

P94-028 - Expansion of Detached Accessory Structure

REQUEST:

- A. **Lot Line Adjustment** to relocate a portion of the common property line separating two parcels totaling 0.51 ± developed acres in the Standard Single Family (R-1) zone;
- B. **Variance** to allow a second floor on an existing, detached accessory structure; and
- C. **Variance** to exceed the 18-foot height limit for a proposed 21.5-foot high, detached accessory structure.

LOCATION:

1230 45th Street
APNs: 008-0211-004 & 005
Sacramento Unified School District
Council District 3

APPLICANT:	Donald Joseph, Inc. (Attn: Ken Bauer) 2555 3rd Street, #215, Sacramento, CA 95818
OWNER:	Peter and Carolyn Novick 1230 45th Street, Sacramento, CA 95818
APPLICATION FILED:	March 18, 1994
STAFF CONTACT:	Mike Dale, Assistant Planner, 264-8309

SUMMARY/RECOMMENDATION: The applicant is seeking the necessary entitlements to expand an existing, single-story, detached structure in his rearyard. The existing structure supports a two-car garage and a "pool house." The property owner wishes to provide additional recreational space on his property by adding a second floor to the building. A variance is required to allow the second floor, and a second variance is required to allow the building to exceed the 18-foot height limit. Two other single-family lots located to the west of the subject property have detached accessory structures which exceed the height limit. Staff therefore supports the applicant's request for the variance to exceed the height limit.

In addition, the detached structure crosses a property line and is therefore situated on two

separate parcels - both belonging to the same property owner. For purposes of obtaining building permits, the applicant proposes to establish the structure on one parcel by adjusting the property line. Staff supports the applicant's request for a lot line adjustment subject to conditions.

In reviewing the applicant's proposal, staff found that a modification of the Zoning Ordinance may be warranted to allow second floors in detached accessory structures in older neighborhoods provided that certain findings and conditions intended to mitigate privacy, light, and air concerns intended to protect surrounding property owners are incorporated. These modifications will be addressed in a report to the Commission on the Zoning Ordinance Update later this year. Staff therefore supports the applicant's request for the variance to allow the second floor on the detached structure.

PROJECT INFORMATION:

General Plan Designation:	Low-Density Residential
Existing Land Use of Site:	Single-Family Dwelling; 2-Car Garage w/attached Pool House; Pool; and Equipment Building
Existing Zoning of Site:	Standard Single-Family (R-1)

Surrounding Land Use and Zoning (see Attachment B):

North: Single-Family Dwelling; R-1
 South: M Street, Single-Family Dwelling; R-1
 East: 45th Street, Single-Family Dwelling; R-1
 West: Single-Family Dwelling; R-1

Property Dimensions:	150' x 150'
Property Area:	22,500 Square Feet (0.51 ± Gross Acres)
Additional Building Square Footage:	215 Gross Square Feet
Proposed Building Height:	21.5 Feet
Street Improvements and Utilities:	Existing

OTHER APPROVALS REQUIRED: In addition to the requested entitlement, the project will also need the following approvals:

<u>Agency</u>	<u>Requirement</u>
Public Works Department	Certificate of Compliance
Public Works Department	Waiver of Parcel Map
Development Services Division	Building Permit

BACKGROUND: The applicant's original proposal requested only the necessary approvals to allow the expansion of the accessory structure. Upon reviewing the proposal, staff

noted that a property line bisected the building and that building permits would be difficult, if not impossible, to obtain if the property line remained. Subsequently, the applicant revised the proposal to include a lot line adjustment.

STAFF EVALUATION: Staff has the following comments:

A. **Policy Considerations**

The subject site accommodates a single-family dwelling and "related neighborhood uses" (i.e. garage, pool, equipment building). These land uses are consistent with the Low-Density Residential designation of the General Plan. No community plan exists for properties located in the East Sacramento Community Plan area.

B. **Land Use and Zoning**

The subject site consists of two parcels (see Attachment B) constituting approximately 11,250 square feet, each, in the Standard Single-Family (R-1) zone. The proposed use is consistent with the zoning of the site. Parcel 1 accommodates a single-family dwelling, a driveway, and half of a detached accessory structure. Parcel 2 (the northern parcel) accommodates the remaining portion of the detached structure, a pool, and an equipment building. The parcels function inter-dependently and are held under common ownership.

C. **Lot Line Adjustment**

The detached structure (garage and pool house) "straddles" the property line between Parcels 1 and 2 (see Exhibit A). This is not allowed by the Uniform Building Code unless mitigated by a one-hour fire wall *on each side* of the property line. Though this structure is substandard, it appears to have been constructed subject to approved building permits. Similarly, Parcel 2 is utilized solely by detached accessory structures. While this use does not conform with the Zoning Ordinance, it was legitimized by the prior issuance of building permits.

In order to alleviate the problems posed by a lot line which bisects the accessory structure, and for purposes of bringing all existing land uses into conformance, staff recommended that the parcels be merged. However, the property owner wishes to maintain separate lots and has proposed that a portion of the lot line be relocated to the north, instead. In this way, Parcel 1 would solely accommodate the accessory structure, and building permits could be issued for the expansion as proposed. The land uses on Parcel 2, which do not conform to the zoning code because they are not accompanied by a dwelling unit, will remain in non-conformance. Staff supports this approach because it will bring the land uses on Parcel 1 into conformance and will not aggravate the legal non-conforming status of the structures on Parcel 2. Staff therefore supports the applicant's request for the lot line adjustment subject to the conditions issued by the Public Works staff.

D. Variance To Allow a 21.5-Foot High Detached Accessory Structure

The City's Accessory Building Regulations (Section 5 of the Zoning Ordinance) indicate that the height of detached accessory structures shall not exceed 18 feet. The applicant is requesting approval of a variance to allow a 21.5-foot high detached accessory structure. The variance may be approved by the Commission if it can find that: 1) no special privilege is extended to the property owner, 2) the variance is not a "use variance", 3) the variance will not be injurious to the public welfare, 4) the variance is not adverse to the General Plan, and 5) the variance will be subject to conditions as deemed necessary.

The subject site is bordered on the west by two single-family lots (Parcels 006 and 007) which each have a detached garage. The garage on Parcel 006 was legally expanded in 1987 as part of a Planning Director's Variance to increase the maximum rearyard coverage (P87-272). The garage is approximately 21.5 feet tall. Similarly, the garage located to the north, on Parcel 007, also exceeds the 18-foot height limit. Staff however has been unable to find a record of the building permits for this structure. Both garages are setback only about one foot from their eastern property line. Due to the size and location of the neighboring garages, staff believes that the applicant's proposal will not adversely affect the private use and enjoyment of these neighboring properties.

The proposal does not constitute a "use variance" and is not contrary to the General Plan in that detached accessory structures are allowed in the R-1 zone. Based on the above, staff supports the applicant's request for a variance to exceed the 18-foot height limit.

E. Variance To Allow A Second Floor in a Detached Accessory Structure

The City's Accessory Building Regulations (Section 5 of the Zoning Ordinance) indicate that detached accessory structures shall have only one floor. The applicant is requesting approval of a variance to allow a second floor in a detached accessory structure. The variance may be approved by the Commission if it can make the same findings as described in Section D, above.

Staff debated the applicant's proposal in light of the current zoning ordinance limitation on the number of floors for detached accessory structures. Staff noted the existence of several other detached accessory structures in the project's vicinity which may already have second floors. Subject to further study, staff feels that the zoning ordinance should provide for more flexibility with regard to second floors. This flexibility may include:

1. Accessory structures with 2nd floors would be allowed in limited older areas subject to findings that privacy to neighbors and adequate light and air is adequately maintained.

2. Second floors utilized for other than "living space" would be acceptable.
3. Applicants wishing to construct second floors would be informed that the conversion to a second dwelling unit would not be acceptable unless approved by the City. (A Special Permit from the Commission is currently required.)
4. The Zoning Ordinance may be revised to allow second floors subject to Zoning Administrator approval.

As part of the Zoning Ordinance Update, staff will be reviewing the Accessory Building Regulations and will therefore report back on this item at a later date.

With regard to the current application, and in light of the above discussion, staff feels that the privilege of having a second floor should be extended to all property owners provided that the proposal will not adversely affect neighboring land uses or be adverse to the public's general welfare. The applicant's proposal is considered compatible with the abutting land uses and is not anticipated to adversely affect the project's vicinity. The proposal does not constitute a "use variance" and is not contrary to the General Plan in that detached accessory structures are allowed in the R-1 zone. Based on the above, staff supports the applicant's request for a variance to allow a second floor in the detached structure.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The project involves the minor expansion of an accessory (appurtenant) structure such as a garage, carport, patio, swimming pool, or fence. The project therefore qualifies for a categorical exemption in accordance with California Environmental Quality Act Guidelines Section 15303(e). No further environmental review is required.

B. Neighborhood Response

Notice of this project was forwarded to owners of property located within a 500-foot radius of the subject site as well as to the East Sacramento Improvements Association. The Association was notified early in the review process yet no comment was received. Staff subsequently contacted Knight Smart of ESIA by phone. Mr. Smart said that he would report back to staff on the ESIA's position. To date, no comment has been received.

C. Agency Comments

The project has been reviewed by other City Departments and agencies. Their comments are included in the attached resolution for the lot line adjustment.

PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve or deny the resolutions identified below. Appeal of the Commission's action must occur within 10 days of the date of the action.

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

- A. Adopt the attached Resolution approving a Lot Line Adjustment to relocate a portion of the common property line separating two parcels totaling 0.51± developed acres in the Standard Single Family (R-1) zone; and
- B. Adopt the attached Resolution approving a Variance to allow a second floor on an existing, detached accessory structure; and a Variance to exceed the 18-foot height limit for a proposed 21.5-foot high, detached accessory structure.

Report Prepared By,

Mike Dale
Mike Dale
Assistant Planner

Report Reviewed By,

Steve Peterson
Steve Peterson
Senior Planner

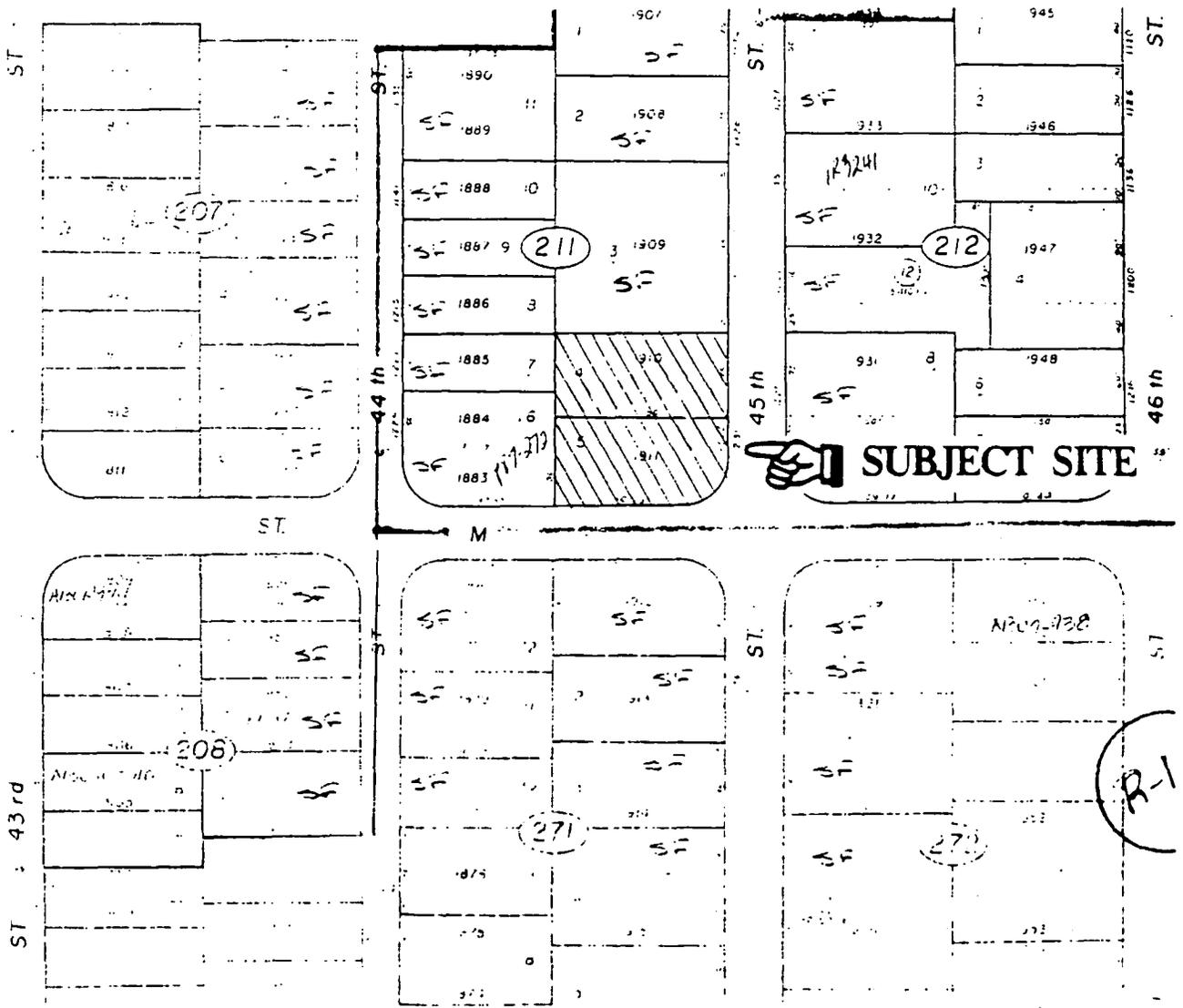
Attachments

Attachment A
Attachment B
Resolution
Resolution
Exhibit A
Exhibit B
Exhibit C
Exhibit D
Exhibit E
Exhibit F
Exhibit G
Exhibit H
Exhibit I

Vicinity Map
Land Use and Zoning Map
Lot Line Adjustment
Variances
Lot Line Adjustment/Site Plan
Existing Floor Plan
Proposed Second Floor Plan
Existing North/South Elevation
Existing East/West Elevation
Proposed North Elevation
Proposed South Elevation
Proposed East Elevation
Proposed West Elevation

Attachment B
Land Use and Zoning Map

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* Entire page is R-1

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF SEPTEMBER 22, 1994.

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING A LOT LINE ADJUSTMENT FOR PROPERTY LOCATED AT THE 1230 45TH STREET.

(P94-028) (APNs: 008-0211-004 and 005)

WHEREAS, the City Planning Commission on September 22, 1994, held a public hearing on the request for approval of a lot line adjustment for property located at 1230 45th Street;

WHEREAS, all governmental and utility agencies affected by the development of the proposed map have been notified and given the opportunity to respond;

WHEREAS, the Planning Director has determined that the proposed project will have not have a significant effect on the environment and has prepared a Notice of Exemption pursuant to Section 15303 of the California Environmental Quality Act Guidelines.

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development; and

WHEREAS, the City Planning Commission has considered the effects that approval of the proposed lot line adjustment would have on the Sacramento Metropolitan area and balances those against the public service needs of City residents and available fiscal and environmental resources.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Sacramento that:

- 1. The lot line adjustment will not result in the abandonment of any street or utility easement of record, and that, if the lot line adjustment will result in the transfer of property from one owner to another owner, the deed to the subsequent owner expressly reserves any street or utility easement of record;**
- 2. The lot line adjustment will not result in the elimination or reduction in size of the access way to any resulting parcel, or the application is accompanied by new easements to provide access which meet all the City requirements regarding access to parcels in the location and of the size as those proposed to be created; and**

3. The proposed lot line adjustment will result in parcels which conform to the requirements of the City's Building Code and the City's Zoning Ordinance.
4. The lot line adjustment is approved subject to the following conditions which must be completed at the Public Works Department, Engineering Services, prior to the lot line adjustment being recorded:
 - a. File a Certificate of Compliance, submit all required documents according to the submittal requirements checklist, and pay necessary fees: and
 - b. File a waiver of Parcel Map.
5. No structures shall be permitted to be adjacent to the rear property line.
6. The following advisory note is informational in nature and is not a requirement of this lot line adjustment:
 - a. Property to be adjusted in accordance with this certificate of compliance may be subject to flooding. Interested parties should ascertain whether and to what extent such flooding may occur. The applicable base flood elevations are contained in the U.S. Army Corps of Engineers Flood Insurance Study Working Map for the Sacramento Community, dated January 1989, available for review at the City of Sacramento's Public Works Department, Engineering Services, Room 200, 1231 I Street.

CHAIRPERSON

ATTEST:

SECRETARY TO PLANNING COMMISSION

P94-028

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF SEPTEMBER 22, 1994.

A RESOLUTION ADOPTING FINDINGS OF FACT APPROVING
VARIANCES FOR PROPERTY LOCATED AT 1230 45TH
STREET.

(P94-028) (APNs: 008-0211-004 and 005)

WHEREAS, the City Planning Commission on September 22, 1994, held a public hearing regarding a Variance to allow a second floor on an existing, detached accessory structure; and a Variance to exceed the 18-foot height limit for a proposed 21.5-foot high, detached accessory structure at the above location; and

WHEREAS, the Planning staff has submitted to the City Planning Commission its report regarding the proposed development and its consistency with the General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Sacramento that:

1. The Variance to allow a second floor on an existing, detached accessory structure is approved subject to the issuance of building permits; and
2. The Variance to exceed the 18-foot height limit for a proposed 21.5-foot high, detached accessory structure is approved subject to the issuance of building permits.

CHAIRPERSON

ATTEST:

SECRETARY TO PLANNING COMMISSION

P94-028

Exhibit A
Lot Line Adjustment/Site Plan

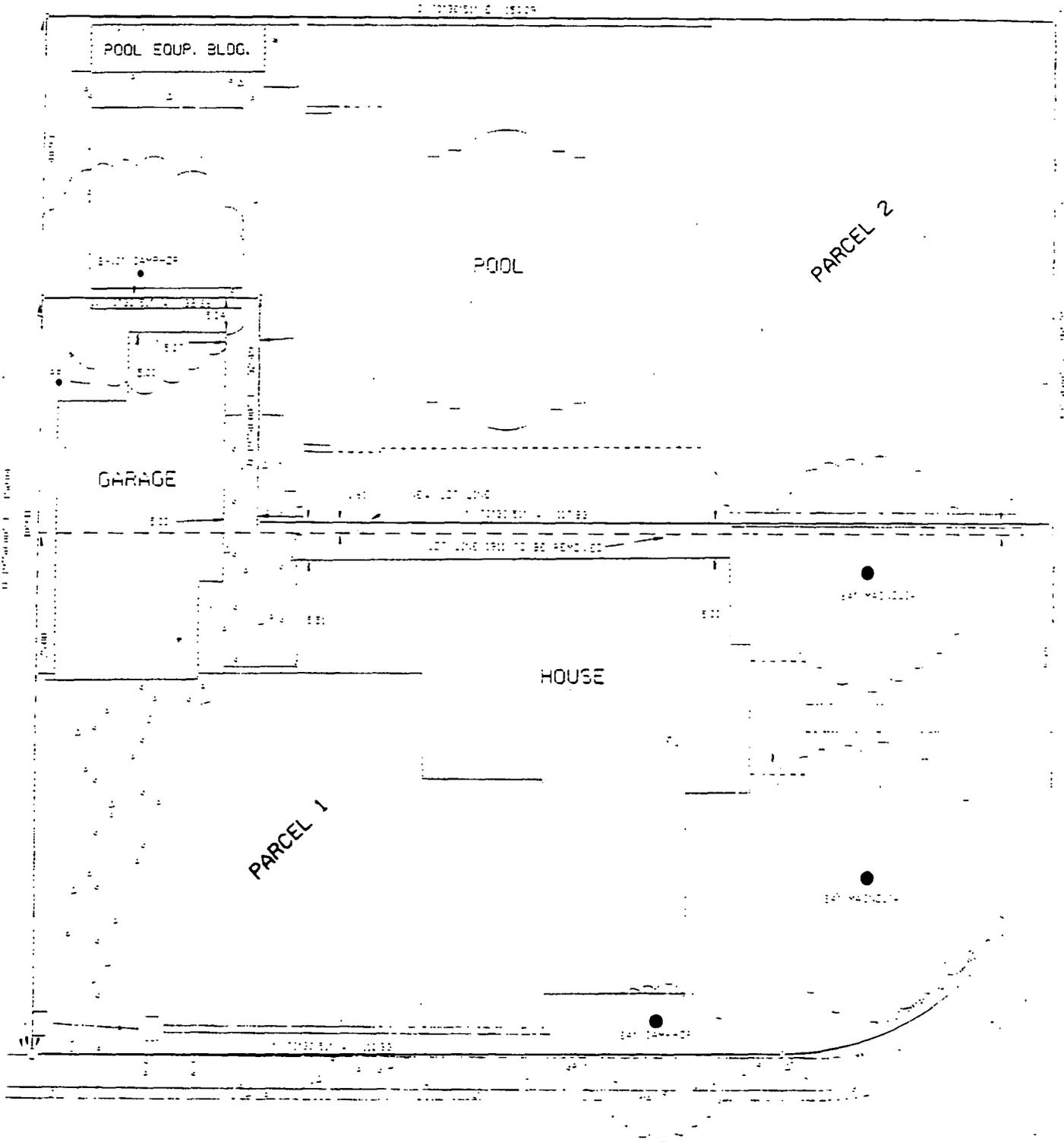


Exhibit B
Existing Floor Plan

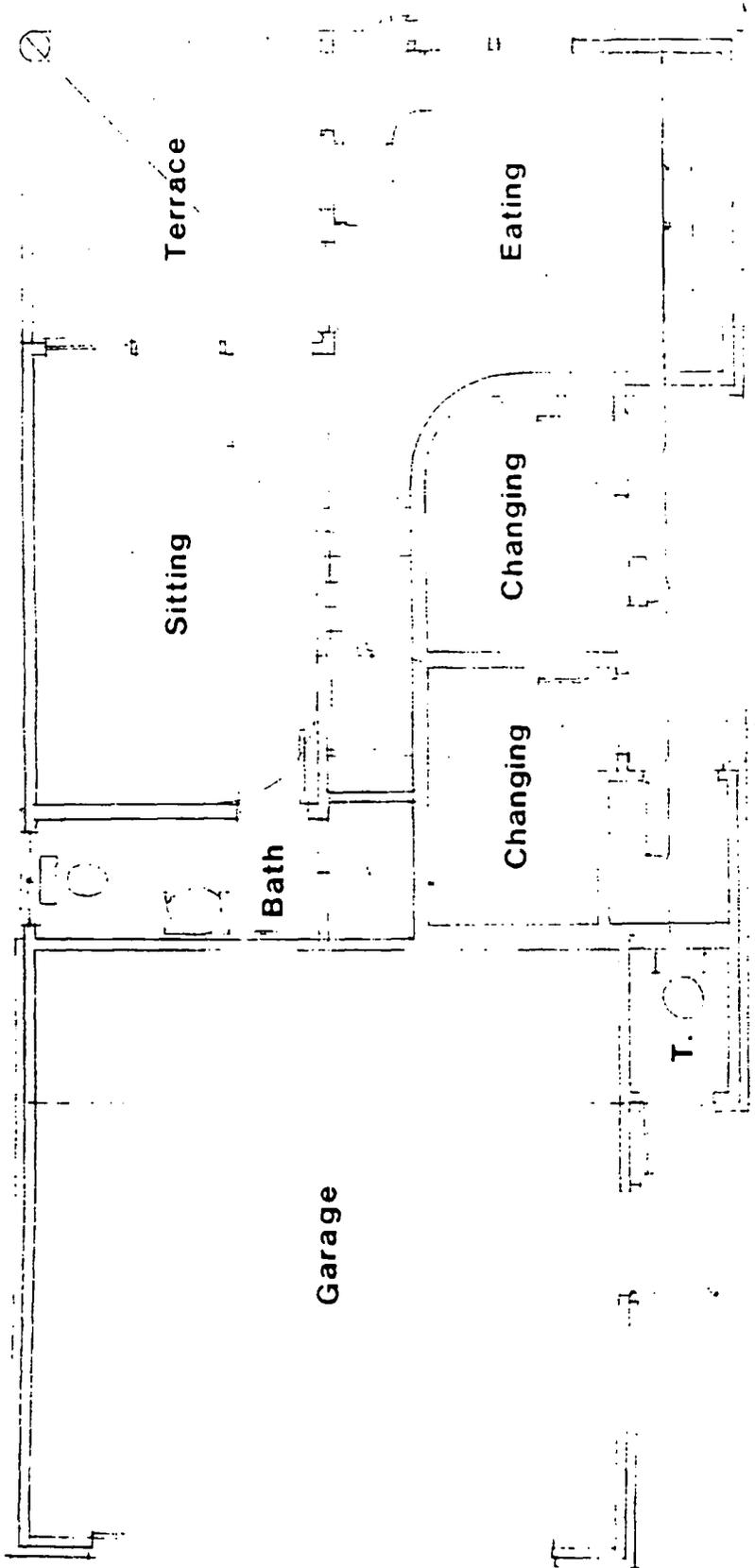


Exhibit C
Proposed Second Floor Plan

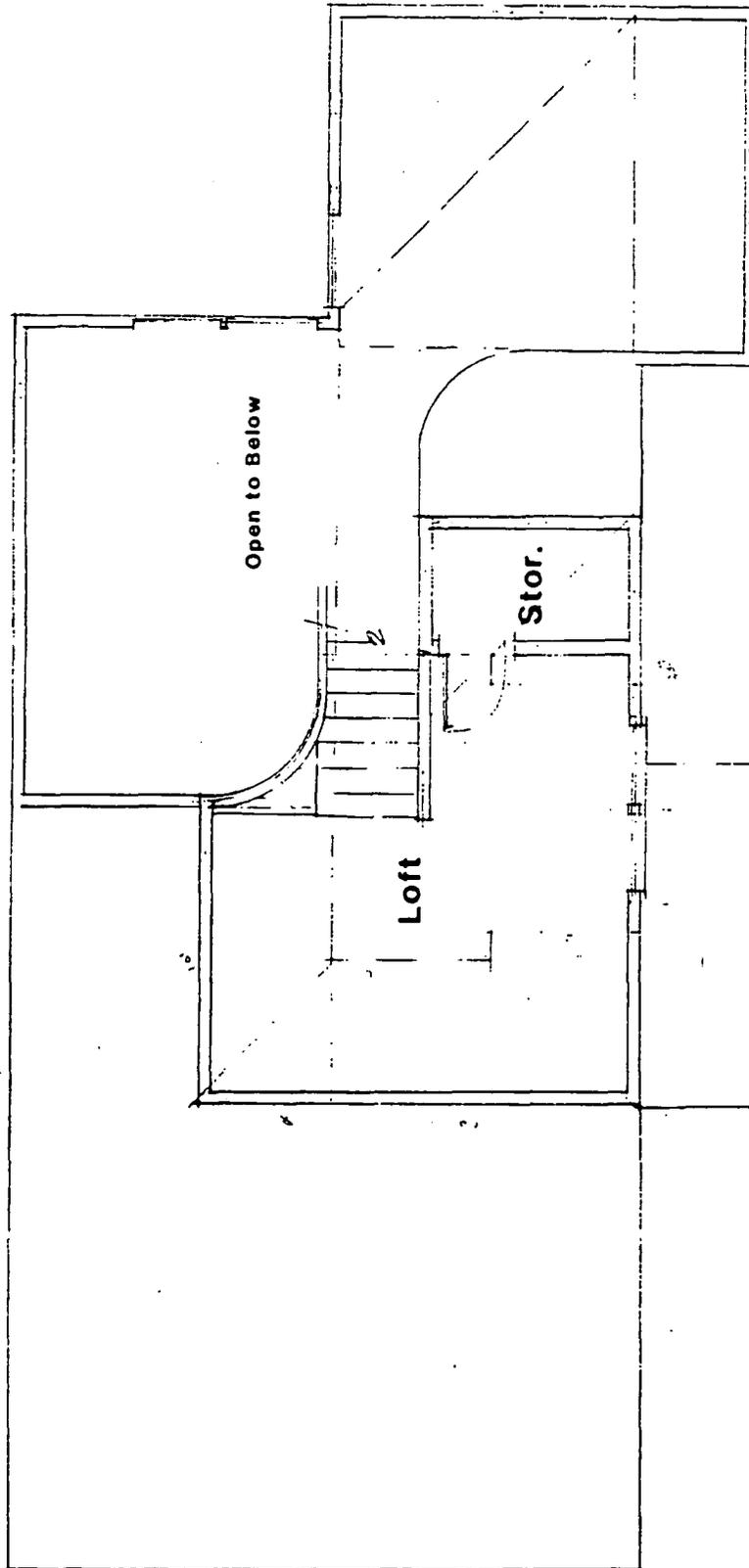


Exhibit D
Existing North/South Elevations

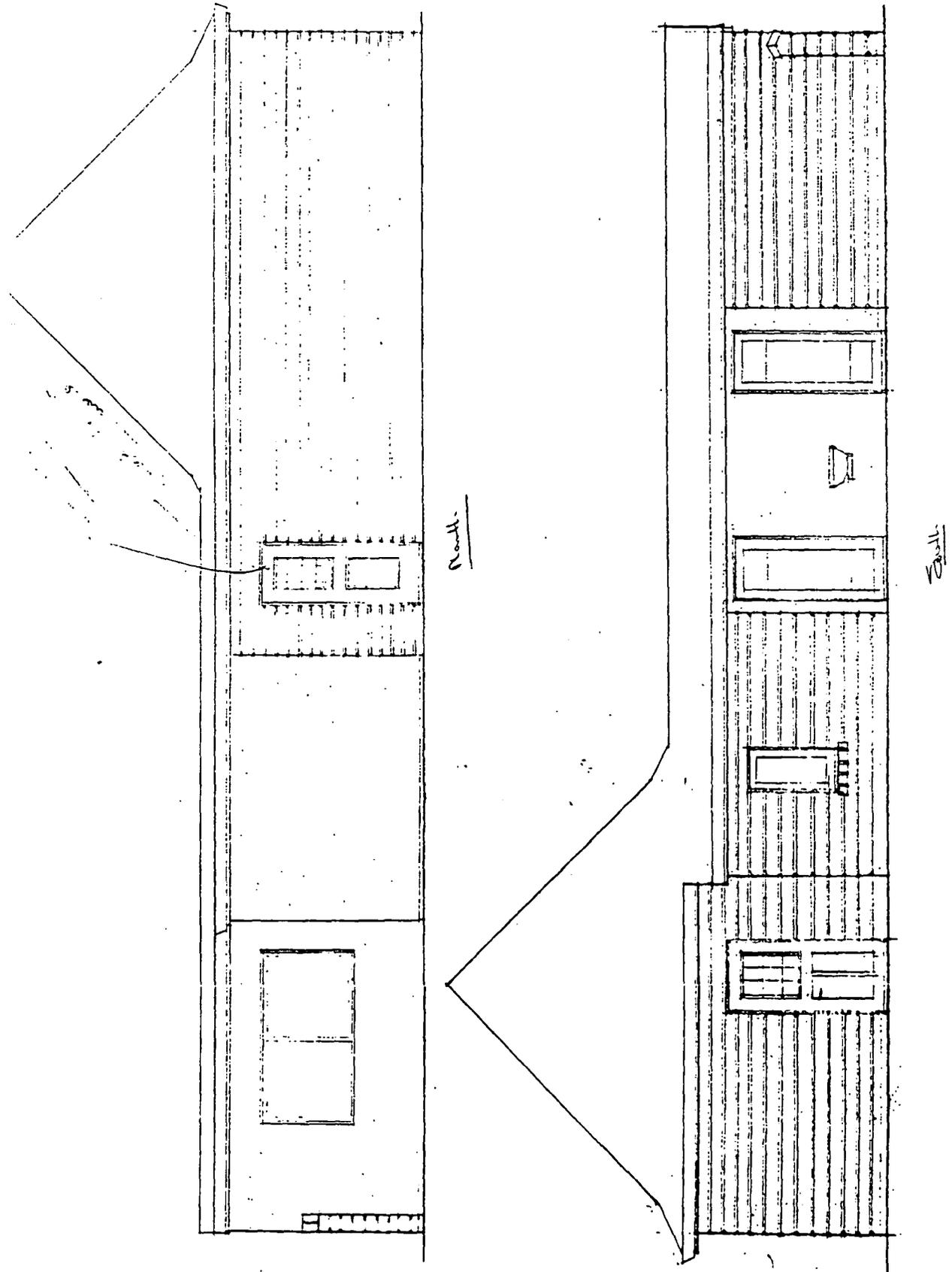


Exhibit E
Existing East/West Elevations

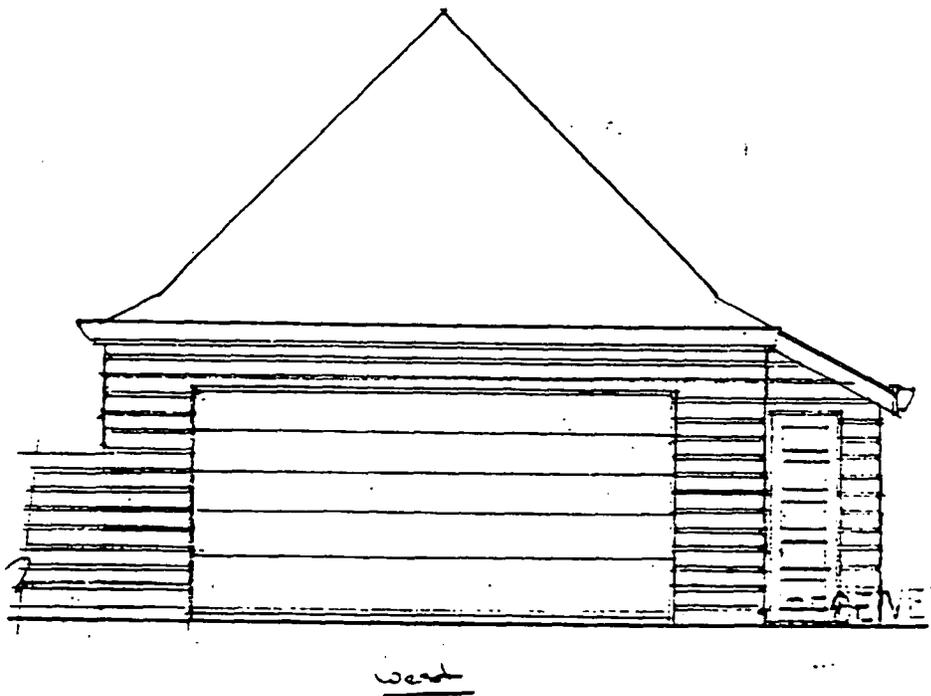
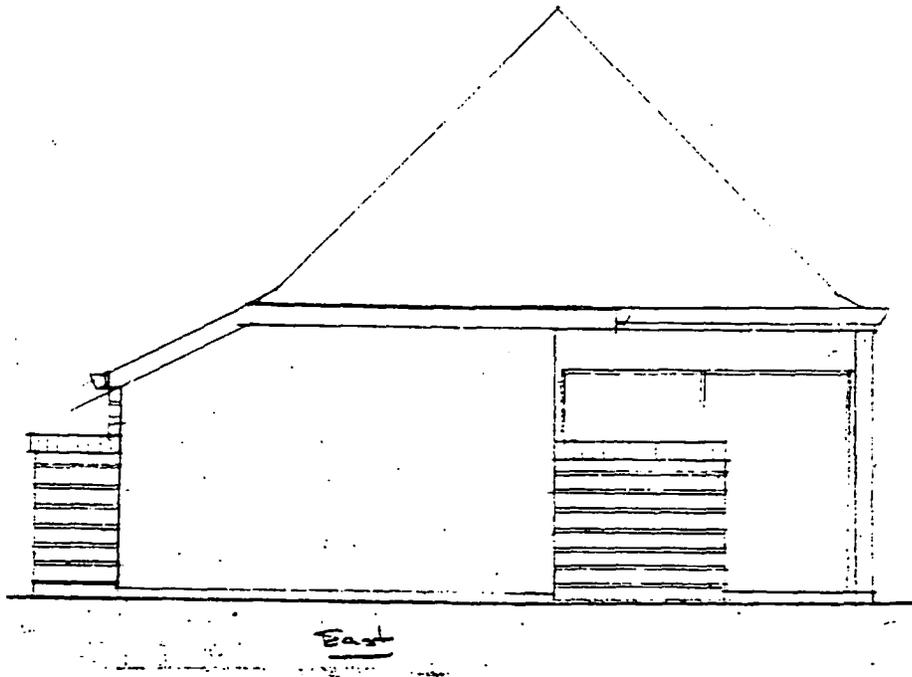
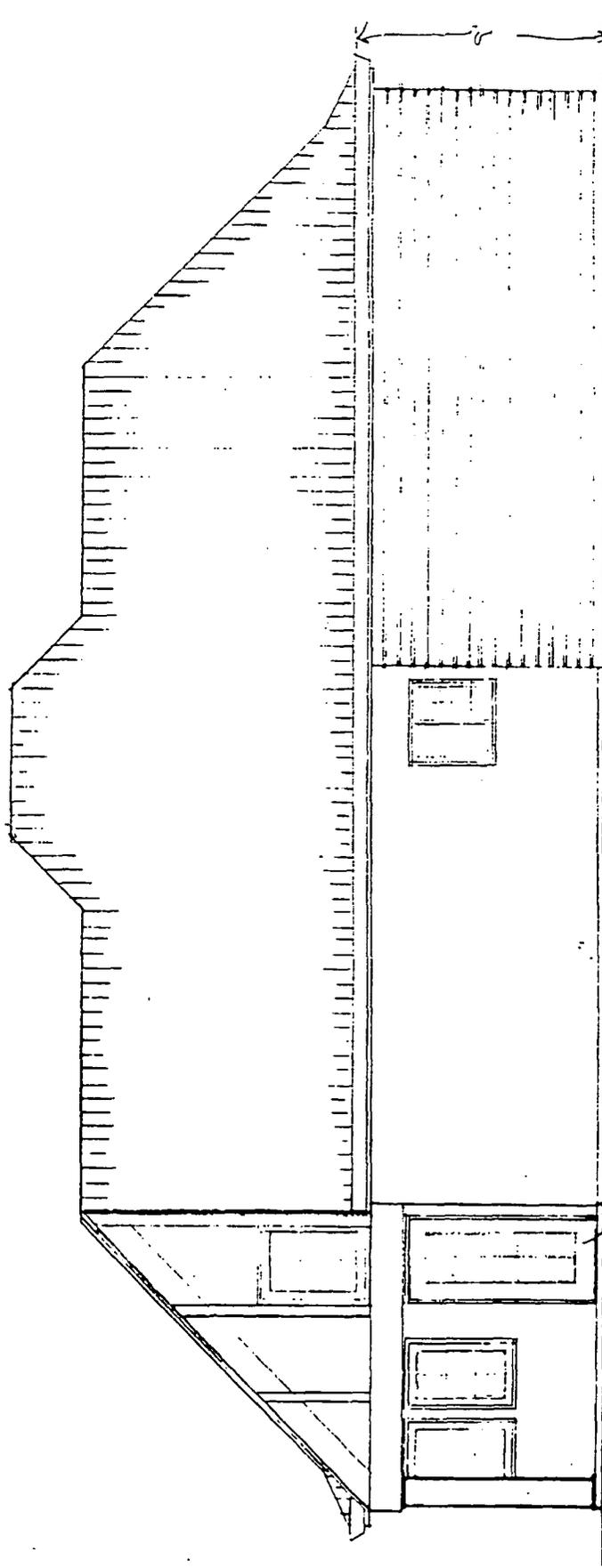


Exhibit F
Proposed North Elevation



1/2

Exhibit G
Proposed South Elevation

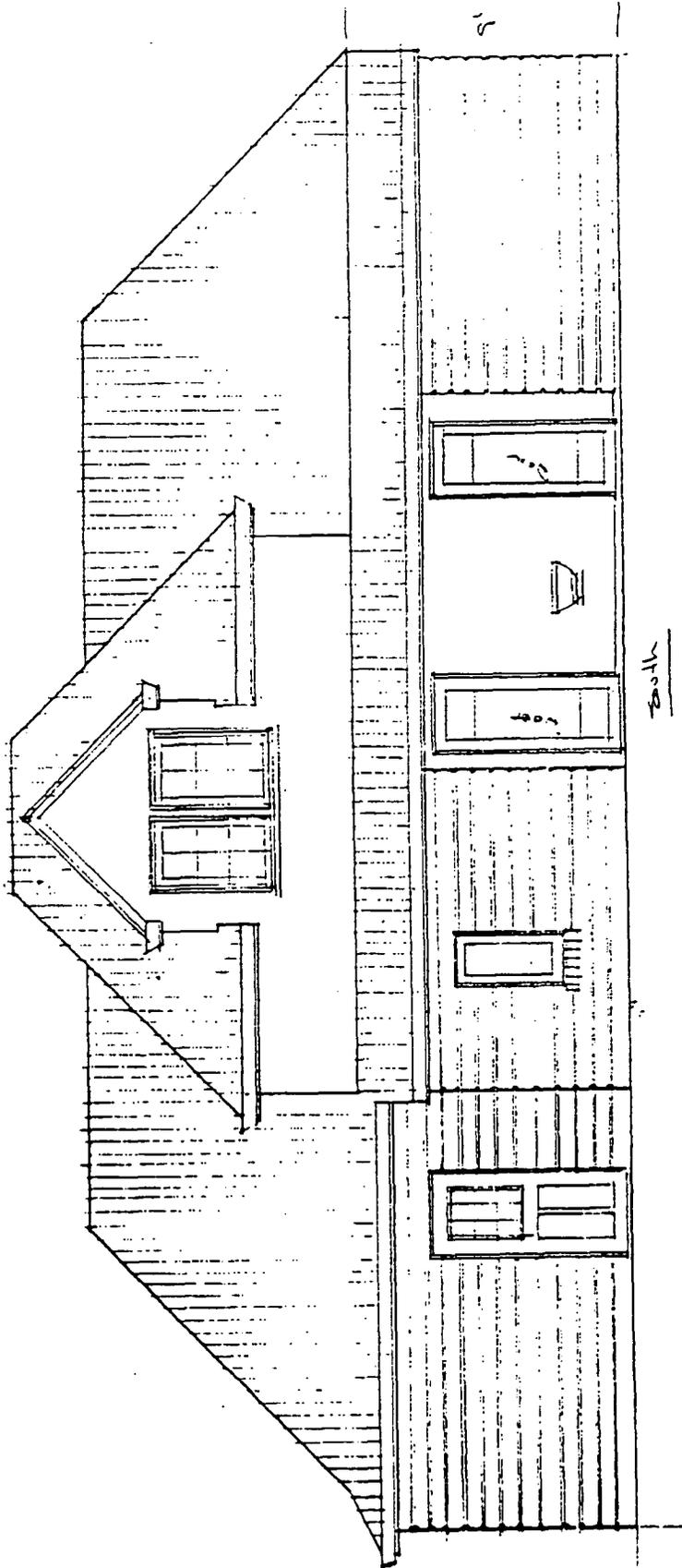


Exhibit H
Proposed East/West Elevations

