

CITY PLANNING COMMISSION

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

APPLICANT	MORTON AND PITALO, 1430 Athambra Blvd., Sac., CA 95816		
OWNER	Nishimoto Development Inc. and BGC Development, 3434 Marconi Ave., Sac. CA 95816		
PLANS BY	Morton and Pitalo		
FILING DATE	3/20/87	ENVIR. DET.	Neg. Dec. REPORT BY CV/vf
ASSESSOR'S-PCL. NO.	226-0070-005		

- APPLICATION:**
- A. Negative Declaration
 - B. Special Permit Modification of P85-254 to change 40 halfplex units to 26 petite single family home lots and ten halfplex units.

LOCATION: Northwest corner of Pinedale Avenue and Sully Street

PROPOSAL: The applicant is requesting the necessary entitlements to modify a previously approved special permit (P85-254) to allow 26 petite single family homes and ten halfplex units.

PROJECT INFORMATION:

1974 General Plan Designation:	Residential		
1984 North Sacramento Community Plan Designation:	Residential; 4-8 du/ac		
Existing Zoning of Site:		R-1A	
Existing Land Use of Site:	Vacant		
Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Levee, Agricultural; A	Front:	to be	25+'
South: Single Family Residential and vacant; R-1	Side(Int):	determined by Planning	5+'
East: Single Family Residential; R-1	Side(St):	Commission	20+'
West : Single Family Residential; R-1	Rear:		15+'
Parking Required:	36 spaces		
Parking Provided:	72 spaces		
Property Dimensions:	Irregular		
Property Area:	7.0± acres		
Density of Development:	5 d. u. per acre		
Square Footage of Building:	1,126 - 2,115		
Height of Building:	single story		
Topography:	Flat		
Street Improvements:	Existing		
Utilities:	Existing		
Exterior Building Materials:	Wood, brick veneer or stucco		
Roof Material:	Medium shake, composition shingles		

BACKGROUND

On July 25, 1985, the Planning Commission approved a rezone of 0.3 acres from Single Family (R-1) and 6.3 acres from Agriculture (A) to Townhouse (R-1A), tentative map to divide the subject site into 42 lots and a special permit to allow 40 halfplex units (P85-254). The remaining two lots were proposed to accommodate one existing and one proposed single family residence.

APPLC. NO. P87-157 MEETING DATE April 23, 1987 ITEM NO 23

Three different floor plans with six elevations were proposed. The units ranged in size from two bedrooms/two bath and a one-car garage to three bedrooms/two bath with a two car garage. Building materials consisted of six inch lap siding and 5/8 inch rough sawn plywood with brick, slump stone and wood trim. Roofing was medium shake. Staff found the variety of elevations, floor plans and building materials acceptable, however, staff requested the 5/8 inch rough sawn plywood be replaced with a more durable building material such as six inch wood lap siding.

A. Land Use/zoning

The subject site is zoned Townhouse (R-1A) and is vacant. The two parcels located at the northeast corner of Pinedale Avenue and Over Drive are zoned R-1. One of these lots is developed with a single family residence and the adjacent lot to the east is vacant. Surrounding land uses include agricultural to the north, single family residential and vacant to the south and single family residential to the east and west.

B. Proposal

The applicant proposes to modify the special permit and revise the tentative map approved for P85-254. The tentative map approved for P85-254 proposed a total of 42 lots. This would have allowed 40 halfplex units, one existing and one proposed single family residence.

The revised tentative map submitted for the proposed special permit modification shows a total of 38 lots. The proposed development for these lots includes ten halfplexes, 26 petite single family homes and one full size single family residence and one existing single family residence.

C. Floor Plans/Elevations

Three floor plans, 1170, 1126R and 2115 are proposed. Plan 1170 consists of a two car garage, three bedrooms and two bathrooms. Plan 1126R consists of two car garage, three bedrooms and two bathrooms. Plan 2115 consists of two halfplex units A and B. Unit A proposes a two car garage, three bedrooms and two bathrooms. Unit B proposes a one car garage, three bedrooms and two bathrooms.

A total of four elevations are proposed. Two different elevations are proposed for floor plan 1170. The building materials for these elevations consist of composition shingle roof, six inch wood lap siding and brick veneer. Staff finds these two elevations to be satisfactory except for the proposed composition shingle roof.

Staff recommends the roof materials be medium shake, consistent with roof materials proposed for floor plans 1126R and 2115. One elevation is proposed for floor plan 2115 which consists of units A and B proposed as halfplexes. Building materials proposed include six inch horizontal lap wood siding and plywood or stucco siding and medium shake roof. Staff finds the combination of horizontal lap siding for the front elevation and plywood or stucco for the remaining elevations to be unacceptable. Staff recommends horizontal lap siding be used on all elevations for model 2115.

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One elevation is proposed for floor plan 1126R. The building materials proposed for this floor plan include a medium shake roof, and 5/8 inch Douglas Fir (DF) plywood grooved siding. Staff recommends the 5/8 inch DF plywood grooved siding be replaced with six inch wide wood lap siding to provide consistency with the other proposed floor plans and improved durability.

D. Site Plan

Staff notes four lots back onto the levee located adjacent to and north of the subject site. One of the conditions of the special permit for halfplex development for P85-254 required a six foot high fence between the levee and lots backing onto the levee. Staff recommends a six foot high solid wood fence be constructed along the north property line for the proposed units: 13A, 13B, 14, 15, 16 to provide screening between the levee and the proposed units. See site plan.

Staff notes a PG&E transmission line R.O.W. is located on a portion of four proposed halfplex lots: 12A, 12B, 13A, 13B. The proposed driveways for these lots will be off separate streets and thus, beneath the PG&E transmission line R.O.W. Staff has no problem with this proposal, because the proposed halfplex units will be located outside the PG&E transmission line R.O.W.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has reviewed the project and determined it will not have a significant adverse impact on the environment. A Negative Declaration has been filed.

RECOMMENDATION: Staff recommends the following actions:

- A. Ratification of the Negative Declaration;
- B. Approval of the Special Permit Modification, subject to conditions and based upon Findings of Fact which follow;

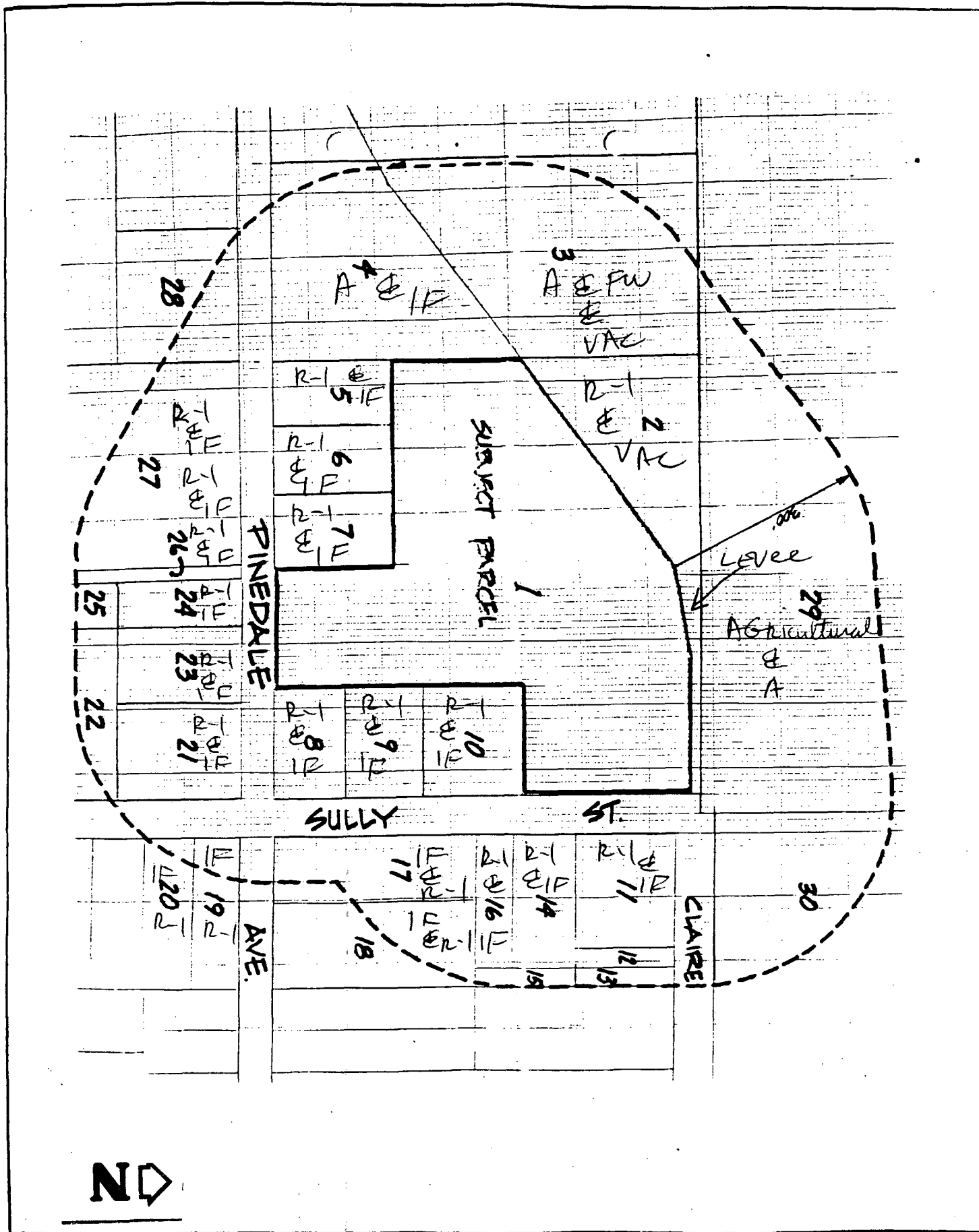
Special Permit Conditions

1. The roof material for model 1170 shall be medium shake;
2. Six inch horizontal wood lap siding shall be used for all elevations for model 2115;
3. The 5/8 inch DF plywood grooved siding proposed for model 1126R shall be replaced with six inch wide wood lap siding;
4. A six foot high solid wood fence shall be constructed along the north property line for 13A, 13B, 14, 15, 16 as shown on the site plan;
5. The project shall be constructed per the submitted plans, as modified by conditions for approval.

Findings of Fact

1. The project is based upon sound principles of land use, in that:

- a. a sufficient variety of floor plans and elevations provide for streetscape variety;
 - b. adequate parking is provided.
2. The project will not be detrimental to public health, safety or welfare or result in the creation of a nuisance, in that it will not alter the residential character of the area.
 3. The project, as conditioned, is consistent with the City's Discretionary Land Use Policy in that the site is designated for residential use by the 1984 North Sacramento Community Plan and the proposed halfplexes and single family residences in the Townhouse (R-1A) zone conform with the plan designation.

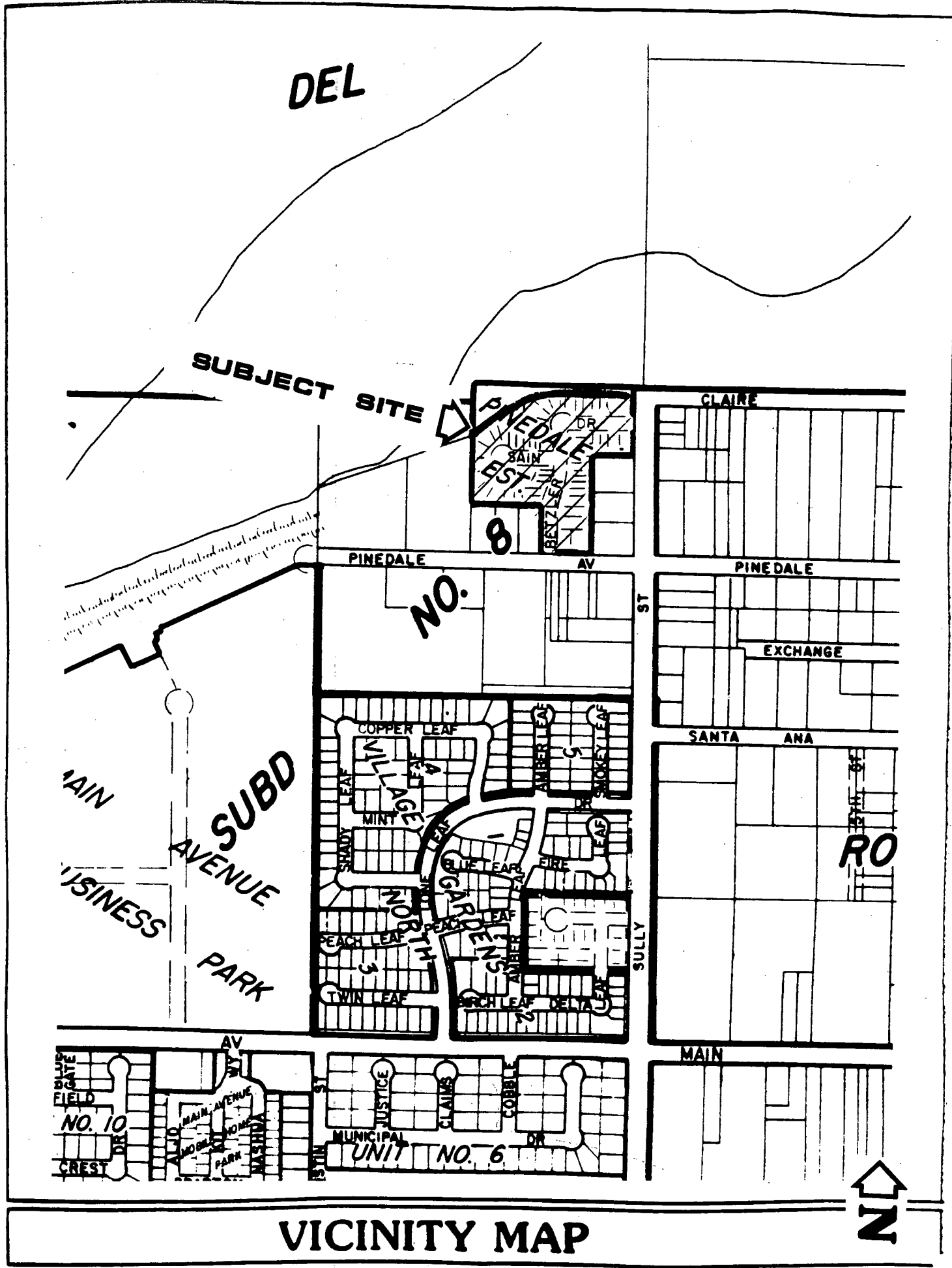


LAND USE & ZONING MAP

P87-157

4-23-87

Item 23



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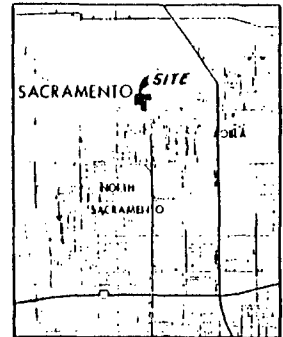
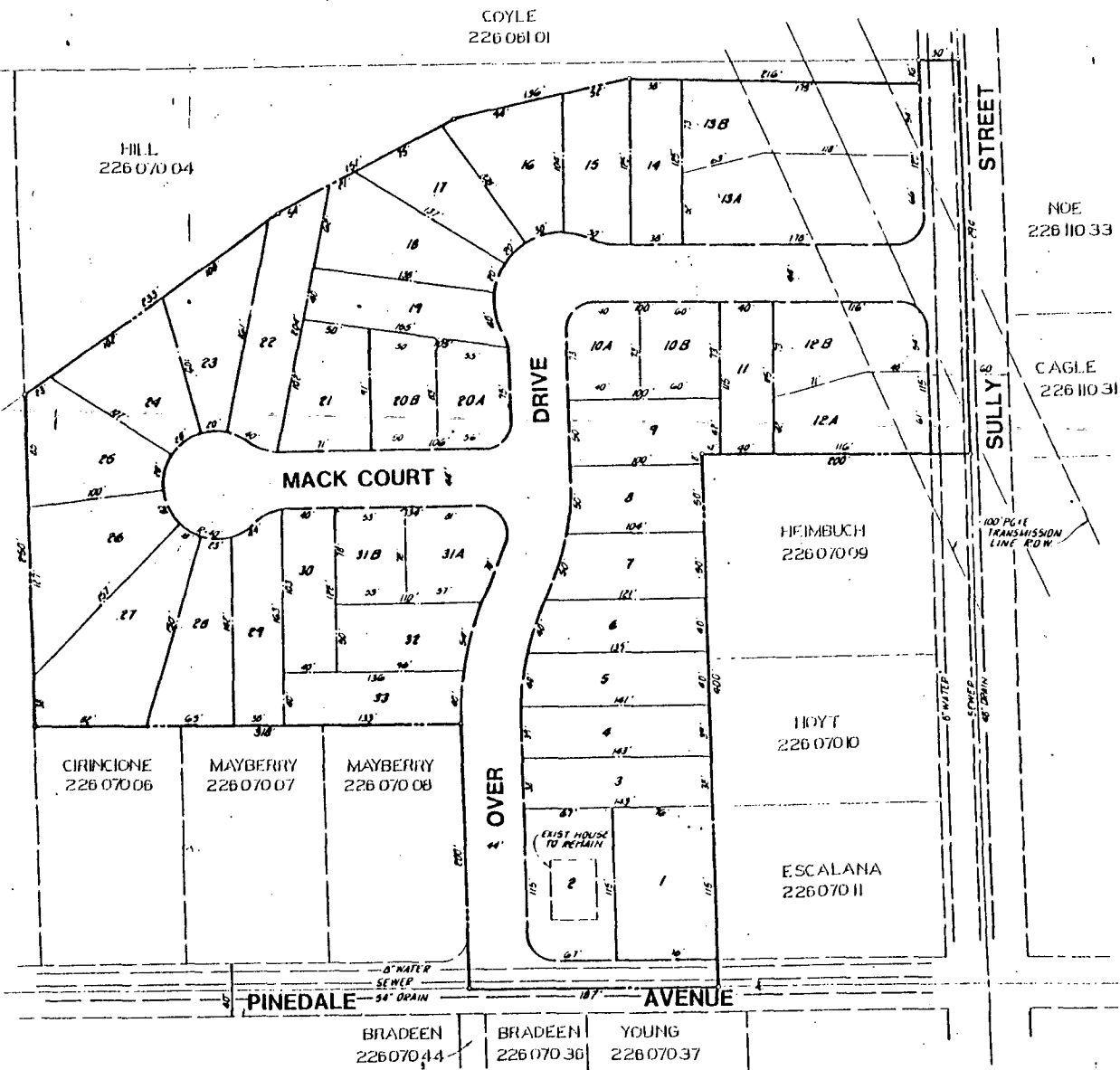
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 TBA 23



WHITLEY
 226 070 53

WHITLEY
 226 070 54



- | | | |
|--------------------------------|--------------------|--------------------|
| OWNER/DEVELOPER | AREA | |
| DISHINGTO DEVELOPMENT, INC. | 7.00 ACRES (GROSS) | |
| S.B.C.C. DEVELOPMENT, INC. | 5.00 ACRES (NET) | |
| 3434 MACDONALD AVENUE, SUITE A | | |
| SACRAMENTO, CA 95821 | | |
| ENGINEER/ENGINEER | | CITY OF SACRAMENTO |
| MORTON & PITALO, INC. | | |
| 2430 ALHAMBRA BLVD., SUITE 200 | | |
| SACRAMENTO, CA 95816 | | |
| ASSUMED'S PANEL NOS. | | |
| 226-870-05 | | |
| EXISTING ZONING | | |
| R1 & R1A | | |
| PROPOSED ZONING | | |
| R1 | | |

TENTATIVE MAP

REVISIONS		FIELD BOOK NO.	SCALE:	DRAWN BY: <i>R.M.F.</i>	CHECKED BY: <i>C.A.</i>	MORTON & PITALO, INC. CIVIL ENGINEERING PLANNING SURVEYING	APPROVED: _____ DATE: _____	CITY OF SACRAMENTO	DATE: 3/25/87
NO.	DESCRIPTION	APPROVED BY: _____ DATE: _____	HORIZONTAL: 1" = 40'	SUBMITTER: <i>M.P.</i>	DATE: 4/3/87				

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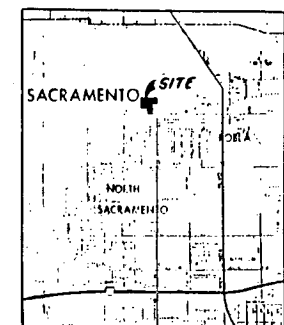
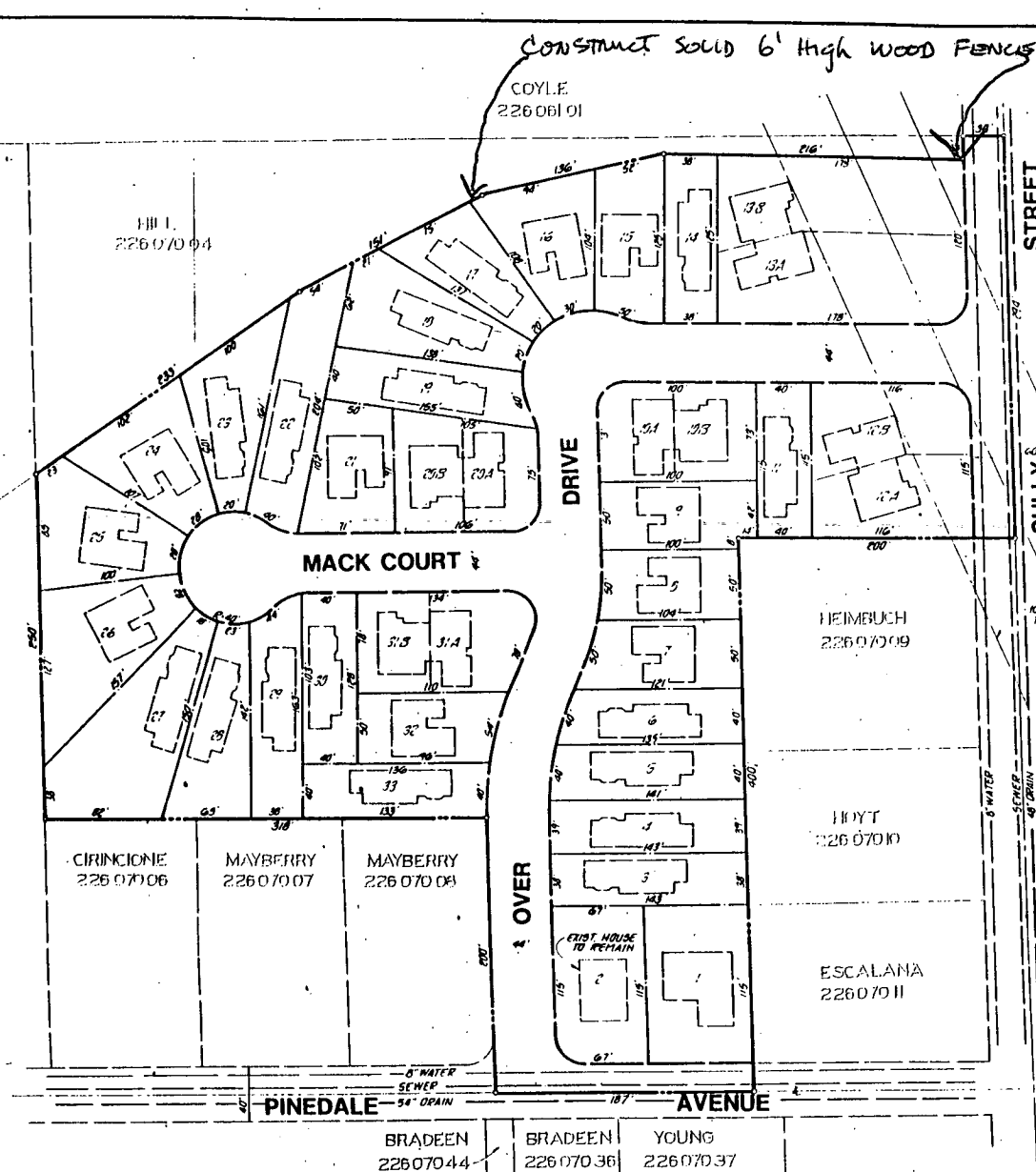
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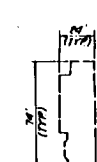


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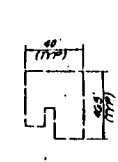
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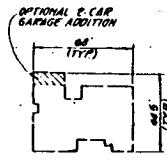
VICINITY MAP
NO SCALE



PLAN 1170



PLAN 1126 R



PLAN 1115

SEE FLOOR PLANS

OWNER/DEVELOPER MISHIMOTO DEVELOPMENT, INC. 8 S.S.C. DEVELOPMENT, INC. 3434 MARCORI AVENUE, SUITE A SACRAMENTO, CA 95821	AREA 7.00 ACRES (GROSS) 5.40 ACRES (NET)
APPLICANT/ENGINEER MORTON & PITALO, INC. 1430 ALHAMBRA BLVD., SUITE 200 SACRAMENTO, CA 95811	CITY OF SACRAMENTO STREET DRAINAGE FIRE PROTECTION FIRE PROTECTION STREETS
ASSESSOR'S PARCEL NOS. 224-870-05	ELECTRICITY SACRAMENTO MUNICIPAL UTILITY DISTRICT
EXISTING ZONING R1 & R1A	TELEPHONE PACIFIC BELL
PROPOSED ZONING R1	IMPROVEMENT STANDARDS CITY OF SACRAMENTO

BRADEN 226 070 44 BRADEEN 226 070 36 YOUNG 226 070 37

SITE PLAN
PINEDALE ESTATES
OF SACRAMENTO

REVISIONS	NO.	DESCRIPTION	APPROVED BY	DATE

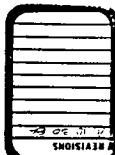
MORTON & PITALO, INC.
CIVIL ENGINEERING
PLANNING SURVEYING

APPROVED
DATE

SITE PLAN

P87-157

FLOOR PLANS

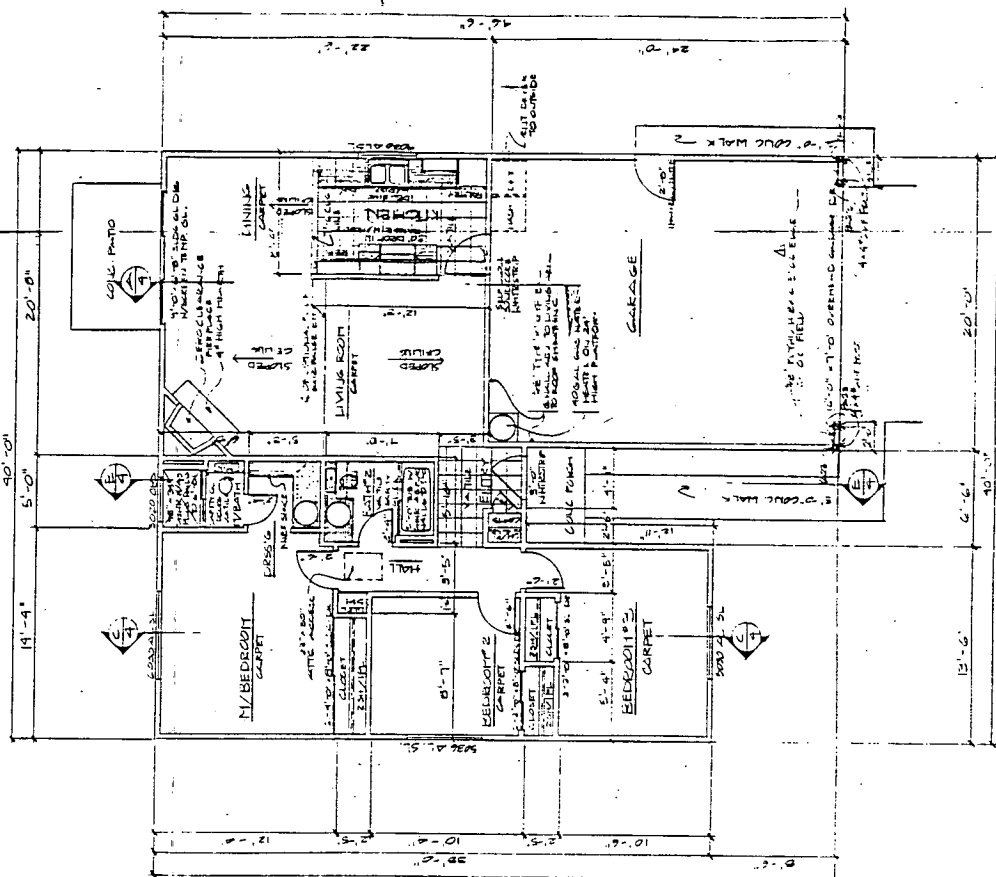
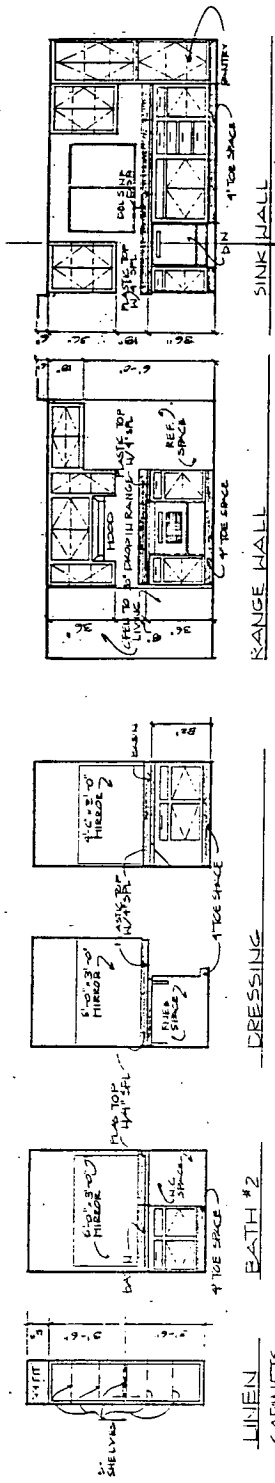


GORDON MAIR - LARRY J. SCHLICHTING
BUILDING DESIGNERS
634 VERNON ST - 786-9094
ROSEVILLE CA 95678

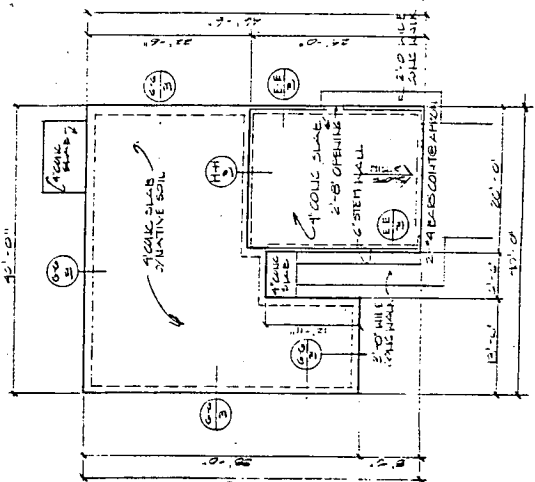
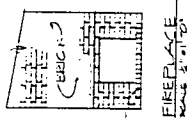


PLAN
R
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DATE 11-15-87
DRAWN CS
JOB #87-157
SCALE NOTED
SHEET 1
of 5 SHEETS



- MINI-COMPLIANCE RULES**
1. All windows and doors shall be weatherstripped.
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 19. All windows and doors shall be weatherstripped.
 20. All windows and doors shall be weatherstripped.



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FOUNDATION PLAN SCALE 1/4"=1'-0"

FLOOR PLANS

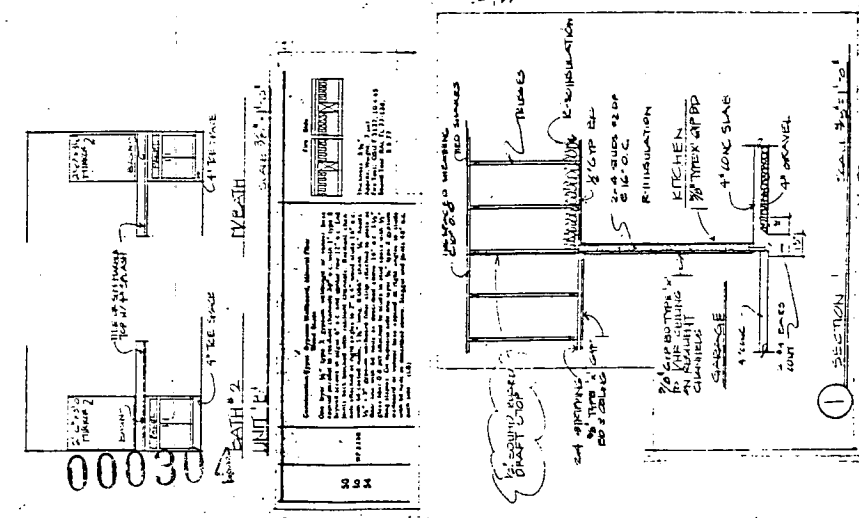
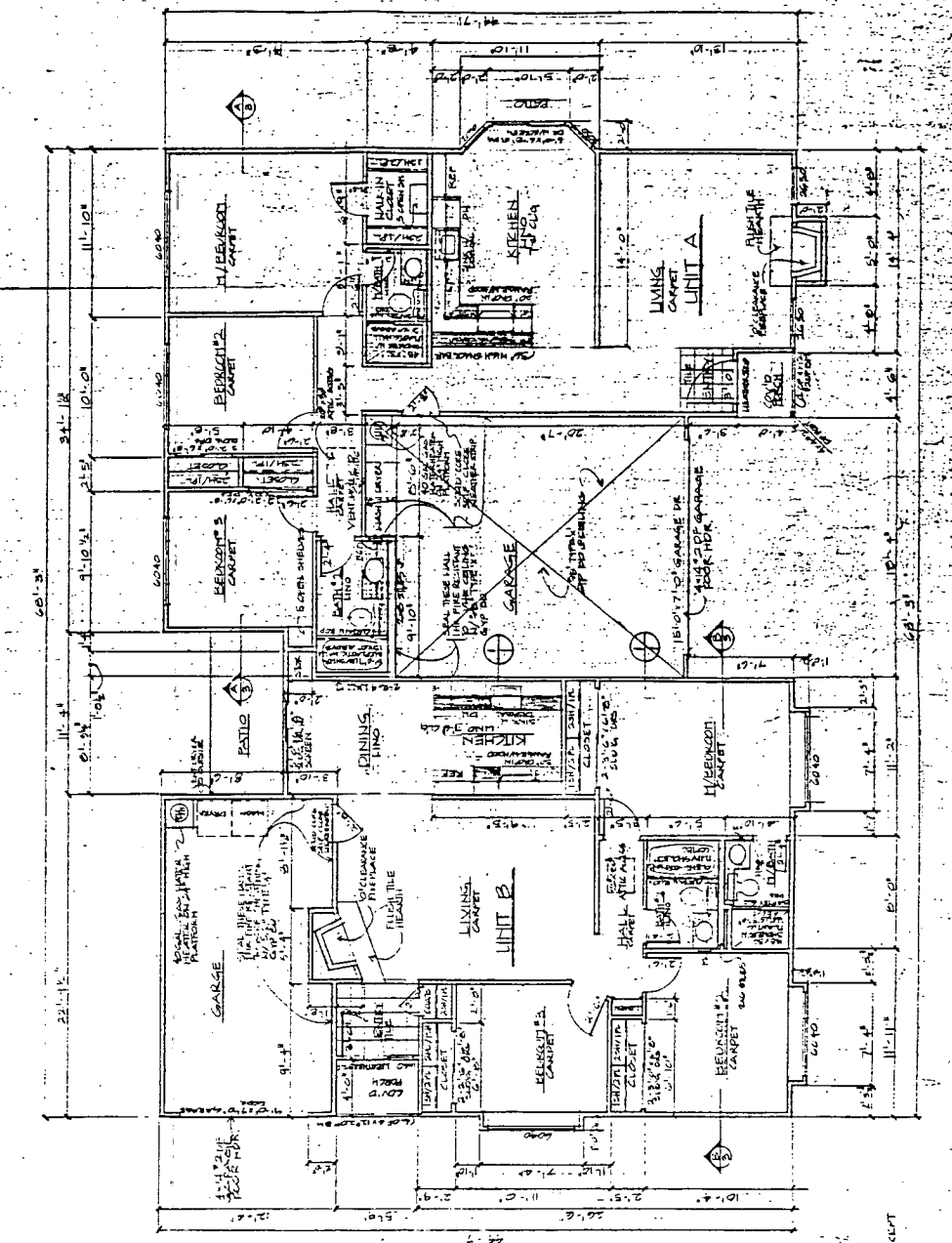
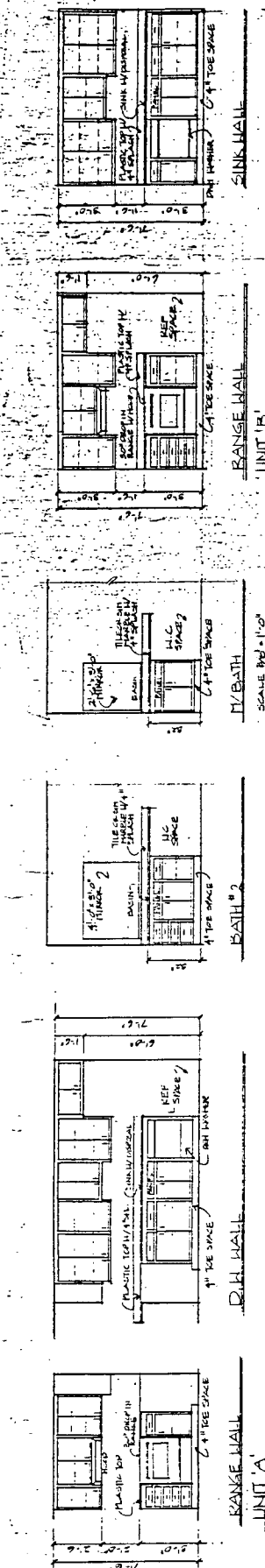
PLAN
2115

LARRY J. SCHLICHTING
ARCHITECT
800 GRAY WAY, SUITE D
ROSEVILLE, CALIFORNIA
95678 (916) 786-9094



FLOOR PLAN, CABINET ELEVATIONS
KRIST DEVELOPMENT

DRAWN BY
JUN. BOARD
SCALE AS SHOWN
SHEET
OF 12 SHEETS



NOTE:
R-13 INSULATION IN ATIC
R-11 IN HALLS
SINK & TUB WITH SHOWER
SLIP-RESISTANT EXCEPT
SLIP-RESISTANT

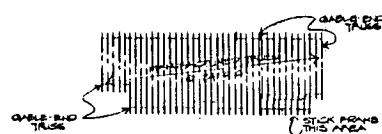
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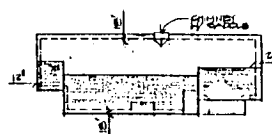
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ITEM 23

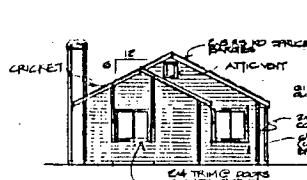
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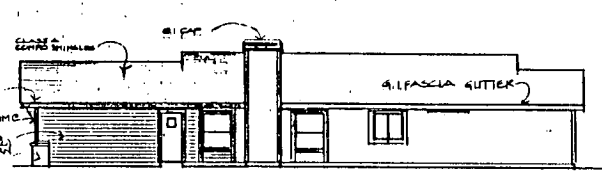
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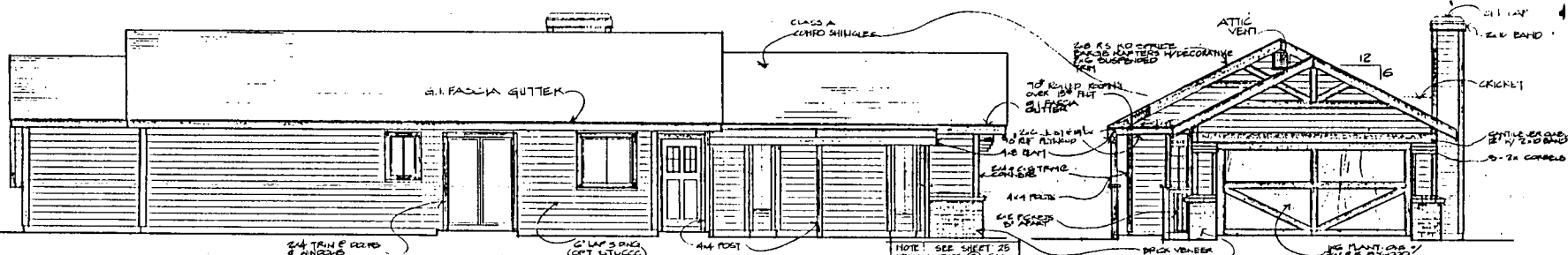
ROOF PLAN scale 1/2"=1'-0"



REAR ELEVATION scale 1/2"=1'-0"



RIGHT SIDE ELEVATION scale 1/2"=1'-0"



LEFT SIDE ELEVATION

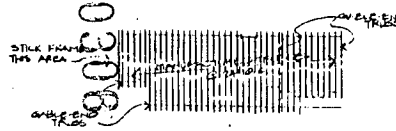
FRONT ELEVATION 'D' scale 1/2"=1'-0"

NOTE: WATERPROOF REINFORCED PAPER REQUIRED AROUND WINDOWS, DOORS & WALL OPENINGS.

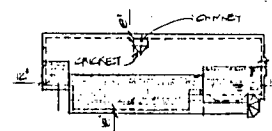
NOTE: 1. ALL WALL FINISHES, WITH WALLS 2. NO ATTIC BATHS 3. 1/2" WALL THICKNESS

4-23-87

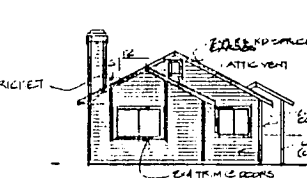
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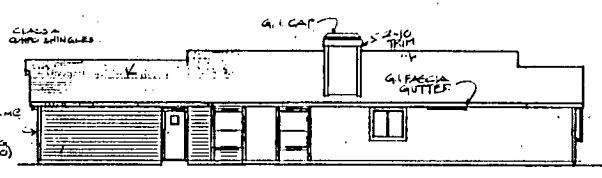
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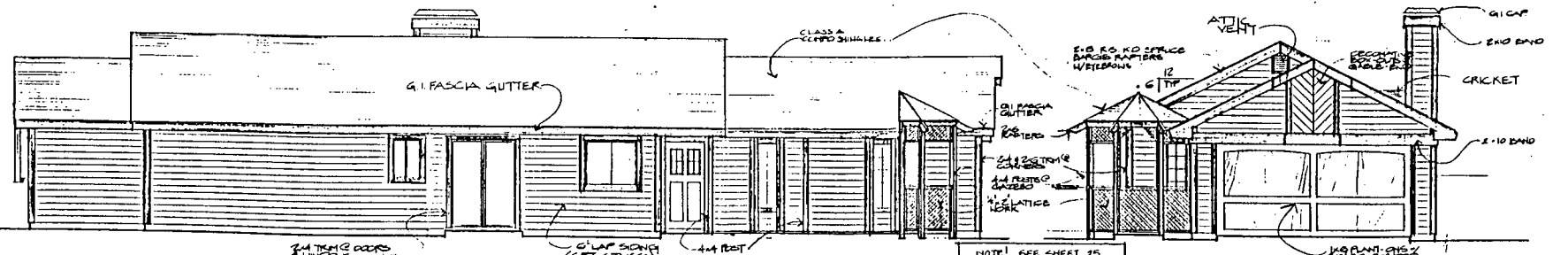
ROOF PLAN scale 1/2"=1'-0"



REAR ELEVATION scale 1/2"=1'-0"



RIGHT SIDE ELEVATION scale 1/2"=1'-0"



LEFT SIDE ELEVATION

FRONT ELEVATION 'A' scale 1/2"=1'-0"

ITEM 23



LARRY J. SCHLICHTING ARCHITECT 500 CIBBY WAY SUITE 10 ROSEVILLE CALIFORNIA 95678 (916) 786-9094



PLAN 1170

CRISP DEVELOPMENT

DATE APR 7, 1984 DRAWN JOB NO. 2004 SCALE AS NOTED SHEET 2 OF 2 SHEETS

ELEVATIONS

P87-157

ELEVATIONS

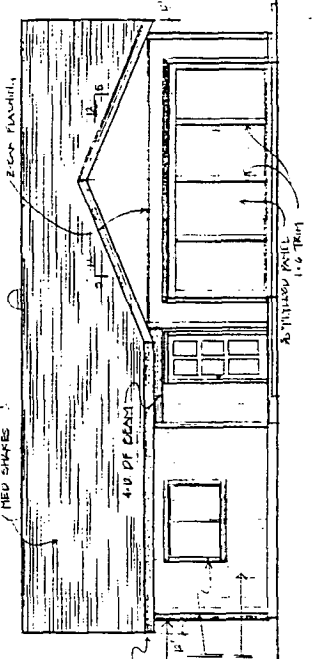
NO.	DATE	REVISIONS

GORDON MALM - LARRY J. SCHUCHTING
BUILDING DESIGNERS
634 VERNON ST. 786-9094
ROSEVILLE CA 95678
A LICENSED ARCHITECT
REGISTERED IN THE STATE OF CALIFORNIA

PLAN
R
1126

ELEVATIONS & ROOF PLAN

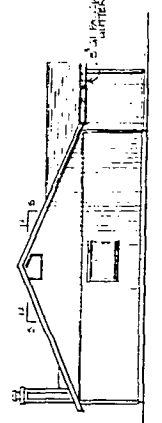
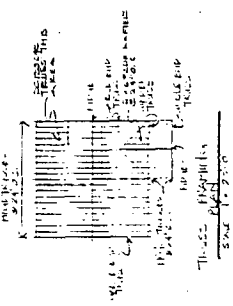
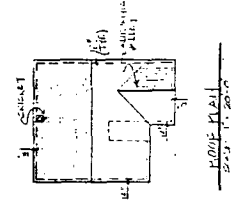
DATE: 4-23-87
DRAWN BY: JAS
JOB NO.: 87-157
SCALE: 1/8" = 1'-0"
SHEET NO.: 2
OF 5 SHEETS OF



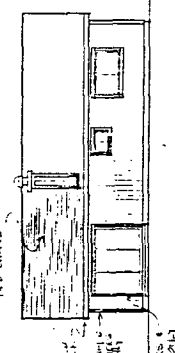
FRONT ELEVATION

SCALE: 1/8" = 1'-0"

P87-157

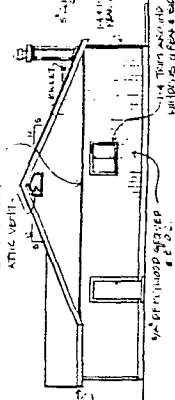


RIGHT SIDE ELEVATION



REAR ELEVATION

SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"

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4-23-87

ITEM 23

CITY PLANNING COMMISSION
SACRAMENTO, CALIFORNIA
MEMBERS IN SESSION:

Related File
Appeal Denied
Project Denied
11-6-97 November 6, 1997
ITEM #3
PAGE 1

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.

ATTACHMENT 1**NOTICE OF DECISION AND FINDINGS OF FACT FOR ALII WAY SHED APPEAL
LOCATED ON AT 5164 ALII WAY IN THE SINGLE FAMILY ALTERNATIVE (R-1A) ZONE.
(Z97-078)**

At the regular meeting of November 6, 1997, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. Environmental Determination (Exemption)
- B. Denied the Appeal of the Zoning Administrator's Decision to deny 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.

These actions were made based upon the following findings of fact:

FINDINGS OF FACT

- A. Categorical Exemption: The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Sections 15301 and 15303(a) of the California Environmental Quality Act.
- B. Appeal of the Zoning Administrator's Decision to Deny a Variance: The appeal of the Zoning Administrator's Denial of a Variance for the proposed second unit is denied subject to the following 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.

Z97-078

NOVEMBER 6, 1997

PAGE 6
ITEM #3

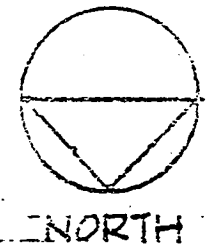
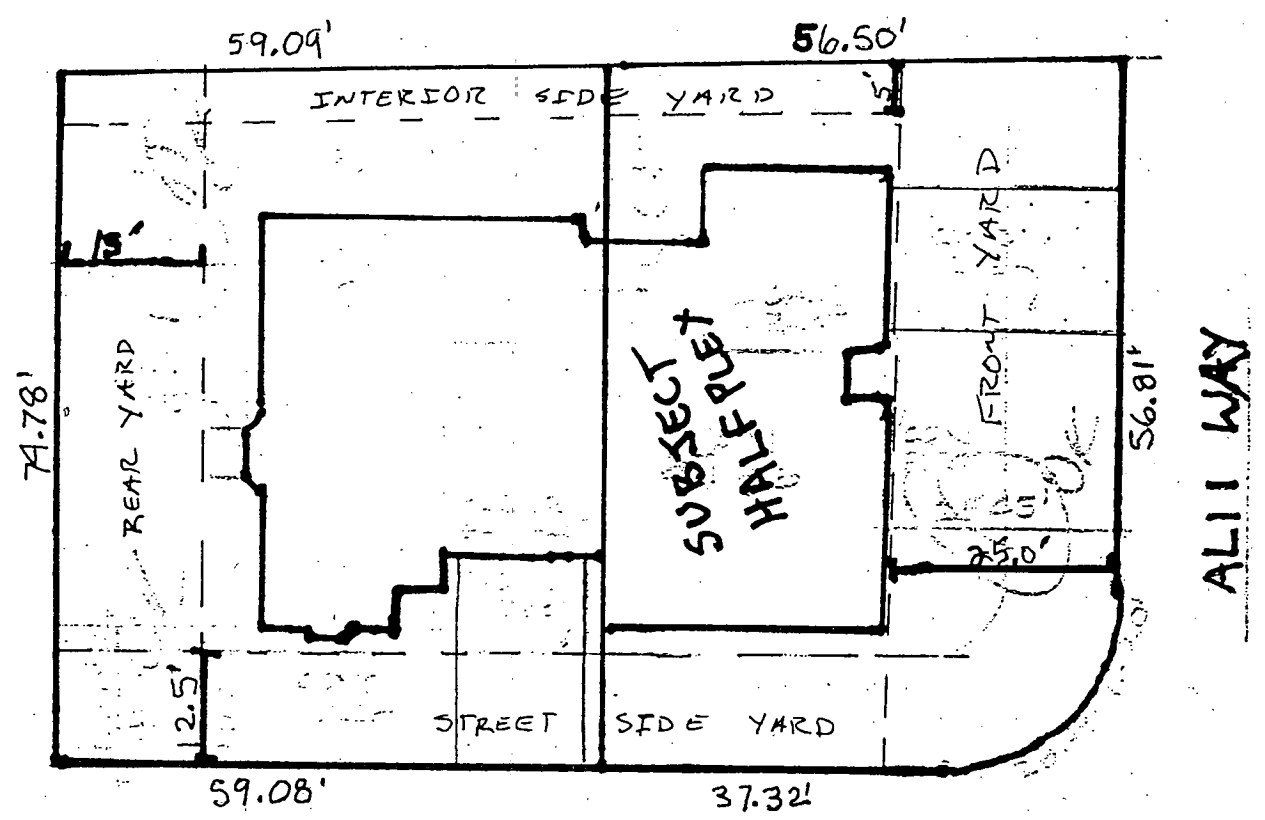
ATTEST:

SECRETARY TO
CITY PLANNING COMMISSION CHAIRPERSON

Z97-078

EXHIBIT 1-A

STAFF exhibit



ALII WAY

W. J. E. STATES
CREW & NISHIMOTO
105 5500

ATTACHMENT 2

PAGE 8
ITEM #3

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

Z97-078

October 8, 1997

ITEM 3

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.

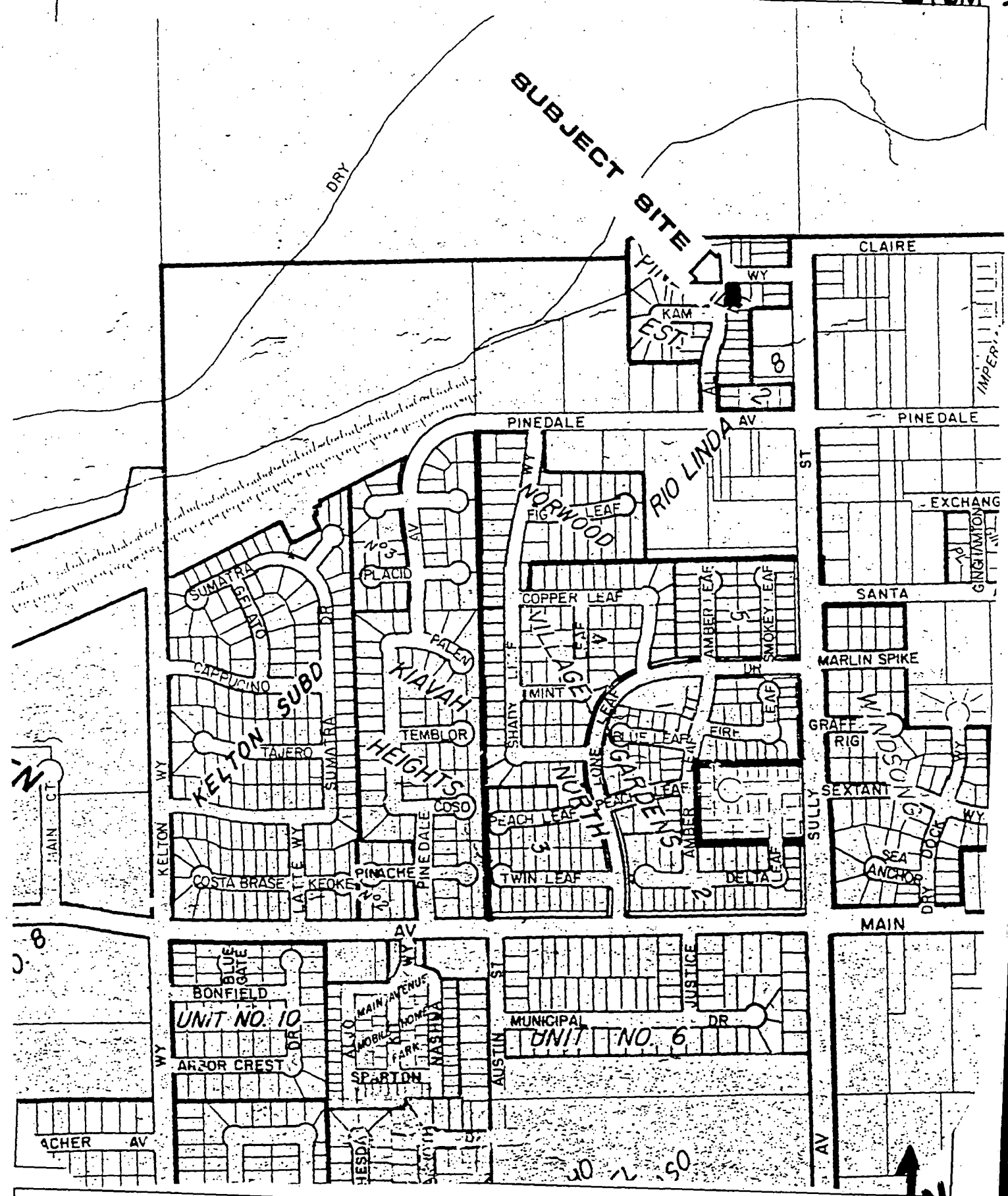
The site is located within the Robla Community Association area. The project plans have been sent to the association and staff has not received any comments. The project has been noticed and staff has received several calls from adjacent neighbors in opposition to the project. The adjacent property owner 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.

ITEM NO. 3



VICINITY MAP

EXHIBIT C

C-1

CITY OF SACRAMENTO
CITY PLANNING DIVISIONCITY OF SACRAMENTO
CITY PLANNING DIVISION

AUG 15 1997

AUG 26 1997

RECEIVED

PAGE 15
ITEM # 3Residents of :
Alii Way
Kam Court
Pinedale Estates Sub-divisionTo 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>James Elkins</i>	5156 Alii Way	SAC 95838
<i>Guthrie H.</i>	5156 Alii Way	Sac 95838
<i>Althea Fuller</i>	5180 Alii Way	SAC 95838
<i>Debbie Fuller</i>	" "	" "
<i>ANTHONY NAJERA</i>	5188 ALII WY	SACD. 95838
<i>KARYN NAJERA</i>	5188 ALII WY	SACD. 95838
<i>Jerome Elkins</i>	8-KAM COURT	SAC 95838
<i>Bernice Elkins</i>	8 Kam Court	Sac 95838
<i>Guthrie Simon Okovike</i>	6 Kam Court	Sac 95838
<i>Simeon Okovike</i>	6 Kam Court	Sac 95838
<i>Ant Yarnall</i>	10 Kam Court	Sac 95838
<i>B.H.H.</i>	7 Kam Ct	Sac 95838
<i>A.H.H.</i>	7 Kam Ct	Sac 95838
<i>Althea</i>	5157 Alii Way	Sac 95838
<i>Sandra</i>	5157 Alii Way	Sac 95838

5 km ct Sac Ca 95838
5 km ct Sac Ca 95838
Mary Muntz 9 km ct Sac Ca 95838
Mary Muntz 9 km ct Jaco 95838
Lorne Eng 10 km ct Sac Ca 95838
Mick Eng 10 km ct Sac Ca 95838
Clyde Palmer 11 km ct Sac Ca 95838
Rose Ramirez 11 km ct Sac Ca 95838
Stephanie Kottala 2 km ct Sac Ca 95838
Judy Elkins 5140 All Wy Sac Ca 95838
Jim Robinson 5187 All Wy Sac Ca 95838
Ben Fuller 5172 All Wy Sac Ca 95838
Jeff Fuller
Mick Palmer 5181 All Wy Sac Ca 95838
Mick Palmer 5181 All Wy Sac Ca 95838
Russ Silver 3 km ct Sac Ca 95838
Kotino Silver 3 km ct Sac Ca 95838

EXHIBIT - D
D-2

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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

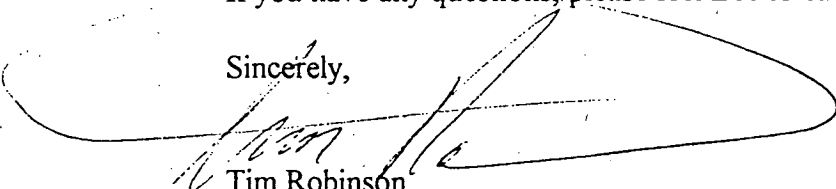
RE: Zoning Administrator Variance
5164 Alii Way (D2, Area 4)
APN: 226-0350-010

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

EXHIBIT D

D-3

PAGE 17
ITEM # 3

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

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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



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)

*Margie A. Heimbach
C. P. M. M. M. M.*

EXHIBIT - D

D-7



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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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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

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 Co
5193 ALII WAY
SACRAMENTO CA 95838

EXHIBIT E

PAGE 24
ITEM #3

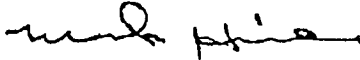
10/07/97

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

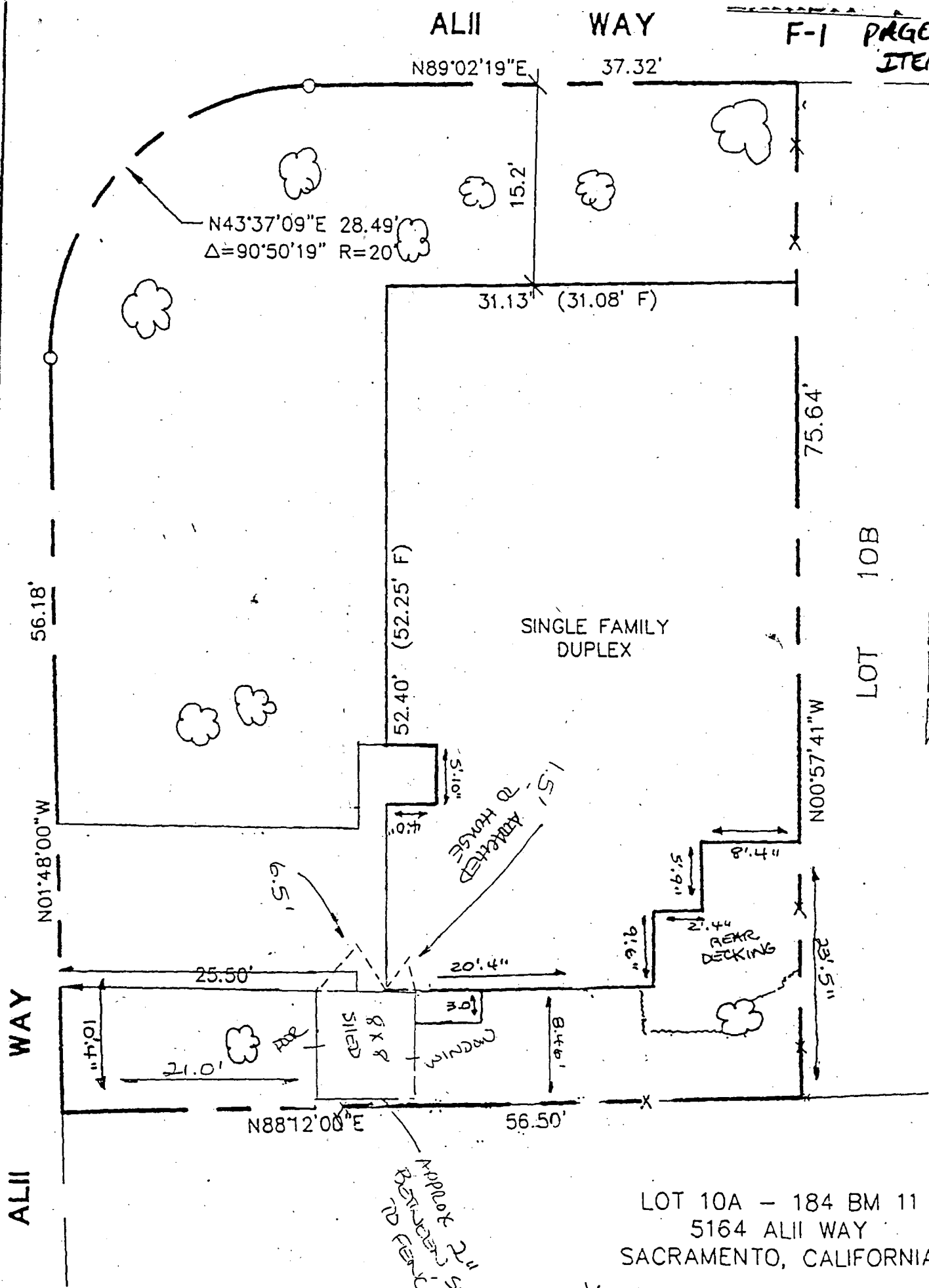
To Whom it may concern,

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 house, 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 J. Hiner


Cynthia J. Hiner



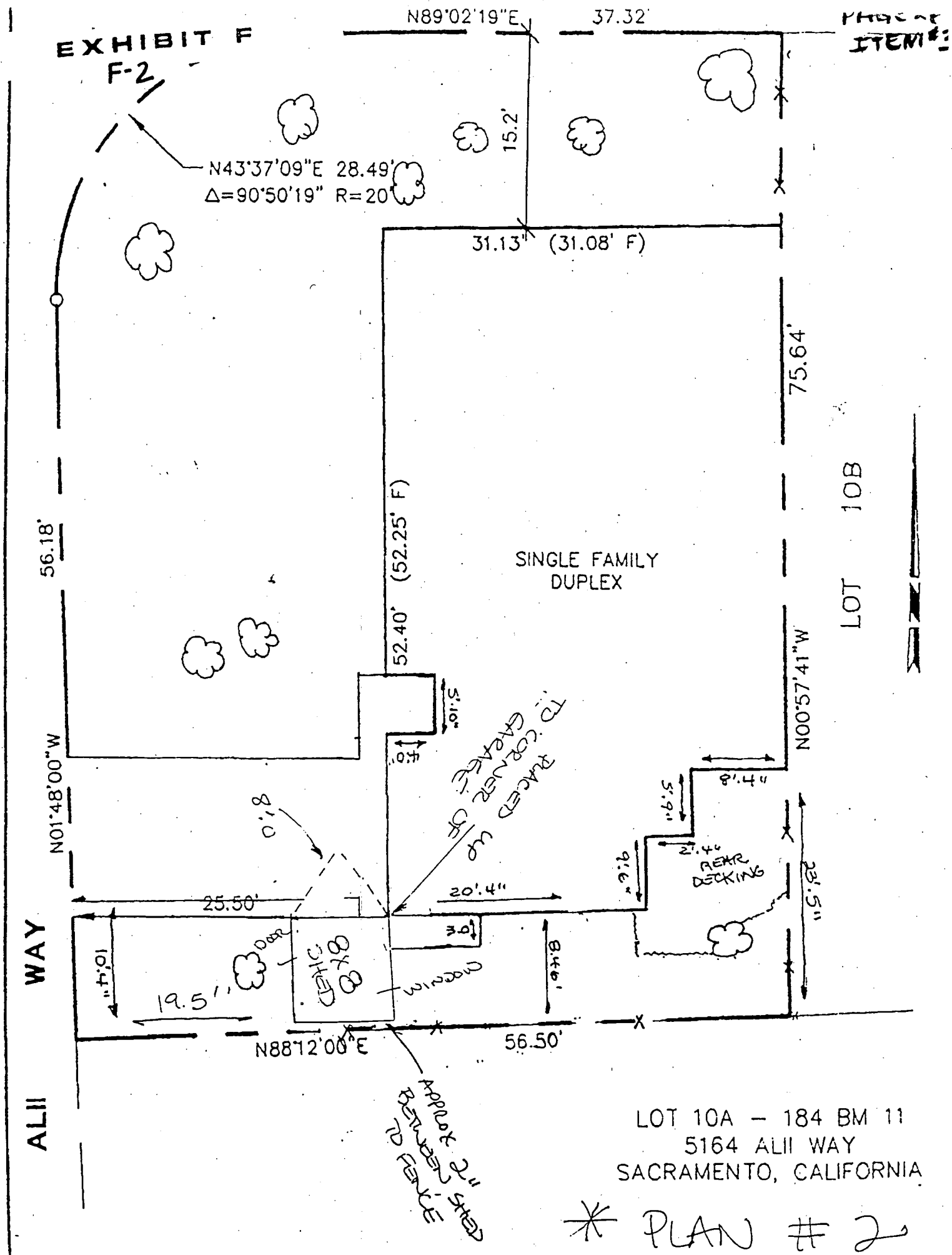
SINGLE FAMILY
DUPLEX

LOT 10B

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

APPROX 2' 1/2\"/>

PLAN # 1



ATTACHMENT 3**PAGE 27
ITEM #3**

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 ADMINISTRATORDate: 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
Otherwas: 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) 929-7000Address: 701 University Avenue, Suite 200, Sacramento, California 95825Appellant's ^{Agent's} Signature: David L. Robertson**OFFICE USE ONLY**Filing Fee (\$340) Received: Received by: H Perry Date: 10-20-97Distribute Copies to: Planning Director _____
(3 copies + original) Zoning Administrator _____
Secretary to Planning Commission _____
Original & receipt in file _____zaappeal
4/6/93

PAGE 28
ITEM 3

3-2
TRAINOR · ROBERTSON

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

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

TELEPHONE
(916) 929-7000

FACSIMILE
(916) 929-7111

E-MAIL
tr@tr-sac.com

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:

~~EXHIBIT D~~
3-5PAGE 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
Jerry 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
Tom H.	5187 Alii way	992-6234
Scott M. ...	5157 Alii way	991-1878
A. H.	5157 " ALII WAY	991-1878

~~EXHIBIT - D~~

3-6

PAGE 32
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

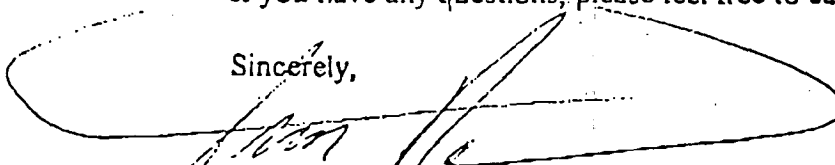
RE: Zoning Administrator Variance
5164 Alii Way (D2, Area 4)
APN: 226-0350-010

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

~~EXHIBIT D~~

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ITEM 23

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

~~EXHIBIT D~~
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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

OCT. -17 97 (FRI) 11:25

TOWN & COUNTRY CREDIT CORP.

TEL: 916 569 1552

P. 016

~~EXHIBIT B~~
3-9

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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

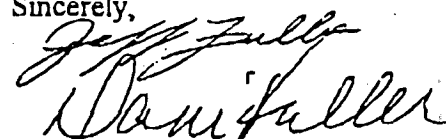
Re: Zoning Administrator Variance
5164 Alii Way (D2, Area 4)
APN: 226-0350-010

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

~~EXHIBIT B~~
3-10



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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:

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)

Margaret Heimbuch
Local 20 ni

~~EXHIBIT D~~



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ITEM #3

DEPARTMENT OF
NEIGHBORHOODS,
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 200
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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 problems with this
variance # Z97-078. Charles David Cole
5193 ALII WAY
SACRAMENTO CA 95838