

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

ACTION OF THE ZONING ADMINISTRATOR

On Wednesday, August 19, 1998, the Zoning Administrator approved with conditions two variances to increase the fence height and allow the fence in a setback area for a single family residence for the project known as Z98-088. Findings of Fact and conditions of approval for the project are listed on pages 3-4.

Project Information

- Request: 1. Zoning Administrator Variance to reduce the street side yard setback for fences/walls from 5 feet to 3 feet, 3 inches (wall is 4 feet from back of side walk, 3 feet, 3 inches from the property line).
2. Zoning Administrator Variance to increase the maximum height permitted for a residential fence/wall from 6 feet to 6 feet 8 inches (height of wall is measured from the grade of the backyard. The wall is presently 6 feet 1 inch, the brick pilasters are 7 inches higher or 6 feet 8 inches).

Location: 1001 43rd Street (D3, Area 1)

Assessor's Parcel Number: 008-0114-019

Applicant: John Lambeth
 1400 K Street, Suite 201
 Sacramento, CA 95814

Property: Carol & Martin Greenberg
Owner: 1001 43rd Street
 Sacramento, CA 95819

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

Surrounding Land Use and Zoning:
North: R-1; Apartments and Duplex
South: R-1; Single Family Residence
East: R-1; Single Family Residence
West: R-1; Single Family Residence

Property Dimensions:	Irregular
Property Area:	0.23± acres
Fence Building Materials:	Concrete and Brick
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

Project Plans: See Exhibits A-B

Previous Files: None

Background Information: In June of 1998, the property owners began construction of a wall adjacent to the street side yard of the property located at 1001 43rd Street. The owners were sent a letter indicating a possible fence violation from Neighborhood Code Enforcement for locating a solid fence in the street side yard setback higher than three feet and higher than the allowed six feet for other fences. The owners was instructed to lower the fence or apply for a variance to allow it to remain. The applicant applied for the Zoning Administrator Variances and the application was considered complete on July 21, 1998.

Additional Information: The applicant is requesting to allow a partially constructed 6.1 foot wall with 6.67 foot brick pilasters in the street side setback area to remain. The wall is located 3.3 feet from the north property line. The house is located at the southeast corner of 43rd Street and J Street. The wall extends from the front edge of the house and parallels J Street stopping 3.5 feet from the garage driveway. The fence is not in the driveway clear zone. The Zoning Ordinance allows a maximum height of three feet for residential fences/walls in the first five feet of the street side yard setback area or a six foot decorative wrought iron fence. Additionally, the maximum height for any portion of a fence or wall is six feet. The applicant is requesting variances to these requirements.

As noted above, the property owners were in the process of constructing the wall when they were cited by Code Enforcement. The finished wall will have a brick cap along the top and a stucco finish (see Exhibit A).

Neighborhood Comments: The owner has provided many letters in support of the wall. The site is located within the East Sacramento Improvement Association (ESIA) area. Staff sent the plans to the association and they discussed the project at a community meeting. ESIA sent a letter of support for the project subject to numerous conditions (see Exhibit D). The project has been noticed and staff has received one call concerning the project. The caller expressed support for the variance; however, the caller was angered that the wall was constructed without following the proper procedures.

Agency Comments

The proposed project has been reviewed by the City Public Works- Transportation and Engineering Planning Division, and the Building Division. There were no concerns or conditions from the other agencies.

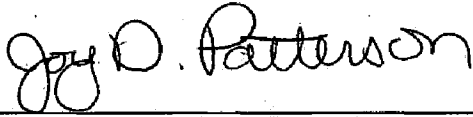
Environmental Determination: This project will not have a significant effect on the environment and is exempt from environmental review pursuant to State EIR Guidelines {California Environmental Quality Act, Section 15303(e)}.

Conditions of Approval

1. The applicant shall plant shrubs along the wall. The applicant shall submit a final landscaping plan to Planning staff for review and approval prior to installation.
2. The area between the wall and the sidewalk shall be maintained.

Findings of Fact:

1. Granting the variances do not constitute a special privilege extended to an individual applicant in that:
 - a. the project, as conditioned, will soften the appearance of the wall; and
 - b. variances would be and have been granted to other property owners facing similar circumstances.
2. Granting the variance requests does not constitute use variances in that the single family dwelling is residential use that is permitted in the Standard Single Family (R-1) zone.
3. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:
 - a. the fence does not impair visibility of the sidewalk and J Street for the adjacent neighbor; and
 - b. the fenced area will provide additional safety and a noise buffer for the applicant from the high traffic volume along J Street.
4. The project is consistent with the General Plan which designates the subject site as Low Density Residential (4-15 du/na).

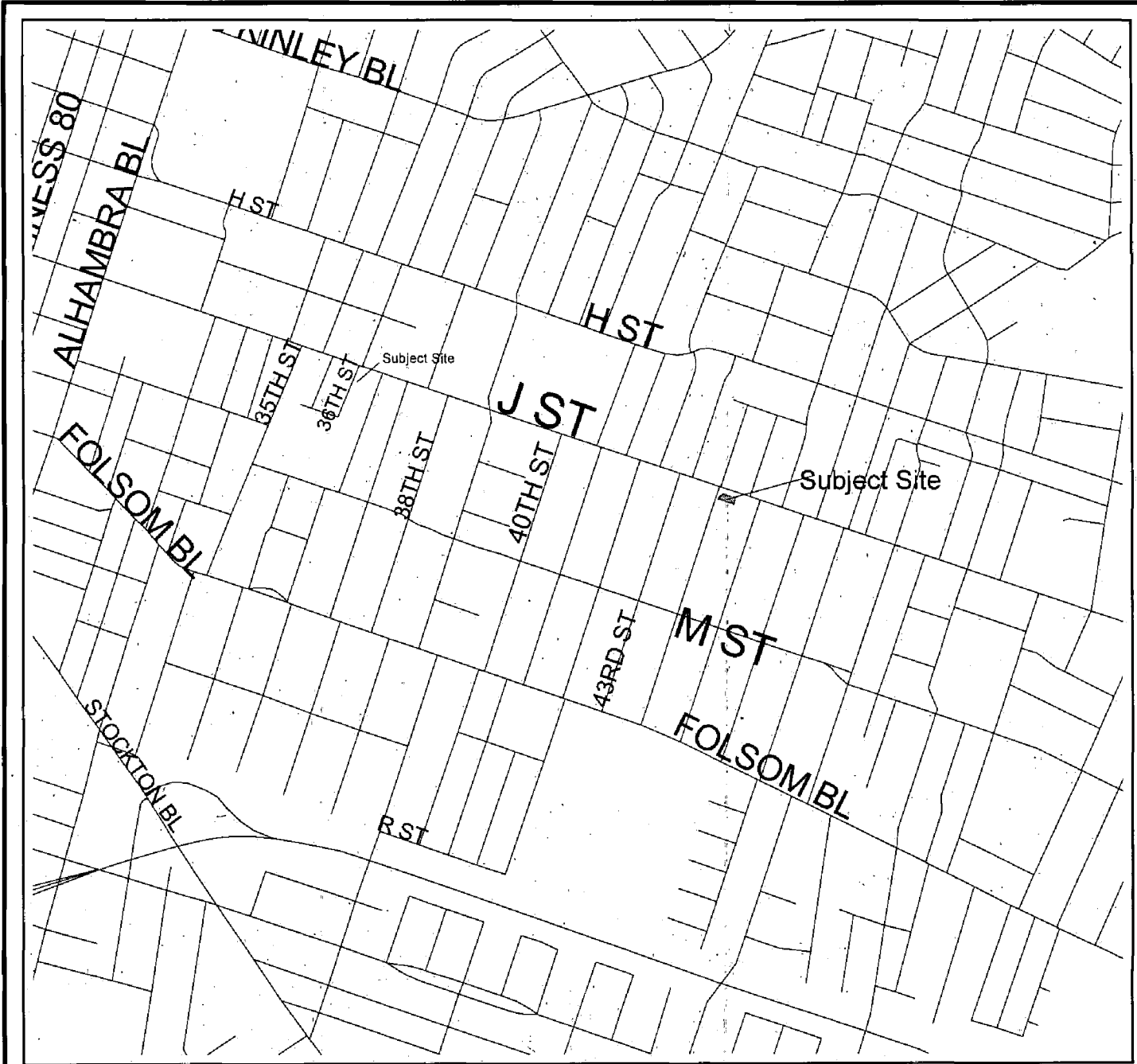


Joy D. Patterson
Zoning Administrator

A use for which a Variance is granted must be established within two years after such permit is approved. If such use is not so established the Variance shall be deemed to have expired and shall be null and void. A Variance which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.

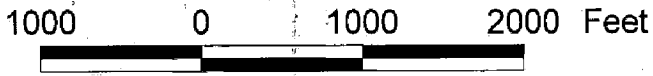
The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File
Applicant
ZA Log Book



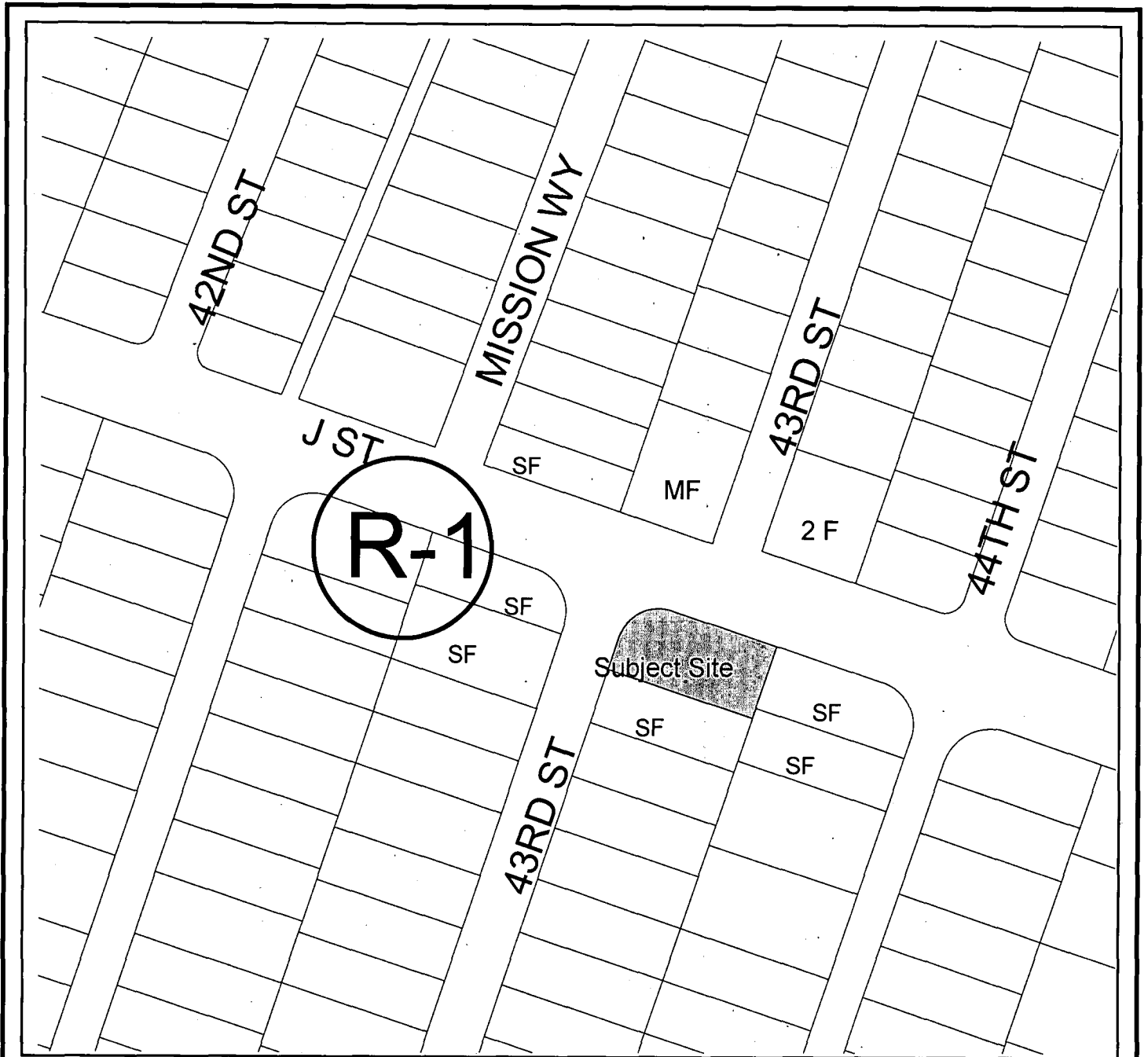

Neighborhoods, Planning
And Development Services
Department

Geographic
Information
System



VICINITY MAP



Neighborhoods, Planning
And Development Services
Department

Geographic
Information
System

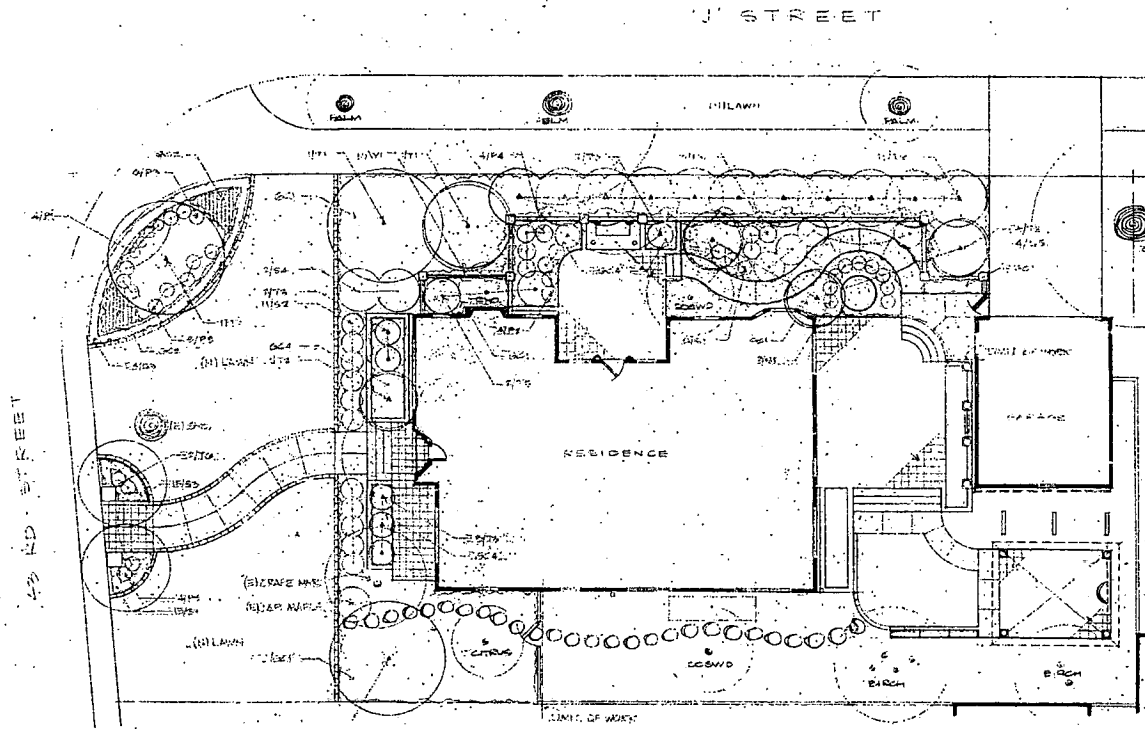
LAND USE AND ZONING



298-088

AUGUST 19, 1998

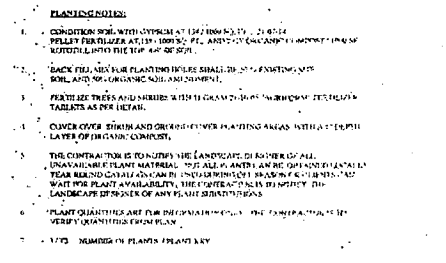
ITEM #2



CLASS	QUANT.	BOTANICAL NAME	COMMON NAME	QTY	SIZE	REMARKS
TREES						
T1	1	Redwood	Green Redwood	1	12" DBH	
T2	1	Amelanchier	Red Dogwood	1	12" DBH	
T3	1	Amelanchier	Red Dogwood	1	12" DBH	
T4	1	Amelanchier	Red Dogwood	1	12" DBH	
T5	1	Amelanchier	Red Dogwood	1	12" DBH	
T6	1	Amelanchier	Red Dogwood	1	12" DBH	
T7	1	Amelanchier	Red Dogwood	1	12" DBH	
T8	1	Amelanchier	Red Dogwood	1	12" DBH	
T9	1	Amelanchier	Red Dogwood	1	12" DBH	
SHRUBS						
S1	1	Amelanchier	Red Dogwood	1	12" DBH	
S2	1	Amelanchier	Red Dogwood	1	12" DBH	
S3	1	Amelanchier	Red Dogwood	1	12" DBH	
S4	1	Amelanchier	Red Dogwood	1	12" DBH	
S5	1	Amelanchier	Red Dogwood	1	12" DBH	
PERENNIALS						
P1	1	Amelanchier	Red Dogwood	1	12" DBH	
P2	1	Amelanchier	Red Dogwood	1	12" DBH	
P3	1	Amelanchier	Red Dogwood	1	12" DBH	
P4	1	Amelanchier	Red Dogwood	1	12" DBH	
P5	1	Amelanchier	Red Dogwood	1	12" DBH	
SPACES						
VI	1	Amelanchier	Red Dogwood	1	12" DBH	
GRASS/SEDGE						
G1	1	Amelanchier	Red Dogwood	1	12" DBH	
G2	1	Amelanchier	Red Dogwood	1	12" DBH	
G3	1	Amelanchier	Red Dogwood	1	12" DBH	
G4	1	Amelanchier	Red Dogwood	1	12" DBH	

- ABBREVIATIONS**
- T1 - Tree
 - S1 - Shrub
 - P1 - Perennial
 - G1 - Grass/Sedge
 - VI - Vines

- PLANTING NOTES**
1. CONSTRUCTION SHALL BE ACCORDING TO THE CITY OF SAN FRANCISCO PLANTING SPECIFICATIONS.
 2. BACK FILL AND PLANTING HOLES SHALL BE TO EXISTING GROUND AND NOT TO EXCEED 18" DEPTH.
 3. PLANTING SHALL BE ACCORDING TO THE CITY OF SAN FRANCISCO PLANTING SPECIFICATIONS.
 4. CONSTRUCTION SHALL BE ACCORDING TO THE CITY OF SAN FRANCISCO PLANTING SPECIFICATIONS.
 5. THE CONTRACTOR IS TO PROVIDE THE LANDSCAPE AT THE END OF ALL UNAVAILABLE PLANT MATERIAL. IF ALL PLANTS ARE NOT AVAILABLE AT THE END OF THE PROJECT, THE CONTRACTOR SHALL PROVIDE A TEMPORARY LANDSCAPE AT THE END OF THE PROJECT.
 6. PLANT QUANTITIES ARE FOR INFORMATION ONLY. THE CONTRACTOR SHALL VERIFY QUANTITIES FROM PLAN.
 7. SEE NUMBER OF PLANTS FROM PLAN.



PLANTING DETAILS 1/4" = 1'-0"

RECEIVED
AUG 07 1998

PLANTING PLAN

298-088

EXHIBIT B

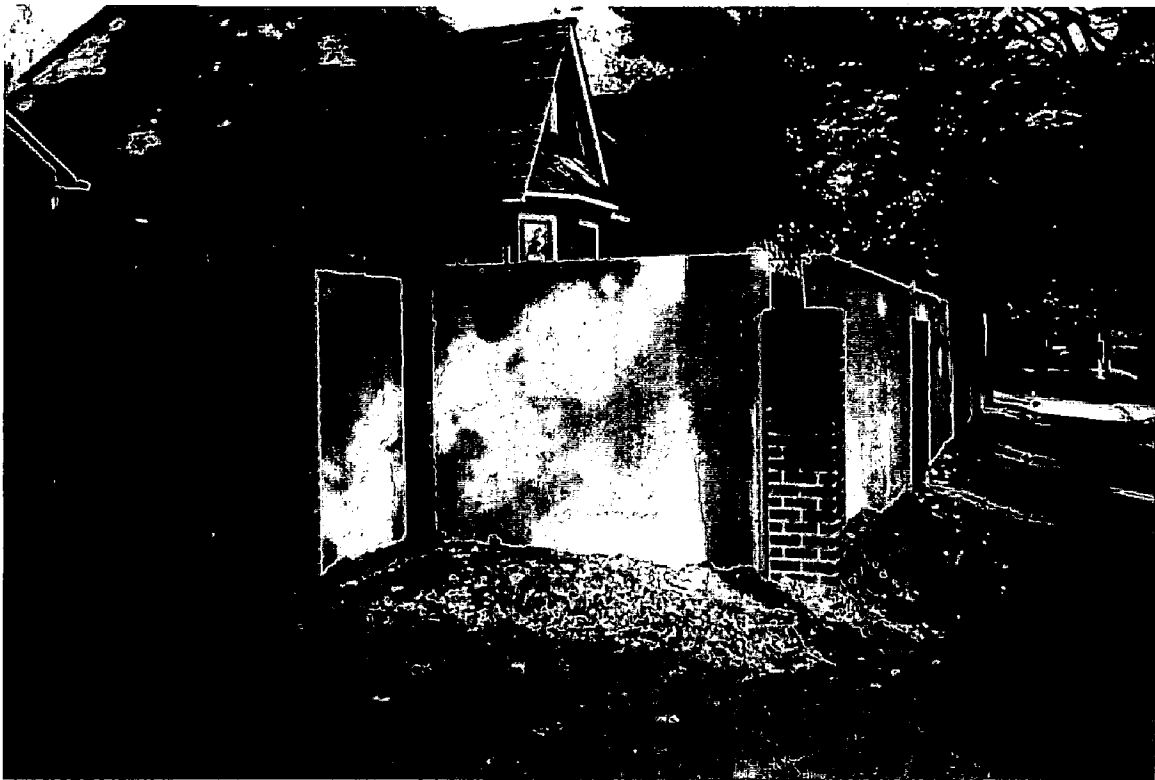
Greenberg Residence
1001 43rd Street

Scale:

EXHIBIT - C



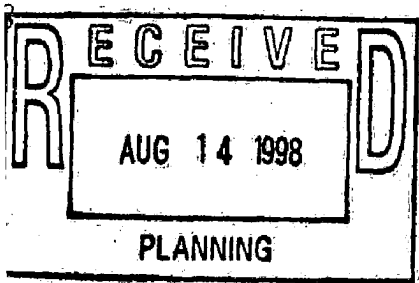
Front Yard View of Lot



Street-side and Back-side View of Lot



ASSOCIATION



development

Photos for Fence Variance Application, Parcel Number 008-0144-020



Fence at 42nd and J Streets, Height 72" with No Street Side Setback



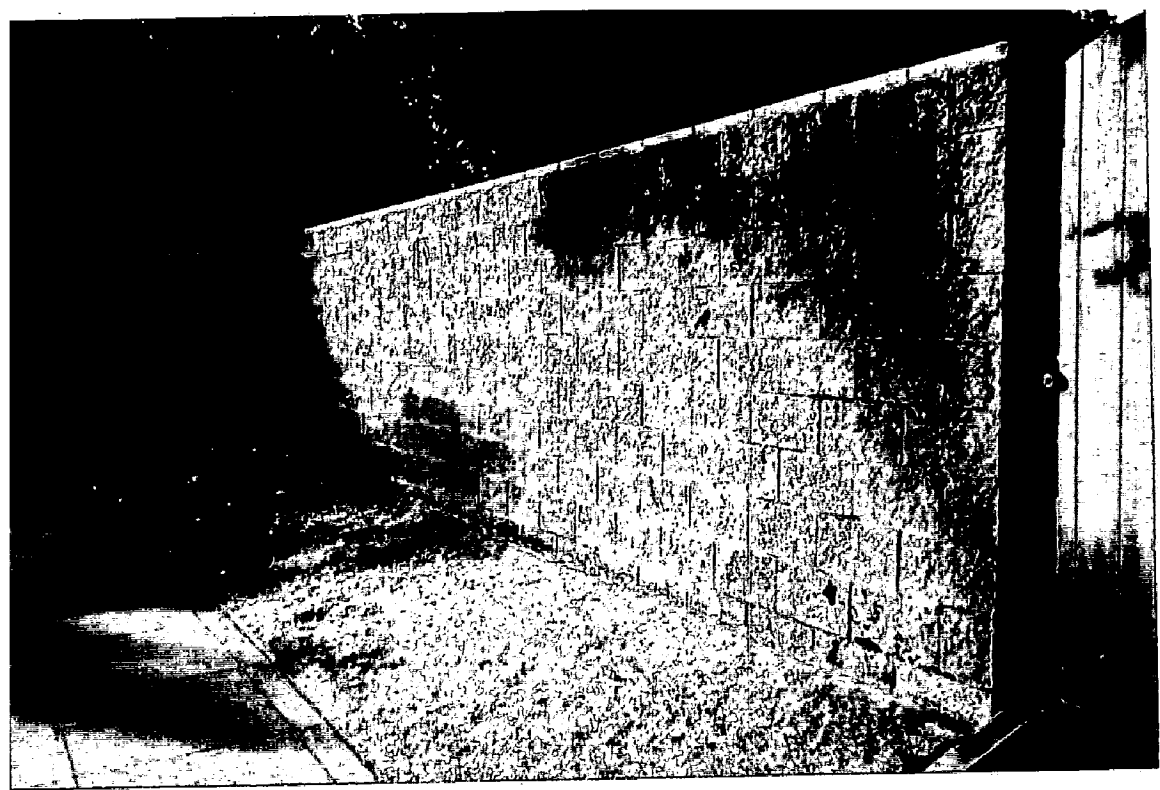
Fence at 44th and J Streets, Height 93 1/2" with No Street Side Setback



Fence at 45th and J Streets, Height 95 ½" with No Street Side Setback



Fence at 44th and J Streets, Height 93 ½" with No Street Side Setback



Fence at 41st and J Streets, Height 87" with 48 1/2" Street Side Setback



Fence at 44th and J Streets, Height 102 1/2" with No Street Side Setback



Fence at 47th and J Streets, Height 100" with No Street Side Setback



Fence at 46th and J Streets, Height 102 1/2" with 96" Street Side Setback

Photos for Fence Variance Application, Parcel Number 008-0144-020



Fence at 43rd and J Streets, Height 72" with No Side Street Setback AND
Fence at 42nd and J Streets, Height 72" with No Side Street Setback