

**REPORT AMENDED BY STAFF MAY 25, 1988**

City Planning Commission  
Sacramento, California

Members in Session:

Subject: Modification of Special Permit (P86-277) related to side yard setback.

Location: 7318 Rush River Drive

SUMMARY:

As noted in the attached original May 26, 1988, staff report noncompliance with the 10 foot setback on the north side of Lot 11 was brought to light when the neighbor on the south side (not a part of the zero lot line subdivision) complained about having a zero lot line structure on his common property line (see attached report). In researching the neighbor's complaint, staff found the zero setback on the south side, although not a good situation, was approved. However, staff also found that the approved 10 foot setback on the north side was only 5 feet. The owner/developer was notified of the violation and need for Commission action.

Staff took the opportunity to mitigate what the neighbor/developer and staff recognize as an undesirable situation on both sides. Normally, staff will not support placing a structure on the property line when the adjacent lot is not a part of the project for practical and aesthetic reasons. Developers also avoid this since future maintenance is a problem without the typical access assessments.

The structure on Lot 11 is located approximately eight inches from the south property line. The neighboring property to the south is setback approximately ten feet. The future owner of the structure on Lot 11 will have difficulty maintaining the south side of the structure due to the lack of room.

Subsequent to the May 26, 1988 staff report, the developer and the adjacent neighbor have reached an agreement whereby the developer will be purchasing an easement from the neighbor (see attached). Based on this agreement, staff has modified the recommendation for approval.

RECOMMENDATION:

Planning staff recommends approval of the request to reduce the side yard setback on the north side of Lot 11 to five feet subject to the following Condition and Findings of Fact:

Condition

A two foot easement to facilitate maintenance on the south side of Lot 11 shall be recorded prior to final building inspection.

Findings of Fact

1. Granting the request is based upon sound principles of land use in that:
  - a. although reduced from ten feet to five feet, there is still sufficient room for property, health and safety concerns; and
  - b. it is impractical to remove the almost completed residence on the subject site.
  
2. Granting the variance will not be detrimental to public health, safety or welfare, nor result in a nuisance in that:
  - a. there is adequate setback between the subject structure and the adjoining northern neighbor for emergency access;
  - b. the project is consistent with the 1988 Pocket Plan which designates the site for residential uses.

Respectfully submitted,

*Art Gee*

Art Gee,  
Principal Planner

AG:vf