

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

ACTION OF THE ZONING ADMINISTRATOR

On Tuesday, August 1, 1995, the Zoning Administrator approved with conditions a variance to increase the fence height for a single family residence for the project known as Z95-068. Findings of Fact and conditions of approval for the project are listed on pages 2 and 3.

Project Information

Request: Zoning Administrator Variance to allow a six foot solid fence at the property line in the street side yard setback area for a single family residence on 0.19± developed acres in the Standard Single Family (R-1) zone.

Location: 8494 Mediterranean Way

Assessor's Parcel Number: 079-0052-001

Applicant: Joseph and Susanna Martin **Property** Same as owner
8494 Mediterranean Way **Owner:**
Sacramento, CA 95826

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; Single Family Residence
South: R-1; Single Family Residence
East: R-1; City Park
West: R-1; Single Family Residence

Property Dimensions: Irregular
Property Area: 0.19± acres
Fence Building Materials: Brick and Redwood
Topography: Flat
Street Improvements: Existing
Utilities: Existing

Project Plans: See Exhibits A

Previous Files: None

Additional Information: The applicant is requesting to allow a recently constructed six foot wood and brick fence with a retaining wall along the north side property line in the street side yard setback area from the front of the house to the rear of the property (east) property line to remain. The applicant began construction of a fence and was cited by the Neighborhood Services Division due to a complaint. The applicant has had numerous problems with vagrants and park patrons of the adjacent park to include camping, loitering, littering, and other nuisance type activities on their property in the setback area. Staff contacted the Police Department to confirm the applicant's complaints. The Police Department confirmed there are numerous calls for service to the adjacent park as well as a routine park sweep to pick up vagrants. The fence will be 6.75 feet in height from the sidewalk grade and approximately five feet from the backyard side. The Zoning Ordinance allows a maximum height of three feet for residential fences in the first five feet of the street side yard setback area. The applicant is requesting a variance to this requirement.

The adjacent and several other property owners affected by the fence have been notified and signed letters in support of the variance. The project has been noticed and staff has received one call concerning the project. The caller was expressed concern about the uneven height of the fence and that the fence and adjacent area be maintained. At the public hearing the applicant indicated that the fence was not finished, hence the uneven height. The applicant intends to round the top of the wood portion of the fence as shown on Exhibit 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, Section 15303(e)}.

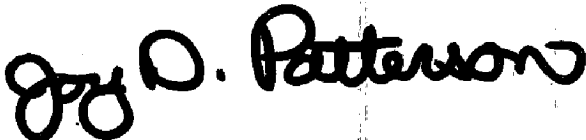
Conditions of Approval

1. The fence height shall not exceed six feet (at grade).
2. The fence location and design shall conform to submitted plans.
3. The area between the fence and the sidewalk shall be maintained.

Findings of Fact:

1. Granting the variance does not constitute a special privilege extended to an individual applicant in that a variance would be and has been granted to other property owners facing similar circumstances.

2. Granting the variance request does not constitute a use variance 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 proposed fence height is compatible in size and style with the adjacent residential properties;
 - b. there is an existing adjacent park that creates an "attractive nuisance" for loitering in the applicant's street side yard and moving the fence will eliminate the loitering area; and
 - c. the adjacent property owners and others in the area support the project.
4. The project is consistent with the General Plan which designates the subject site as Low Density Residential (4-15 du/na).

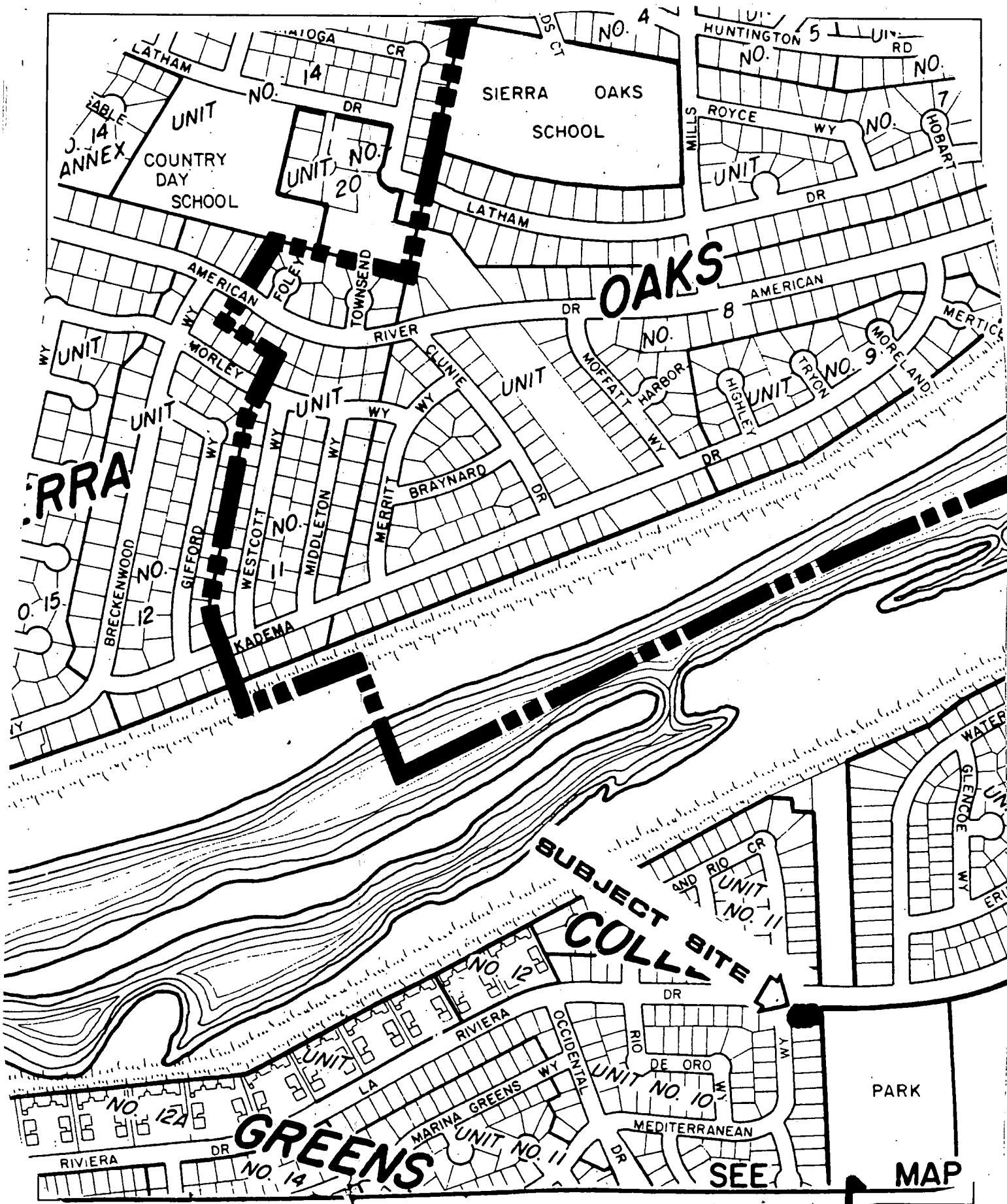


Joy D. Patterson
Zoning Administrator

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.

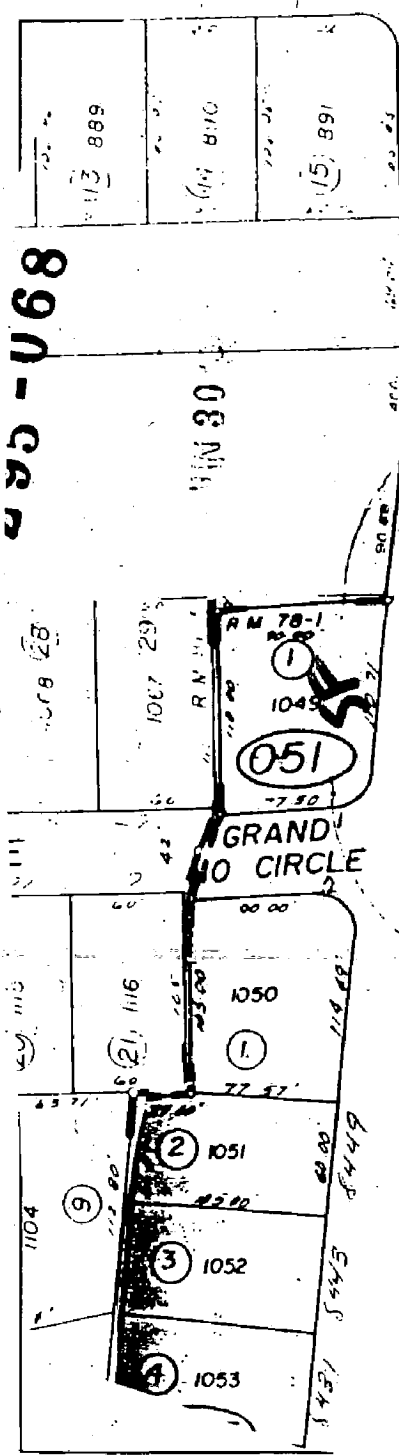
The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File ✓
Applicant ✓
ZA Log Book ✓
Neighborhood Services Rachel Crane ✓



VICINITY MAP

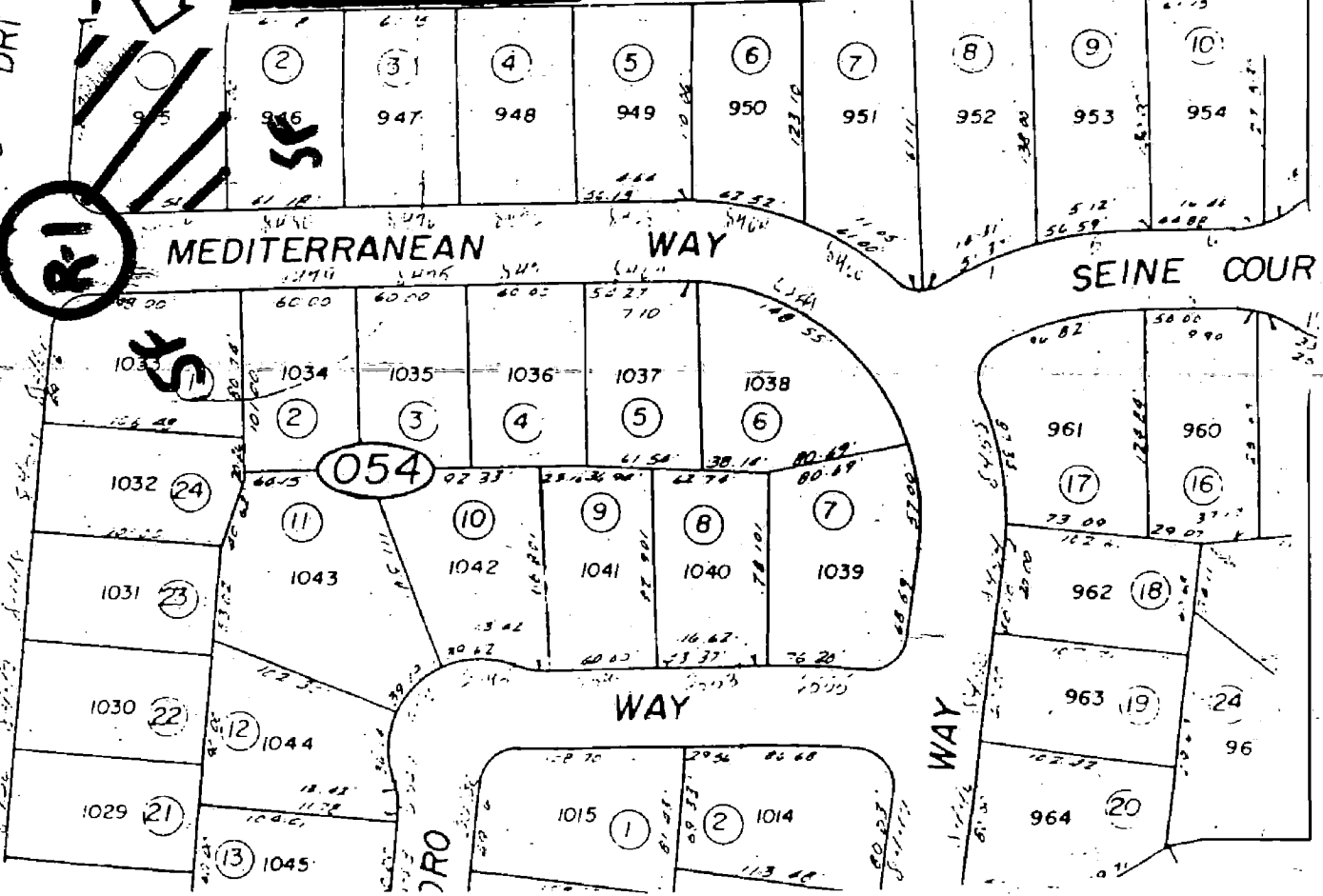
89N-CAN



LA RIVIERA DRIVE

R-1

RIVIERA
SUBS. 47
203
SUBJECT SITE



775.12
5005
B143
P.C.

M. 10.20

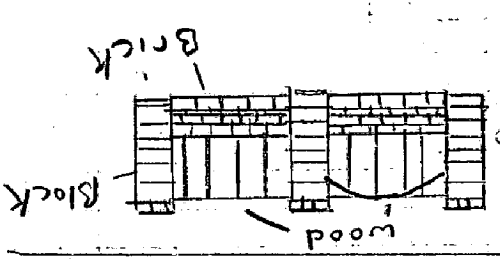
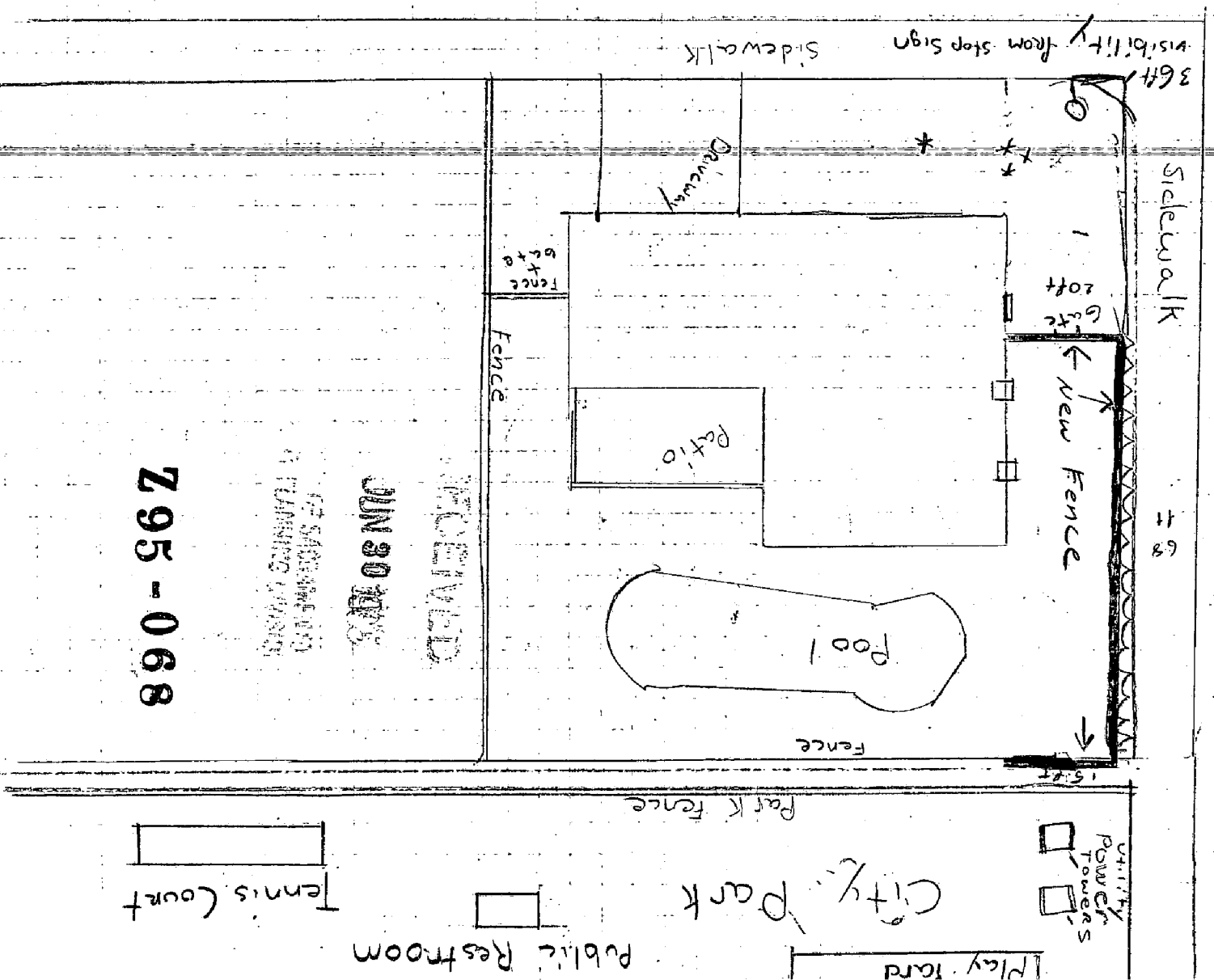
803.58
78

LAND USE & ZONING MAP

EXHIBIT A

City Park
Wellkey
River access and Bike Trail

Sidewalk
La Rivercira



* Trees
 - New Fence (Brick, Block and Wood)
 O Stop Sign
 MR: New Flowers with Drain System

Mediterranean Way

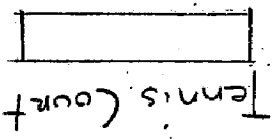
795-068

RECEIVED
 JUN 30 1995
 CITY OF SAN ANTONIO
 PLANNING DIVISION

AUGUST 1, 1995

295-068

Play yard
 City Park
 Public Restroom
 Tennis Court
 Park Fence
 Utility Power Towers



ITEM 1