

Z05-203 **APPEAL OF ZONING ADMINISTRATOR'S DECISION –**
Setbacks for Proposed Carport - Hanger

REQUEST: A. **Environmental Determination** Exemption 15303 (e).

 B. **Appeal Of The Zoning Administrator Decision to Deny the Special Permit** to reduce the required side yard setback from 3 feet to 0 feet.

LOCATION: 2322 Cork Circle
 APN: 035-0131-016
 Airport Meadowview Community Plan Area
 Sacramento Unified School District
 Council District 5

APPLICANT:	Lawrence & Richelle Heaton 2322 Cork Circle Sacramento, CA 95822
PROPERTY OWNER:	Same as Applicant
APPLICATION FILED:	August 2, 2005
STAFF CONTACT:	Robert W. Williams, (916) 808-7686

SUMMARY: On October 13, 2005, the Zoning Administrator held a public hearing on a request for a Special Permit to attach a carport (attached accessory structure) a to the rear of the home. The attached carport requires entitlements since the applicant is proposing to build the structure with zero foot setbacks along both the right (north) side and rear property lines. The project also requires an entitlement to exceed the maximum lot coverage allowed. The Zoning Administrator approved the request to exceed lot coverage and to allow for a zero foot setback along the rear property line. The Zoning Administrator denied the request for a zero foot side yard setback along the right (north) and instead conditioned the project to be at least three feet from the neighboring property. The applicant subsequently appealed the Decision to Deny the Special Permit to reduce the required side yard setback from three feet to zero feet.

RECOMMENDATION: **Staff recommends that the Planning Commission deny the appeal** and approve the special permits for rear setbacks and lot coverage and approve the conditions and findings of fact found in Attachment 1.

PROJECT INFORMATION:

General Plan Designation:	Low Density Residential (4-15 du/na)
Airport Meadowview	Residential (4-8 du/na)
Community Plan Designation:	
Existing Land Use of Site:	Single Family Residence
Existing Zoning of Site:	Standard Single Family, Executive Airport Overlay (R-1-EA-4)

Surrounding Land Use and Zoning:

North:	Residential; Standard Single Family (R-1-EA-4) Zone
South:	Residential; Standard Single Family (R-1-EA-4) Zone
East:	Residential; Standard Single Family (R-1-EA-4) Zone
West:	Executive Airport; Standard Single Family (R-1-EA-4) Zone

Property Dimensions:	Approximate, Irregular:	65' x 99'
Property Area:		0.15± acres.
Proposed Lot Coverage	Approximately:	52%
Square Footage of Buildings:	Existing	
	(Including garage):	2240 square feet
	Proposed Carport	1080 square feet
	Total	3320 square feet
	Existing Home (approximate):	1170 square feet
Height of Addition:		Over 14 feet
Exterior Building Materials:	Block wall	
Topography:	Flat	
Street Improvements:	Existing	
Utilities:	Existing	

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Building Permit	Building Division
Hold Harmless Agreement	Utilities Department

BACKGROUND INFORMATION:

A three-bedroom, single story, single-family residence, with attached garage, currently exists on the project site. This home was built in 1964 according to available records. An addition (new master bathroom) of approximately 150 square feet was added to the rear of the home in 1979.

The home is located in a unique subdivision in that some of the homes have private airplane hangers with direct or nearly-direct access to the Sacramento Executive Airport. (This home and several others access the Airport through City property, per Resolution 1105, Adopted by City Council November 26, 1958).

The applicant proposes to add a 1,080 square foot carport to the rear of the home. While the applicant does not plan to park an airplane in this area at this time, he would like to construct the structure so an airplane could fit in this space. The walls of the carport are proposed to be made of block wall type construction. This carport will be up to 14 feet tall and attached to the rear of the existing single family residence. The applicant has proposed zero lot-line construction on the rear and right (north) side property lines. Since the carport is attached to the home, the setback limitations for carport are the same as the home. Those standard setbacks for this addition would be 15 feet from the rear property lines, and 5 feet from the side property lines, however since the right (north) side of existing home is only 3 feet from that side property line, an addition can follow the existing building line (without an entitlement) as long as the side setback was not reduced below three feet.

Early project notification was sent to the Fullertown Homeowner's Association. Comments in support of the project were received from the association. The site was posted and property owners within 100 feet of the subject site were notified. Staff received phone calls from the property owners who reside at 2318 Cork Circle, which is adjacent to the north side of the subject site. They expressed opposition to the zero foot setback for the carport that would be right along their property line and result in a cinder block wall of up to 14 feet in height. The adjacent property owners requested that the applicant revise his plans to provide for an appropriate setback. Staff did not receive any other phone calls from other property owners or residents regarding the proposal.

In addition to the adjacent property owners, planning staff also had concerns regarding the massing impact that would result from locating a 14 foot high and 25 foot wide attached accessory structure along the north property line. Staff also informed the applicant that locating the building along the north property line would require significant changes to the existing west wall of the existing home to meet fire wall requirements that would not be required if the structure were set back three feet from the north property line. Staff asked the applicant to revise the side setback to three feet which was in keeping with the existing setback of the single family home on the site and would also allow property owner to maintain the north side of the house from his property. The applicant indicated that he wanted to have a zero setback along this side and wished to proceed with the project as proposed.

ZONING ADMINISTRATOR HEARING:

There were four people in attendance at the Zoning Administrator's hearing; the applicant, a representative of the Fullertown Homeowner's Association, and the adjacent property owners. The applicant requested that he be allowed to have the structure on the north property line, that he needed the extra square footage of covered space that a zero lot line setback would allow. He was supported by the representative of the homeowner's association. The Zoning Administrator asked the applicant if the southern building wall were extended further to the south, instead of placing the wall on the north property line, could an airplane fit in the space? The applicant indicated that an airplane could fit in the space. The adjacent property owners spoke in opposition to the structure being right along the property line. They did not like the

aesthetics of having a 14 foot high wall adjacent to their property. They also said they were having disputes with the applicant over the location of their common property line.

The Zoning Administrator considered the testimony of those present and closed the public hearing. Based upon the fact that the Fullertown Subdivision is a unique subdivision adjacent to Executive Airport and several airport hangers already exist in the subdivision, the Zoning Administrator approved the special permit to exceed lot coverage for the carport/hanger, and reduce the rear yard setback to zero feet subject to approval of the City Utilities Department to construct in their easement. The Zoning Administrator denied the reduction of the interior side yard setback from three feet to zero feet along the north property line and indicated that the building would be permitted to shift to the south as long as a five foot building setback was maintained along the south property line.

APPEAL:

The applicant, Lawrence Heaton, appealed the decision of the Zoning Administrator (see Attachment 3). Mr. Heaton has made several comments in his appeal to deny is zero side yard setback request.

Mr. Heaton states in his appeal about existing and previously approved hanger type structures in the Fullertown neighborhood. Staff is cognizant of the uniqueness of this subdivision and has conditionally approved a structure of substantial size that would not be appropriate for many other neighborhoods.

He has also states that the neighbors along the right (north) side property line are the only ones who have voiced any opposition to the project. Staff feels that the neighbors who are immediately affected by a project are the most important consideration in determining the conditions of a project; in addition, since no other neighbors are immediately affected by the proposed project, it is unlikely that staff would hear any other opposition about the project.

Mr. Heaton has also stated that the setback would also create unusable space. Staff opinion is that is that setbacks are appropriate for this type of cinder block wall structure and that the if the applicant can use the space now without any structure or redesign the project with a more open type structure.

PROJECT REVIEW PROCESS:

A. Environmental Determination

This project will not have a significant effect on the environment and is exempt from environmental review pursuant to pursuant to California Environmental Quality Act Guidelines, Section 15303.

B. Public/Neighborhood/Business Association Comments

The site is located within the Fullertown Homeowner's Association area. The project plans were sent to the association and staff received comments in support of the project from the association. The site was posted and property owners within 100 feet of the subject site were notified. Staff received phone calls from the property owners who

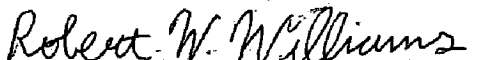
reside at 2318 Cork Circle, which is adjacent to the north side of the subject site. They expressed opposition to the zero foot setback for the carport that would be right along their property line and result in a cinder block wall of up to 14 feet in height. The adjacent property owners requested that the applicant revise his plans to provide for an appropriate setback. Staff did not receive any other phone calls from other property owners or residents regarding the proposal.

PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve or deny the appeal of the **Zoning Administrator's Denial of the Special Permit** to reduce the required side yard setback from 3 feet to 0 feet. This decision cannot be appeal to the City Council; however, it may be called up by the Mayor or District 5 Councilmember.

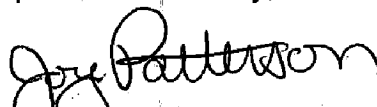
RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact (Attachment 1) with the Environmental Determination that the project is **Exempt** from further environmental review pursuant to the California Environmental Quality Act.;
- B. Adopt the attached Notice of Decision and Findings of Fact (Attachment 1) **denying the Appeal of the Zoning Administrator Decision to Deny the Special Permit** to reduce the required side yard setback from 3 feet to 0 feet on 0.15± developed acres in the Standard Single Family, Executive Airport Overlay (R-1-EA-4) zone.

Report Prepared By,


Robert W. Williams, Assistant Planner

Report Reviewed By,


Joy Patterson, Senior Planner

Attachments

- Attachment 1 Notice of Decision & Findings of Fact
- Attachment 2 Zoning Administrator Notice of Decision
- Attachment 3 Land Use and Zoning Map
- Attachment 4 Project Plans
- Attachment 5 Appeal
- Attachment 6 Letter from neighbor

**NOTICE OF DECISION AND FINDINGS OF FACT FOR
APPEAL OF DENIAL OF CARPORT SIDE YARD SETBACK REDUCTION, LOCATED AT
2322 CORK CIRCLE, SACRAMENTO, CALIFORNIA IN THE STANDARD SINGLE FAMILY,
EXECUTIVE AIRPORT OVERLAY (R-1-EA-4) ZONE. (Z05-203)**

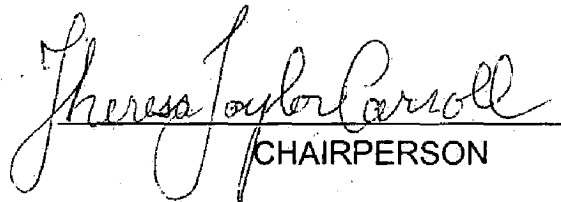
At the regular meeting of December 8, 2005, the City Planning Commission heard and considered evidence in the above-entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. **Environmental Determination: Categorical Exemption (Sections 15303);**
- B. **Denied the Appeal of the Zoning Administrator Decision to Deny the Special Permit to reduce the required side yard setback from 3 feet to 0 feet.**

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. **Categorical Exemption:** The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Sections 15303 of the California Environmental Quality Act.
- B. **Special Permit:** The Appeal of the Zoning Administrator Decision to Deny the Special Permit to reduce the required side yard setback from 3 feet to 0 feet is denied subject to the following findings of fact:
 - 1. Granting the Special Permit for the zero foot interior side yard setback would be injurious to the public welfare and create a public nuisance in that:
 - a. The proposed 14 foot tall by 25 foot long cinder block wall on the property line, will significantly impact the neighboring property.
 - b. Maintenance of any necessary repairs and responsibility for those repairs and access would be an issue.
 - c. The wall on the property line will further aggravate an existing property line dispute.



CHAIRPERSON

ATTEST:



SECRETARY TO CITY PLANNING COMMISSION

12/9/05
DATE (Z05-203)

Attachment 2
Zoning Administrator Notice of DecisionCITY OF SACRAMENTO
DEVELOPMENT SERVICES DEPARTMENT
ZONING ADMINISTRATOR
New City Hall, 915 I Street, 3rd Floor, Sacramento, CA 95814**ACTION OF THE ZONING ADMINISTRATOR**

On Thursday, October 13, 2005, the Zoning Administrator denied a Special Permit to reduce the interior side yard setback to 0 feet, approved with conditions a Special Permit to reduce the rear yard setback to 0 feet, and approved with conditions a Special Permit to exceed the maximum allowed lot coverage, for an addition of large carport (or airplane hanger) that is proposed to be attached to existing single family residence in the Standard Single Family, Executive Airport Overlay (R-1-EA-4) zone for the project known as Z05-203. Findings of Fact and conditions of approval for the project are listed on pages 4-6.

Project Information

The request is to attach an accessory structure to the existing home (large carport or airplane hanger) in the rear yard area of the property. The proposed project will exceed standard development limitations (setbacks, lot coverage) for the property. The project requires the following entitlements from the Zoning Administrator.

1. **Zoning Administrator Special Permit** to reduce the required side yard setback from 3 feet to 0 feet.
2. **Zoning Administrator Special Permit** to reduce the required rear yard setback from 15 feet to 0 feet.
3. **Zoning Administrator Special Permit** to exceed the maximum overall lot coverage allowed of 40% to not more than 52%.

Entitlements requested are on 0.15± developed acres in the Standard Single Family, Executive Airport Overlay (R-1-EA-4) zone.

Location: 2322 Cork Circle (District 5, Area 2)

Assessor's Parcel Number 035-0131-016

Applicant: Lawrence & Richelle Heaton
2322 Cork Circle
Sacramento, CA 95822

Property Owner: Same as Applicant

Project Planner: Robert W. Williams

General Plan Designation:	Low Density Residential (4-15 du/na)
Airport Meadowview	Residential (4-8 du/na)
Community Plan Designation:	
Existing Land Use of Site:	Single Family Residence
Existing Zoning of Site:	Standard Single Family, Executive Airport Overlay (R-1-EA-4)

Early project notification was sent to the Fullertown Homeowner's Association. Comments in support of the project were received from the association. The site was posted and property owners within 100 feet of the subject site were notified. Staff received phone calls from the property owners who reside at 2318 Cork Circle, which is adjacent to the north side of the subject site. They expressed opposition to the zero foot setback for the carport that would be right along their property line and result in a cinder block wall of up to 14 feet in height. The adjacent property owners requested that the applicant revise his plans to provide for an appropriate setback. Staff did not receive any other phone calls from other property owners or residents regarding the proposal.

In addition to the adjacent property owners, planning staff also had concerns regarding the massing impact that would result from locating a 14 foot high and 25 foot wide attached accessory structure along the north property line. Staff also informed the applicant that locating the building along the north property line would require significant changes to the existing west wall of the existing home to meet fire wall requirements that would not be required if the structure were set back three feet from the north property line. Staff asked the applicant to revise the side setback to three feet which was in keeping with the existing setback of the single family home on the site and would also allow property owner to maintain the north side of the house from his property. The applicant indicated that he wanted to have a zero setback along this side and wished to proceed with the project as proposed.

Zoning Administrator's Hearing: There were four people in attendance at the Zoning Administrator's hearing; the applicant, a representative of the Fullertown Homeowner's Association, and the adjacent property owners. The applicant requested that he be allowed to have the structure on the north property line, that he needed the extra square footage of covered space that a zero lot line setback would allow. He was supported by the representative of the homeowner's association. The Zoning Administrator asked the applicant if the southern building wall were extended further to the south, instead of placing the wall on the north property line, could an airplane fit in the space? The applicant indicated that an airplane could fit in the space. The adjacent property owners spoke in opposition to the structure being right along the property line. They did not like the aesthetics of having a 14 foot high wall adjacent to their property. They also said they were having disputes with the applicant over the location of their common property line.

The Zoning Administrator considered the testimony of those present and closed the public hearing. Based upon the fact that the Fullertown Subdivision is a unique subdivision adjacent to Executive Airport and several airport hangers already exist in the subdivision, the Zoning Administrator approved the special permit to exceed lot coverage for the carport/hanger, and reduce the rear yard setback to zero feet subject to approval of the City Utilities Department to construct in their easement. The Zoning Administrator denied the reduction of the interior side yard setback from three feet to zero feet along the north property line and indicated that the building would be permitted to shift to the south as long as a five foot building setback was maintained along the south property line.

Agency comments: The City Utilities Department and the Building Division have reviewed the proposed project. Any comments received pertaining to the proposed addition to the Single Family home have been included as conditions.

Environmental Determination: This project will not have a significant effect on the environment and is exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15303; New Construction of Small Structures.

Conditions of Approval:**General:**

1. Project plans must be revised to conform with the following setback requirements:
 - a. The carport-hanger addition shall maintain a setback of at least three feet from right (north) interior side yard property line.
 - b. The carport-hanger addition shall maintain a setback of at least five feet from left (south) interior side yard property line.
 - c. The carport-hanger addition shall maintain at setback of at least five feet from the rear (west) property line (unless the applicant enters into a Hold Harmless agreement with the Department of Utilities to allow encroachment into the easement).
2. Revisions to the project plans must be resubmitted to planning staff to review for conformance with all setback (and lot coverage) limitations of these conditions of approval, prior to submission for building a permit.
3. The applicant shall obtain all necessary building permits.
4. Plans to be submitted to the building division shall conform to the required revisions.
5. Any existing covered patios in the rear yard area shall be removed, and no new patio covers will be allowed on the property.
6. No further expansion to the property shall be permitted. Maximum allowed lot coverage is limited to the project as revised, not more than 52%.
7. No new mechanical equipment shall be placed on the carport roof (solar panels are allowed). Any necessary vents shall be painted to match the roof color.

Utilities:

8. Show all existing easements on the site plan.
9. City sanitary sewer and water mains are located adjacent to the rear property line of the subject project. A 5-foot easement also exists along the rear property line. Per 13.04.230 of the City Code, no permanent structure (including without limitation garages, patios, concrete slabs, tool shed and similar structures) shall be constructed on top of water, sewer, or drainage pipelines or anywhere within an associated utility easement.
10. Prior to design the applicant shall field verify the exact location of all City sanitary sewer and water mains and show these utilities with the distances dimensioned from the property line on the construction plans. The Department of Utilities Field Services will assist the applicant in field verifying the location of City Utilities. The applicant should call Customer Service at (916) 264-5371 for assistance.

Advisory:

11. The applicant is responsible for the protection and repair of the City sanitary sewer and water mains during construction of the proposed structure. Contact Underground Service Alert at 1-800-642-2444, 48 hours before work is to begin.

Advisory:

12. The proposed project is located in the Flood zone designated as Shaded X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the Shaded X zone, there are no requirements to elevate or flood proof.

Building:**Advisory:**

13. All openings in the wall between the residence and the carport shall be protected per CBC Section 302.4

Advisory:

14. Since protected window will no open additional openings will be required on other walls to provide natural ventilation per CBC Section 1203.

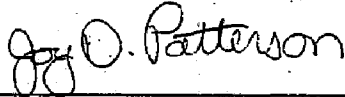
Findings of Fact: Denial of Special Permit for zero foot interior side yard setback:

1. Granting the Special Permit for the zero foot interior side yard setback would be injurious to the public welfare and create a public nuisance in that:
 - a. The proposed 14 foot tall by 25 foot long cinder block wall on the property line, will significantly impact the neighboring property.
 - b. Maintenance of any necessary repairs and responsibility for those repairs and access would be an issue.
 - c. The wall on the property line will further aggravate an existing property line dispute.

Findings of Fact: Special Permit approval of zero foot rear yard setback & Special Permit approval to exceed maximum allowed lot coverage:

1. Granting the Special Permit is based upon sound principles of land use in that:
 - a. the proposed carport-hanger will not substantially alter the characteristics of the site or the surrounding neighborhood; and;
 - b. The proposed project is compatible in design with other airplane hangers on nearby residential properties which border the airport;
 - c. The project, as condition with a three foot side yard setback, is designed to minimize impacts to surrounding properties;
2. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - a. The use will not generate significant impacts to the nearby residential properties; and;
 - b. The project will provide additional available parking, and;
 - c. Adequate yard area will be provided between for the home

3. The project is consistent with the General Plan and the Airport Meadowview Community Plan which designates the site as Low Density Residential (4-15 du/na) and Residential (4-8 du/na) respectively.

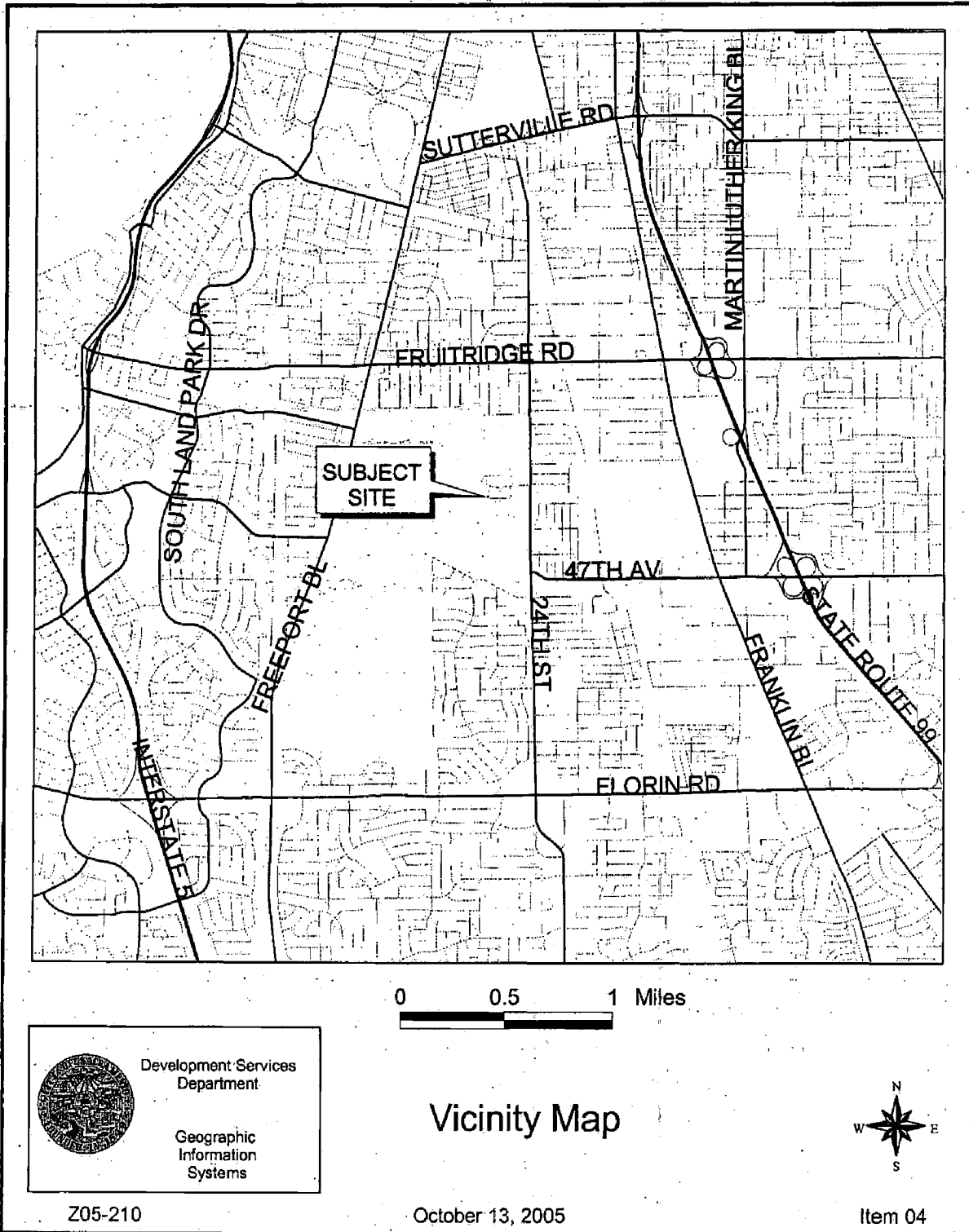


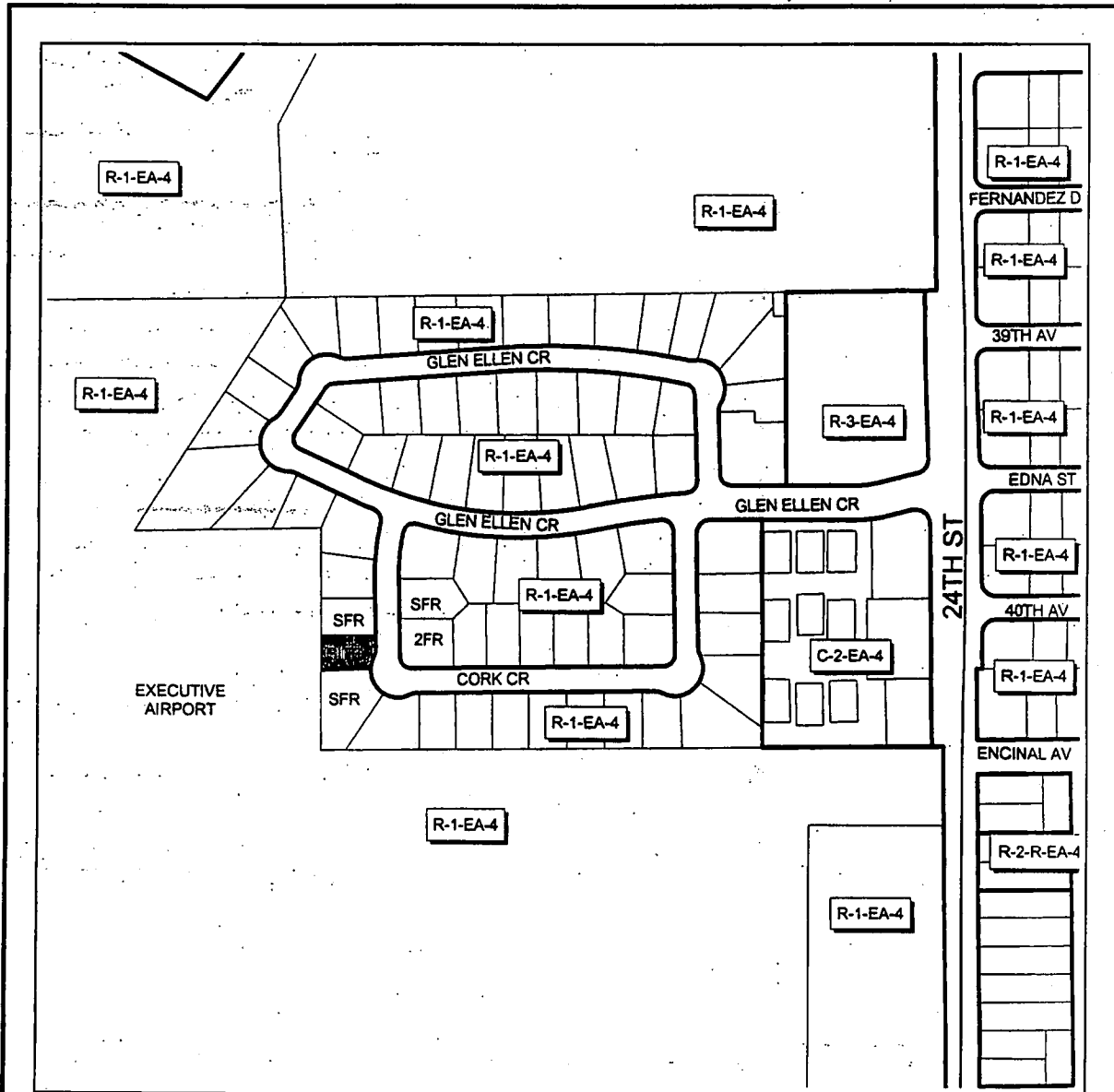
Joy D. Patterson
Zoning Administrator

A use for which a Special Permit is granted must be established within three years after such permit is approved. If such use is not so established the Special Permit shall be deemed to have expired and shall be null and void. A Special Permit 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.

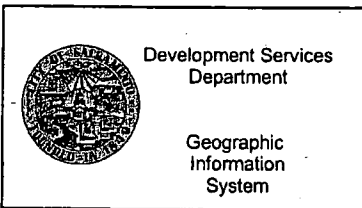
The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: ZA Log Book (original) File Applicant Property Owner



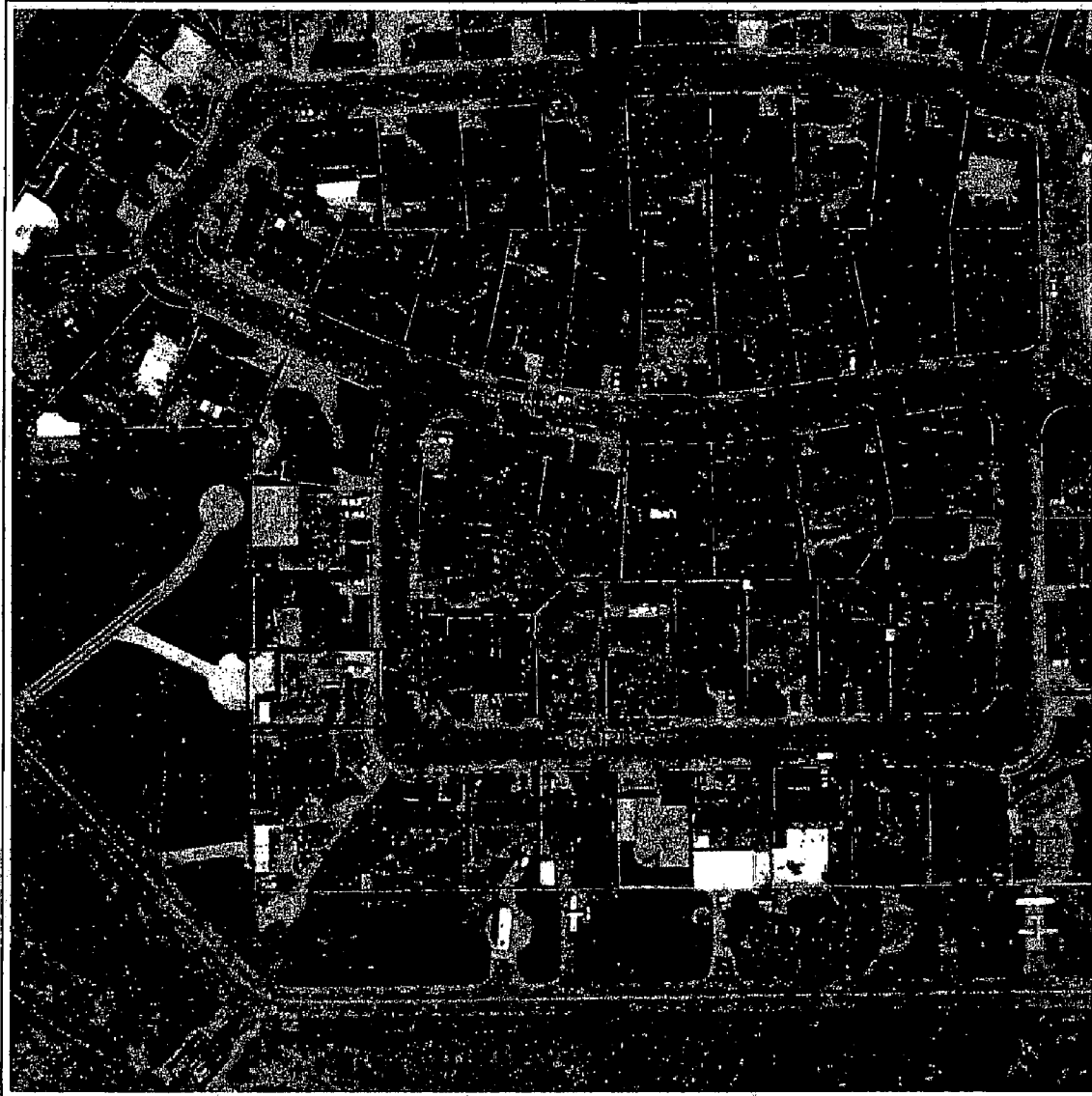


0 300 600 Feet



Land Use & Zoning





Development Services
Department

Geographic
Information
Systems

Aerial Images 2004

Z05-203
October 13, 2005
Item 04

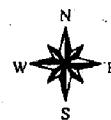
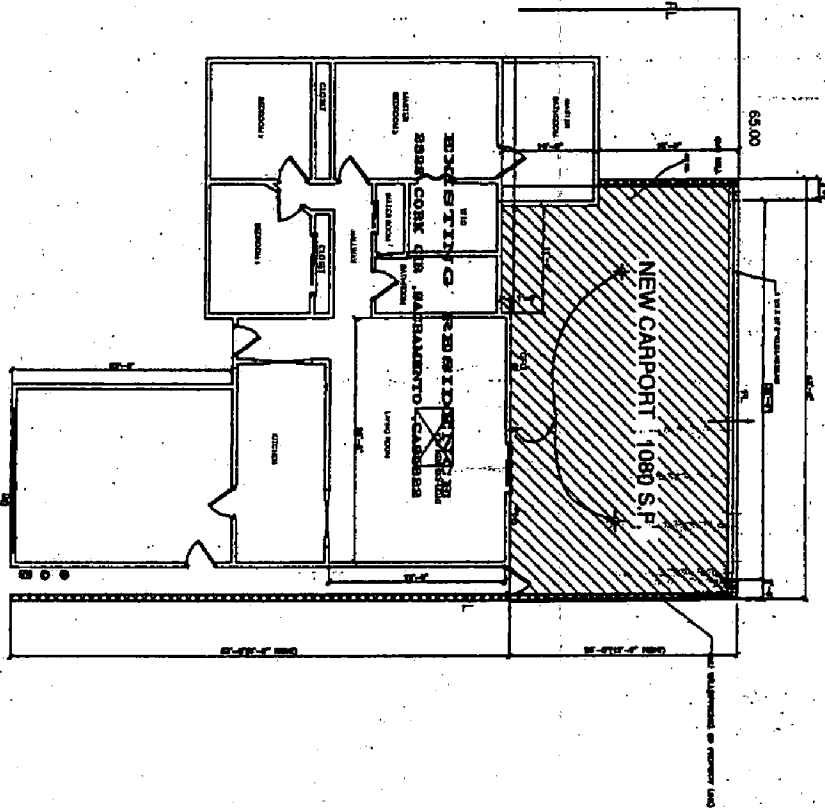


EXHIBIT B

FLOOR PLAN
2/11/05 - 1/0



- CONSTRUCTION
- EXISTING
- NEW
- REMOVED
- REFERRED
- REMOVED PERMIT

NO.	DATE	DESCRIPTION
A1		
B		

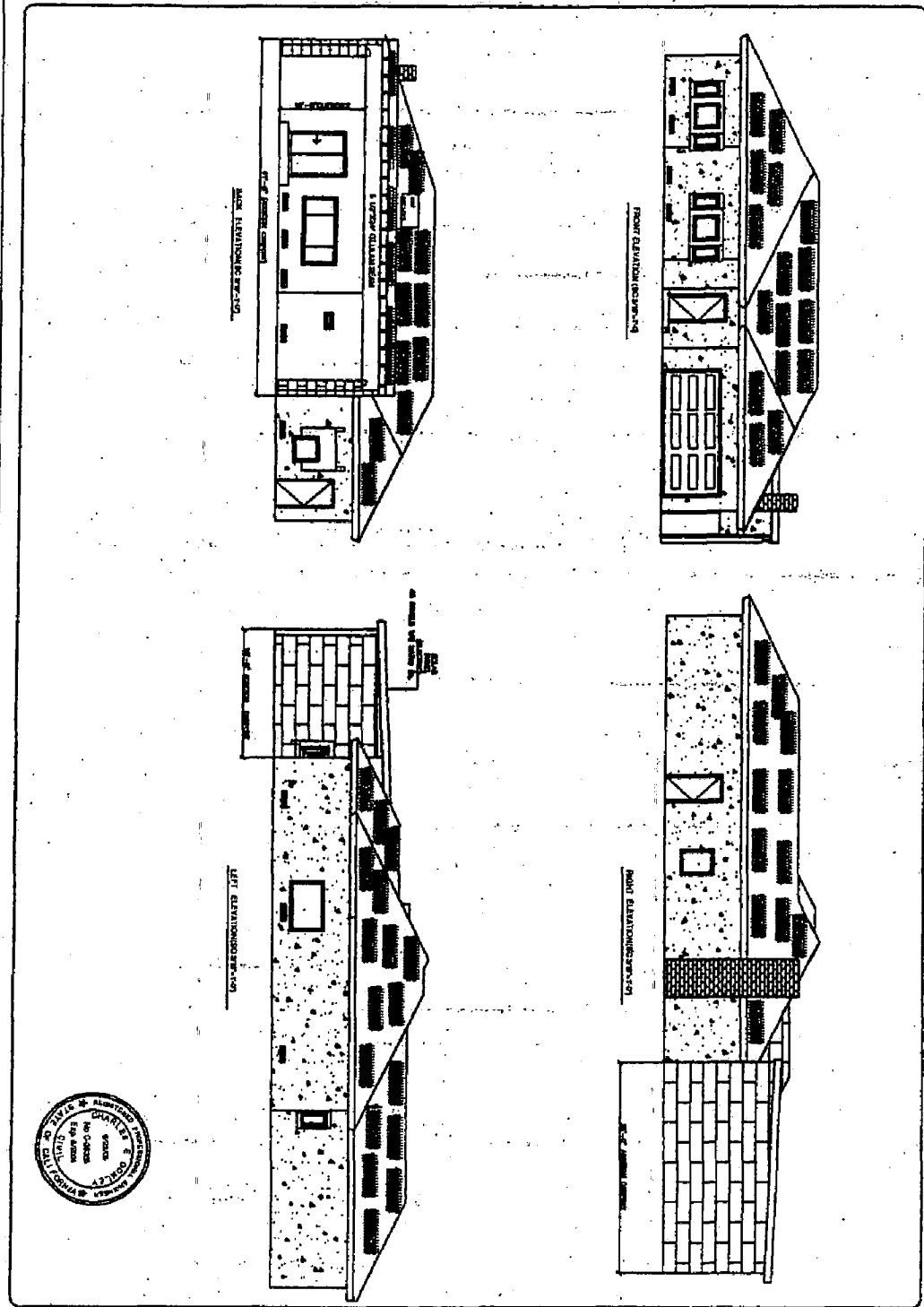
JERRY HEATON
2000 CORK DR.
SACRAMENTO, CA
SACRAMENTO, CA

FLOOR PLAN

BP

PRECISION DRAFTING
2044 HEULEN WAY
SACRAMENTO, CA 95828
PHONE (916) 991-8888
FAX (916) 991-4444
LIC# 0000007976

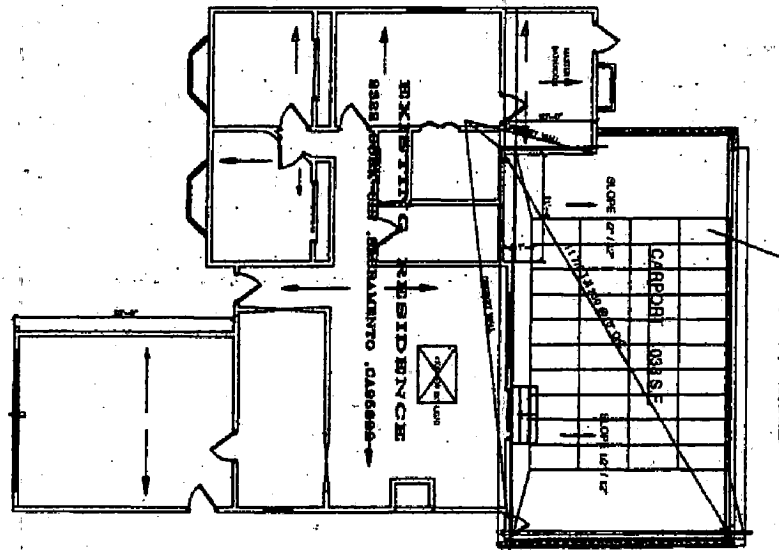
EXHIBIT C



A2 A		WILLIAM HEATON 2222 CORK CIRC SACRAMENTO, CA	ELEVATIONS	 PRECISION DRAFTING 1040 HUNTER WAY PHONE 916-481-2525 ELI-GROVE, CA 95758 FAX 916-481-2445 LISA BRUNSTEDT
-----------	--	--	------------	--

EXHIBIT F

ROOF PLAN (SOLAR PANEL)
5/31/05 - 1/10/06



PROJECT: MARISS HEATON 2022 DORR DR SACRAMENTO, CA		DRAWING: ROOF (SOLAR PANEL) PLAN		PRECISION DRAFTING 1000 WILSON WAY ELI-GROVE, CA 95725 PHONE (916) 931-2322 FAX (916) 931-4446 LIC. 60000272
SHEET: A5 OF: A	DATE: 10/13/05	DRAWN BY:	CHECKED BY:	

10-24-2005

Appeal of the decision of the zoning administrator

GROUNDS FOR APPEAL:

Fullertown is a community of pilots, which 20yrs. ago, Mr. Scaggs was one, and no one complained when he built a lean-to hanger & shed (without permits) onto his house, a real eye-sore & fire trap. He has made the only Negative statement in a community of seventy some homes.

The homeowners association has given it's approval to my building a professional looking hanger (with zero lot lines) like several others in Fullertown.

The hanger has been approved by zoning for zero lot line to the airport, but because of Mr. Scaggs' statement, zoning ruled for a 3' set back to the north side.

This would cause a 75sq' no-mans land, which could be use much more effectively inside the hanger. Mr. Scaggs' dislike for me shouldn't effect the building of this hanger.

Attached is Mr. Scaggs letter and my response.

DECEMBER 8, 2005

Attachment 5 cont.

PAGE 1

Randall and Esther Skaggs
2318 CORK CIRCLE
Sacramento, CA 95822

October 6, 2005

City of Sacramento
Planning Division
1231 I Street, Room 200
Sacramento, CA 95814

Attn: Robert W. Williams, Assistant Planner

Re: Z050203 Request to attach an accessory structure to the existing home (large carport or airplane hangar) in the rear yard area of the property at 2322 CORK CIRCLE. The proposed project will exceed standard development limitations (setbacks, lot coverage) for the property.SPECIAL PERMIT to exceed the maximum overall lot coverage allowed of 40% to not more than 52%.SPECIAL PERMIT to reduce the required side yard setback from 5 feet to 0 feet, to reduce the rear yard setback from 15 feet to 0 feet, and to exceed the maximum coverage area of the required rear yard from 33% to not more than 68%.

Dear Mr. Williams:

We want to thank you for meeting with us. We strongly oppose this proposal. Since our neighbor at 2322 Cork Circle moved in, we are constantly concerned regarding certain issues affecting our home, safety and lives. The complexities involved here have become overwhelming and never resolved. The following provides some historical perspective and specifically states our present concerns regarding the Special Permits he has requested.

We built our home in 1969 according to prior planning to ensure that adequate space was available in our backyard for a hangar. We hired a civil engineer and had our property line surveyed before we built our house. We have our own airplane and hangar. The wing-span on our aircraft is 35' and the length 25' (about average for private aircraft.) For about 25 years, I flew almost every week and have over 11,000 hours flying time.

Mr. Heaton, my neighbor on the south, purchased his property (2322 Cork Circle) in 1995. Before he bought the property, many pilots looked at this house and decided there was not enough room in the backyard to keep an airplane. He knew what he was buying. The home is set back on the lot and was never planned to accommodate a hangar, too. I knew the original owner (not a pilot) who built the house in 1964. This was one of the reasons it sold for about half the original asking price (from The Sac. Bee). To my knowledge he doesn't own an airplane, but a neighbor is parking his airplane there.

- Soon after he bought his house, he disputed the property line. He extended part of his roof over to the fence line, with zero side clearance.
- About two years after he moved in, he made a concrete walk along the northside of his house to our fence. The fence is on our property.
- The house at 2322 Cork Circle (a Pennant build on your lot house) was located too close to the property line on the north side at the time it was built. It has a sideyard setback of 3 feet on the north side near us, and in excess of 5 feet on the south side. The fact that some houses today are built with a 3' setback isn't relevant to anything. He is in violation of County Building Codes and Fullertown CC&Rs.
- Last year he supposedly had the property line surveyed, but we were never informed it was to take place. After the surveyors had gone, he pulled up the rail fence in front and threw it on our lawn.
- He built a 3' block wall and spray painted a line on the sidewalk in front of our house where he thinks the property line is. We checked with the County Recorder a few days ago, and there has not been any property line survey recorded.

Submitted Before ZA Hearing

Page 2

-2-

- He spray painted a bright-orange line in our backyard where he thinks the property line should be. Our lot is 65' wide, and measuring to his demarcation is 64'. Anyone with a tape measure can measure it.

His request to build a 14-foot block wall on a controversial property line is incredibly absurd.

- It would destroy our way of life. It would be like looking down a tunnel from our windows.
- During the winter season, there would be no sunlight in our backyard, and during the summer it would interfere with the reasonable enjoyment of our lot because it would be dark and dreary.
- I am concerned about the integrity and safety of a 14-foot high wall with no engineering done on it. What about footings? What about transverse loads on the wall? What about earthquake engineering? The first earthquake could make a pile of rubble out of this wall and drop it on to my property, aircraft, etc. Who designed the unstable wall? What are his qualifications?

Granting him this great advantage at our expense is both unfair and unwarranted. We would see our property value plummet and his property value would increase at our expense.

Thank you for your time.

Randall and Esther Skaggs

Copy: Fullertown Homeowners Association ✓

Submitted Before ZA Hearing

MR HEATON'S ANSWER to Letter

The reasons I want a open carport- hanger:

1. I want to build with zero property line because I have 25' behind house for depth, and room on my present slab for 43'width.
2. I want to build over the water and sewer lines like at least four other hangers on Cork Circle. the only difference is my house is the first on the line.(if there is a problem it would most-likely would be down the line)

The Fullertown Homerowners Association has replied favorable to my proposed project

The only negative that I am aware of is my neighbor on the north side. Here is my reply to his letter point by point

1. With the tree, lean-to shed, his (so called) hanger on the back of his house, and a second medal shed (on the property line) he wouldn't be able to see my hanger from his window.
2. The tree is 18 to 20 feet high and shades more of his yard than my 12' carport-hanger wall would on any part of the day.
3. The fence would be 6' high (not 14') and the hanger wall in the back of the house would be 12' high.
4. Refer to survey map see V chip. The surveyor sprayed the orange paint to high light it.
5. I took him up on the offer for anyone with a tape measure can measure it. Measure his back property line and it is 65' just like it should be.
6. I wouldn't be destroying his way of life. He spends about 90% of it in his house anyway.
7. As I have already stated he wouldn't be able to see my carport

Submitted Before 2A Hearing

-hanger from his window, as you can see from the picture.

8. The hole project will be built to code and will have footings. The first earthquake wouldn't put a pile of rubble on his property or aircraft (which has not move in the last ten years and has been out of annual for longer than that and most likely will never fly again)

9. Granting me this permit to build is not at his expense, or unfair or unwarranted.

10. After building the carport-hanger my property value will increase, but not at his expense.

11. His property value wouldn't plummet because of my carport-hanger, but could increase if he put a little time and money in it.

Submitted Before ZA Hearing.

DECEMBER 8, 2005

Attachment 6
Letter from Neighbor

Randall and Esther Skaggs
2318 Cork Circle
Sacramento, CA 95822
Phone: (916) 428-5776
November 20, 2005

To: The Planning Commission
Historic City Hall
915 I Street, 2nd Floor
Sacramento, CA 95814

Re: Hearing before the City Planning Commission on December 8, 2005

Fullertown homeowner, Lawrence Heaton, at 2322 Cork Circle, has requested Special Permits, (File No. Z050203) to attach a large structure to his home; to exceed maximum lot coverage; to reduce sideyard setbacks from 5 feet to 0 feet, and rearyard setback from 15 feet to 0 feet. The Zoning Administrator conditionally approved his requests. Now, Lawrence Heaton has appealed the 3-foot setback on the north side.

We are the homeowners on the north side. We attended the Public Hearing on October 13, 2005; and stated our objections to the zero setback adjoining our property.

First, at the Oct. 13th hearing, Lawrence Heaton vehemently stated he "wanted his plans to build to the property line approved because everyone else with a hangar in Fullertown had been able to--so why shouldn't he be able to?" Then, he showed several photos of Fullertown hangar-doors. Glaringly, missing from the photos was a side view, showing the side-setbacks. With the exception of Robert Lessman's hangar, all the hangars in Fullertown have at least a 5-foot setback facing their neighbor. (See Exhibit A, photos.) We are demanding the same rights that these other Fullertown residents have been given.

Secondly, Robert Lessman is the only Fullertown resident with a hangar that has a high-block wall facing a neighbor. All the other hangars in Fullertown are aesthetically pleasing and look like an extension of the house. Note: There are no block walls in Fullertown, that start at the sidewalk and go all the way to airport property. (See Ex. A)

At the October 13th hearing, Robert Lessman stated he was Vice-President of the Fullertown Homeowners Association. Also, he stated that he built the block wall for his hangar on the property line (exterior facing west) -- half on his side and half on his neighbor's property. After it was finished, he had his neighbor sign a paper stating the block wall was his and made the comment that Lawrence Heaton should be able to do the same.

Furthermore, after a rain, drainage was a problem for Robert Lessman's neighbor at 2342 Cork Circle. Water running off Robert Lessman's block wall collected in their back yard. Robert Lessman (retired from the plumbing business) said he installed (in his neighbor's yard) a drain and a cement-lined ditch that extended to the sidewalk. We cannot allow this to happen to us.

-2-

Thirdly, Lawrence Heaton's house, at 2322 Cork Circle, has a sideyard setback of 3-feet on the north side near us, and 7-feet on the south side. He has less than 2-feet from his fireplace to our fence. At the Oct. 13th hearing, Lawrence Heaton stated he planned to put one-foot footings on both sides of his block wall. He plans to build his block wall, half on his side and half on our property, like Robert Lessman. Obviously, if he doesn't trespass on our property, he will have no access to his hanger. He would have zero clearance by his fireplace and about one-foot from his house to the fence. What about access and maintenance of this high-block wall. (See Exhibit B, drawing.)

Fourthly, Lawrence Heaton's request to build a 14-foot high-block wall on his manufactured and contrived property line is incredibly absurd.

Before we built our house in 1969 we hired a civil engineer and had our property line surveyed. The redwood fence is on our property. It was replaced in 1991 in joint agreement with Mrs. Cornish, our neighbor at the time. We have a statement to that effect. Apparently, Lawrence Heaton had the property line surveyed, but we were never informed of the survey. We checked with the County Recorder and there has not been any property line survey recorded.

After his survey, Lawrence Heaton destroyed our rail fence and threw it on our lawn (See Exhibit C, photos.) Then he built a 3-foot block wall. We were not given any say in the type of fence he wanted to build. This 3-foot block wall is totally inappropriate and ugly, and degrades our property.

Now, Lawrence Heaton claims that the property line is wrong and is claiming a stretch of our property and the fence. The property line cannot be changed without going to court.

Fifthly, The water runoff from this 14-foot high-block wall and the roof overhang would all fall in our backyard. This would cause a drainage and erosion problem for us. (See drainage problem at 2342 Cork Circle described above.) About two years after Lawrence Heaton bought his house in 1995, he extended part of the roof over to our fence line, with zero side clearance. We now have a drainage and erosion problem near the 3-foot block wall that never existed before. Also, he doesn't have any rain gutters along the north side of his house.

Sixth, Lawrence Heaton has been trespassing and driving numerous stakes into our property, and spray painted the sidewalk in front of our house several times where he thinks the property line is. He spray painted a bright-orange line in our backyard where he thinks the property line should be. Our lot is 65 feet wide, and measuring to his demarcation is 64 feet.

Seven, Lawrence Heaton built a taxiway that cuts through the area behind my backyard, about in the middle of my airplane access area. He did this without the Airport Manager's (Glen Sanders) knowledge. It is the only taxiway in Fullertown situated this way. Lawrence Heaton does not own an airplane, but lets a neighbor park his airplane on his turnaround.

-3-

Eight, A "Declaration of Tract Restrictions affecting Fuller Town" was recorded by the City of Sacramento on April 30, 1957, setting forth certain covenants, conditions and restrictions (CC&R's) affecting lots used for residential purposes. It states that no building, fence, wall or other permanent structure shall be erected that will adversely interfere with resident's rights to maintain the reasonable enjoyment of their residential property, nor adversely affect the value of the their property within the Fullertown subdivision. Furthermore, no structure, or any part thereof, shall be erected upon any lot nearer than five (5) feet from the side boundary thereof. At the Oct. 13th hearing, Vice-President of the Fullertown Homeowners Assoc., Robert Lessman, did not even acknowledge that such CC&R's existed.

It would be hard to define Lawrence Heaton's proposed structure as a carport since there is no public road around the perimeter of Fullertown. For his daily commutes in his "Box Truck," Lawrence Heaton uses the County Airport taxiway as a road, entering and exiting through the Corporation Yard.

Likewise, Lawrence Heaton's backyard was never planned to accommodate a hanger. The wing-span on our aircraft is 35-feet (considered a short-wing) and 25-feet in length. At the public hearing Lawrence Heaton stated he could get an airplane in his backyard. If so, there would be no buffer between the 14-foot block wall and the wing-tip. There would be no room to maneuver or walk around the aircraft. And, part of the tail section would be on airport property.

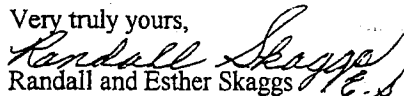
For 25 years, I flew almost every week and have over 11,000 hours flying time. And, at the Oct. 13th hearing, I was offended by Robert Lessman's remarks. (See Exhibit D, news articles.)

Nine, An engineer friend of ours said they would call it a "spite" wall. Lawrence Heaton's plan to build a 14-foot high-block wall (facing north on our side) would spoil our view of the airport, cause a loss of sunlight and ventilation; and, adversely affect the value of our property.

And, what about maintenance of this 14-foot high-block wall. Physically, I would not be able to maintain this high-block wall because I have an artificial leg. At our age, we don't need another chore of cleaning off moss and mold from a neighbor's 14-foot high block wall. We know from experience that this would be the case. He already has mold growing on his sidewalk between our houses. (See Exhibit E.) This high-block wall would be a disaster for us, and destroy our way of life.

Based on all of the above, we request that Lawrence Heaton's Appeal be denied.

Very truly yours,


Randall and Esther Skaggs

CC: Hon. Joy Patterson, Zoning Administrator

-4-

CC: Hon. Lauren Hammond
City Council Member,
Dist. 5, 915 I Street
Sacramento, CA 95814

CC: Hon. Ila Collin
County Supervisor
700 H Street
Sacramento, CA 95814