

Z97-078 ALII WAY SHED APPEAL

REQUEST: A. Environmental Determination (Exemption)

B. Appeal of a Zoning Administrator Variance Denial to reduce the required front yard setback from 25 feet to 15.5 feet for a 64 square foot storage shed for a single family residence on 0.10± developed acres in the Single Family Alternative (R-1A) zone.

LOCATION: 5164 Alii Way
Assessor's Pcl. No. 226-0350-010
North Sacramento Community Plan Area
Sacramento Unified School District
Council District 2

APPLICANT: Connielee Masterman, 991-5124
Sacramento, CA 95834
OWNER: Same as Applicant
APPLICATION FILED: June 16, 1997
STAFF CONTACT: Sandra Yope, 264-7158

SUMMARY: On October 8, 1997, the Zoning Administrator held a public hearing on a request to allow an illegally constructed 64 square foot storage shed to remain in the front yard setback area of a halfplex unit on a 0.10± acre parcel in the Single Family Alternative (R-1A) zone. The Zoning Administrator denied the variance request finding that the project would be detrimental to the neighborhood because allowing the shed to remain would be precedent setting; there was storage available within the existing two car garage; and a storage shed in the front yard setback area would substantially alter the characteristics of the site and surrounding neighborhood. The applicant has appealed this decision to the Planning Commission (Attachment 3).

RECOMMENDATION: Staff recommends that the appeal be denied and the decision of the Zoning Administrator to deny the variance request be upheld. This recommendation is based on upon the findings that the applicant has a two car garage and a patio area to use for storage and allowing the shed to remain in the front setback area would significantly alter the site characteristics and the surrounding single family neighborhood.

PROJECT INFORMATION: See Attached Zoning Administrator's Report

OTHER APPROVALS REQUIRED: None

BACKGROUND INFORMATION: The applicant was cited by the Code Enforcement Division on June 4, 1997, for locating an accessory building within the front setback. The citation instructed the applicant to either remove the structure or apply for a variance to allow it to remain. The applicant filed an application for a variance for the shed on July 16, 1997.

ZONING ADMINISTRATOR HEARING:

There were five people in attendance at the public hearing on September 3, 1997. Testimony in support and in opposition to allowing the storage shed was heard by the Zoning Administrator. The adjacent neighbors to the south and two others expressed their desire for the storage shed to be removed. Sandra Yope, staff planner presented the specifics of the project including the history and requirements necessary for the shed to meet Building Code. After listening to public testimony, the Zoning Administrator closed the public hearing, and continued the project in order for the applicant to explore the possibility of submitting revised plans that would relocate the shed out of the front setback area.

The applicant resubmitted revised plans that relocated the shed adjacent to the house; however, still in the front setback area (see Exhibit F). Additionally, the alternative location would require a Planning Commission Variance to reduce side yard setback requirement.

On October 8, 1997, the Zoning Administrator denied the variance request stating the shed even at the proposed alternative location would still result in a structure located within the front yard setback area and there was a two car garage available for storage. Only the applicant was present and the neighbors to the south sent a letter in opposition in lieu of their presence (see Exhibit E).

APPEAL:

The applicant has appealed the decision of the Zoning Administrator (see Attachment 3). The reason for the appeal stated the "Zoning Administrator erroneously based decision on analysis that storage shed is in front yard." The parcel is a halfplex lot with the applicant owning the west halfplex unit. The Zoning Ordinance states "halfplex lots and structure(s), combined, shall meet the minimum setback requirements." The entire halfplex lot is approximately 75 feet wide and 116 feet deep (see Exhibit 1-A). The west halfplex lot also contains the corner curve radius. The west property line of the entire property is by Zoning Ordinance definition considered the front property line and front setback area. The entire front setback area is on the applicant's property adjacent to Alii Way. The rear yard is along the east property line and is entirely on the east halfplex unit's property. The street side yard setback area parallels the north property line and the east unit fronts on this side.

Essentially, the applicant's halfplex lot has front yard, street side yard, and interior side yard, but no rear yard area. Therefore, the shed is located within the front yard setback area.

PROJECT REVIEW PROCESS:

A. Environmental Determination

This project will not have a significant effect on the environment and is exempt from environmental review pursuant to State EIR Guidelines {California Environmental Quality Act, Sections 15303 (e) and 15305(a)}.

B. Public/Neighborhood and Business Association Comments

The site is located within the Robla Community Association area. The project plans have been sent to the association and staff has not received any comments. The project has been noticed and staff has received several calls from adjacent neighbors in opposition to the project. The adjacent property owner to the south presented a petition to staff with 32 names in opposition to the project (see Exhibit C). The applicant submitted a petition with nine names that asked to be removed from the petition in opposition as well as six letters in support of the project (see Exhibit D).

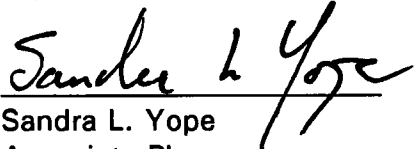
PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve or deny the appeal of the Zoning Administrator's decision to deny the special permit request. This decision cannot be appealed to the City Council; however, it may be called up by the Mayor or District 2 Councilmember.

RECOMMENDATION: Staff recommends the Planning Commission take the following action:

- A. Adopt the attached Notice of Decision and Findings of Fact (Attachment 1) with the Environmental Determination that the project is **Exempt** from further environmental review pursuant to the California Environmental Quality Act.
- B. Adopt the attached Notice of Decision and Findings of Fact (Attachment 1) **denying** the appeal of the Zoning Administrator's Decision to deny a Variance to reduce the required front yard setback from 25 feet to 15.5 feet for a 64 square foot storage shed for a single family residence on 0.10± developed acres in the Single Family Alternative zone (R-1A).

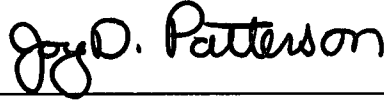
NOTE: If the Planning Commission chooses to consider the applicant's alternative plans (Exhibits F-1 and F-2) then the project would need to be continued and the public hearing renoticed with the correct entitlements for the revised project.

Report Prepared By,



Sandra L. Yope
Associate Planner

Report Reviewed By,



Joy D. Patterson
Senior Planner

Attachments

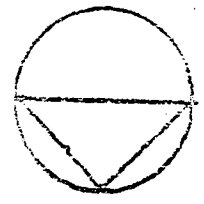
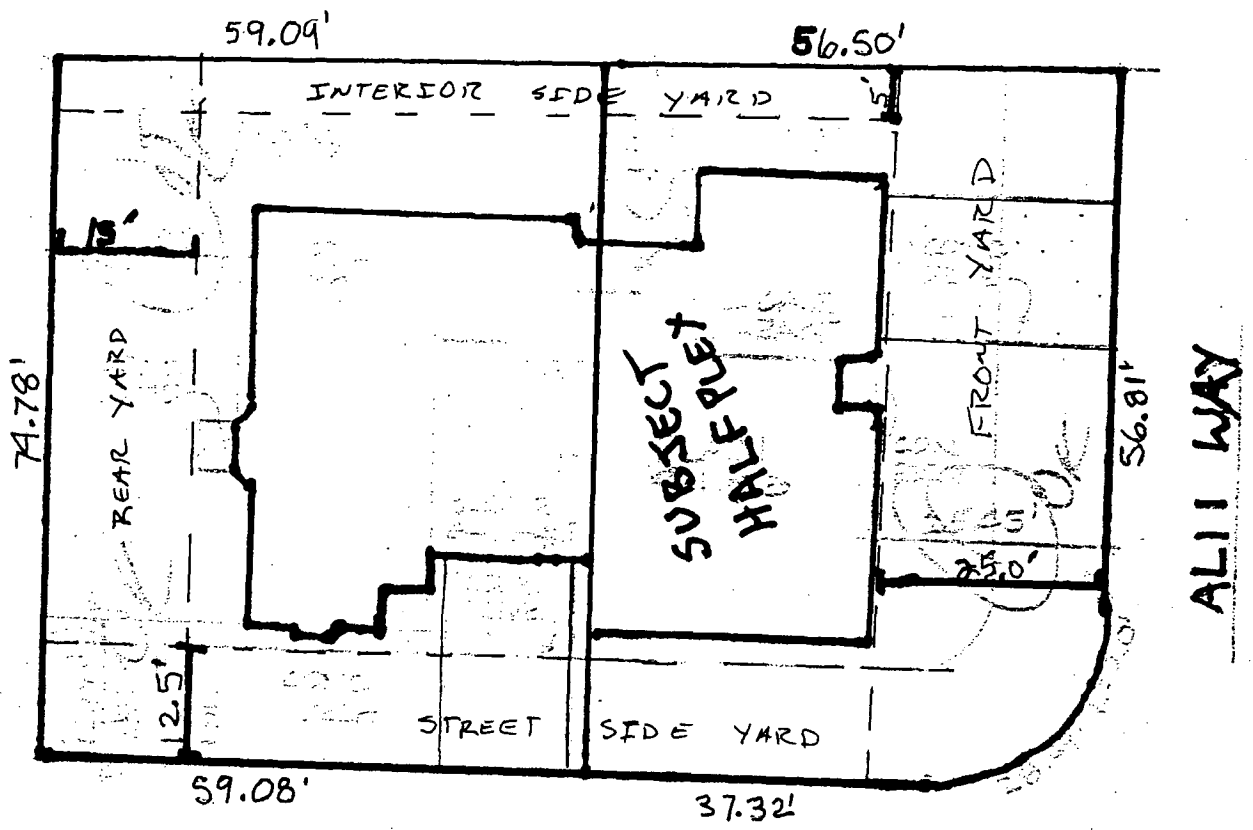
- Attachment 1 Notice of Decision and Findings of Fact
 Exhibit 1-A Staff Exhibit

- Attachment 2 Zoning Administrator's Notice of Decision
 Vicinity Map
 Land Use and Zoning Map
 Exhibit A- Site Plan
 Exhibit B- Plot Plan for Entire Halfplex Parcel
 Exhibit C- Petition in Opposition
 Exhibit D- Petition and Letters in Support
 Exhibit E- Letter in Opposition
 Exhibit F- Alternative Designs

- Attachment 3 Appeal

EXHIBIT 1-A

STAFF exhibit



NORTH

ALII WAY

W. B. & B. ESTATES

W. B. & B. ESTATES
2005 & NISHIMOTO
-1000 55000

CITY OF SACRAMENTO
DEPARTMENT OF PLANNING & DEVELOPMENT
ZONING ADMINISTRATOR
1231 I Street, Sacramento, CA 95814

ACTION OF THE ZONING ADMINISTRATOR

On Wednesday, October 8, 1997, the Zoning Administrator denied a variance to allow a shed to remain in the front yard setback area for the project known as Z97-078. Findings of Fact for the project are listed on page 3.

Project Information

Request: Zoning Administrator Variance to reduce the required front yard setback from 25 feet to 15.5 feet for a 64 square foot storage shed for a single family residence on 0.10± developed acres in the Single Family Alternative (R-1A) zone.

Location: 5164 Alii Way (D2, Area 4)

Assessor's Parcel Number: 226-0350-010

Applicant: Connielee Masterman
P.O. Box 340212
Sacramento, CA 95834

Property Owner: Same as Applicant

General Plan Designation: Low Density Residential (4-15 du/na)
North Sacramento

Community Plan: Residential (4-8 du/na)

Existing Land Use of Site: Halfplex

Existing Zoning of Site: Single Family Alternative (R-1A)

Surrounding Land Use and Zoning:	Setbacks Required	Existing	Proposed
North: R-1A; Single Family Residence	Front: 25'	25.5'	15.5'
South: R-1A; Single Family Residence	Side(N.): 12.5'	15'	15'
East: R-1A; Single Family Residence	Side(S.): 5'	8'	8'
West: R-1A; Single Family Residence	Rear: 15'	20'	20'

Property Dimensions: Irregular

Property Area: 0.10± acres

Square Footage of Buildings:

Existing residence-	1,199 square feet
Shed addition-	64 square feet
Total-	1,263 square feet

Height of Building: One story (Shed- 8')

Exterior Building Materials: Wood Siding

Roof Materials: Composition Shingles

Topography: Flat

Street Improvements: Existing

Utilities: Existing

Project Plans: See Exhibits A and B

Previous Files: None

Additional Information: The applicant requested to allow an existing 64 square foot storage shed to remain in the front setback area. The applicant was cited by Neighborhood Services for the violating the Zoning Ordinance pertaining to the location of accessory buildings. There is an eight foot by eight foot shed located adjacent to the drive way and 15.5 feet from the front property line. The residence is a three bedroom, two bath halfplex with a two car garage located on a halfplex lot. The rear yard area is actually on the adjacent halfplex lot to the east that was part of the original parcel. Essentially, the applicant's halfplex lot has front yard, street side yard, and interior side yard, but no rear yard area. Additionally, the halfplex unit was constructed three feet longer than indicated on building plans into the interior side yard area, reducing the interior side yard from the approved eleven feet to eight feet. The shed is four feet from the main structure and 1.5 feet from the south side property line. The Zoning Ordinance requires a 25 foot front yard setback and does not allow accessory structures within the front yard setback area. The Zoning Ordinance also does not allow accessory buildings on corner lots to project beyond the required front setback area for an adjacent parcel. The applicant is requesting a variance to allow the shed to remain in its present location in the front yard setback area.

The site is located within the Robla Community Association area. The project plans have been sent to the association and staff has not received any comments. The project has been noticed and staff has received several calls from adjacent neighbors in opposition to the project. The adjacent property owner to the south presented a petition to staff with 32 names in opposition to the project (see Exhibit C). The applicant submitted a petition with nine names that asked to be removed from the petition in opposition as well as six letters in support of the project (see Exhibit D).

The site is also within the expanded North Sacramento Design Review Area. Design Review staff conducted a preliminary review of the shed and had no comments of the design of the shed.

ZONING ADMINISTRATOR HEARINGS:

There were five people in attendance at the public hearing on September 3, 1997. Testimony in support and in opposition to allowing the storage shed was heard by the Zoning Administrator. The adjacent neighbors to the south and two others expressed their desire for the storage shed to be removed. Sandra Yope, staff planner presented the specifics of the project including the history and requirements necessary for the shed to meet Building Code. After listening to public testimony, the Zoning Administrator closed the public hearing, and continued the project in order for the applicant to explore the possibility of submitting revised plans that would relocate the shed out of the front setback area.

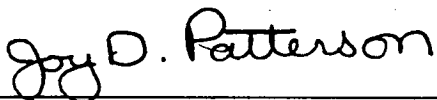
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On October 8, 1997, the Zoning Administrator denied the variance request stating the shed even at the proposed alternative location would still result in a structure located within the front yard setback area and there was a two car garage available for storage. Only the applicant was present and the neighbors to the south sent a letter in opposition in lieu of their presence (see Exhibit E).

Environmental Determination: This project will not have a significant effect on the environment and is exempt from environmental review pursuant to State EIR Guidelines {California Environmental Quality Act, Sections 15303 (e) and 15305(a)}.

Findings of Fact:

1. The proposed project, as conditioned, is not based upon sound principles of land use in that:
 - a. the shed is located within the front setback area;
 - b. there is an existing two car garage that can be used for storage; and
 - c. the proposed storage shed in the front yard setback area will substantially alter the characteristics of the site and surrounding neighborhood.
2. Granting the variance would constitute a special privilege extended to an individual applicant in that a variance has not been and would not be granted to other property owners facing similar circumstances.



Joy D. Patterson
Zoning Administrator

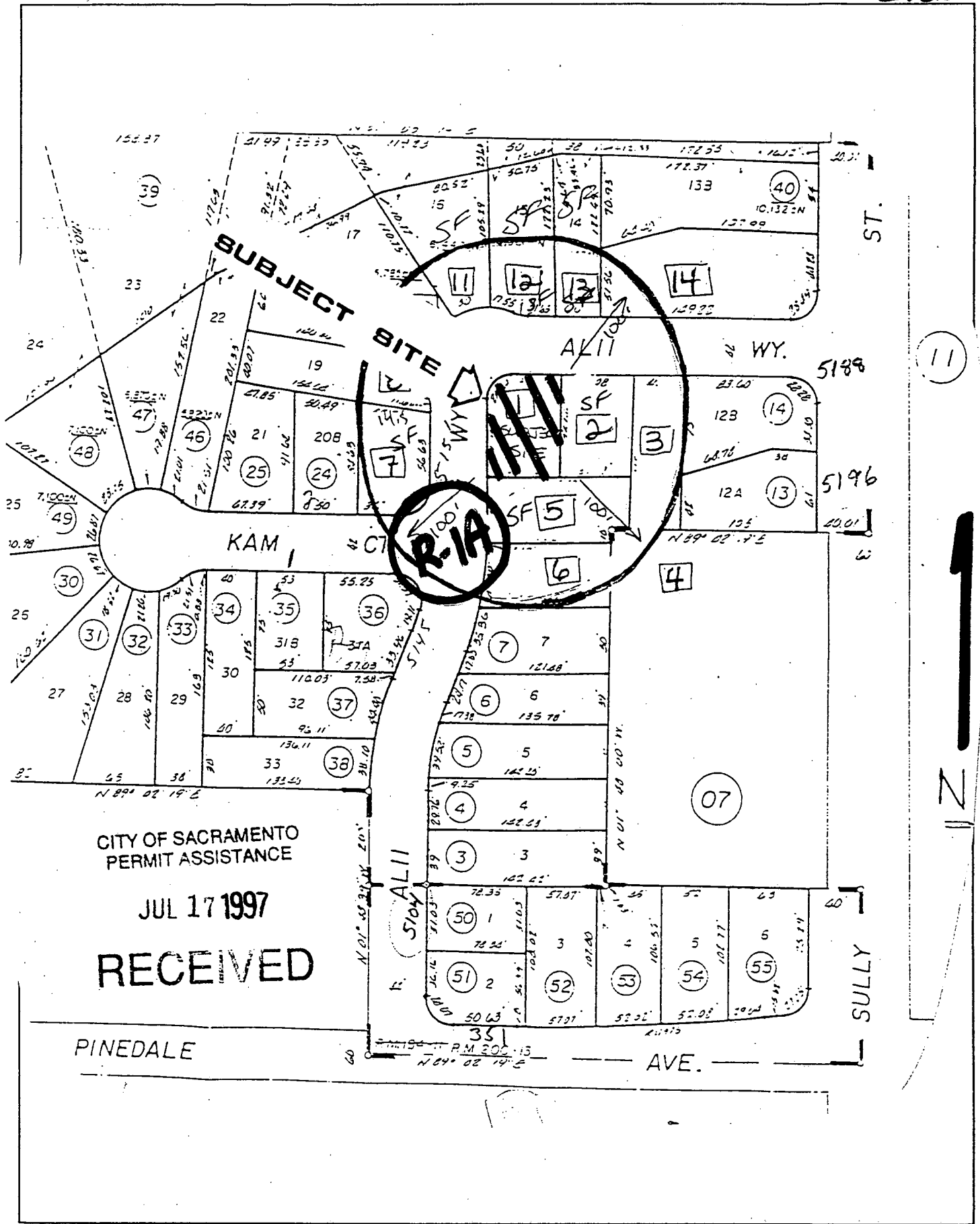
The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File
Applicant
ZA Log Book

SUBJECT SITE



VICINITY MAP



LAND USE & ZONING MAP

EXHIBIT C

C-1

CITY OF SACRAMENTO
CITY PLANNING DIVISION

CITY OF SACRAMENTO
CITY PLANNING DIVISION

PAGE 15
ITEM #3

AUG 15 1997

AUG 26 1997

RECEIVED

RECEIVED

Residents of:
Alii Way
Kam Court
Pinedale Estates Sub-division

To whom it may concern,
re: file# Z97-078

We are residents of Alii Way and Kam Court, Pinedale Estates sub-division. For the past 8 months we have been concerned with a city and county code violation of a nearby neighbor. The violation in question is at 5164 Alii Way, Sacramento, Ca. 95838, and is in regards to a shed being stationed in the front yard. While the shed was cited on two accounts, it has come to our attention that a variance has been filed in an attempt to keep the violation as it stands. We feel this is a bad idea because of the following reasons:

- 1) It would ruin the continuity of our tract and thereby reduce the value of our homes.
- 2) It is in violation of both city and county codes, and is a major safety hazard for the nearby neighbors.
- 3) Since the violator is a corner house, we are unable to see cars who are coming around the corner without being halfway in the street (due to the shed's position) Even with the proposed changes, incorporating the shed in the back yard by extending the fence outward would only worsen the problem.
- 4) In using the second proposed motion, the next door neighbor to the south will have blocked vision when backing out of their driveway.

We appreciate your consideration of our well being and safety, as well as our concern for the degradation of our neighborhood. If one person is allowed to put a shed out front, perhaps more will follow the example set forth and further run down our neighborhood, causing a decrease in values.

Thank you for your time in this matter.

<i>[Signature]</i>	5156 Alii Way	SAC 95838
<i>[Signature]</i>	5156 Alii Way	Sac 95838
<i>[Signature]</i>	5180 Alii Way	SAC 95838
<i>[Signature]</i>	" "	" "
ANTHONY NAJERA	5188 ALII WY.	SACD. 95838
KARYN NAJERA	5188 ALII WY	SACD. 95838
JEROME ELKINS	8-KAM. COURT.	SAC 95838
Bernice Elkins	8 Kam Court	Sac 95838
Gynthia Stanford Okorike	6 Kam Court	Sac 95838
Simeon Okorike	6 Kam Court	SAC 95838
<i>[Signature]</i>	10 Kam Court	Sac 95838
<i>[Signature]</i>	7 Kam Ct	Sac 95838
<i>[Signature]</i>	7 Kam Ct	Sac 95838
<i>[Signature]</i>	5157 Alii Way	Sac 95838
<i>[Signature]</i>	5157 Alii Way	Sac 95838

David Scott 5 Kam Ct Sac Ca 95838
 Sheryl Scott 5 Kam Ct Sac Ca 95838
 Greg Montoya 9 Kam Ct Sac Ca 95838
 Mary Pearson 9 Kam Ct Sac Ca 95838
 Norma Grog 1215 Amcl. Sac CA 95838
 Mike Grog 12 Kam Ct Sac CA 95838
 Claudio Galvez 11 Kam Ct Sac CA 95838
 Rosa Ramirez G. 11 Kam Ct. Sac CA 95838
 Stephanie Kentala 2 Kam Ct. Sac CA 95838
 Judy Elkins 5140 Alii Wy Sac Ca 95838
 Jim Robinson 5187 Alii Wy Sac CA 95838
 Dan Fuller 5172 Alii Way Sac Ca 95838
 Jeff Fuller " " " " " "
 Monte Popish 5181 Alii Way Sac CA 95838
 Karen Popish 5181 Alii Way Sac Ca 95838
 Russ Silver 3 Kam Court, Sac 95838
 Katrina Silver 3 Kam Court Sac 95838

EXHIBIT D

D-1

PAGE 17
ITEM #3

Date: August 28, 1997

**TO: CITY OF SACRAMENTO PLANNING DIVISION
ZONING ADMINISTRATOR**

RE: Zoning Variance #Z97-078 5164 Alii Way

We the following undersigned neighbors of the above address were approached by the Mr. Hiner, the next door property owner to 5164 Alii Way, and asked to sign a petition against allowing the zoning change. Mr. Hiner had indicated to us that the property owner would be building a 8' foot fence extending the backyard fence completely down to the sidewalk. Upon receipt of the Public Notice dated August 21, 1997, we have realized that we were given inaccurate information and hereby request to please "VOID" our signatures from the petition received by your office.

If you have any need to verify this request with us we have provided our name, address and telephone number for your use.

Name Address Telephone

Dani Fuller 5172 Alii Way 992-0554

Jeffery S. Full 5172 ALII way 992-0554

Debbie Fuller 5180 Alii Way 991-2780

Steve Fuller 5180 Alii Way 991-2780

Anthony V. Najem 5188 ALII WY. 992-6855

Karyn Truax 5188 ALII WY. 992-6855

~~Donna~~ 5187 Alii way 992-6234

Sandra M. ... 5157 Alii way 991-1878

H. H. 5157 " ALII WAY 991-1878

Z97-078

October 8, 1997

Item 3

Tim Robinson
5187 Alii Way
Sacramento, CA 95838
(916) 992-6234

September 1, 1997.

City of Sacramento
Department of Neighborhoods
Planning and Development
1231 I Street, Room #200
Sacramento, CA 95814

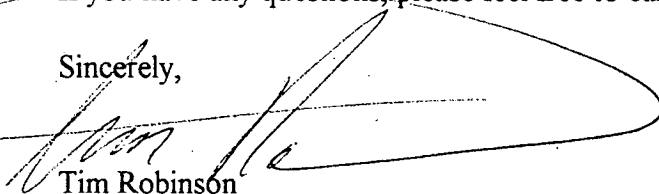
RE: Zoning Administrator Variance
5164 Alii Way (D2, Area 4)
APN: 226-0350-010

I live across from the proposed project and I do not consider the project to be a detrimental to the neighborhood and it will not decrease property values. The home owner at 5164 Alii Way has a very well maintained yard and always make sure the property looks nice. I am not opposed to this project.

Out of the three proposals, I feel the best choice is fencing around the shed, both for appearance and safety.

If you have any questions, please feel free to call.

Sincerely,



Tim Robinson

August 31, 1997

To whom it may concern:

We have no problem
with the proposed project
297-078.

Sincerely,

Jennifer & Jeremy Myers
5199 Alti Way
Sacramento Ca 95838
(916) 992-0310

EXHIBIT D

D-4

PAGE 20
ITEM #3

Steve & Debbie Fuller
5180 Alii Way
Sacramento, CA 95838
(916) 991-2780

September 1, 1997

City of Sacramento
Department of Neighborhoods
Planning and Development
1231 I Street, Room #200
Sacramento, CA 95814

RE: Zoning Administrator Variance
5164 Alii Way (D2, Area 4)
APN: 226-0350-010

We are in favor of Ms. Masterman erecting a fence around her shed, now sitting in her front yard adjacent to the Hiner's driveway, with the following conditions.

1. It is a maximum of 6' high
2. It is moved at least one foot closer to her existing fence
3. The new fence is erected a maximum of one foot out from the shed's perimeter. If this is not allowable by code (i.e. 3' clearance must be maintained between them) then she must move her shed closer to her backyard fence. Our desire is to maintain the current 15' 5" unobstructed view exiting the Hiner's driveway; longer would be preferable. There is currently a 3' 7" walkway between the existing fence and the shed which allows room for movement, and therefore a slight compromise.

We are concerned with appearance and also the safety factor involved due to poor visibility exiting the Hiner's driveway. Ms. Masterman maintains her property perfectly and we are confident the appearance will be satisfactory. Visibility is the most important issue. The Hiner's have 15' 5" from the edge of the shed to the end of their driveway (sidewalk not included). This distance would remain the same if our condition #2 and #3 are employed. The Fullers at 5172 Alii have 15' 5" from the outermost edge of Ms. Masterman's house (projected window) to the end of their driveway. The possible alternative of moving the shed to the Fuller's side is not acceptable due to the major infringement on their visibility and the shed in this open area would be an eyesore.

The only other alternative is to deny Ms. Masterman her request for a variance, which is not an option since her backyard is very small, leaving little room for storage of yard tools. We are strong believers in compromise and feel our solution is the most acceptable for all concerned.

We appreciate your consideration of our concerns.

If you have any questions, please feel free to call.

Sincerely,

Steve & Debbie Fuller

Steve & Debbie Fuller

297-078

October 8, 1997

7-4-97

EXHIBIT D
D-5

PAGE 21
ITEM #3

Jeff and Dani Fuller
5172 Alii Way
Sacramento, CA 95838

September 1, 1997

City of Sacramento
Department of Neighborhoods
Planning and Development
1231 I Street, Room 200
Sacramento, CA 95814

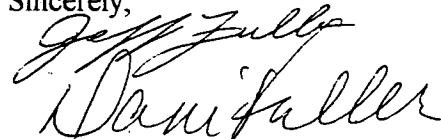
Re: Zoning Administrator Variance
5164 Alii Way (D2, Area 4)
APN: 226-0350-010

We live next door to the proposed project and we do not consider the project to be a nuisance to the neighborhood nor do we think it will decrease property value. The home owner at 5164 Alii Way takes a lot of time, energy and thought in making sure that her property looks nice. We are not opposed to this project.

We would however be opposed to the property owner moving the shed in question to her side yard. The shed in its location now allows the drive way next to the shed over 15 feet of visibility when backing out of their drive way. If the shed were put on the side yard it would only allow us 5 feet of visibility. We would be in the street before we would be able to see around the shed. I do believe that the shed is in the best location right now for the safety of all involved.

If you have any questions or concerns, feel free to contact us.

Sincerely,



Jeff and Dani Fuller

297-078

October 8, 1997

Item 3



CITY OF SACRAMENTO
CALIFORNIA

DEPARTMENT OF
NEIGHBORHOODS,
PLANNING AND DEVELOPMENT

1231 I STREET
ROOM 200
SACRAMENTO, CA
95814-2998

PH 916-264-5381
FAX 916-264-7046

PUBLIC NOTICE

August 21, 1997

Dear Property Owner:

The Planning Division is notifying all owners of property within 100 feet of the proposed project (described below) that the Zoning Administrator will consider this proposal at a public hearing scheduled to begin at 1:00 P.M. in room 101, first floor, 1231 I Street, Sacramento, California on September 3, 1997

The proposed project is:

Z97-078 Zoning Administrator Variance to reduce the required front yard setback from 25 feet to 15.5 feet for a 64 square foot storage shed for a single family residence on 0.10± developed acres in the Single Family Alternative zone.

LOCATION: 5164 Alii Way (D2, Area 4)

APN: 226-0350-010

9/1/97

If you have any questions, comments or concerns about this project or need further information, please contact Sandra Yope 264-7158, City Planning Division and please refer to the above "Z" number.

We have no objection to any changes made at the property located at 5164 Alii way

(5137 Sully St)

Z97-078

*Margie Heimbuch
Isabel G. Heimbuch
October 8, 1997*

Item 3



CITY OF SACRAMENTO
CALIFORNIA

DEPARTMENT OF
NEIGHBORHOODS,
PLANNING AND DEVELOPMENT

1231 I STREET
ROOM 200
SACRAMENTO, CA
95814-2998

PH 916-264-5381
FAX 916-264-7046

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LOCATION: 5164 Alii Way (D2, Area 4)

APN: 226-0350-010

If you have any questions, comments or concerns about this project or need further information, please contact Sandra Yope 264-7158, City Planning Division and please refer to the above "Z" number.

*8-30-97
to whom it may concern:
I have no problem with this
variance # Z97-078 Charles David Cole
5193 ALII WAY
Sacto, CA 95838*

297-078

*PH # 916-991-7449
October 8, 1997*

Item 3

EXHIBIT E

PAGE 24
ITEM #3

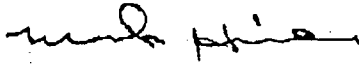
10/07/97


Mr. & Mrs. Mark and Cynthia Hiner
5156 All Way
Sacramento, CA 95838
(916) 991-1889

To Whom it may concern,

We are writing this letter in lieu of appearing for the scheduled hearing on October 8, 1997. We are unable to attend for many reasons-my husband has been called out of town and my daycare provider is in Florida. We do not feel an acceptable compromise has been reached by the opposing party, Ms. Masterman, with her building plans. We had agreed to allow her to extend the fence a maximum of 18 inches and forgive the setback, however her plans do not meet these qualifications. Her reaction to our attempt at cooperating has been extremely negative and it is obvious she will not work with us by the hazards she continuously creates. While we had stated at the previous hearing, Sept. 4, 1997, that we had difficulty in seeing when backing out of our driveway due to the shed in conjunction with landscaping, she has taken what minuscule vision we had and obliterated it by parking her truck approximately 12 feet from the front of her garage door, making it IMPOSSIBLE to see. In addition, she has begun her routine of false claims to various agencies again, this time projecting unfounded and unsubstantiated accusations towards us, in essence legally harassing us. While we would like to be able to go on with our lives rather than spend unnecessary hours, days and possibly years trying to get what shouldn't even be there removed, we are forced into the drama our neighbor has created. We resent that we have to fight so hard to up the rules set by the City -for the City of Sacramento, in play, and that one person who does not wish to abide by the rules the rest of Sacramento's population does abide by, is allowed to continue to waste our taxpayers dollars, our personal time and demand so much of our own effort. We only want what is right and what is fair. The shed in question is not a necessity, Ms. Masterman knew the size of her yard upon purchasing her home, owns several properties to which the shed could legally be moved and is using the shed as a tool for the personal vendetta she has against us. We are sorry that she feels she needs to possess an illegal structure, however, she not only has a two car garage but also a three bedroom house which she can use for storage, just like the rest of us. We hope that this matter is resolved as soon as possible. It is not fair to have our family disrupted because Ms. Masterman wishes to play games. Nor do we appreciate the blatant waste of our money and time so she can try to keep what shouldn't have been erected in the first place, and what the majority of the neighborhood does not want. We do not wish to be uncooperative, we do wish that this would all end.

Thank you for your time,
Sincerely,


Mark D. Hiner


Cynthia J. Hiner

297-078

October 8, 1997

Item 3

ALII WAY

N89°02'19"E 37.32'

56.18'

N01°48'00"W

N43°37'09"E 28.49'
Δ=90°50'19" R=20'

15.2'

31.13" (31.08' F)

75.64'

52.40' (52.25' F)

SINGLE FAMILY DUPLEX

LOT 10B

N00°57'41"W

WAY

ALII

4'10"

25.50'

21.0'

8 x 8 SHED

WINDOW

30"

8'4"

N88°12'00"E

56.50'

APPROX 2" BETWEEN SHED
TO FENCE

11'5"

8'4"

11'6"

11'5"

REAR DECKING

11'5"

11'5"

11'5"

LOT 10A - 184 BM 11
5164 ALII WAY
SACRAMENTO, CALIFORNIA

297-078

OCTOBER 8, 1997

PLAN # 1
ITEM #3

EXHIBIT F

F-2

N89°02'19"E

37.32'

N43°37'09"E 28.49'
Δ=90°50'19" R=20'

15.2'

31.13" (31.08' F)

75.64'

LOT 10B

SINGLE FAMILY
DUPLEX

52.40' (52.25' F)

N00°57'41"W

56.18'

N01°48'00"W

WAY

ALII

25.50'

11'01"

19.5'

0'8"

TO CORNER UP
PLACED UP
SHADE

5'10"

5'0"

20'4"

1'9"

APPROX 2" STAKES
FOR SETBACK
FIELD

1'9"

8'6"

9'6"

8'4"

5'9"

23'5"

11'5'1/2"

LOT 10A - 184 BM 11
5164 ALII WAY
SACRAMENTO, CALIFORNIA

* PLAN # 2

Z97-078

OCTOBER 8, 1997

ITEM #3

ATTACHMENT 3

PAGE 27
ITEM 23

3-1

CITY OF SACRAMENTO DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 I Street, Room 200
Sacramento, CA 95814

916-264-5604

APPEAL OF THE DECISION OF THE ZONING ADMINISTRATOR

Date: October 20, 1997

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the Zoning Administrator on October 8, 1997 for project number 2 97-078,
(date)

when a: Special Permit Variance
(check appropriate entitlement(s)) Lot Line Adjustment Lot Line Merger
Other

was: Granted Denied by the Zoning Administrator.
(check appropriate action)

Property Location: 5164 Alii Way

Grounds For Appeal: (explain in detail, may attach additional page(s))

Requested storage shed is located in street side yard of a
reversed corner lot. Zoning Administrator erroneously based decision
on analysis that storage shed is in front yard. See attached letter.

Appellant's Agent: David L. Robertson, Esquire Daytime Phone: (916) 929-7000

Address: 701 University Avenue, Suite 200, Sacramento, California 95825

Appellant's ^{Agent's} Signature: David L. Robertson

OFFICE USE ONLY

Filing Fee (\$340) Received: X

Received by: H Perry Date: 10-20-97

Distribute Copies to: Planning Director
(3 copies + original) Zoning Administrator
Secretary to Planning Commission
Original & receipt in file

zaappeal
4/6/93

3-2

TRAINOR · ROBERTSON

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
701 UNIVERSITY AVENUE, SUITE 200
SACRAMENTO, CALIFORNIA 95825-6700

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(916) 929-7111
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tr@tr-sac.com

CHARLES W. TRAINOR
DAVID L. ROBERTSON
JACK S. JOHAL
THOMAS F. STEWART
JAY HECKENLIVELY
WILLIAM H. DAVIS
NANCY HOTCHKISS
GARY M. FUNAMURA
ANTHONY A. AROSTEGUI
CANDICE B. HARPER
COLBY A. CAMPBELL
GORDON J. DUFF
IAN W. CRAIG
BROOKE B. DOMICH
ANDREW F. SACKHEIM

October 20, 1997

HAND DELIVERED

Planning Commission
City of Sacramento
1231 I Street, Room 200
Sacramento, California 95814

Re: Appeal From Action of Zoning Administrator on
Variance Request (Z97-078)/5164 Alii Way

Dear Planning Commissioners:

This law firm represents Connielee Masterman, the applicant for a Zoning Administrator variance under application number Z97-078, and in such capacity hereby appeals the denial of variance by the Zoning Administrator on October 8, 1997. The grounds for the appeal are set forth in this letter.

Contrary to the statements in the decision of the Zoning Administrator, the storage shed at issue is located in the street side yard of Ms. Masterman's parcel, not the front yard. Paragraph 23 of Section 22 (Definitions) of the City of Sacramento's Zoning Ordinance defines the front lot line of a corner lot as the "lot line separating the narrowest street frontage of the lot from the street." The northern lot line is the narrowest street frontage of Ms. Masterman's parcel. Therefore, the storage shed is located in the street side yard of her lot, which is classified as a reversed corner lot pursuant to Paragraph 30 of Section 22 of the Zoning Ordinance. The street side yard setback requirement in the R-1A zone is 12-1/2 feet. The storage shed is not located within the street side yard setback. However, a variance from the requirements of Paragraph D.5.f. is necessary.

The standards for reviewing a variance request are set out in Section 14 of the Zoning Ordinance. It is appropriate to grant a variance under the circumstances presented by the instant application for the following reasons:

3-3

Planning Commission
City of Sacramento

Re: Appeal From Action of Zoning Administrator on Variance
Request (Z97-078)/5164 Alii Way

October 20, 1997

Page 2

1. No Special Privilege. Granting the requested variance does not create a special privilege. Based upon the unique configuration of Ms. Masterman's lot and the small size (approximately .1 acre), there is no area within the enclosed rear lot area which can accommodate the accessory building. The storage shed is necessary because Ms. Masterman owns two valuable automobiles which must be kept in a secure area. It would be appropriate under similar circumstances to grant a variance to other property owners who have limited rear yard areas.

2. Use Variance Prohibited. The variance requested does not involve a use variance.

3. Disservice Not Permitted. With the exception of the owner of the lot directly south of Ms. Masterman's home, all lot owners within 100 feet of Ms. Masterman's home have stated in writing that they do not oppose the requested variance. Copies of each of these writings are enclosed with this letter. Relocating the structure to the north end of the lot would create greater problems than its current location because it would require the removal of two trees and would provide only five (5) feet (measured from street to garage) of unimpeded view of traffic in the direction closest to the home located to the east of Ms. Masterman's home. In its current location, the line of sight from the home located south of Ms. Masterman's home is unimpeded for a distance of fifteen (15) feet and only the direction of travel furthest from that home is affected, whereas the direction of vehicular travel of greater importance is completely unimpacted by the storage shed. The shed is consistent in color and design with the home located on the parcel and a large willow tree significantly obscures the view of the shed. The storage shed cannot be seen from any location within the home located south of Ms. Masterman's home.

4. Not Adverse to General Plan. The variance does not bring into issue the Open Space Zoning regulations, any specific plan, or the General Plan. It is in harmony with the intent of the Zoning Ordinance, which is to acknowledge that there will be circumstances under which it is appropriate to address the existence of "practical difficulty or unnecessary hardship for some owner" through the strict application of Zoning Ordinance requirements. (Section 14.A. of the Zoning Ordinance)

5. Subject to Conditions. It is understood that the grant of a variance to Ms. Masterman may include conditions. In

3-4

Planning Commission
City of Sacramento

Re: Appeal From Action of Zoning Administrator on Variance
Request (Z97-078)/5164 Alii Way

October 20, 1997

Page 3

fact, Ms. Masterman has offered to move the storage shed further into the rear area of her parcel and to enclose the storage shed through extension of the existing fence to further minimize any perceived impact of the storage shed on the neighbor to the south. The Sacramento City Building Department has indicated that the storage shed can remain in its current location with certain minor modifications and conform with the adopted building code.

For the foregoing reasons, we hereby request on behalf of Ms. Masterman that the Zoning Administrator's decision be reversed and a variance granted which would allow the storage shed to be maintained in the street side yard of the lot located at 5164 Alii Way.

Very truly yours,



David L. Robertson

DLR:tjm

Enclosures

cc: Connielee Masterman (without enclosures)

0001001.133471

~~EXHIBIT D~~

3-5

PAGE 31
ITEM #3

Date: August 28, 1997

TO: CITY OF SACRAMENTO PLANNING DIVISION
ZONING ADMINISTRATOR

RE: Zoning Variance #Z97-078 5164 Alii Way

We the following undersigned neighbors of the above address were approached by the Mr. Hiner, the next door property owner to 5164 Alii Way, and asked to sign a petition against allowing the zoning change. Mr. Hiner had indicated to us that the property owner would be building a 8' foot fence extending the backyard fence completely down to the sidewalk. Upon receipt of the Public Notice dated August 21, 1997, we have realized that we were given inaccurate information and hereby request to please "VOID" our signatures from the petition received by your office.

If you have any need to verify this request with us we have provided our name, address and telephone number for your use.

Name Address Telephone

Dani Fuller 5172 Alii Way 992-0554

Judy S. Full 5172 ALII way 992-0554

Dedde Fuller 5180 Alii Way 991-2780

Steve Fuller 5180 Alii Way 991-2780

Anthony V. Najem 5188 ALII WY. 992-6855

Kayn Truax 5188 ALII WY. 992-6855

Don H. 5187 Alii way 992-6234

Sandra M. 5157 Alii way 991-1878

H. H. 5157 " ALII way 991-1878

~~EXHIBIT - D~~

3-6

PAGE 32
ITEM #3

Tim Robinson
5187 Alji Way
Sacramento, CA 95838
(916) 992-6234

September 1, 1997

City of Sacramento
Department of Neighborhoods
Planning and Development
1231 I Street, Room #200
Sacramento, CA 95814

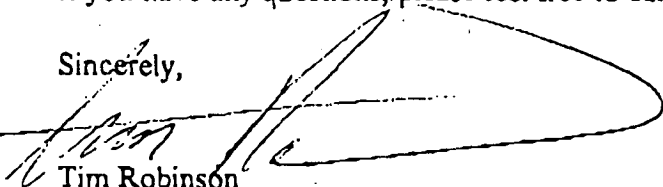
RE: Zoning Administrator Variance
5164 Alji Way (D2, Area 4)
APN: 226-0350-010

I live across from the proposed project and I do not consider the project to be a detrimental to the neighborhood and it will not decrease property values. The home owner at 5164 Alji Way has a very well maintained yard and always make sure the property looks nice. I am not opposed to this project.

Out of the three proposals, I feel the best choice is fencing around the shed, both for appearance and safety.

If you have any questions, please feel free to call.

Sincerely,



Tim Robinson

297-078

RECEIVED TIME OCT. 17. 11:16AM 997

PRINT TIME OCT. 17. 11:23AM

~~EXHIBIT D~~

3-7

PAGE 33
ITEM 43

August 31, 1997

To Whom it may concern:

We have no problem with the proposed project # 297-078.

Sincerely,

Jennifer & Jeremy Myers
5199 Alibi Way
Sacramento Ca 95838
(916) 992-0310

297-078

RECEIVED TIME OCT. 17, 1997 11:16AM PRINT TIME OCT. 17, 11:23AM

~~EXHIBIT D~~
3-8

PAGE 34
ITEM #3

Steve & Debbie Fuller
5180 Alii Way
Sacramento, CA 95838
(916) 991-2780

September 1, 1997

City of Sacramento
Department of Neighborhoods
Planning and Development
1231 I Street, Room #200
Sacramento, CA 95814

RE: Zoning Administrator Variance
5164 Alii Way (D2, Area 4)
APN: 226-0350-010

We are in favor of Ms. Masterman erecting a fence around her shed, now sitting in her front yard adjacent to the Hiner's driveway, with the following conditions.

1. It is a maximum of 6' high
2. It is moved at least one foot closer to her existing fence
3. The new fence is erected a maximum of one foot out from the shed's perimeter. If this is not allowable by code (i.e. 3' clearance must be maintained between them) then she must move her shed closer to her backyard fence. Our desire is to maintain the current 15' 5" unobstructed view exiting the Hiner's driveway; longer would be preferable. There is currently a 3' 7" walkway between the existing fence and the shed which allows room for movement, and therefore a slight compromise.

We are concerned with appearance and also the safety factor involved due to poor visibility exiting the Hiner's driveway. Ms. Masterman maintains her property perfectly and we are confident the appearance will be satisfactory. Visibility is the most important issue. The Hiner's have 15' 5" from the edge of the shed to the end of their driveway (sidewalk not included). This distance would remain the same if our condition #2 and #3 are employed. The Fullers at 5172 Alii have 15' 5" from the outermost edge of Ms. Masterman's house (projected window) to the end of their driveway. The possible alternative of moving the shed to the Fuller's side is not acceptable due to the major infringement on their visibility and the shed in this open area would be an eyesore.

The only other alternative is to deny Ms. Masterman her request for a variance, which is not an option since her backyard is very small, leaving little room for storage of yard tools. We are strong believers in compromise and feel our solution is the most acceptable for all concerned.

We appreciate your consideration of our concerns.

If you have any questions, please feel free to call.

Sincerely,

Steve & Debbie Fuller

Steve & Debbie Fuller

297-078

RECEIVED TIME OCT. 17. 8:11:16AM, 7

PRINT TIME OCT. 17. 11:23AM

PAGE 35
ITEM #3

~~EXHIBIT B~~
3-9

Jeff and Dani Fuller
5172 Alii Way
Sacramento, CA 95838

September 1, 1997

City of Sacramento
Department of Neighborhoods
Planning and Development
1231 I Street, Room 200
Sacramento, CA 95814

Re: Zoning Administrator Variance
5164 Alii Way (D2, Area 4)
APN: 226-0350-010

We live next door to the proposed project and we do not consider the project to be a nuisance to the neighborhood nor do we think it will decrease property value. The home owner at 5164 Alii Way takes a lot of time, energy and thought in making sure that her property looks nice. We are not opposed to this project.

We would however be opposed to the property owner moving the shed in question to her side yard. The shed in its location now allows the drive way next to the shed over 15 feet of visibility when backing out of their drive way. If the shed were put on the side yard it would only allow us 5 feet of visibility. We would be in the street before we would be able to see around the shed. I do believe that the shed is in the best location right now for the safety of all involved.

If you have any questions or concerns, feel free to contact us.

Sincerely,

Jeff Fuller
Dani Fuller
Jeff and Dani Fuller

297-078

~~EXHIBIT B~~
3-10

PAGE 36
ITEM #3



CITY OF SACRAMENTO
CALIFORNIA

DEPARTMENT OF
NEIGHBORHOODS,
PLANNING AND DEVELOPMENT

1231 I STREET
ROOM 200
SACRAMENTO, CA 95814-2998

PH 916-264-5381
FAX 916-264-7046

PUBLIC NOTICE

August 21, 1997

Dear Property Owner:

The Planning Division is notifying all owners of property within 100 feet of the proposed project (described below) that the Zoning Administrator will consider this proposal at a public hearing scheduled to begin at 1:00 P.M. in room 101, first floor, 1231 I Street, Sacramento, California on September 3, 1997

The proposed project is:

Z97-078 Zoning Administrator Variance to reduce the required front yard setback from 25 feet to 15.5 feet for a 64 square foot storage shed for a single family residence on 0.10± developed acres in the Single Family Alternative zone.

LOCATION: 5164 Alii Way (D2, Area 4)

APN: 226-0350-010

9/1/97

If you have any questions, comments or concerns about this project or need further information, please contact Sandra Yope 264-7158, City Planning Division and please refer to the above "Z" number.

We have no objection to any changes made at the property located at 5164 Alii way

(5137 Sully St)

Maggie Heimbach

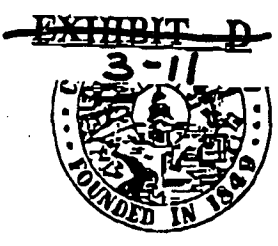
Sandra Yope

797-225

RECEIVED TIME OCT. 17. 11:16AM

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PAGE 37
ITEM #3



CITY OF SACRAMENTO
CALIFORNIA

DEPARTMENT OF
NEIGHBORHOODS,
PLANNING AND DEVELOPMENT

1231 I STREET
ROOM 100
SACRAMENTO, CA
95814-2998

PH 916-264-5381
FAX 916-264-7046

PUBLIC NOTICE

August 21, 1997

Dear Property Owner:

The Planning Division is notifying all owners of property within 100 feet of the proposed project (described below) that the Zoning Administrator will consider this proposal at a public hearing scheduled to begin at 1:00 P.M. in room 101, first floor, 1231 I Street, Sacramento, California on September 3, 1997

The proposed project is:

297-078 Zoning Administrator Variance to reduce the required front yard setback from 25 feet to 15.5 feet for a 64 square foot storage shed for a single family residence on 0.10± developed acres in the Single Family Alternative zone.

LOCATION: 5164 Alii Way (D2, Area 4)

APN: 226-0350-010

If you have any questions, comments or concerns about this project or need further information, please contact Sandra Yope 264-7158, City Planning Division and please refer to the above "Z" number.

8-30-97
to whom it may concern:
I have no problems with this
variance # 297-078 Charles David Cole
5193 Alii Way
364 749-838
with all my love
RECEIVED TIME OCT. 17. 11:16AM
364 749-838
PRINT TIME OCT. 17. 11:23AM

292-020