

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

<b>APPLICANT</b> <u>Dwayne and Rose Cook, 206 41st Street, Sacramento, CA 95819</u>		
<b>OWNER</b> <u>Schrader and Cook, 200 41st Street, Sacramento, CA 95819</u>		
<b>PLANS BY</b> <u>Dwayne and Rose Cook, 206 41st Street, Sacramento, CA 95819</u>		
<b>FILING DATE</b> <u>1-2-91</u>	<b>ENVIR. DET.</b> <u>Exempt 15305(a)</u>	<b>REPORT BY</b> <u>CAS</u>
<b>ASSESSOR'S PCL. NO.</b> <u>004-0121-025</u>		

**APPLICATION:** Variance to allow a detached accessory structure (patio cover) to be located closer than the minimum 6 feet from a residential structure on 0.2± acres in the Standard Single Family (R-1) zone

**LOCATION:** 200 41st Street

**PROPOSAL:** The applicant is requesting the necessary entitlements to finish construction of a detached patio cover for a single family residence in the R-1 zone. The R-1 lot is developed with two single family residences and the patio cover is proposed for the rear residence.

**PROJECT INFORMATION:**

General Plan Designation: Low Density Residential (4-15 du/na)  
 Existing Zoning of Site: Standard Single Family, R-1  
 Existing Land Use of Site: Two single family residences

**Surrounding Land Use and Zoning:**

		Setbacks	Required	Provided
North:	Residential, R-1	Front:	25'	25' (existing)
South:	Residential, R-1	Side(North):	5'	5' (existing)
East:	Residential, R-1	Side(South):	5'	5' (existing)
West:	Residential, R-1	Rear:	15'	15' (existing)
		Courtyard:	10'	0' (existing)

Property Dimensions: Irregular  
 Property Area: 0.2± acres  
 Height of Building: One story  
 Topography: Flat  
 Street Improvements: Existing  
 Utilities: Existing  
 Covered patio materials: Wood and prefabricated lattice

**BACKGROUND INFORMATION:** On April 20, 1966, the Planning Commission approved a Special Permit to allow a second residential unit on the subject site (P2288). The second dwelling unit was constructed and is built on the rear portion of the subject site.

**PROJECT EVALUATION:** Staff has the following comments:

A. Land Use and Zoning

The subject site consists of 0.2± acres developed with two single family residences in the Standard Single Family, R-1 zone. The General Plan designates the subject site as Low Density Residential (4-15 du/na). The surrounding land use and zoning for the subject site is residential, zoned R-1 on all four sides.

B. Applicant's Proposal

The applicant has partially constructed a detached patio cover accessory structure for a single family residence that encroaches into the minimum six foot clearance between the accessory structure and the residence (see Exhibits A, B, and C). The applicant is requesting the necessary variance to allow the patio cover to be completed.

C. Policy Considerations

The proposed project is consistent with the General Plan which designates the site for Low Density Residential (4-15 du/na).

D. Staff Analysis

1. Site Plan:

The subject site, consisting of 0.2± acres in the Standard Single Family, R-1, zone, is developed with two existing single family residences. The site plan indicates a 25 foot front setback, a five foot side setback for each side of the rear residence, a five foot and ten foot side yard setbacks for the front residence, and a 15 foot rear setback. In reality, the front residence has an attached garage open at front and rear that straddles the 10 foot driveway indicated on the site plan, so the south side yard setback is zero feet.

The applicant has partially constructed a detached patio cover in the rear yard of the rear residence that encroaches into the minimum six foot clearance between the accessory structure and the residence. According to the Zoning Ordinance, a detached accessory structure that is located at least 60 feet from the front property line may be located within the rear and side yard setbacks and must be located at least six feet from any residential structure. The applicant is proposing to complete a detached patio cover that is two feet from the wall of the existing residence so a variance is required.

The applicant operates a child care home in the residence as well as living there. The area around the residence is devoid of shade and during the summer gets too hot for the children to play outside. The applicant indicated that they would have preferred to plant a shade tree in the rear yard but an existing power pole with power lines across the rear property line make a shade tree infeasible. A satellite dish is located in the other corner of the rear yard.

The subject site has a diagonal rear property line and the second residence is located at an angle parallel to the rear property line in order to meet the 15 foot rear yard setback requirement. The orientation of the house on the lot creates few places to locate a patio cover. Staff suggests locating an attached patio cover on the south side of the house near the satellite dish as indicated on Exhibit A.

2. Building Materials and Design:

The patio cover is constructed of wood with a concrete slab and is proposed to be finished with prefabricated lattice. The partially constructed patio cover is painted white.

Staff recommends denial of the Variance to allow a detached accessory structure to be located closer than six feet from the residence in that no hardship can be found to allow the encroachment, the proximity of the covered patio to the adjacent properties creates a possible nuisance to those property owners, an alternative location for an attached patio cover exists, and a shade tree planted on the lot could be used to provide shade.

D. Agency Comments

The proposed project was reviewed by City Traffic Engineering, Engineering, and Building Inspections departments, as well as East Sacramento Improvement Association. The following comments were received:

Building Inspections staff commented that a minimum of three feet is required between the structure and the property line per Uniform Building Codes.

The East Sacramento Improvement Association commented that they would recommend the Planning Commission deny the variance request in order to preserve the character of the neighborhood and because the property is already overbuilt with two residential units, a garage that encroaches into the side yard, and an additional concrete slab on the front yard for parking (see Exhibit D).

E. Neighborhood Comments

Planning staff have received three phone calls from neighbors in the area of the subject site objecting to the proposed patio cover. The most frequent reasons cited for objecting to the project are that the site is already overbuilt with two dwelling units, the "drive-through" garage, and front yard paving, and the applicant may eventually incorporate the patio cover into additional dwelling area. The neighbors submitted a letter outlining their concerns (see Exhibit E).

**ENVIRONMENTAL DETERMINATION:** This project is exempt from environmental review pursuant to State EIR Guidelines [CEQA, Section 15305(a)].

**RECOMMENDATION:** Staff recommends the following actions:

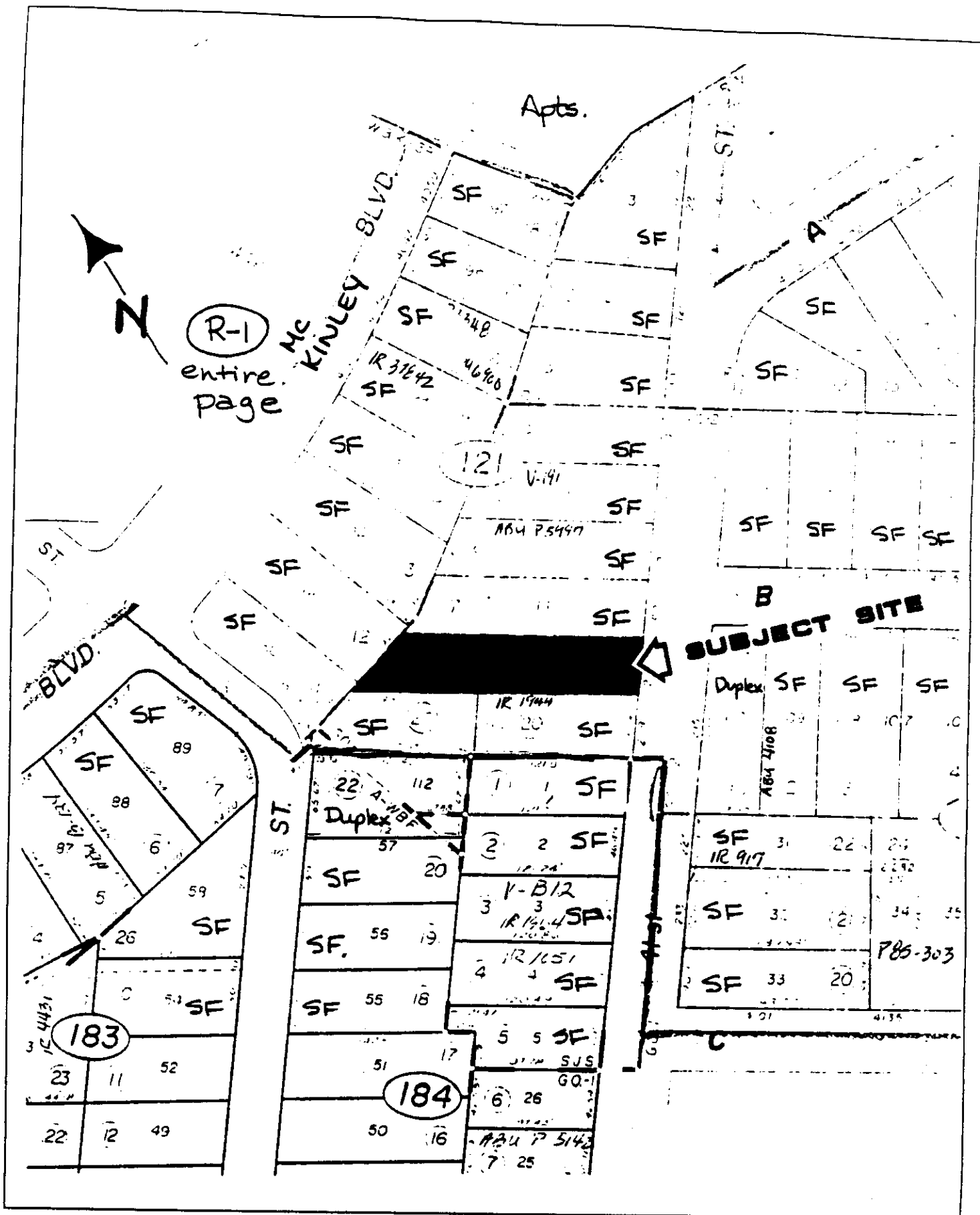
Deny the Variance to allow a detached accessory structure to be located closer than six feet from the residence based upon the findings of fact which follow.

**Findings of Fact:**

1. Granting the variance does constitute a special privilege extended to an individual in that no hardship exists, an alternative location for an attached patio cover exists on the subject site and the desire for shade can be met with landscaping or trees.
2. Granting the request will be injurious to property in the vicinity in that the close proximity of the patio cover to adjacent properties creates a potential nuisance for those property owners.



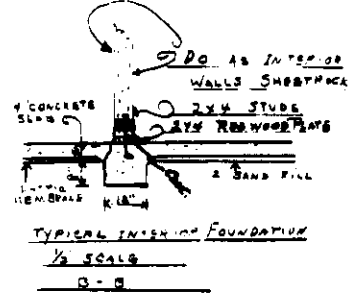
**VICINITY MAP**



**LAND USE & ZONING MAP**

**EXHIBIT A**

location of existing satellite dish

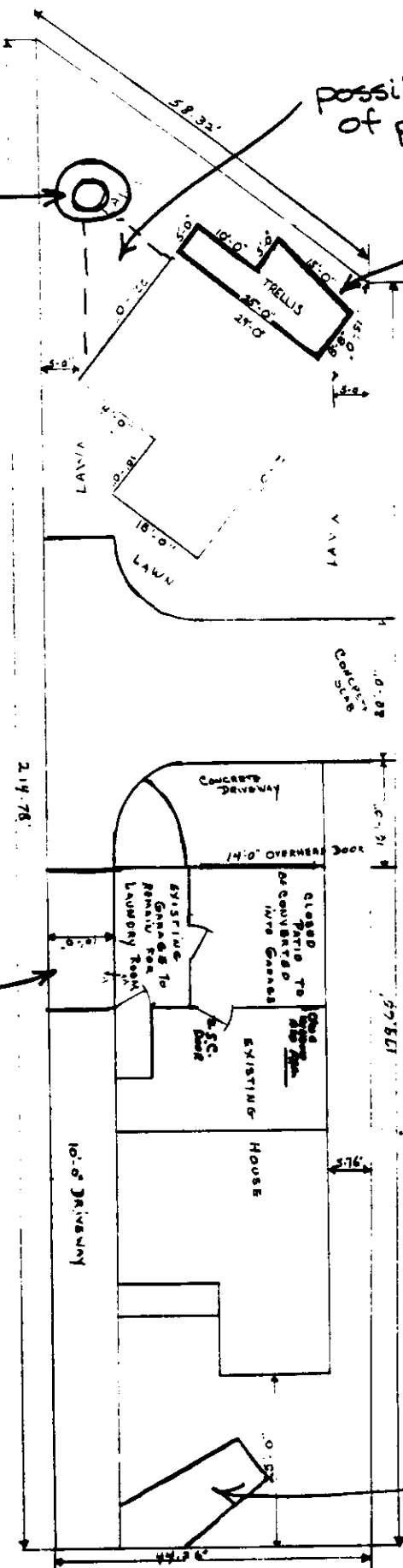


possible location of patio cover

proposed patio cover (partially constructed)

existing "drive-through" garage

existing concrete slab for parking



B.C. SCHRADER  
 200-41st STREET

STREET  
 SCALE 1" = 10'-0"

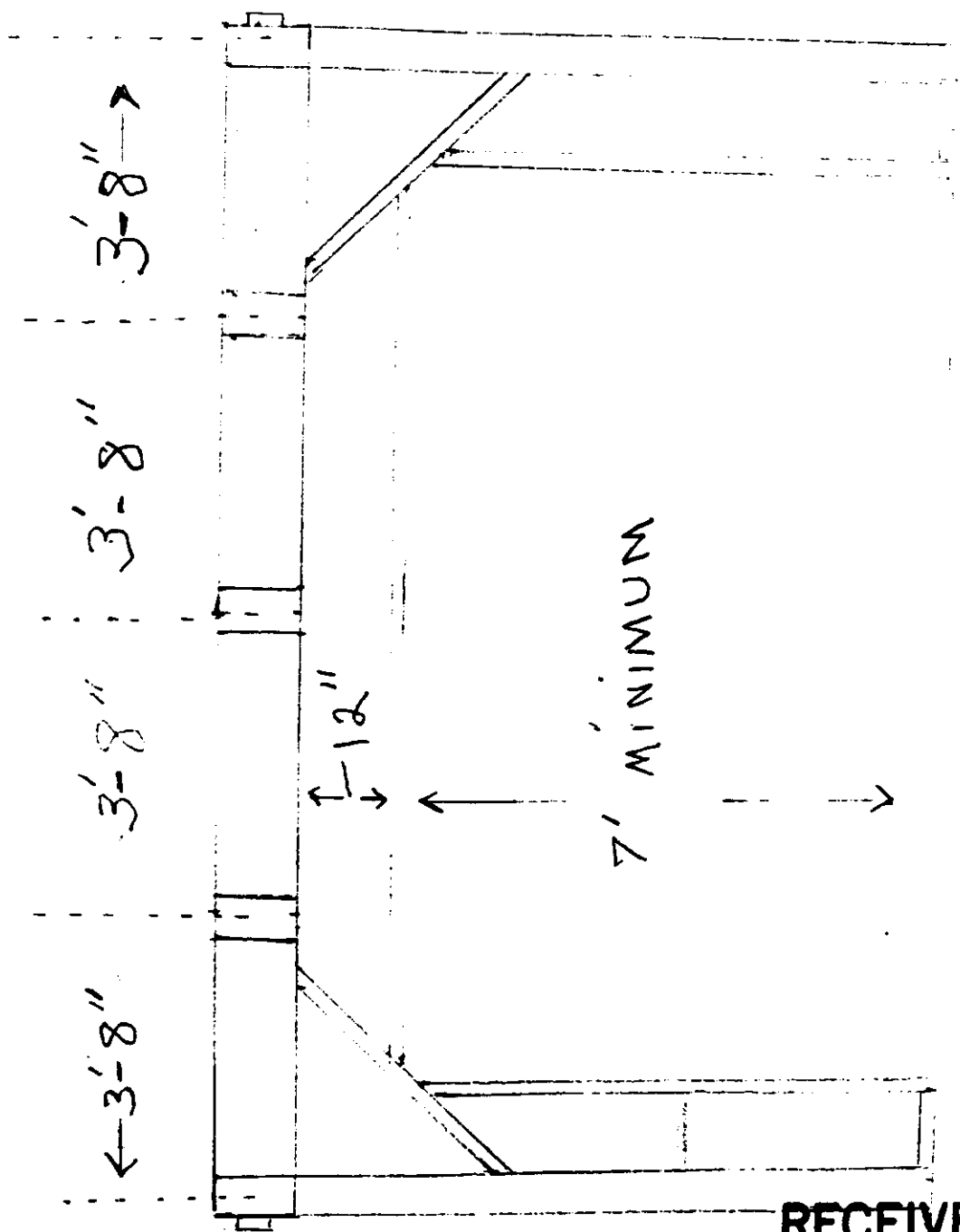
PLOT PLAN

February 28, 1991

P91-001

Item # 19

EXHIBIT B



P91 Elevation Section 001

RECEIVED

JAN 8 1991

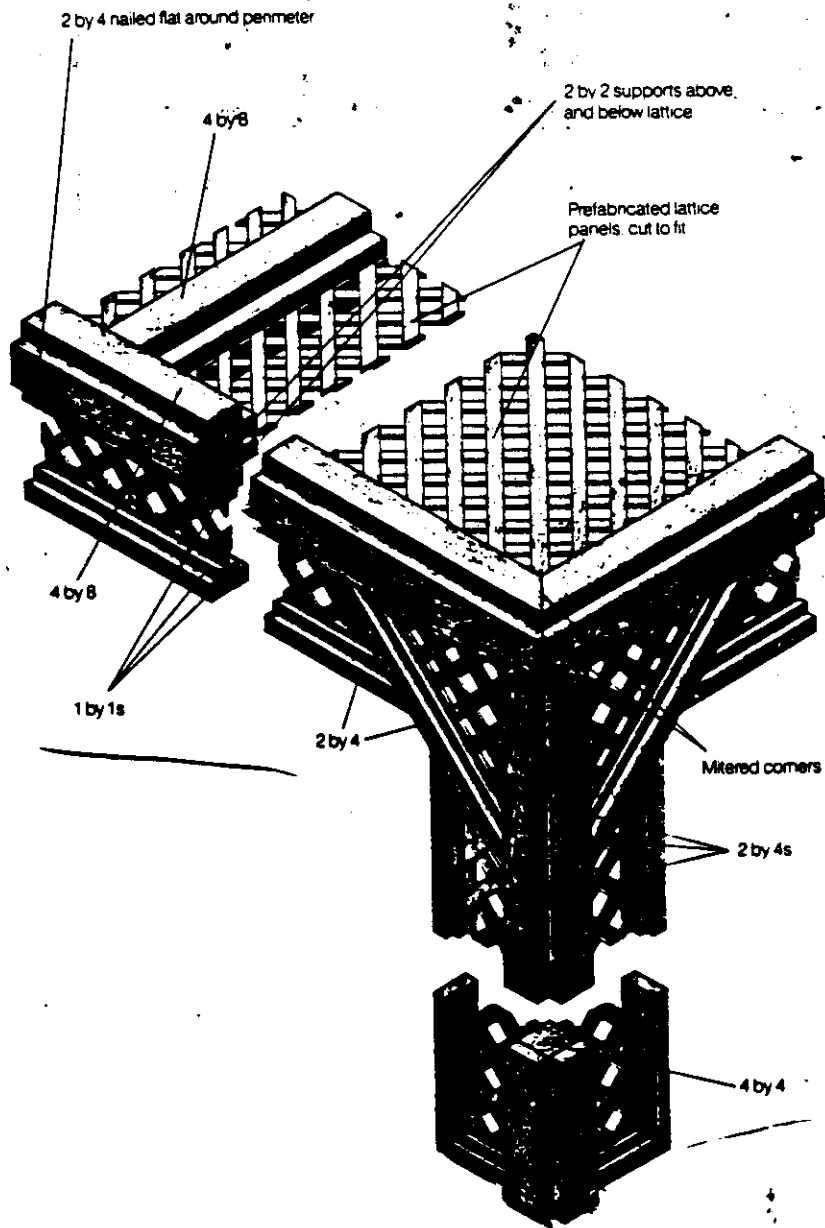
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# EXHIBIT C



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001 Item #18



East Sacramento  
Improvement Association, Inc

EXHIBIT D

P.O. Box 19147  
Sacramento, CA 95819

Feb. 4, 1991

Carol Shearly  
City Planning Dept.  
1231 I St., Room 200  
Sacramento, CA 95814

Dear Ms. Shearly,

As I related to you over the phone last week, I have reviewed the plans referred to for the property on 41st Street (P91-001) and have driven by to view the site.

The property, both by plan and by view, is overdeveloped. This is a very narrow lot with two houses in place. In fact, the plans don't show all the amount of build-up there is. There is construction almost from property line to property line on the sides and the most minimal setbacks in front and back. There has even been a concrete slab poured in the front yard for additional parking. There is almost no open space now. To allow the addition of the proposed structure would close off much of what is left. We therefore are opposed to the granting of the variances requested.

Thank you for the opportunity to reply to this matter.

Respectfully,

*Chris Cochran*

Chris Cochran  
Vice President

P91-001

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February 2, 1991

**EXHIBIT E**

CITY OF SACRAMENTO  
CITY PLANNING DIVISION

FEB 04 1991

**RECEIVED**

*Carol Shearly, Assistant Planner  
City Planning & Development, Current Planning  
1231 I Street, Suite 200  
Sacramento, CA 95814*

*Dear Ms Shearly:*

*Subject: Variances - 200 and 206 41st Street (P91-001)*

*We have received a public notice stating that the owners of property located at the subject address are asking for a variance permit to reduce the side yard setback from 5' to 2' and rear yard setback from 15' to 2' to construct a covered patio.*

*Before granting this permit, we ask that the Planning Commission send someone out to observe the unsightly condition that already exists on this property. In addition to three structures, they have poured concrete on the front lawn in order to park cars - usually six or more at night. Both ends of the garage are open so cars can be driven into the back yard.*

*Also, a Childrens' Day Care is being operated by someone on the premises. We feel that a license has not been obtained for this purpose.*

*If this request is granted, we feel sure that in a short while this covered patio will be turned into another dwelling.*

*Most of us have lived on this street for more than 25 years. It is a very nice, quiet neighborhood and we would like to keep it that way.*

*Our signatures are being withheld for a very good reason. We know this family well and know that they have been very vindictive over the years.*

*We certainly hope that this request will be denied, but not if it is going to bring harm to any of the neighbors.*

*cc: Gloria Becerra  
Darrell Chinn  
Pete Hollick  
Brian Holloway  
Michael Notestine  
Kristan Otto  
Michael Reyna  
Andrea Rosen  
Jimmie Yee*

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February 28, 1991

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