valuation \$9696.00 based on a factor of \$20.20 per square foot for 480 square feet. This leaves a balance due of \$231.72 because slab and footings were installed without benefit of permit, inspection or approval. (These figures were provided by permit services. See item E).</li> </ul>

June 22, 1998

Inspector Jim Riordan made a site visit at the direction of acting supervisor Don Dumford. A "red tag" was issued due to the planning issues, ie, setbacks and the need to have the plans match what was being built.

At approximately 11:50 am Inspector Riordan explained the aforementioned deficiencies to Mr. Beardsley during a phone conversation.

June 26, 1998

Mr. Beardsley met with Will Weitman to resolve the planning, ie, setback issues. (See fax to Brad Boehm, item G).

June 29, 1998

Jim Riordan and Don Dumford visited the job site for an informational inspection and left a correction notice. (See item F).

We have not performed a final inspection on this project. Additionally, we have received complaints from several neighbors asking us to intervene on their behalf. (See items H and I).

I trust this brief summary satisfies your request. If further information or clarification is needed, please call me at 264-5915

Mr. James Riordan  
Building Inspector  
City of Sacramento

June 19, 1998

Dear Mr. Riordan:

The purpose of this letter is to formally lodge, for the record, my objections to the structure being constructed on the property located at 2319 Morell Street in Sacramento.

My objections to this structure are as follows:

1. The building permit was obtained on the basis of false information knowingly and willingly provided by the permit requestor. Specifically, the requestor stated that the purpose of the permit was to "replace a demolished garage". That is an absolute fabrication. There has never been a garage, or any other structure on the indicated building site. In fact, when the property was first developed, the property owner at that time poured a foundation for the garage, but the city would not allow him to build the garage because the front of the foundation was not set back far enough from the street. As a result, there has never been a garage or any other structure on the building site that could have been demolished. This is a fact that the building permit requestor was well aware of, and a fact which you can confirm by reviewing the records for the property that you have at your disposal.

It is my belief that, on the basis of the fraudulent building permit request, the permit should be rescinded. It is also my belief that, should another permit be issued on the basis of the honest facts in this matter, that it should not include any variances until the formal legal process for obtaining such variances has been completed, including neighborhood comment on the requested variance.

2. The foundation for the structure is the same foundation that the city prevented the property developer from building on. That foundation, which is 25.5 feet from the sidewalk, and about 30 feet from the street, is a full two feet closer to the sidewalk and street than the residential structures adjacent to it. This design feature makes the structure all the more prominent an eyesore in the neighborhood. If the original developer could not build a structure on the foundation, how can the permit requestor be allowed to. Permission to build on that foundation should, at the least, require that a variance be obtained. It is my understanding that such variances require the opportunity for neighbors in the local area to comment on the requested variance. We have not been provided with such an opportunity. Given that fact, I can only presume that permission to build the structure without the required variance process was predicated upon the belief that a previously existing, and previously approved structure was being replaced. As indicated above, such is not the case,

despite the permit requestor's false representations to the contrary. Accordingly, the permit should be voided until the proper variance process, including neighborhood comment has been completed.

- 3 While all of the buildings in the neighborhood have eight-foot ceilings, the structure under construction has a ten-foot ceiling. This design feature makes the structure completely incongruous with the rest of the neighborhood and results in a structure that is an eyesore and will certainly devalue the other properties in the neighborhood.
- 4 The structure spans virtually the entire street frontage of the property. Given its unusual height, its unusual proximity to the street, and its width, it gives the impression that the property is a commercial property (warehouse) rather than a residential property. Its width, in particular along the street frontage contradicts the residential nature of the neighborhood and contributes significantly to the structure's character as an eyesore.
- 5 The structure significantly restricts access to the home behind the structure. I believe that this poses a significant fire hazard, not only for the home at the back of the property, but for the adjacent homes as well. Were the home at the back of the property to catch on fire, a rapid and effective response by firefighting personnel would be impossible because the structure significantly restricts access to the back of the property. After all, how many homes are you aware of that have a garage that covers virtually the entire street frontage of the property? I suspect that there's a very valid reason that you can't think of any; as elucidated above.
6. On its northern side, the structure under construction includes a header which extends to within an inch of a fence on the adjoining property's property line. I am concerned that the absence of a prudent setback from the adjoining property line could represent a fire hazard, both for the adjoining home; were the structure to catch on fire, and to the structure, were the adjoining home to catch on fire. I am very concerned about this design feature because I believe that it represents a significant fire hazard.
- 7 As a result of the unusual design features and structure placement, I am concerned that, in addition to being a disagreeable eyesore in the neighborhood, the structure will result in a reduction in the property values in the neighborhood because it will give the neighborhood an uncharacteristic and contradictory commercial appearance. This factor is augmented by the fact that the permit requestor has indicated that he will be using the structure to store equipment, materials, and trucks that he uses in his commercial contracting business. I object to the unnecessary introduction of such a commercial element into an otherwise residential area.

Thank you in advance for your objective and appropriate consideration of the issues raised in this complaint, and for your appropriate action to address them. If you have any questions about this matter, please feel free to contact me at

2314 Morell St. Sacramento (916) 925-8009

Sincerely,

Joan Young Russick

I have spent 10 hard years upgrading my property at 2312, 2314, 2318A and 2318B Morell Street. My tenants usually rent our three affordable houses because they like the quiet residential area. I cannot understand how Mr. Beardsley can be allowed to erect a building which has as its sole purpose a business warehouse. There is no possibility of screening it with vegetation because it fills the entire frontage. Mr. Beardsley owns another property a few doors up the street which is an eyesore. Please don't give him a second opportunity to destroy our otherwise pleasant street.

Mr. James Riordan  
Building Inspector  
City of Sacramento

June 19, 1998

Dear Mr. Riordan:

The purpose of this letter is to formally lodge, for the record, my objections to the structure being constructed on the property located at 2319 Morell Street in Sacramento.

My objections to this structure are as follows:

1. The building permit was obtained on the basis of false information knowingly and willingly provided by the permit requestor. Specifically, the requestor stated that the purpose of the permit was to "replace a demolished garage". That is an absolute fabrication. There has never been a garage, or any other structure on the indicated building site. In fact, when the property was first developed, the property owner at that time poured a foundation for the garage, but the city would not allow him to build the garage because the front of the foundation was not set back far enough from the street. As a result, there has never been a garage or any other structure on the building site that could have been demolished. This is a fact that the building permit requestor was well aware of, and a fact which you can confirm by reviewing the records for the property that you have at your disposal.

It is my belief that, on the basis of the fraudulent building permit request, the permit should be rescinded. It is also my belief that, should another permit be issued on the basis of the honest facts in this matter, that it should not include any variances until the formal legal process for obtaining such variances has been completed, including neighborhood comment on the requested variance.

2. The foundation for the structure is the same foundation that the city prevented the property developer from building on. That foundation, which is 25.5 feet from the sidewalk, and about 30 feet from the street, is a full two feet closer to the sidewalk and street than the residential structures adjacent to it. This design feature makes the structure all the more prominent an eyesore in the neighborhood. If the original developer could not build a structure on the foundation, how can the permit requestor be allowed to. Permission to build on that foundation should, at the least, require that a variance be obtained. It is my understanding that such variances require the opportunity for neighbors in the local area to comment on the requested variance. We have not been provided with such an opportunity. Given that fact, I can only presume that permission to build the structure without the required variance process was predicated upon the belief that a previously existing, and previously approved structure was being replaced. As indicated above, such is not the case,

despite the permit requestor's false representations to the contrary. Accordingly, the permit should be voided until the proper variance process, including neighborhood comment has been completed.

- 3 While all of the buildings in the neighborhood have eight-foot ceilings, the structure under construction has a ten-foot ceiling. This design feature makes the structure completely incongruous with the rest of the neighborhood and results in a structure that is an eyesore and will certainly devalue the other properties in the neighborhood.
- 4 The structure spans virtually the entire street frontage of the property. Given its unusual height, its unusual proximity to the street, and its width, it gives the impression that the property is a commercial property (warehouse) rather than a residential property. Its width, in particular along the street frontage contradicts the residential nature of the neighborhood and contributes significantly to the structure's character as an eyesore.
- 5 The structure significantly restricts access to the home behind the structure. I believe that this poses a significant fire hazard, not only for the home at the back of the property, but for the adjacent homes as well. Were the home at the back of the property to catch on fire, a rapid and effective response by firefighting personnel would be impossible because the structure significantly restricts access to the back of the property. After all, how many homes are you aware of that have a garage that covers virtually the entire street frontage of the property? I suspect that there's a very valid reason that you can't think of any; as elucidated above.
- 6 On its northern side, the structure under construction includes a header which extends to within an inch of a fence on the adjoining property's property line. I am concerned that the absence of a prudent setback from the adjoining property line could represent a fire hazard, both for the adjoining home; were the structure to catch on fire, and to the structure, were the adjoining home to catch on fire. I am very concerned about this design feature because I believe that it represents a significant fire hazard.
- 7 As a result of the unusual design features and structure placement, I am concerned that, in addition to being a disagreeable eyesore in the neighborhood, the structure will result in a reduction in the property values in the neighborhood because it will give the neighborhood an uncharacteristic and contradictory commercial appearance. This factor is augmented by the fact that the permit requestor has indicated that he will be using the structure to store equipment, materials, and trucks that he uses in his commercial contracting business. I object to the unnecessary introduction of such a commercial element into an otherwise residential area.

Thank you in advance for your objective and appropriate consideration of the issues raised in this complaint, and for your appropriate action to address them. If you have any questions about this matter, please feel free to contact me at

2314 MORRELL ST. -925-8009

Sincerely,

Robert D. Drenik

As a retired construction inspector, I take great exception to the methods which Mr. Beardsley is using to run roughshod over his neighbors. He seems to have bypassed the usual procedures for obtaining his permit, i.e. applying for the variance as listed above. Also, there is no permit posted to be visible from the street.

Item I

We, the undersigned residents of, and property owners on Morell Street, in the City of Sacramento, hereby formally object to the structure being erected at 2319 Morell Street. Our objection is based upon provisions contained in the Covenants, Codes and Restrictions (CCRs) for the River Garden No. 2 subdivision, in which 2319 Morell Street is located. Please see the attached copy of the CCRs. The CCRs state that:

“Any garage or other structure not physically a part of the dwelling must be erected behind the front line of such dwelling.”

Accordingly, we have concluded that the structure being erected at 2319 Morell Street is being erected in direct violation of the CCRs because it is situated well in front of the dwelling located on that property.

The CCRs state that:

“The various restrictive measures and provisions of this Declaration are declared to constitute mutual equitable covenants and servitudes for the protection and benefit of each lot in said subdivision..”

Accordingly, we have concluded that the purpose of the CCRs is to preserve the equitable benefits of residence in said subdivision, and to prevent any property owner from taking such action as would serve to diminish the value of the neighborhood, or real properties therein.

The CCRs state that:

“Each grantee of a conveyance or purchase under an Agreement of Sale or Contract of Purchase, accepts the same, subject to all of the covenants, restrictions, conditions, assessments and agreements set forth in this Declaration; and agrees to be bound by the same.”

Accordingly, the owner of 2319 Morell Street was duly advised of, and agreed to the terms and conditions of the CCRs, including that provision cited above, prior to assuming title to said property and undertaking the construction he is currently engaged in at 2319 Morell Street. We, therefore, have concluded that the property owner has no valid claim to ignorance as a defense against the illegality of his current construction activities. We have also concluded that, by his agreement to the terms and conditions of the CCRs, the property owner of 2319 Morell Street has waived any right to the mitigation or abatement of the consequences and appropriate redress of his current construction activity at that address.



The CCRs state that

"Damages for any breach of the terms, restrictions and provisions of this Declaration are hereby declared not to be adequate compensation, but such breach and/or the continuation thereof may be enjoined or abated by the Declarants or by any owner or owners of any other lots in said subdivision."

Accordingly, we have concluded that, we, as property owners in the River Gardens #2 subdivision have the right, if not the responsibility, to insist that such action as is necessary be taken to immediately enjoin further illegal construction of the structure at 2319 Morell Street, and require the property owner of said property to promptly and completely mitigate the impact of the construction completed thus far by removal of all vestiges of such structure from the property.

Bob Barnes                      2315 Morell Street                      6-21-98  
Signature                                      Address                                      Date

James Gray                      2321 MORELL ST                      6/21/98  
Signature                                      Address                                      Date

Pat Kincaid                      2314 Morell St                      6-21-98  
Signature                                      Address                                      Date

Tommy Kinsler                      2314 Morell St.                      6-21-98  
Signature                                      Address                                      Date

Frays W. Lewis                      2323 Morell St                      6-21-98  
Signature                                      Address                                      Date

\_\_\_\_\_  
Signature                                      Address                                      Date

\_\_\_\_\_  
Signature                                      Address                                      Date

\_\_\_\_\_  
Signature                                      Address                                      Date

DECLARATION OF TRACT RESTRICTIONS

BOOK 401 PAGE 133

HENRY MILLER, JR. AND BORGHILLO MILLER, his wife, owners of all lots in a certain subdivision and tract of land situated in the County of Sacramento, State of California, known generally and described as "River Garden No. 2", according to the official plat thereof filed in the office of the County Recorder of Sacramento County on August 23, 1951, in Book 32 of Maps, Map No. 32, do hereby establish the following restrictions, covenants, and conditions subject to which all lots, parcels and portions of said subdivision shall be held, used, leased, sold and conveyed, each of which is for the benefit of said property and of each and every lot and parcel thereof and shall apply to and bind the respective heirs, executors, administrators, successors in interest and assigns of Declarants, as follows:

1. Except as to Lots 48 and 49, no building other than one detached single family private residence or two-family residence, private garage and other proper or necessary buildings used in connection with said residence shall be erected or maintained on any lot in said subdivision and subject to said exceptions, no use whatever shall be made of any lot except its use and improvement as a single family or two-family private residence.
2. Lots 48 and 49 shall be used for single family, two-family and multi-family residence purposes and for retail commercial purposes only, but no use of said Lots 48 and 49 for retail commercial purposes shall be made in violation of any applicable zoning law or ordinance of the County of Sacramento.
3. No single family dwelling shall be erected or permitted to remain on any lot in said subdivision having a ground floor area, exclusive of open porches, garages and outbuildings, of less than six hundred (600) square feet, or multi-family dwelling having a ground floor area of less than one thousand (1000) square feet.
4. No structure or any part thereof shall be erected upon any lot or lots nearer to the street or streets adjacent thereto than the setback line shown and delineated on the official plat of said subdivision. No dwelling (including garage or other structure physically a part thereof) shall be erected on any lot nearer than five (5) feet from the side boundary thereof. Any garage or other structure not physically a part of the dwelling must be erected behind the front line of such dwelling and in such event may be located as near to the side boundary of the lot as is now or hereafter permissible under the provisions of the building code of the County of Sacramento.
5. No more than one dwelling house shall be erected on any lot. No lot shall be divided into lots having a smaller frontage than the smallest lot on the street where said lot fronts.
6. No residential structure shall be moved onto said subdivision from any other location. When the erection of any structure is once begun, the work thereon must be prosecuted diligently and said structure must be completed within a reasonable time, a reasonable time shall not be more than 5 years.
7. No fence or hedge shall be erected or permitted to remain or allowed to grow to a height exceeding four (4) feet nearer any street than the setback lines shown on the recorded plat.
8. No animals shall be kept on any lot in said subdivision, and no livestock which shall prove objectionable to the residents of said subdivision shall be kept or raised on any portion of any lot or parcel in said subdivision.

No building, fence, wall, or other permanent structure shall be erected, altered or placed on any lot in said subdivision unless the building plans, specifications and plot plan showing the location of structure thereon have been submitted to and approved in writing as to conformity and harmony with the general design and do not interfering with the reasonable enjoyment of any other lot by an Architectural Committee composed of Henry Miller, Jr. and Borghillo Miller, and members of the Committee or its designated representatives to approve or

40.13



**City of Sacramento Development Services Division  
Planning and Zoning Information Request**

Project Address: 2319 MARCELL ST

Assessor's Parcel Number: 224 - 0083 - 614

Current Land Use: SFR

Description of Request/Proposed Use:

Replace garage on  
east, putting on setback  
line

Zoning Designation: R-1

Prior Applications for Project Site(P#,Z#,DRPB#): \_\_\_\_\_

Comments: DR application approved as  
per plans provided for ER 98-039

Are There Any Planning Issues?: (Circle One) YES  NO

Site Plan Check Required? (Circle One) YES  NO

Design Review/ Preservation Required?: (Circle One) YES  NO  completed

Planning Review by/Date: H. Jay Perry 6-11-98

A list of items that must be reviewed by Planning is provided on the reverse side of this form.

2309 Morell St.

①

- Complaint received 6-12-98 - concerning possible improper Building
- site visit - 6-16-98 - Owner had permit to replace demolished Garage, with approved plans
- ~~File~~

6-19-98 - received - 2 page complaint letter from original complainee DISCRIBING

~~Discrepancies~~ - Discrepances in plans of what was BUILT.

What plans show

- 34 ft wide  $\pm$  lot
- 5 ft setbacks Both sides
- 8 ft high ceiling / 11 ft high
- Garage front shear panel of  $3\frac{1}{2}$  to 1 ratio max rate
- statement on plans - existing Garage - ~~to~~ foundation from demolished Building

What is there

- ACT - 30.5 ft lot
- 5 ft south - 18" north side
- 10 ft high - 9 ft - down
- Garage - shear ~~to~~ front walls 2 ft to 9 ft -  $4\frac{1}{2}$  to 1
- Original permit - 1976 for SFD & covered patio - NO Garage
- 1977 - addition permit covered room NO - Garage
- No history of Garage shown in City Records or County Assessors

Building permit value  
@ \$3150.<sup>00</sup> / Because of  
the existing approved  
footing

True value - \$11,000 plus  
- need to verify footings  
- on prove inspections. (L)

- ON - 6/22/98 - <sup>10:10 AM.</sup> site visit under Don. D. direction.

Red tagged job for planning issues - set backs,  
told owner to properly do plans to match plans  
to what was being built.

- 11:50 AM - in office speaking to owner on phone

He states that Phil Brown did ~~plans~~ plans &  
they passed so we the city must accept what is

there. I pointed out that the plan don't  
match. But needs to, eng needed. & proof of permit

on foundation, He states that it was approved  
plans & paid full value when I pointed out

the value @ \$11,000 plus not - \$3150.<sup>00</sup>, He claimed the

Difference was for the foundation, owner

(3)

stated that He was making call so I hung  
up.