

PLANNING DIRECTOR'S VARIANCE

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

APPLICANT Polly Pools Stock Corporation, 9140 Jackson Road, Sacramento, CA 95826
OWNER Curd C. Smith, 1497 34th Street, Sacramento, CA 95826
PLANS BY Polly Pools Stock Corporation, 9140 Jackson Road, Sacramento, CA 95826
FILING DATE 9/22/87 **ENVIR. DET.** Exempt 15303(a) **REPORT BY** DJH:sc
ASSESSOR'S-PCL. NO. 007-0295-012

APPLICATION: Planning Director's Variance to allow a swimming pool to be constructed 3'4" from the interior side property line. (P87-419)

LOCATION: 1497 34th Street

PROJECT INFORMATION:

1974 General Plan Designation: Residential

Existing Zoning of Site: R-1

Existing Land Use of Site: Single Family Residential

Surrounding Land Use and Zoning:

North: Single Family Residential; R-1

South: Single Family Residential; R-1

East: Single Family Residential; R-1

West: Single Family Residential; R-1

Property Dimensions: 40' x 80'
Property Area: 3,200+ sq. ft.
Pool Dimensions: 12' x 24'
Topography: Flat
Street Improvements: Existing
Utilities: Existing

BACKGROUND INFORMATION: The applicant was issued a building permit in error by the Building Division to construct a 12' x 24' swimming pool in the side yard setback area. Once construction had commenced the field inspector determined that the pool was located within the required five foot side yard setback area. The existing single family residence was constructed with a 3'4" side yard setback and the proposed pool will be constructed with the same established setback.

PROJECT EVALUATION: Staff has the following comments regarding this project:

- A. The subject site consists of a .07+ acre lot on which a single family dwelling is located. The lot is zoned single family (R-1) and is designated for residential uses by the General Plan. Surrounding uses are exclusively single family.
- B. A half-constructed swimming pool is located 3'4" from the interior (side yard) property line. A minimum five foot side yard setback is required, however, the Planning Director may grant a variance from the setback requirements of up to 50 percent provided a hardship exists.

The swimming pool was proposed in the present location due to the pre-existing 3'4" setback of the house and to maintain a maximum six foot separation between the house

and the pool. In addition, since the lot is substandard in size (40' x 80') it would be difficult to construct a pool and comply with all yard setbacks.

- C. The adjacent property owners have been notified of the proposed variance. No objections have been made opposing the request.

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

RECOMMENDATION: Staff recommends the variance be approved subject to conditions and based on the findings of fact which follow:

Conditions

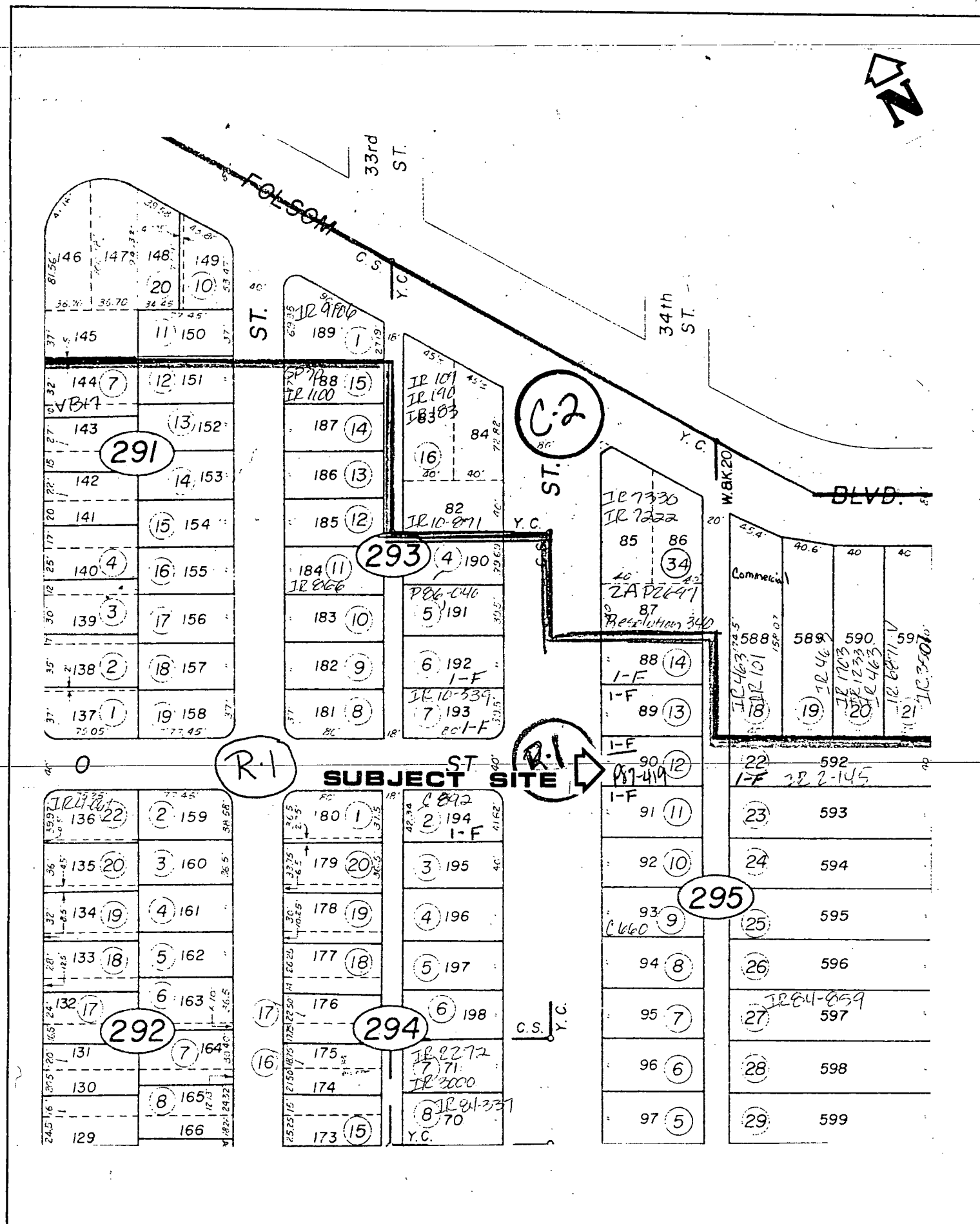
The applicant shall meet the following minimum noise ordinance requirements for the pool equipment pad:

1. Mechanical equipment shall not emit noises which would cause the maximum noise level to exceed:
 - a. 60 dba, one foot inside adjacent properties;
 - b. 55 dba in the center of a neighboring patio;
 - c. 55 dba outside of the neighboring living area nearest the equipment location.

Findings of Fact

1. Granting the variance does not constitute a special privilege extended an individual applicant in that:
 - a. the house has a pre-existing substandard setback and variances have been granted for other lots with pre-existing substandard setbacks;
 - b. the subject lot is substandard in size (40' x 80').
2. Granting the variance does not constitute a use variance in that a swimming pool is allowed in the R-1 zone.
3. Granting the variance will not be injurious to public welfare nor to property in the area in that:
 - a. the lot is compatible with adjoining development; and
 - b. it will not alter the residential character of the neighborhood.

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LAND USE & ZONING MAP

P87-419



002607

VICINITY MAP

P87-422