

CITY PLANNING COMMISSION

927 10TH STREET, SUITE 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Owner and Kitchens, Inc. - 1617 18th Street, Sacramento, CA 95814				
OWNER	Denny and Sheilah Valentine - 1231 11th Avenue, Sacramento, CA 95818				
PLANS BY	Kitchens, Inc. - 1617 18th Street, Sacramento, CA 95814				
FILING DATE	5-17-84	50 DAY CPC ACTION DATE		REPORT BY:	JP:sq
NEGATIVE DEC.	EX.15305(a)	EIR		ASSESSOR'S PCL NO.	012-352-25

APPLICATION: Variance to reduce the required front yard setback from 30 feet to 28 feet

LOCATION: 1231 11th Avenue

PROPOSAL: The applicant is requesting the necessary entitlement to allow the projection of a catilevered bay window two feet into the required 30 foot front setback.

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 Residence

Surrounding Land Use and Zoning:

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

Property Dimensions: 70±' x 140±'
Property Area: 9,800± square feet
Square Footage of Existing Structure: 2,200± square feet
Square Footage of Addition: 20± square feet
Exterior Building Colors: White
Exterior Building Materials: Stucco, wood, glass

BACKGROUND INFORMATION: On May 8, 1980 the Planning Commission approved a variance request for the subject site to reduce the required front yard setback from 30 feet to 20 feet in order to allow the projection of a living room addition into the front yard setback area (P-8998). The vote of the Commission was five ayes, three noes and one absent. Planning staff had recommended denial of the variance request.

Subsequently, a neighborhood resident appealed the Commission's decision to the City Council. The Council, by a vote of eight ayes and one absent, approved the appeal and denied the requested variance. The applicant again requested the variance to reduce the required 30 foot setback to 20 feet for the living room addition in November of 1980 (P-9194). The Commission, by a vote of six ayes, one noe and two absent, denied the variance request. The applicant then appealed this decision to the City Council, modifying the request to a six foot, rather than a 10 foot encroachment. The Council denied the appeal on January 27, 1981, by a vote of seven ayes and two noes.

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Because the addition had already been substantially completed when the variance was denied, and because it was not removed voluntarily, the City Attorney filed a lawsuit against the owners in January of 1982. The trial court judgment ordered removal of the addition. The Court of Appeal affirmed the trial court judgment, holding that the applicant's allegations that he had been misled by City staff legally could not suffice to avoid enforcement of the applicable setback.

Pursuant to the court order, the addition has been removed. The applicant is now requesting a variance to reduce the required 30 foot setback to 28 feet in order to replace the removed addition with a cantilevered bay window.

STAFF EVALUATION: Staff has the following comments regarding this proposal:

1. The subject site is a 9,800± square foot parcel located in the Single Family (R-1) zone. A 2,200± square foot single family residence is currently located on the site. The subject parcel is also located in Land Park Tract Unit No. 1 (Exhibit A). Lots located in this tract along the north side of 11th Avenue between Riverside Boulevard and 13th Street have a recorded 30 foot front setback line. Lot 51, the subject parcel, has this recorded front setback. The applicant is requesting a variance to encroach two feet into the required 50 foot front setback in order to add a 20± square foot cantilevered bay window to the existing residence (Exhibits B-E).
2. The project was reviewed by the City Engineering, Traffic Engineering and Building Divisions. They had no comments regarding the proposed variance.
3. As noted above, the 30 foot front yard setback is recorded on the subdivision plat map. If the proposed variance was approved for the subject site, the applicant would still be required to request abandonment of the setback line at its present location. All abandonment requests require City Council approval.
4. Planning staff can find no hardship pertaining to this site to justify reducing the required 30 foot front setback. The Land Park Tract Unit #1 subdivision was designed with large lots and a 30 foot front setback to create a streetscape unique from traditional single family subdivisions and compatible with adjacent William Land Park. These lots, including the subject parcel, are not substandard in area or dimensions and dwellings located on them are not substandard in size. In addition, the applicant's floor plans for the livingroom area indicate that adequate living space can be achieved without the two foot bay window addition. Staff, therefore, recommends denial of the variance request.

STAFF RECOMMENDATION: Staff recommends denial of the variance request to reduce the required 30 foot front setback to 28 feet, based upon findings of fact which follow:

Findings of Fact

1. The proposed variance, if approved, would constitute a special privilege extended to one individual property owner in that the subject site is similar in size and shape to other lots in this vicinity. These lots are not substandard in area or dimension. There are no unusual circumstances that warrant the granting of a variance.

2. The proposed addition, if approved, would be injurious to the public welfare and properties in the vicinity of the subject site in that:
 - a. the addition would encroach two feet into the required front yard area and eliminate the uniform 30 foot setback along 11th Avenue;
 - b. it may alter the characteristics of the area by setting a precedent that encourages additional variance requests to encroach into the required front setback area.
3. The variance, if approved, would be adverse to the policies of the 1974 General Plan to:
 - a. "prevent the intrusion of incompatible uses into residential area;
and
 - b. "conserve and protect the City's older residential neighborhoods".

LOCATION MAP



Subject Site

000428

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6-28-84

Item 23

PLAT OF LAND PARK TRACT UNIT NO 1

CITY OF SACRAMENTO, CALIFORNIA

SURVEYED MARCH 1937 JOSEPH E. SPINK ENGINEER

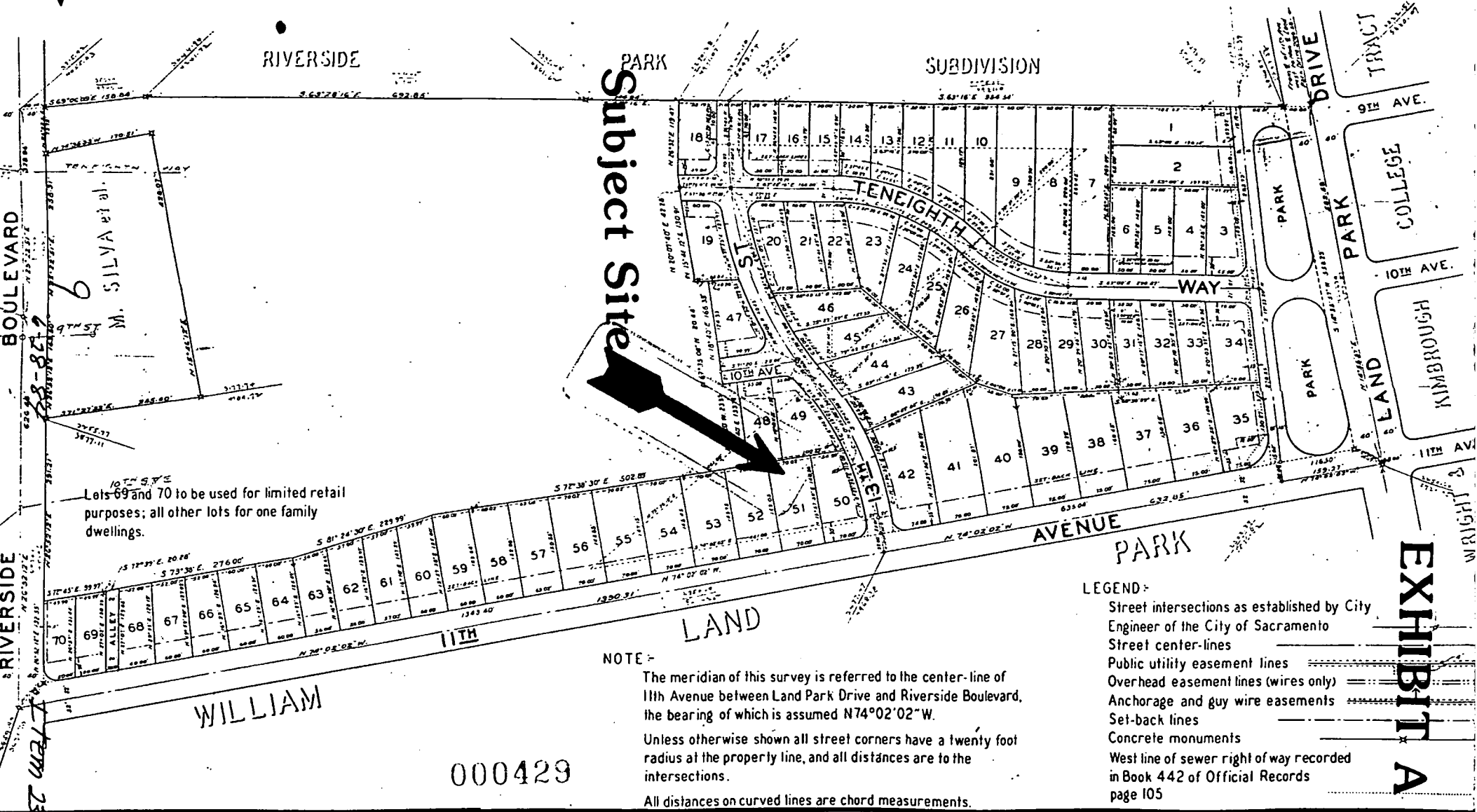
SCALE 1 INCH = 100 FEET

SHEET 2 OF 2 SHEETS

Teneight Way Plan 2491
13TH St 2494
11TH Ave. 2493
Sewer 2490
Land Park Drive 2495
10TH Ave. 2492
F.B. 976

BOOK 20
PAGE 30

184-195



Subject Site

Lots 69 and 70 to be used for limited retail purposes; all other lots for one family dwellings.

NOTE -

The meridian of this survey is referred to the center-line of 11th Avenue between Land Park Drive and Riverside Boulevard, the bearing of which is assumed N74°02'02" W.

Unless otherwise shown all street corners have a twenty foot radius at the property line, and all distances are to the intersections.

All distances on curved lines are chord measurements.

LEGEND -

- Street intersections as established by City Engineer of the City of Sacramento
- Street center-lines
- Public utility easement lines
- Overhead easement lines (wires only)
- Anchorage and guy wire easements
- Set-back lines
- Concrete monuments
- West line of sewer right of way recorded in Book 442 of Official Records page 105

WILLIAM

000429

EXHIBIT A

PS4-195

6-28-84

P 84195

000434

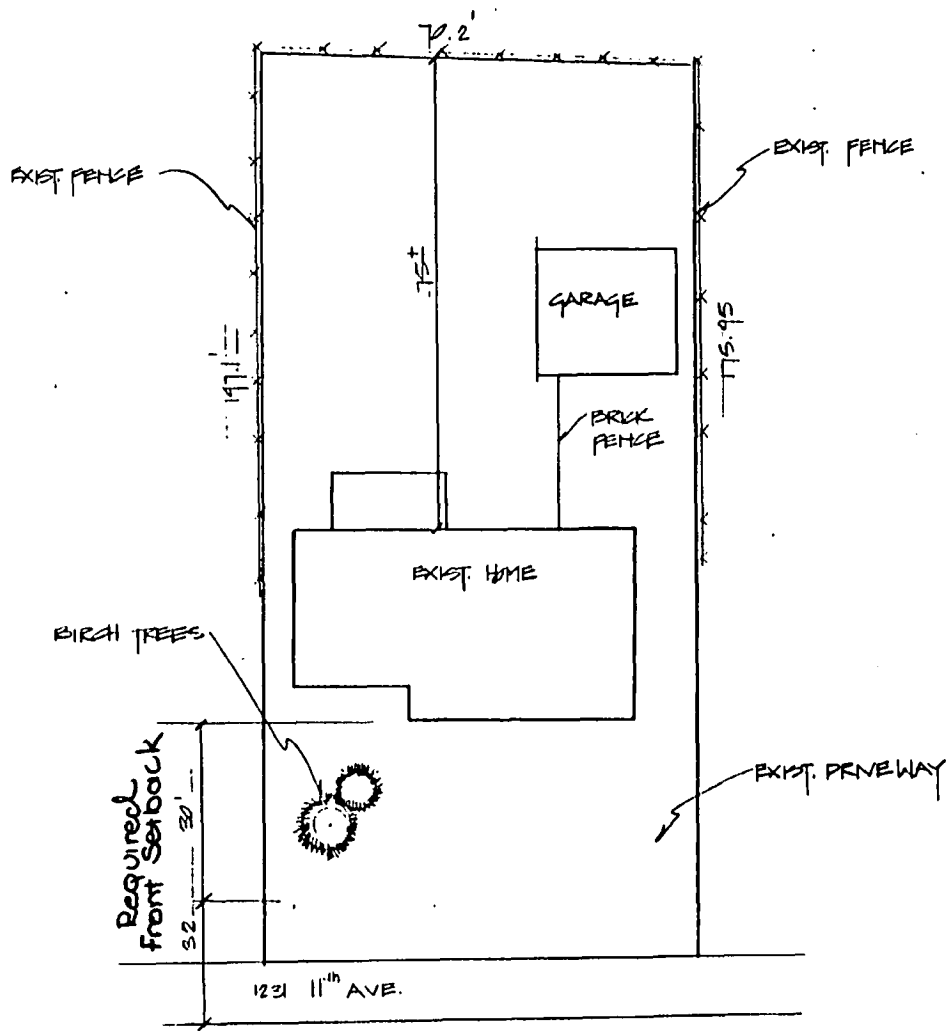


EXHIBIT B

DRAWING NO:
SITE PLAN

APPROVED: _____
1AE

REVISED: _____

SUPERSEDES DRAWING NO. _____

SCALE _____ " = _____ FT.

ALL DIMENSIONS & SIZE DESIGNATIONS GIVEN ARE SUBJECT TO VERIFICATION ON JOB SITE AND ADJUSTMENT TO FIT JOB CONDITIONS.

CUSTOMER:
MR. & MRS. VALENTHIE
1231 11th AVE.
SACRAMENTO, CA

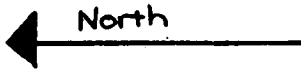


BY: KITCHEN INC.
1017 Dth STREET
SACRAMENTO, CA.
DESIGNER: ELLEN CHEEVER CKP-NSID

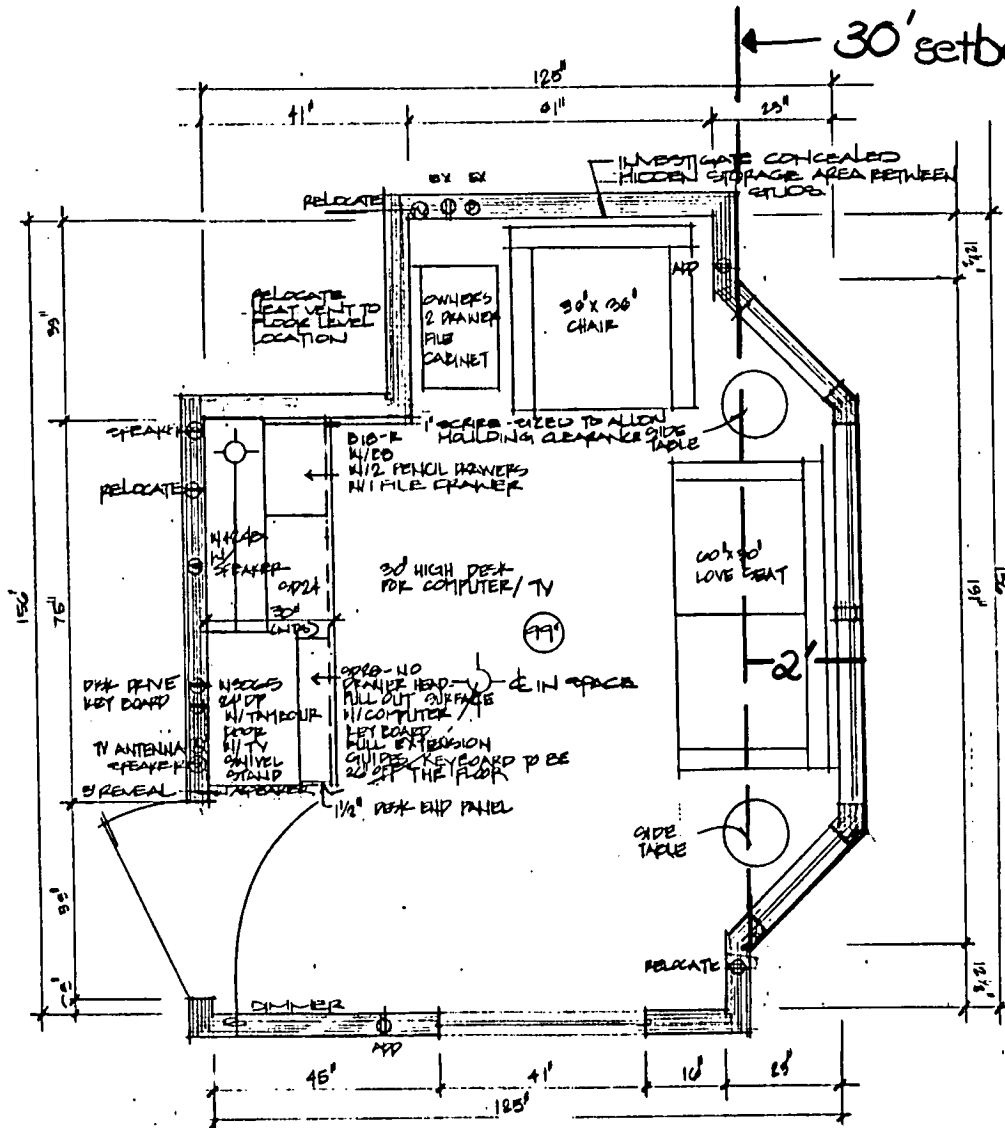
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84-195

6-28-84



30' setback line



84195 B

000431

DRAWING NO:
PLAN #2

APPROVED: _____

REVISED: _____

SUPERSEDES DRAWING NO. _____

SCALE $\frac{1}{8}'' = 1'$ FT.

ALL DIMENSIONS & SIZE DESIGNATIONS GIVEN ARE SUBJECT TO VERIFICATION ON JOB SITE AND ADJUSTMENT TO FIT JOB CONDITIONS.

CUSTOMER:
MR. & MRS. VALENTINE
1201 11th AVENUE
SACRAMENTO, CA



BY: KITCHENS, INC
607 18th STREET
SACRAMENTO, CA

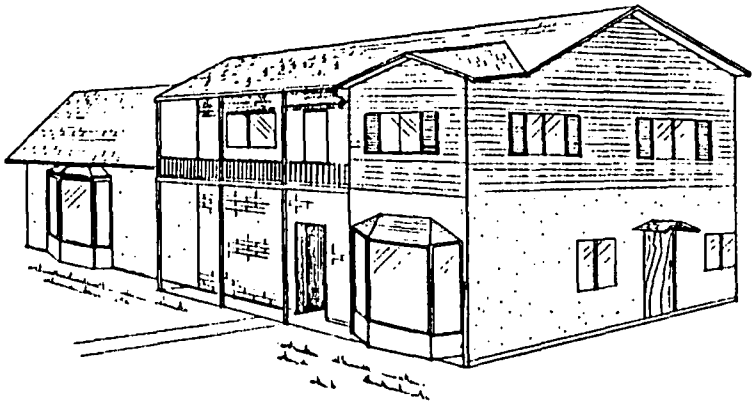
DESIGNER: ELLEN CHEEVER, CKD-ACD

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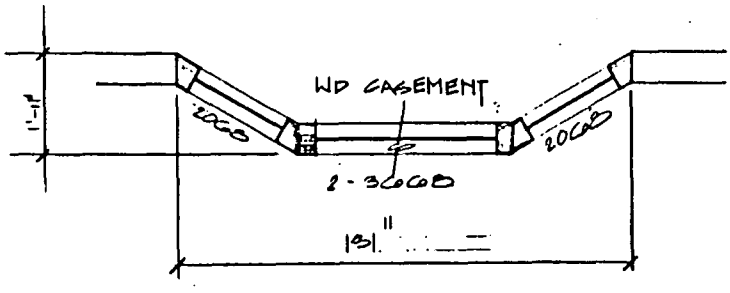
EXHIBIT C

P84/195

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PERSPECTIVE
MFS



PEN BAY WINDOW

EXCPT. MURPHY
W/ANALOG
PARTS

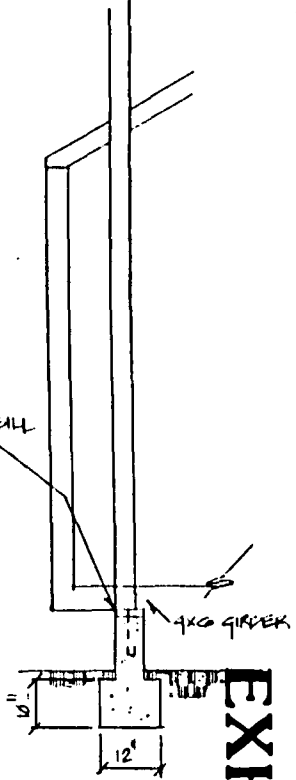


EXHIBIT D

000432

DRAWING NO:
DETAILS

APPROVED: _____

REVISED: _____

SUPERSEDES DRAWING NO. _____

SCALE 1/2" = 1 FT.

ALL DIMENSIONS & SIZE DESIGNATIONS GIVEN ARE SUBJECT TO VERIFICATION ON JOB SITE AND ADJUSTMENT TO FIT JOB CONDITIONS.

CUSTOMER:
MR & MRS. VALENTINE
1251 14th AVENUE
SACRAMENTO, CA

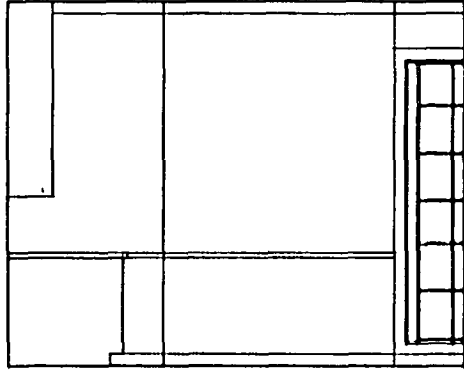
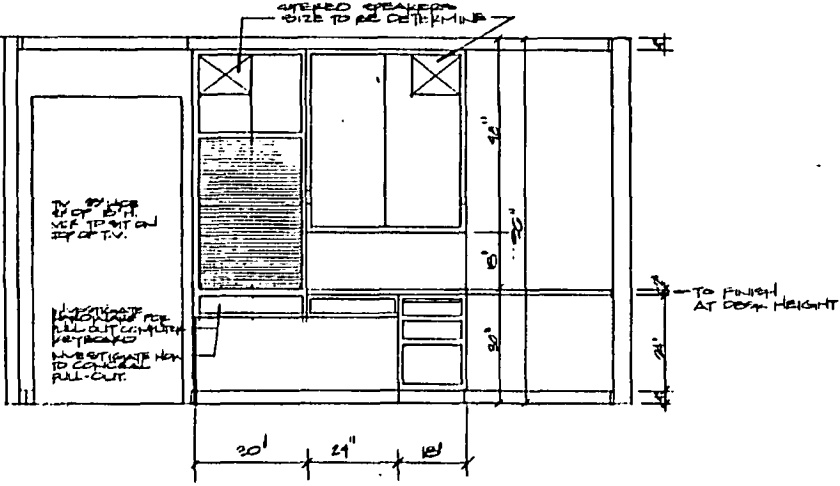


BY: ELLEN CHEEVER; ASSES
1017 18th STREET
SACRAMENTO, CA

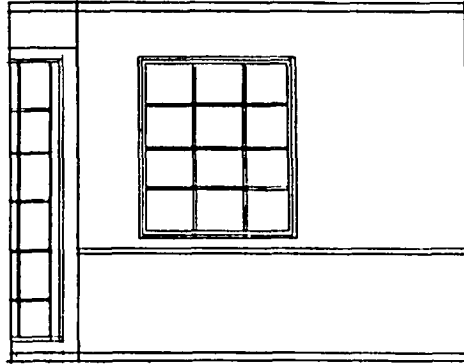
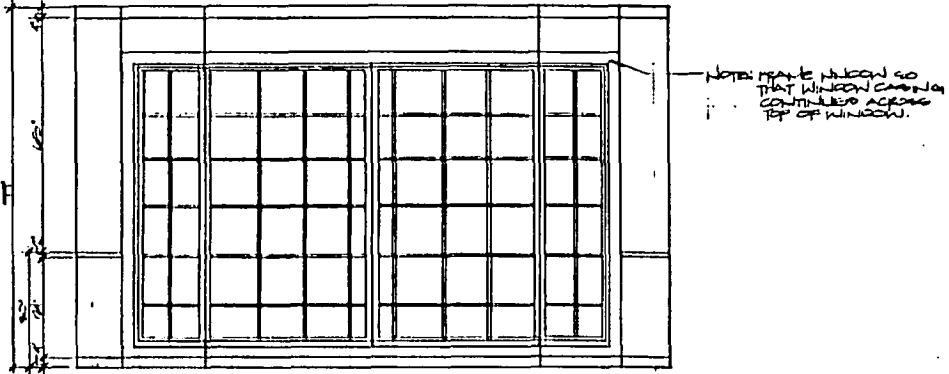
DESIGNER: ELLEN CHEEVER, CKD-ASID

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P84-195



CEILING



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6-28-84

Item 23

000433

DRAWING NO: PEN
 APPROVED: _____
 REVISED: _____
 SUPERSEDES DRAWING NO: _____

SCALE 1/2" = 1'-0" FT.
 ALL DIMENSIONS & SIZE DESIGNATIONS GIVEN ARE SUBJECT TO VERIFICATION ON JOB SITE AND ADJUSTMENT TO FIT JOB CONDITIONS.

CUSTOMER: MR. & MRS. VALENTINE
 231 11th AVE
 SACRAMENTO, CA



BY: KITCHEN INC
 517 G STREET
 SACRAMENTO, CA
 DESIGNER: BLATCHEVER

THIS IS AN ORIGINAL DESIGN AND MUST NOT BE RELEASED OR COPIED UNLESS APPLICABLE FEE HAS BEEN PAID OR JOB ORDER PLACED.

EXHIBIT E

6 ayes, 1 no, 2 absent
CITY PLANNING COMMISSION
915 "I" STREET - SACRAMENTO, CALIFORNIA 95814

Related Staff
Report

APPLICANT Dennis Valentine, 1231 - 11th Avenue, Sacramento, CA
OWNER Dennis & Sheilah Valentine, 1231 - 11th Avenue, Sacramento, CA
PLANS BY Kitchens, Inc., 3015 "O" Street, Sacramento, CA
FILING DATE 10/10/80 50 DAY CPC ACTION DATE _____ REPORT BY: WW:bw
NEGATIVE DEC. Ex. 15105(a) EIR _____ ASSESSOR'S PCL. NO. 012-352-25

APPLICATION: Variance to reduce the front yard setback from 30 feet to 20 feet

LOCATION: 1231 - 11th Avenue

PROPOSAL: The applicant requests a variance to allow the projection of the room addition into the front yard setback area.

PROJECT INFORMATION:

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

Surrounding Land Use and Zoning:

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

Property Dimensions: 60' x 120'
Height of Structure: Two stories
Square Footage of Structure: 2,200 square feet
Square Footage of Addition: 140 square feet (10' x 14')
Height of Addition: One story
Materials: Stucco siding and shake roof

BACKGROUND INFORMATION: On May 8, 1980 the Planning Commission approved a Variance (P-8998) to reduce the required front yard setback from 30 feet to 20 feet in order to allow the projection of a living room addition into the front yard setback area. The vote of the Commission was five ayes, three noes and one absent.

Subsequently, a resident of the neighborhood appealed the decision to the City Council. On July 1, 1980 the City Council concurred with staff's recommendation to deny the variance request and approved the appeal. The vote of the Council was eight ayes and one absent.

The owner is making a second attempt to obtain a variance to allow the illegal room addition.

STAFF EVALUATION: The subject site is located in an area that is commonly known as Old Land Park. The site is situated directly across from William Land Park, between Riverside Boulevard and Land Park Drive. Lots located along 11th Avenue are larger than most lots in the area and the original

APPLC. NO. P-9194

MEETING DATE November 26, 1980

CPC ITEM NO. 10

000445

STAFF EVALUATION (contd)

subdivision was recorded with a 30-foot front yard setback, which is uncommon.

On January 7, 1980, a building permit was issued for the room addition. The issuance of the permit was based on the site plan as shown on Exhibit A. The site plan indicates a current setback of 43 feet from the dwelling to the front property line and with the room addition that projects 10 feet into the front yard area. This would therefore result in a 33-foot front yard setback.

Once the building permit was issued based on the site plan indicated on Exhibit A with a 33-foot front yard setback, construction commenced. During construction of the foundation and flooring, calls were received by the Building Division and Planning Department from property owners in the immediate vicinity indicating a concern regarding the legality of the room addition. The neighbors noticed that the foundation projected farther into the front yard setback than all the other structures along 11th Avenue.

Following an investigation by both the Building Division and Planning Department, it was discovered that the plans (Exhibit A) submitted by the applicant were in error. The plans were incorrectly drawn showing a 43-foot setback for the existing dwelling. The actual setback is 30 feet from the existing building to the front property line. With the 30-foot setback the new room addition is only 20 feet from the front property line. The applicant therefore has to obtain a variance and a setback abandonment to allow the projection.

Once the actual setback was verified on February 15, 1980, the City Building Inspector issued a "Stop Work Notice" on the room addition. At this point, the framing was completed. Because of adverse weather conditions (rain and wind), the contractor requested permission to enclose the room as a temporary measure to prevent water damage. The City Building Division approved the enclosure request with the installation of paper and wire and roof only as a temporary measure.

The contractor, however, continued to work on the room addition and applied the stucco material without authorization from the Building Division. After complaints from the neighbors, the Building Division issued a correction notice on March 11, 1980 to stop all work, including any further stucco work. However, work again continued without approval and a final coat of stucco was applied. The contractor indicated that there was a misunderstanding between the subcontractor and himself. The Building Inspector again issued a notice of correction (second) to stop all work.

On March 25, 1980 the owner submitted a variance application to the Planning Department. The variance was considered by the Planning Commission on May 8, 1980. The Commission approved the variance and the neighbors subsequently appealed the action to the City Council.

Staff believes the variance request cannot be justified in that the front extension of the house will be substantially different than the surrounding homes and constitute a special exception inconsistent with adjacent properties. Also, the original subdivision was designed with large lots and a 30-foot setback which creates a unique streetscape different from the normal single family subdivision.

In consideration of any variance application, there are certain ground rules that govern the consideration of a request. The following are findings that must be made in order to approve a variance request:

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.

Staff wishes to also note that the room projection into the front yard setback violates the subdivision plat map which requires a thirty-foot front setback; and the applicant will also have to request abandonment of the setback line. This will require City Council action to abandon the setback line on the subdivision plat.

STAFF RECOMMENDATION: In addition, several property owners in the neighborhood have expressed opposition to the variance request. The staff recommends denial of the variance request based on the following findings of fact:

Findings of Fact

1. The granting of the variance will be a special privilege given to this property owner in that:
 - a. other dwellings along 11th Avenue comply with the required setback;
 - b. if granted, this site will be the only dwelling with a 20-foot setback along 11th Avenue.
 - c. the subject site is similar in size and shape to other lots in this vicinity. The lots are not substandard in area or dimension. There are no circumstances that warrant the granting of a variance.

2. The room addition would be injurious to the public welfare and properties in the vicinity of the subject site in that:
 - a. the addition would encroach 10 feet into the front yard area and eliminate the uniform setback of 30 feet along 11th Avenue;
 - b. it may change the characteristics of the area.
3. The project is not consistent with the following policies of the 1974 General Plan:
 - a. "prevent the intrusion of incompatible uses into residential areas";
 - b. "conserve and protect the City's older residential neighborhoods."

-9194

11-26-80

#10

