



CITY OF SACRAMENTO

~~38~~
19

CITY PLANNING DEPARTMENT

725 "J" STREET

SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

FILED August 14, 1980

By the City Council
Office of the City Clerk

*cont 40
8.26-80*

APPROVED
BY THE CITY COUNCIL

*intent to deny
appeal based
on F. of F.
due 9-10-80*

City Council
Sacramento, California

AUG 19 1980

AUG 26 1980

OFFICE OF THE
CITY CLERK

Honorable Members in Session:

SUBJECT: Appeal of the City Planning Commission's approval of a Variance request to construct a portion of a swimming pool and a six-foot fence within the street side yard setback area. (P-9078)

LOCATION: 561 46th Street

SUMMARY

This is a proposal to construct a swimming pool and six-foot high fence within a portion of the street side yard area. The Planning Commission, in concurrence with staff recommendation, approved the Variance requests. The Variances were subsequently appealed to the City Council.

BACKGROUND INFORMATION

The subject site is an irregular shaped parcel that is located at the intersection of Pico Way and 46th Street. The proposed swimming pool and fence are located within the required 12½-foot setback along Pico Way. The staff and Planning Commission have no objection to the proposal because the site is unique in that there is a very limited back yard area that actually faces Pico Way as shown on the attached site plan. Also, the proposed location is the most logical place to place the swimming pool.

There were several neighbors who expressed concerns regarding traffic safety because they felt that the location of the fence would reduce visibility at this intersection. The intersection is unique because it is a five corner intersection and there is a substantial amount of traffic that travels through the intersection. They also indicated that there is a significant amount of traffic accidents that occur at this intersection.

APPROVED
BY THE CITY COUNCIL

AUG 26 1980

OFFICE OF THE
CITY CLERK

August 14, 1980.

The staff and Planning Commission recognize the concerns expressed by the residents regarding traffic circulation and safety. However, there is a yield sign located on Pico Way which should force motorists to stop or slow down as they approach the intersection. Also, the location of the fence will be 35 feet from the intersection which should allow sufficient visibility. Furthermore, the property owner can legally place the fence as close as 25 feet to the intersection which would be more hazardous.

Attached are copies of petitions and letters that were submitted by the neighbors.

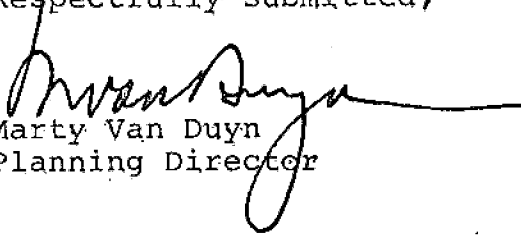
VOTE OF COMMISSION

On July 10, 1980, the Planning Commission by a vote of seven ayes, two absent, approved the variances subject to conditions.

RECOMMENDATION

The staff recommends that the City Council deny the appeal.

Respectfully submitted,


Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:HY:jm
Attachments
P-9078

August 19, 1980
District No. 3

NOTICE OF APPEAL OF THE DECISION OF THE
SACRAMENTO CITY PLANNING COMMISSION

CITY PLANNING COMMISSION

DATE: July 21st 1980 ^{APM}

JUL 21 1980

RECEIVED

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning
Commission of July 10th 1980 when:
(Date)

Rezoning Application Variance Application
 Special Permit Application _____

was: Granted, Denied by the Commission

GROUNDS FOR APPEAL: REFER TO (T. NUNES) CITY TRAFFIC ENGINEER REPORT
AN EXTREME TRAFFIC HAZARD AT THIS FIVE CORNER
INTERSECTION EXISTS NOW. THE APPLICANT HAS BEEN GRANTED
A VARIANCE TO CONSTRUCT A SIX FOOT HIGH WALL ALONG PICO WAY
WHICH WILL BLOCK VISIBILITY AND INCREASE THE EXISTING DANGER.

PROPERTY LOCATION: 561-46th ST. SACRAMENTO CA. 95819

PROPERTY DESCRIPTION: Single Family Residential

ASSESSOR'S PARCEL NO. 004 - 253 - 12

PROPERTY OWNER: PATRICK J. WEAGRAFF

ADDRESS: 561-46th STREET SACRAMENTO CA. 95819

APPLICANT: PATRICK J. WEAGRAFF

ADDRESS: 561-46th STREET, SACRAMENTO CA

APPELLANT: Henry L Meyer

ADDRESS: 591 - Pico Way Sacramento Ca. 95819
(SIGNATURE)

FILING FEE: \$50.00. Receipt No. _____

FORWARDED TO CITY CLERK ON DATE OF: 7-29-80

Hearing Date: 8-19-80

P- 9078

(4 COPIES REQUIRED)

JUL 7 - 1980

RECEIVED

July 1, 1980

To the Members of the Sacramento City Planning Commission
and Members of the Sacramento City Council;

This letter is a direct protest to a notice posted on property located at 561 46th Street. Said notice was a request from owners of property at 561 46th Street to be allowed two separate variances. One request asking for a six and one half foot set back from the established city property line. The other request being permission to construct a six foot fence. Purpose for variances needed to construct a swimming pool. The property location for the construction of said pool would be located in the front yard of this home.

It would deface the original beauty of a long established neighborhood and would also be a direct safety hazard. This is a five street entrance to this intersection which at present has three separate yield signs posted on three of it's street corners at the intersection. It already poses a very dangerous corner. A six foot fence would add to obstructing the view of the approaching intersection. This fence would also eliminate the beauty of an old, quiet and park like appearance that would affect the views from old established homes that are located surrounding this intersection. This corner is a beautiful old Sacramento area that adds to the beauty of our old city heritage and should remain as such. We ask the council to please consider our request to deny the six and one half foot variance and to deny the construction of a six foot fence.

Marine Lohk
550-46 Street
Sacramento Calif 95819

17 names

RECEIVED

P-9078

This petition is a statement of support for the Weagraff's application to build a swimming pool and spa at their residence at 561 46th Street. We feel that this undertaking will enhance the neighborhood, and in no way will disturb the truly beautiful and peaceful atmosphere that now exists.

* Marina Solok - setback ok (7-6-80)

560 46 ST.

NAME

ADDRESS

#2 Jane Wraschler

46th Street

#4 ~~John & Anna Hays~~

551 46 ST.

#5 Jay Marinovich

531-46th

#6 Charlotte Meisel

510 46th ST.

#7 John Marinovich

511 46th ST.

#8 Michelle Hoover

510 - 46th ST

#9 Bob Meisel

511 - 46th ST

#10 Peter Hoover

501 - 46th ST.

#11 Sherry Hansen

501 - 46th ST.

#12 ~~David W. Hansen~~

450-46th st.

#13 Warren Becker

441-46th St.

#14 Mary Anne Fox

441-46th St

#15 Alice M. Fox

void other petition in view of

Map explanation

457-7676

RECEIVED

P-9078

17 names

This petition is a statement of support for the Weagraff's application to build a swimming pool and spa at their residence at 561 46th Street. We feel that this undertaking will enhance the neighborhood, and in no way will disturb the truly beautiful and peaceful atmosphere that now exists.

#	NAME	ADDRESS
* #1	Norine Solok - setback ok (7-6-80)	550 46 ST.
#2	Jane Waschler	46th Street
#3	Bob & Janet Harty	551 46 ST.
#4	Jay Mannovick	531- 46th
#5	Charlotte Meisel	510 46th ST.
#6	John Marinovich	511 46th ST.
#7	Michelle Hoover	510 - 46th ST
#8	Bob Meisel	511 - 46th ST
#9	Peter Hoover	501 - 46th ST.
#10	Sherry Hansen	501 - 46th ST.
#11	Carol W. Hansen	450-46th st.
#12	Warren Parker	441-46th St.
#13	May Anne Fox	441-46th St
#14	Alice M Fox	457-46th St

Void other petition in view of map explanation.

457-46th St

WEAGRAFF PETITION-- PAGE 2

NAME

ADDRESS

NO OBJECTIONS TO PROPOSAL, BUT HOPE THAT FINALLY APPROVED
DETAILS OF CONSTRUCTION WOULD ENHANCE THE NEIGHBORHOOD
ESTHETICALLY.

- #17 { Joseph A. Paduana 551 PICO WAY
- #18 { Carme Paduana 551 Pico Way
- #19 { Grey H Kunitz 520 Pico way
- #20 Patricia Kunitz 520 Pico Way
- #21 Susan Collins 521 Pico Way
- #22 Ronald DeLeon 510 Pico Way
- #23/24 Roger & Laurie Pesinkoff 600 46th St
- #25 Edna M. Sogren 624- 46th St.
- #26 (I signed OTHER PETITION WITHOUT SEEING MAP OR)
(LEARNING OF PROPOSED BOUNDRIES OF FENCE)
Mary A. Brown 625-46th St.
- #27 Myron Remf A 633 46th st.
- #28 Patricia Livingston 633 46th Street
- #29 Mr. and Mrs Kenneth Hoof 1417- 47th St.
- #30 Donna Weagray

* NOTE - THE NAMES UNDERLINED SIGNED OTHER PETITIONS AGAINST POOL
NOW VOTE FOR IT.

LETTER OF PROTEST

CITY PLANNING COMMISSION

JUL 2 - 1980

RECEIVED

July 1, 1980

To the Members of the Sacramento City Planning Commission
and Members of the Sacramento City Council:

This letter is a direct protest to a notice posted on property located at 561 46th Street. Said notice was a request from owners of property at 561 46th Street to be allowed two separate variances. One request asking for a six and one half foot set back from the established city property line. The other request being permission to construct a six foot fence. Purpose for variances needed to construct a swimming pool. The property location for the construction of said pool would be located in the front yard of this home.

It would deface the original beauty of a long established neighborhood and would also be a direct safety hazard. This is a five street entrance to this intersection which at present has three separate yield signs posted on three of it's street corners at the intersection. It already poses a very dangerous corner. A six foot fence would add to obstructing the view of the approaching intersection. This fence would also eliminate the beauty of an old, quiet and park like appearance that would affect the views from old established homes that are located surrounding this intersection. This corner is a beautiful old Sacramento area that adds to the beauty of our old city heritage and should remain as such. We ask the council to please consider our request to deny the six and one half foot variance and to deny the construction of a six foot fence.

7-1-80 Maria Meyer 591 Pico Way Sacramento 95819
7-1-80 Cynthia & Mrs M. Rust 541-46th St " 95819
7-1-80 Emma Fujau 521-46th St " 95819
7-1-80 Alice Joy - 441-NORTH ST - " 95819
7-1-80 Jeanne E. Joy 421-46th Street " 95819
7-1-80 Blanche Lewis 421-46th Street " 95819
7-1-80 Alice Kumpf 460-46th " 95819
7-1-80 Mr. & Mrs. Elric Morley - 4510 F St. " 95819

Approved Ed July 1, 1980
City Planning Commission
City of Sacramento

Ladies & Gentlemen of the Commission:
I reside at 4510 F St. Sacramento
A new neighbor residing at
561, 46th St. has requested a
variance in order to build
a swimming pool.

My wife & I & other neighbors
whom I believe will contact
you, oppose this variance.

We are not against the
use of private pools but
oppose this particular request
because of the traffic hazard
which the construction of a
pool would create. All pools
have to be fenced in, & in
the case of this property
it would create a blind
corner at an intersection
which is tricky at best.

The site proposed is in reality a front yard which extends south from the house.

One side faces 46th St. & the other faces Pier Way.

At this exact spot of St., which is a fairly busy street due to its proximity to the Memorial Hospital, meets Pier Way. In short

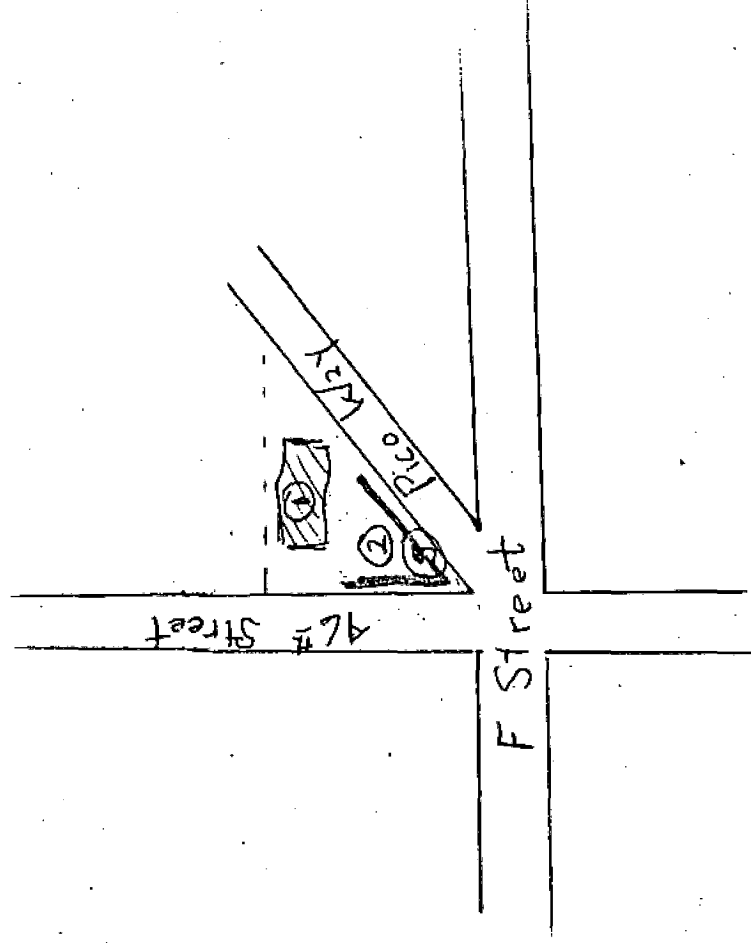
three streets meet at this exact spot. Because of numerous accidents, the city has seen fit to place three yield signs at this intersection.

Some neighbors complain of spoiling an open view & this is so. Basically, however, the curbing of a driveway would create a dangerous traffic hazard. We urge you to refuse this permit.

Sincerely yours,
The City

- 3 -

This is a rough plan of the lot in question & street locations.



1. Location of house at 561-46 St.
2. Location of proposed pool
3. In red, fence required to fence pool.



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5428

LORRAINE MAGANA
CITY CLERK

August 1, 1980

Owner of Property:

Patrick Weagraff
561 46th St.
Sacramento, CA 95819

On July 29, 1980, the following matter was filed with my office to set a hearing date before the City Council.

Appeal of Planning Commission's approval of Variance to reduce street side yard setback and Variance to allow 6 foot fence in street side yard. Loc: 561 - 46th Street (P-9078)

The hearing has been set for August 19, 1980, 7:30 P.M., Council Chamber, 2nd floor, 915 - I Street, Sacramento, California. Interested parties may appear and speak at the hearing.

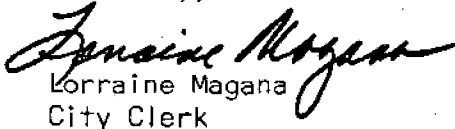
Pursuant to Council Rules of Procedure 4.5, continuance of the above matter may be obtained only if a written request is delivered to this office no later than 12:00 Noon the Monday before the meeting when the hearing is scheduled. If written request is not delivered to this office as specified herein, you may obtain continuance only by appearing before the City Council at the time the hearing is scheduled and request the continuance.

ANY QUESTIONS REGARDING THIS HEARING SHOULD BE REFERRED TO:

SACRAMENTO CITY PLANNING DEPARTMENT
725 - J STREET
SACRAMENTO CA 95814

TELEPHONE: 449-5604

Sincerely,


Lorraine Magana
City Clerk

LM:am
cc: P-9078 Mailing List 33

STAFF REPORT AMENDED 7-10-80
CITY PLANNING COMMISSION

915 "I" STREET - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Patrick J. Weagraff, 561 - 46th Street, Sacramento, CA		
OWNER	Patrick J. Weagraff, 561 - 46th Street, Sacramento, CA		
PLANS BY	Geremia Pools		
FILING DATE	6-5-80	50 DAY CPC ACTION DATE	REPORT BY: WW:jm
NEGATIVE DEC.	Exempt 15103e 15105a	EIR	ASSESSOR'S PCL. NO. 004-253-12

- APPLICATION:
1. Environmental Determination
 2. Variance to reduce street side yard setback from 12½ feet to 6 feet in order to construct a swimming pool and pool equipment
 3. Variance to locate a 6 foot high fence in the street side yard setback area.

LOCATION: 561 46th Street (46th Street and Pico Way)

PROJECT INFORMATION:

General Plan Designation: Residential
East Sacramento Community
Plan Designation: Light Density Residential
Existing Zoning of Site: R-1
Existing Land Use of Site: Single Family
Surrounding Land Use and Zoning: Single Family Residences and R-1
Square Footage of Property: 6,000 sq. ft.
Size of Pool: 450 sq. ft.
Dimension of property: Irregular

The applicant proposes to construct a swimming pool that would project approximately 6½ feet into the street side yard setback area. The pool equipment (heater, filter) would also be located in the side yard setback area adjacent to the existing garage. In addition, a six-foot high wood or masonry fence would be installed along Pico Way and around the pool area (see site plan).

STAFF EVALUATION: The staff has reviewed the overall proposal and has the following observations:

1. The subject property contains 6,000 square feet and is an irregular shaped corner lot. The single family structure and detached garage were constructed in 1927. The front of the dwelling faces 46th Street and access to the garage is from Pico Way.
2. The existing dwelling has a three-foot setback on Pico Way and the garage is located on the street side yard property line (Pico Way). A portion of the dwelling and the garage therefore project into the 12½ foot street side yard setback area.
3. Approximately 6½ feet of the pool area (1/3 of the total pool) would project into the street side yard. The remaining setback area would consist of decking, planting area and a fence. The pool equipment which includes the pump, filter and heater would also be located in the setback area against the garage and behind the fence.

APPLC. NO. P-9078

MEETING DATE July 10, 1980

CPC ITEM NO. 20

4. The applicant has indicated that a four-foot high wire and wood fence was originally located along Pico Way. The fence was removed due to deterioration. The new fence would be six feet in height and be set back approximately one foot from the sidewalk. The one-foot setback area would be planted with shrubs.

To provide additional planting outside of the fence, on Pico Way, the staff suggests the planting strip be increased to four feet in width as shown on Exhibit B. In addition, to improve the appearance and longevity of the fence, staff suggests that a decorative wall such as slumpstone block or stucco be used. A stucco fence would blend with the building exterior.

5. The staff's major concern is whether the six-foot fence on Pico Way could create a traffic hazard at the intersection. The intersection has had several accidents because there are five streets which intersect at different angles (see Exhibit A). According to the City Traffic Engineer, the major traffic flow is located on "F" Street. A bus route also runs along 46th Street and "F" Street. A large portion of this traffic is generated because of the Sutter Memorial Hospital which is located on "F" Street three blocks to the east. Field observation indicates that a visibility problem could occur when making a left-hand turn from 46th Street to Pico Way and making a right-hand turn from Pico Way to 46th Street. However, the percentage of vehicles using these turns is very low compared to "F"-46th Street traffic use. The distance from the rounded corner (measured from inside of sidewalk) to the proposed fence is 33 feet. The City Code requires corner lots to have a minimum 25-foot distance from intersections. This area must be unobstructed with fencing.

Since this corner lot has a 40° - 45° angle, staff believes additional sight distance should be required. Staff therefore suggests the fence be shifted seven feet towards the pool (see Exhibit B). This modification would locate the fence approximately 40 feet from the corner.

Staff believes the variance requests can be justified in that:

- a. The property is an irregular shaped corner lot.
- b. The existing fence, dwelling and garage extend into the street side yard setback.
- c. The property originally contained a four-foot high wire/wood fence along Pico Way.
- d. The modified fence/wall location reduces the visibility problems.
- e. The property presently has a very limited back yard area because of the configuration of the lot and the variance would enable him to have a larger back yard area which is enjoyed by other residents in the area.
- f. Other properties in the immediate area have fences (wood and stucco) along the street side yards.

NEIGHBORHOOD PROTEST: The staff has received letters from 17 property owners in the neighborhood that object to the variance for the following reasons:

1. The proposal would ruin the beauty of the neighborhood; and
2. The fence would create a traffic hazard by obstructing the view of the approaching intersection.

Attached is a copy of the protest letter.

STAFF RECOMMENDATION: The staff recommends approval of the variance requests subject to the following conditions and based on findings of fact that follow:

Conditions:

1. The proposed six-foot high fence shall consist of a stucco or masonry material and be approved by staff.
2. The proposed fence along Pico Way shall be set back ~~four~~ feet from the sidewalk. This setback area shall be planted with ground cover and shrubs. *(CPC amended to...set back 3 feet... and added: Landscaping plans shall be subject to review & approval by staff.)*
3. The south portion of the fence/wall shall be ~~relocated/and~~ contain a ~~40~~-foot distance from the corner as per Exhibit B. *(CPC amended to...shall be rounded at the corner and relocated to contain a 35 foot distance...)*

Findings of Fact:

1. The proposal does not constitute a special privilege in that:
 - a. The subject lot is an irregular shaped corner lot.
 - b. The existing fence, dwelling and garage extend into the street side yard setback.
 - c. Other properties in the neighborhood have fences (wood and stucco) on the property line and within the setback areas.
2. The variance will not constitute a use variance in that swimming pools and fences are allowed in the R-1 zone.
3. The proposal will not be injurious to the general public or surrounding properties in that:
 - a. The modified fence/wall location will improve the sight clearance for traffic visibility.
 - b. The modified fence/wall design will blend with the stucco material of the dwelling.
 - c. The proposal as conditioned will provide a four-foot planting area between the sidewalk and new fence.
 - d. The proposal will not impact the character of the neighborhood.
4. The variance is in harmony with the 1974 General Plan and the East Sacramento Community Plan in that these plans designate the subject site as residential use.

P. 9078

JULY 10, 80

ITEM NO. 20



SUBJECT SITE

COLOMA TERRACE

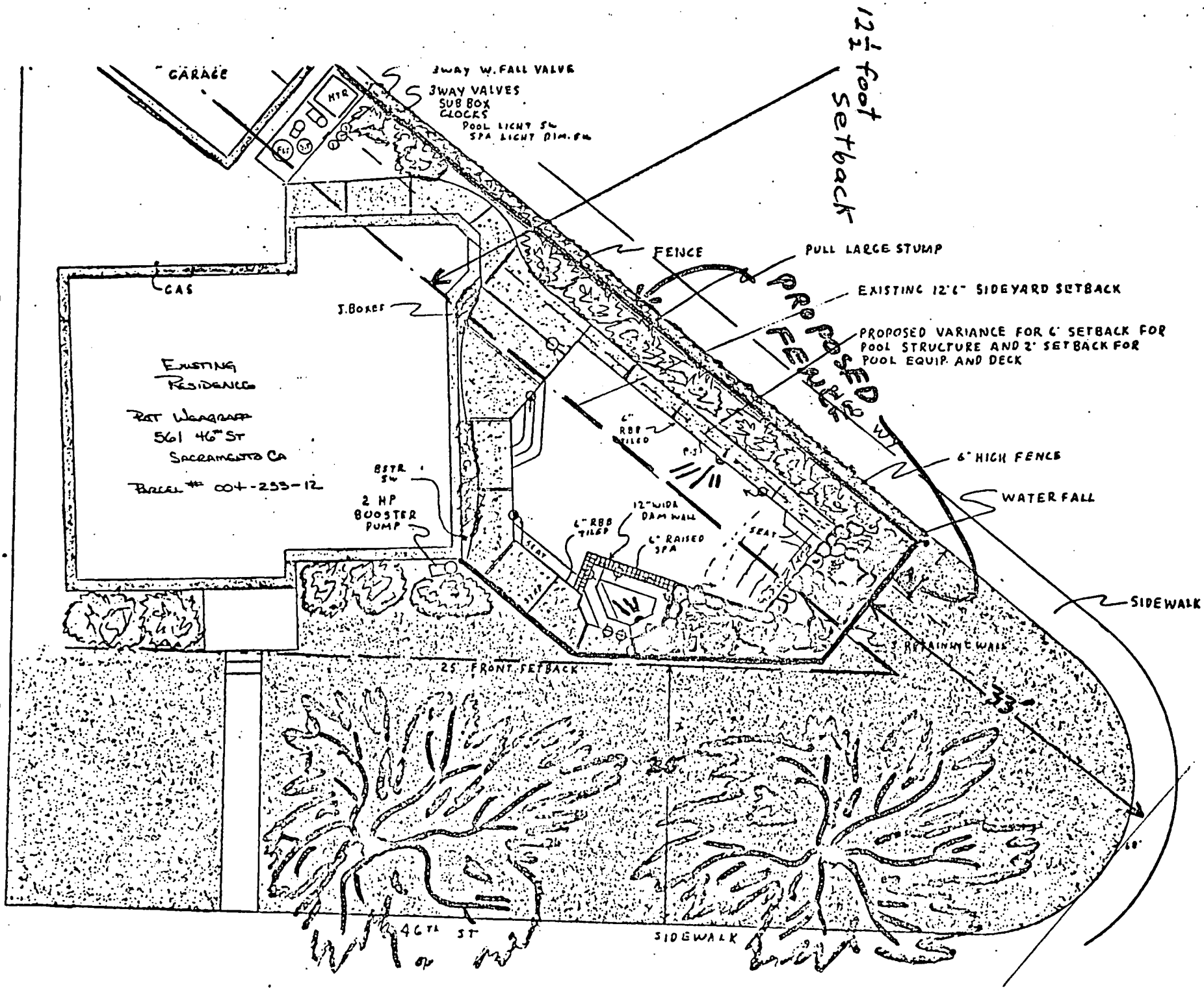


P-9078

2-10-80

Draw No. 20

APPLICANT'S PROPOSAL



P-9078

EXISTING RESIDENCE

RAT WAGGAP
561 46TH ST
SACRAMENTO CA

Parcel # 004-253-12

July 10, 1980

EXHIBIT B

Item No. 20

POOL LIGHT SW
SPA LIGHT DIM. SW

12 1/2 FOOT SETBACK

FENCE

PULL LARGE STUMP

EXISTING 12'6" SIDERYARD SETBACK

PROPOSED VARIANCE FOR 6' SETBACK FOR POOL STRUCTURE AND 2' SETBACK FOR POOL EQUIP. AND DECK

RELOCATED FENCE

6" HIGH FENCE

WATERFALL

PICO WY

SIDEWALK

J. BOXES

BSTR SW
2 HP BOOSTER PUMP

6" RBB TILED

12" WIDE DAM WALL

6" RAISED SPA

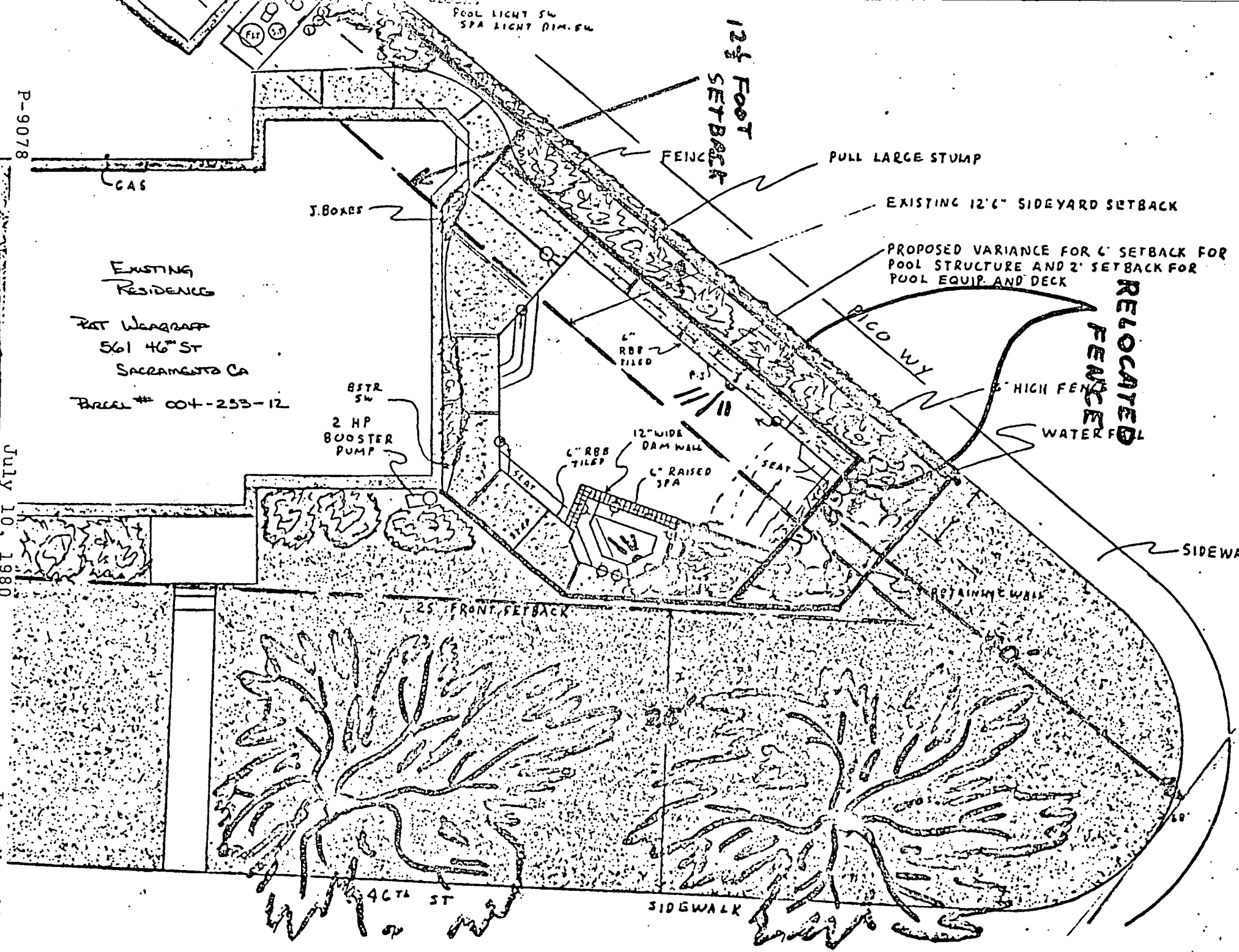
6" RBB TILED

25' FRONT SETBACK

RETAINING WALL

46TH ST

SIDEWALK





CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

August 27, 1980

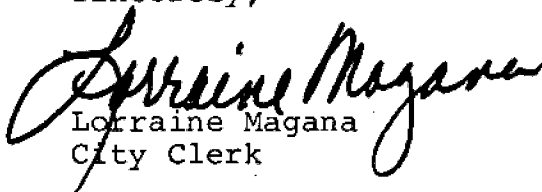
Henry L. Meyer
591 Pico Way
Sacramento, CA 95819

Dear Mr. Meyer,

On August 26, 1980, the City Council heard your appeal from City Planning Commission action approving variance to reduce street side yard setback and variance to allow 6 foot fence in street side yard at 561 - 46th Street (P-9078).

The Council adopted by motion, its intent to deny the appeal contingent on Findings of Fact due September 10, 1980.

Sincerely,


Lorraine Magana
City Clerk

LM/mm/19

cc: Patrick J. Weagraff
Planning Department