

CITY PLANNING COMMISSION

1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT	Jerry McKenna, 1234 Grand River Drive, Sacramento, CA 95831		
OWNER	Jerry McKenna, 1234 Grand River Drive, Sacramento, CA 95831		
PLANS BY	Jerry McKenna, 1234 Grand River Drive, Sacramento, CA 95831		
FILING DATE	1/27/88	ENVIR. DET.	Neg Dec
ASSESSOR'S-PCL. NO.	031-0790-003	REPORT BY	DS/vf

APPLICATION: Variance to exceed the six foot height limit for a fence/wind screen on 0.2+ developed acres in the Standard Single Family (R-1) zone.

LOCATION: 1234 Grand River Drive

PROJECT INFORMATION:

General Plan Designation:	Low Density Residential
1988 Pocket Community Plan Designation:	Low Density Residential
Existing Zoning of Site:	R-1
Existing Land Use of Site:	Single Family Residence

Surrounding Land Use and Zoning:

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

Property Dimensions:	80' x 110'
Property Area:	0.2+ acres
Square Footage of Building:	2,548 sq. ft.
Height of Wall	6 ft. to 10 ft.
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Material of Wall:	Wood

A. BACKGROUND INFORMATION:

The applicant constructed extensions to a six foot fence ranging from 1-1/2 feet to 4 feet in height (total 7-1/2 feet to 10 feet) just inside the rear and side property lines over two years ago (Exhibits B1 and B2). Construction was completed without the required building permit. December, 1985, a City Nuisance Abatement Officer, responding to a citizen complaint, inspected the extensions and found them to exceed the six foot fence height limit in a side and rear yard. In February, 1986, the applicant was informed that the fence extensions were in violation of the City Zoning Ordinance and was asked to remove them, which he refused to do. The City Attorney has scheduled this violation for review in Superior Court for legal action. The court date has been continued to April, 1988, pending the decision on this variance.

B. PROJECT EVALUATION:

Land Use and Zoning

The subject site is an 8800 sq. ft. lot located in the standard single family (R-1) zone. A single family residence is located on the site. Surrounding land uses are single family residences in the 4-1 to the south, east and west. A park is located across the street in front and north of the subject site (Exhibits A1 and A2). The area is designated Low Density Residential by the General Plan and 1988 Pocket Community Plan.

The fence is located on the subject property's side and rear property lines. The City Ordinance allows a six foot maximum height for fences in an R-1 zone. A variance, is required to exceed that limit. Section 14 of the City of Sacramento Zoning Ordinance provides certain rules that govern the consideration of variance requests. They are:

1. No Special Privilege: A variance cannot be a special privilege extended to one individual property owner. The circumstances must be such that the same variance would be appropriate for any property owner facing similar circumstances.
2. Use Variance Prohibited: The consideration of "use variances" is specifically prohibited. These are variances which request approval to locate a use in a zone from which it is prohibited by Ordinance.
3. Disservice Not Permitted: A variance must not be injurious to public welfare, nor to property in the vicinity of the applicant.
4. Not Adverse to General Plan: A variance must be in harmony with the general purpose and intent of the Zoning Ordinance. It must not adversely affect the General Plan or specific plans of the City or the Open Space Zoning regulations.
5. Subject to Conditions: A variance, if approved, must be made subject to such conditions as are necessary to accomplish the purpose of these rules.

- C. APPLICANT'S PROPOSAL: The applicant is requesting a variance to allow the existing wall to remain on the subject site. The applicant indicates that the wall extensions are necessary "because of the unusual circumstances of the lot itself, the design of adjacent houses (several of which were constructed after ours), and the hardships these circumstances have placed on our family and our living conditions." Unusual circumstances include adjacent two story structures and varying topography which allows unobstructed views into their backyard (see statement of intent Exhibit C). Letters in support of the fence extension have been promised by the applicant's adjacent neighbors (see Exhibit D).

D. STAFF EVALUATION:

Planning staff cannot support the applicant's request. Section 14 indicates that a variance cannot be a special privilege extended to one individual property owner. The circumstances must also be such that the same variance would be appropriate for any property owner facing similar circumstances.

Staff cannot find where the City has approved a variance in a residential zone for any fence exceeding eight feet in height. One can also find many instances where views from two story homes look onto other back yards and homes and vice versa.

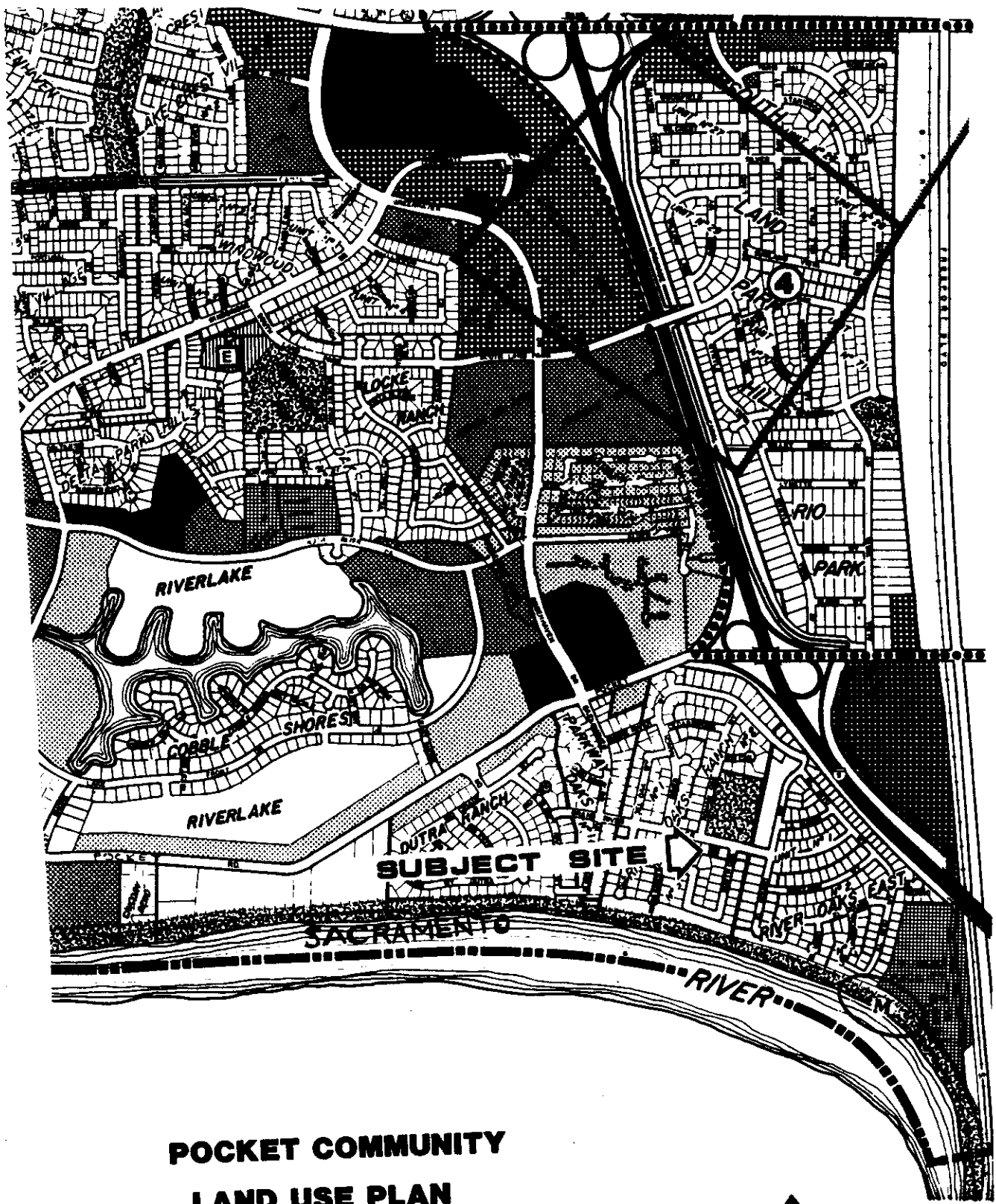
Staff feels that landscaping (trees) could provide a better screening device than the fence. Landscaping would be more attractive and is typically more desirable for neighbors. Since a citizen complaint has been received, the impacts of the fence on the neighbor's must be considered.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the project will not have a significant impact on the environment and has issued a negative declaration.

RECOMMENDATION: Staff recommends denial of the variance request to exceed the six foot fence height limit based on the following findings of fact:

Findings of Fact

1. Staff cannot find, nor has the applicant presented, any unusual circumstances or hardship to warrant justification for approval of the variance.
2. The proposed variance, if approved, would constitute a special privilege extended to one individual property owner in that the reason for the wall extension as a visual barrier from neighbor's views could be accomplished with a six foot or shorter fence and landscaping with trees.

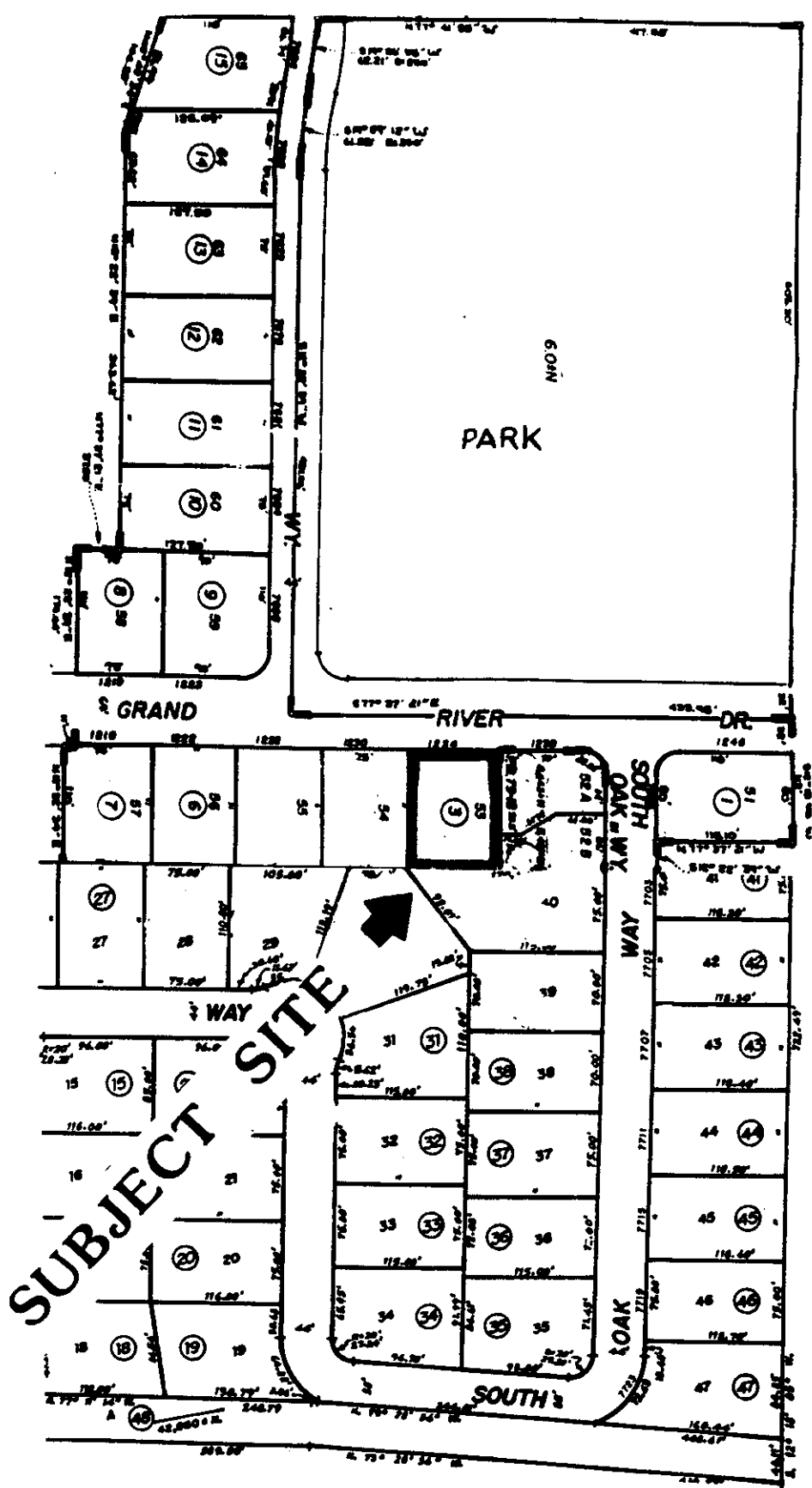


**POCKET COMMUNITY
LAND USE PLAN**

VICINITY MAP

EXHIBIT A-1

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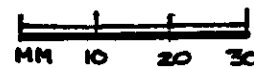
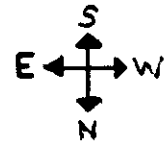
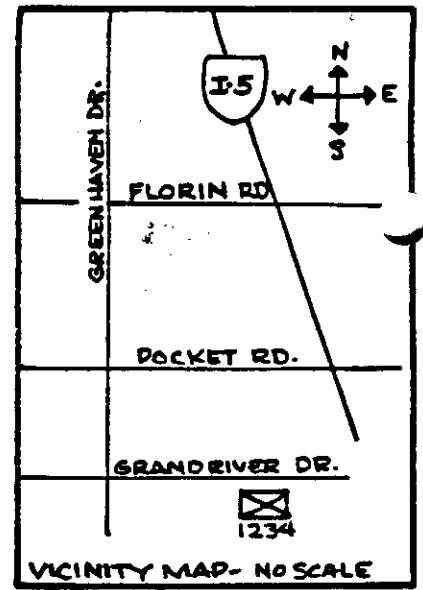
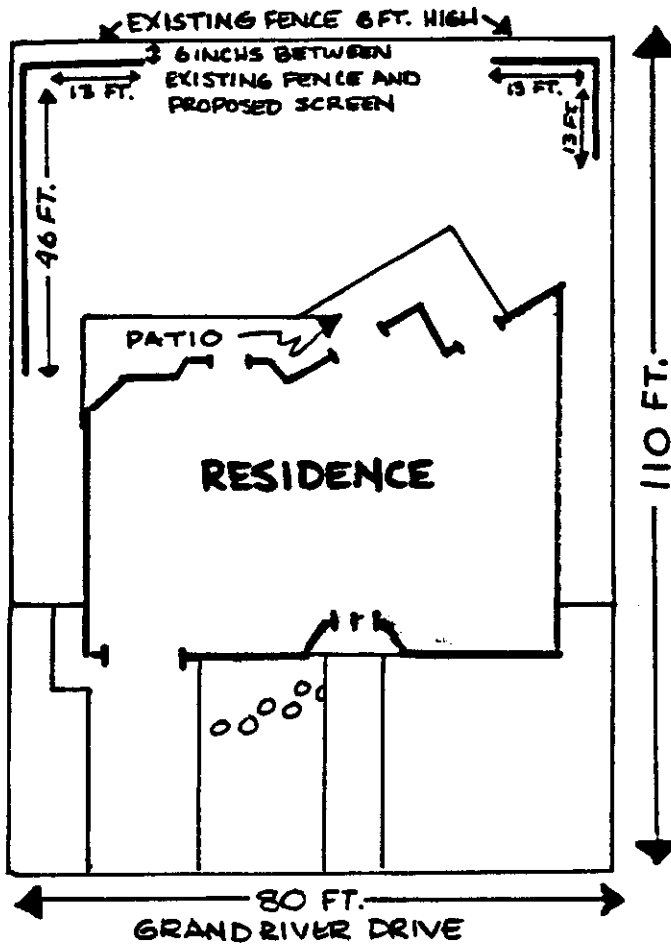


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LOCATION MAP

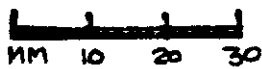
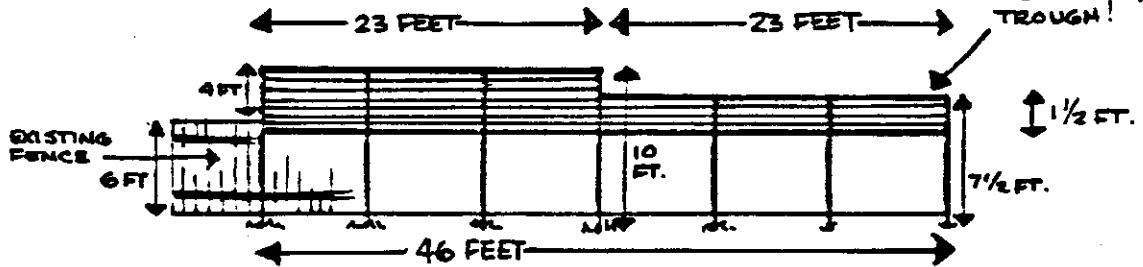
EXHIBIT A-2

SITE PLAN PROPOSED SCREEN LOT 03-0790-003



* NOTE SCALE
10MM = 10 FEET

PROPOSED SCREEN EAST ELEVATION



NOTE* SCALE
10MM = 20 FEET

EXHIBIT B-1



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EXHIBIT B-2

STATEMENT OF INTENT/UNUSUAL CIRCUMSTANCES

We are seeking a variance for our home at 1234 Grand River Drive (APN: 031-0790-003) because of the unusual circumstances of the lot itself, the design of adjacent houses (several of which were constructed after ours), and the hardships these circumstances have placed on our family and our living conditions.

1. Our home is a single-story, contemporary dwelling with two-story homes adjacent on the East, South, and West.
2. Our lot is substantially lower in elevation than those parcels which are adjacent on the East and South. (APN Nos. 031-0790-050, 031-0790-051, 031-0970-040, 031-0970-030, respectively).
3. Unlike the majority of our neighbors, we are adjacent to one of the few duplex lots allowed in the area. Lots 031-0790-050 and 031-0790-051, which are adjacent on the East perimeter, are two-story, rental duplexes. The second story of each duplex have total, unobstructed views into our master bedroom which deprives of of all privacy.
4. The home on lot 031-0970-030, adjacent on the South, is a two-story home with family room facilities on the second story. The design of their home allows them unobstructed views of our master bedroom, living room, kitchen, dining area, and backyard.
5. The home adjacent south (lot 031-0970-040) has a higher elevation than ours. They have a pool and surrounding deck, which, due to the higher elevation, permits unobstructed views of our master bedroom, living room, kitchen, dining area and backyard. Additionally, they have an unobstructed view of our master bedroom from the sink area of their kitchen, which faces West.

We feel that these unusual circumstances contribute to a depressed quality of life and represent hardships that are not tolerable.

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EXHIBIT C

COMMUNITY SUPPORT

Many of our immediate neighbors recognize the deficiencies present with the physical arrangements of our homes, from both an architectural and topographical perspective. They realize that privacy goes two ways and have indicated that they support the construction of these windscreens as both an architectural and aesthetic necessity. They have indicated that they will provide letters of support when necessary.

1. Alan and Diane Torres, owners of lot 031-0790-004, adjacent to the West of our property, have told us they "love the screens and are thankful they are there as it provides the only privacy we have". Mr. Torres is the Secretary of the Homeowners Association and has agreed to provide a letter of support.
2. Dan and Linda Achondo, owners of lot 031-0970-040, adjacent to the South of our property also support our screens. They, in fact, would like to see them extended the full length of the southern property line and have indicated that they would share in the cost. They, too, have indicated that they will provide a letter of support for the variance.
3. Two other adjacent neighbors have complimented us on the design of the screens and recognize the purpose they serve. We are confident that they, too, will support this application for a variance.

It is our desire to live in peaceful harmony with our neighbors. We have designed aesthetically pleasing windscreens which will benefit all neighboring homeowners.

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EXHIBIT D

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