

# CITY PLANNING COMMISSION

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

<b>APPLICANT</b>	Geoffrey McCain, 5101 Florin-Perkins Road., Sacramento, CA 95826				
<b>OWNER</b>	Mark O'Brien, 1408 - 38th Street, Sacramento, CA 95816				
<b>PLANS BY</b>	Michael Malinowski, 1114 - 21st Street, Sacramento, CA 95814				
<b>FILING DATE</b>	5/8/87	<b>ENVIR. DET.</b>	Exempt 15301 e1 & 15305 a	<b>REPORT BY</b>	JP/vf
<b>ASSESSOR'S-PCL. NO.</b>	008-0252-006,007				

- APPLICATION:**
- A. Variance to reduce a portion of the required five foot side yard setback to three feet.
  - B. Variance to exceed the maximum 25 percent rear yard coverage for a detached accessory building (withdrawn)
  - C. Lot line adjustment to merge two lots.

**LOCATION:** 1408 - 38th Street

**PROPOSAL:** The applicant is requesting the necessary entitlements to add on 1,464 square feet of living space and extend the carport of an existing single family residence.

**PROJECT INFORMATION:**

1974 General Plan Designation:	Residential
1963 East Sacramento Community Plan Designation:	Light density residential
Existing Zoning of Site:	R-1
Existing Land Use of Site:	Single family residence

**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

Parking Required:	1 space
Parking Provided:	3 spaces
Property Dimensions:	Parcel six - 25' x 145' Parcel seven - 50' x 145'
Property Area:	0.25+ acres
Square Footage of Building:	Addition: 1,464+ sq. ft. Carport addition: 308+ sq. ft.
Height of Building:	Two story, 31 feet
Street Improvements & Utilities:	Existing
Exterior Building Materials:	Stucco
Roof Material:	Cedar Shakes

**APPLC. NO.** P87-233 **MEETING DATE** June 11, 1987 **ITEM NO.** 30

002024

PROJECT EVALUATION: Staff has the following comments regarding this proposal.

1. Land Use and Zoning

The subject site consists of two lots totaling 0.25 acres located in the single family (R-1) zone. A two-story single family residence and a detached garage are currently located on the site. Surrounding land uses are single family residential to the north, south, east and west. The site is designated for residential use by the 1974 General Plan.

The applicant is proposing to add 1,464+ square feet of living space and a raised deck to the northwest side of the house. The existing side yard setback along the north property line is three feet. The applicant is requesting a variance to extend the proposed addition in line with the existing structure and reduce the required side yard setback from five feet to three feet. The applicant is also requesting a lot line adjustment to merge the two lots comprising the subject site into one so that the site is legally one lot and proposed 308+ square foot carport extension to the south does not cross over a property line.

Planning staff has no objection to the variance request. As noted, the existing side yard setback on the north is three feet and the proposed addition would not project into the existing setback along this property line. The applicant has designed the addition so that it is compatible with the craftsman design and materials of the existing structure. The adjacent property owners, who would be most affected by the requested variance, have reviewed the applicant's plans and have no objections to the request as long as there are no windows or openings on the proposed addition past the point that their home ends (Exhibit G). Planning staff, therefore, recommends approval of the variance to reduce the five foot side yard setback to three feet along the north property line subject to the condition that no windows or openings be located on the north elevation in the area further west than the northwest corner of the structure located at 1400 38th Street (Exhibit E).

The applicant's plans also show that a 520 square foot garage will be located at the southwest corner of the subject site. The plans presently indicate that the garage covers 390 square feet of the required rear yard setback which exceeds the maximum 25 percent rear yard coverage for detached structures allowed by Zoning Ordinance (281 square feet). The applicant has agreed to revise the plans so that the garage is located four feet, three inches (4'3") from the western property line and covers less than the 25 percent maximum allowed in the rear yard setback area. A variance to increase the allowed coverage in the rear yard setback area to 35 percent, therefore, is not necessary and has been withdrawn.

B. Lot Line Adjustment

The proposed lot line adjustment to merge the two lots into one has been reviewed by the City Planning, Traffic Engineering, Engineering, Community Services and Real Estate Divisions. There were no objections to the proposed merger. The Engineering Division has requested that a Certificate of Compliance be filed with the Department of Public Works prior to recordation of the lot line adjustment.

ENVIRONMENTAL DETERMINATION: This project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301 e1 and 15305 a).

RECOMMENDATION: Staff recommends the following actions:

- A. Approve the variance to reduce the five foot side yard setback to three feet along the north property line subject to conditions and based upon findings of fact which follow.
- B. Withdraw the variance to exceed the maximum 25 percent rear yard coverage for a detached accessory building.
- C. Approve the lot line adjustment by adopting the attached resolution.

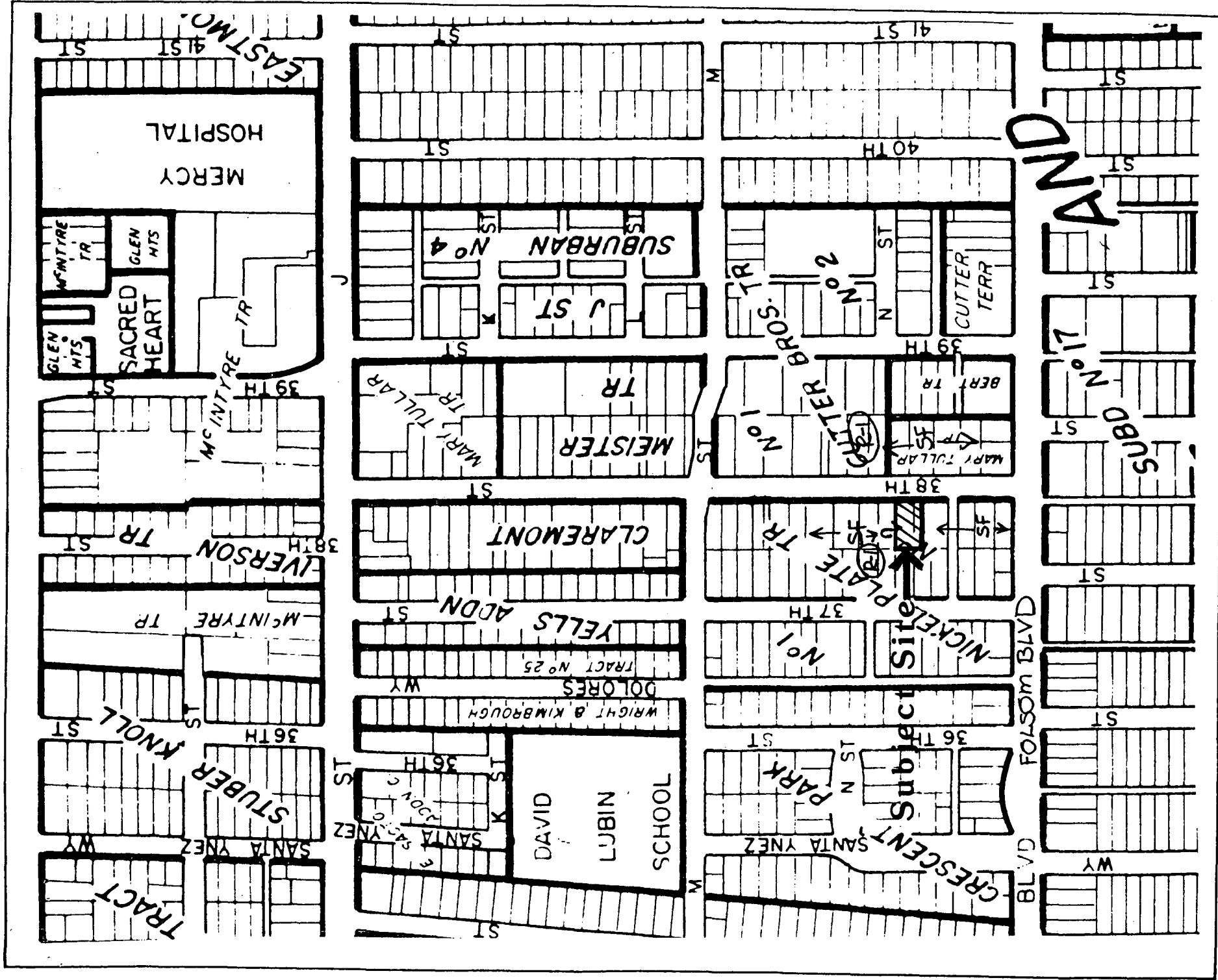
Condition

1. The applicant shall submit plans to the Building Division indicating that the relocated detached garage does not cover more than 25 percent of the required 15 foot rear yard setback prior to issuance of building permits for the proposed building additions.
2. The applicant shall redesign the north elevation of the proposed addition eliminating all windows and openings further west than the northwest corner of the structure located at 1400 38th Street as shown in Exhibit E.

Findings of Fact

1. The requested variance does not constitute a special privilege in that:
  - a. the present side yard setback along the north property line is three feet;
  - b. a variance would be granted to any other property owner facing similar circumstances.

2. The granting of the variance will not be detrimental to the public welfare nor to properties in the vicinity in that it will not significantly change the characteristics of the single family residential neighborhood.
3. The requested variance does not constitute a use variance in that single family dwellings are permitted in the R-1 zone.
4. The proposed project is consistent with the City's Discretionary Interim Land Use Policy in that the site is designated for residential use by the 1974 General Plan and the proposed single family residential use conforms with the plan designation.



VICINITY - LAND USE - ZONING

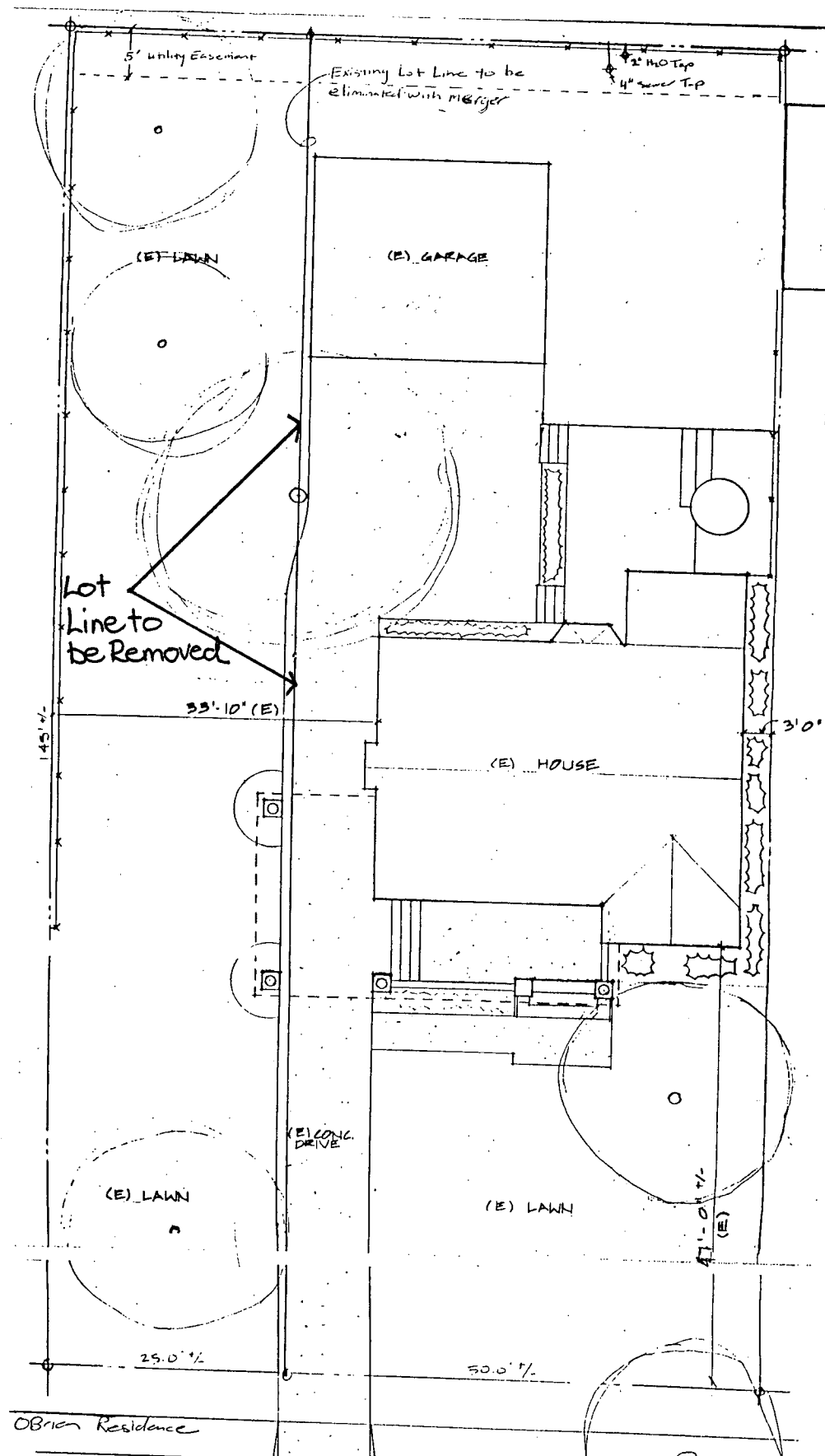
P87-233

002029

6-11-87

#30

# EXHIBIT A



P87-233



6-11-87  
1/8" = 1'-0"

002035 #30

# EXHIBIT B

Record Mail to:  
Mark Thomas O'Brien  
1204 24th Street  
Sacramento, California  
Recorder No. 22332

BOOK 74 09 03 PAGE 507

OFFICE RECORDS  
SACRAMENTO COUNTY CALIF.

SEP 13 1974

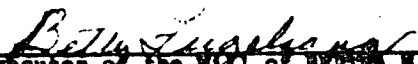


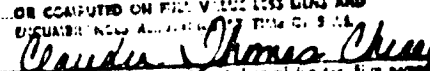
## EXECUTOR'S DEED

In consideration of the sum of  receipt of **\$4.00**  
which is hereby acknowledged, I, BETTY FUGELSANG, as Executor  
of the will of BERTHA M. MURRAY, also known as BERTHA MURRAY,  
B. M. MURRAY and MRS. GEORGE W. MURRAY, deceased, pursuant to the  
order of the Superior Court of the State of California, in and for  
the County of Sacramento, made in the matter of the Estate of  
BERTHA M. MURRAY, also known as BERTHA MURRAY, B. M. MURRAY and  
MRS. GEORGE W. MURRAY, deceased, proceeding No. 76904, on July 30,  
1974, confirming sale of real estate and directing the execution  
of a conveyance, hereby grant to MARK T. O'BRIEN and ANTOINETTE E.  
O'BRIEN, husband and wife, as joint tenants, all right, title,  
interest and estate of the decedent at the time of her death, and  
all right, title and interest that the estate may have subsequently  
acquired by operation of law or otherwise in and to the real  
property situated in the County of Sacramento, State of California,  
described as follows:

Lot 42 and the North 1/2 of Lot 45 as shown on  
official map of Nickel Plate Tract No. 2,  
recorded in the office of the County Recorder  
of said Sacramento County on the 20th day of  
April, 1910, in Book 10 of Maps, Map No. 20.  
City of Sacramento.

Dated: August 29, 1974

  
Executor of the Will of BERTHA M. MURRAY,  
deceased.

DOCUMENTARY TRANSFER TAX \$ <u>45.65</u>
ACCUMULATED ON FULL VALUE OF PROPERTY CONVEYED
OR COMPUTED ON FULL VALUE LESS LIENS AND
ENCUMBRANCES AS SET FORTH IN THIS DEED
 Signature of Deedman or Fiscal determining tax. File name

-1-

P87-233

6-11-87

#30



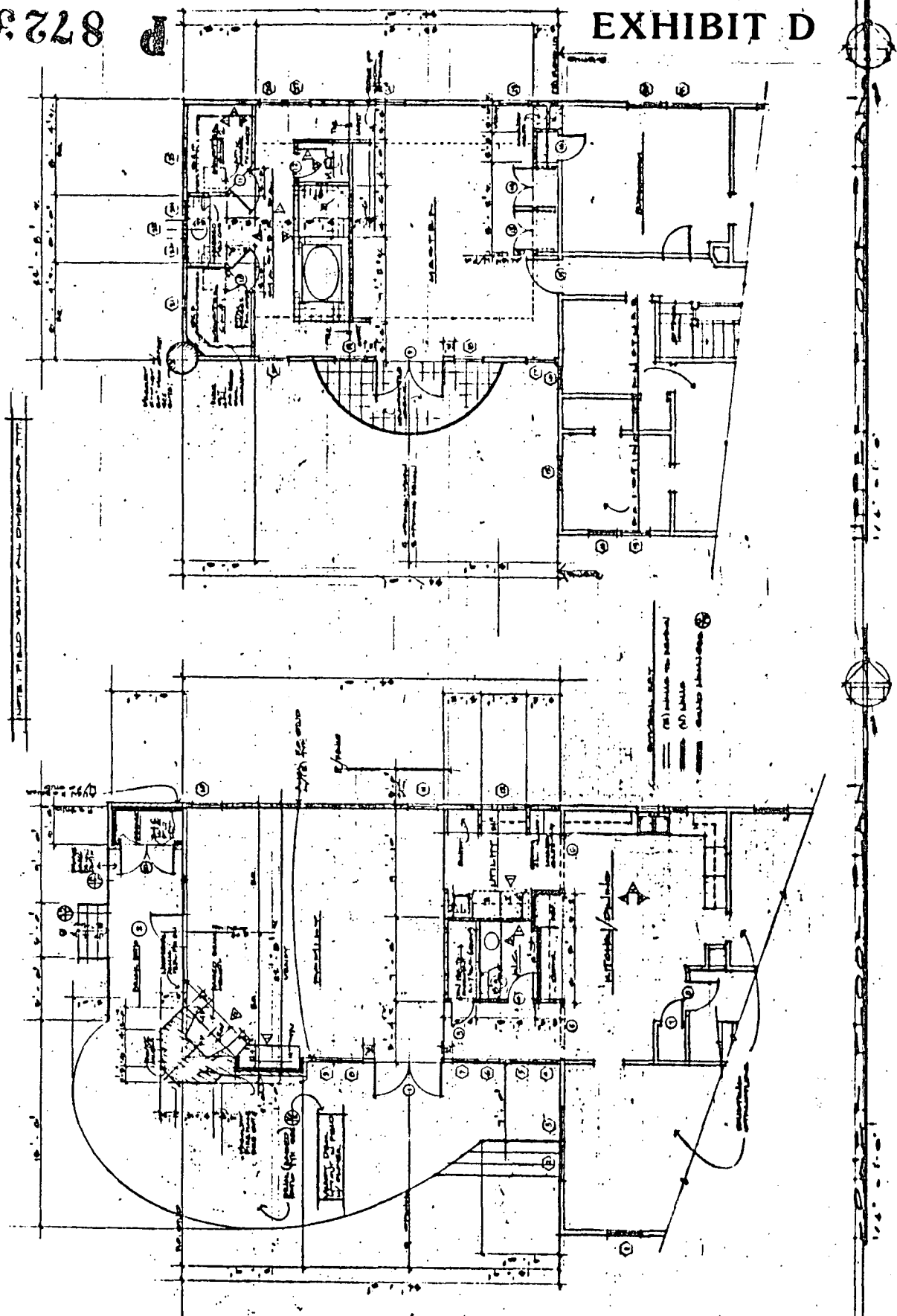
O'BRIEN



63

87233

EXHIBIT D



NOTE: FIELD VERIFY ALL DIMENSIONS.

LEGEND:  
--- EXISTING WALLS  
- - - NEW WALLS  
--- DOOR SWINGS

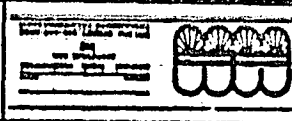
P87-233

6-11-87

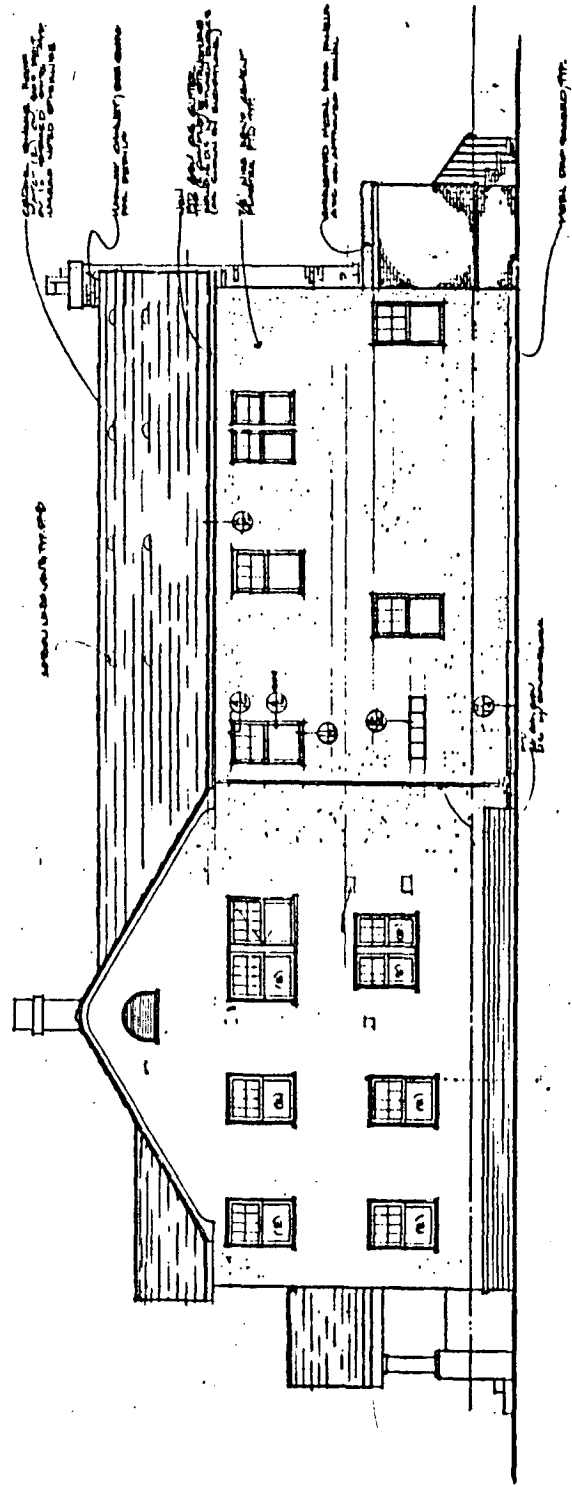
002031

#30

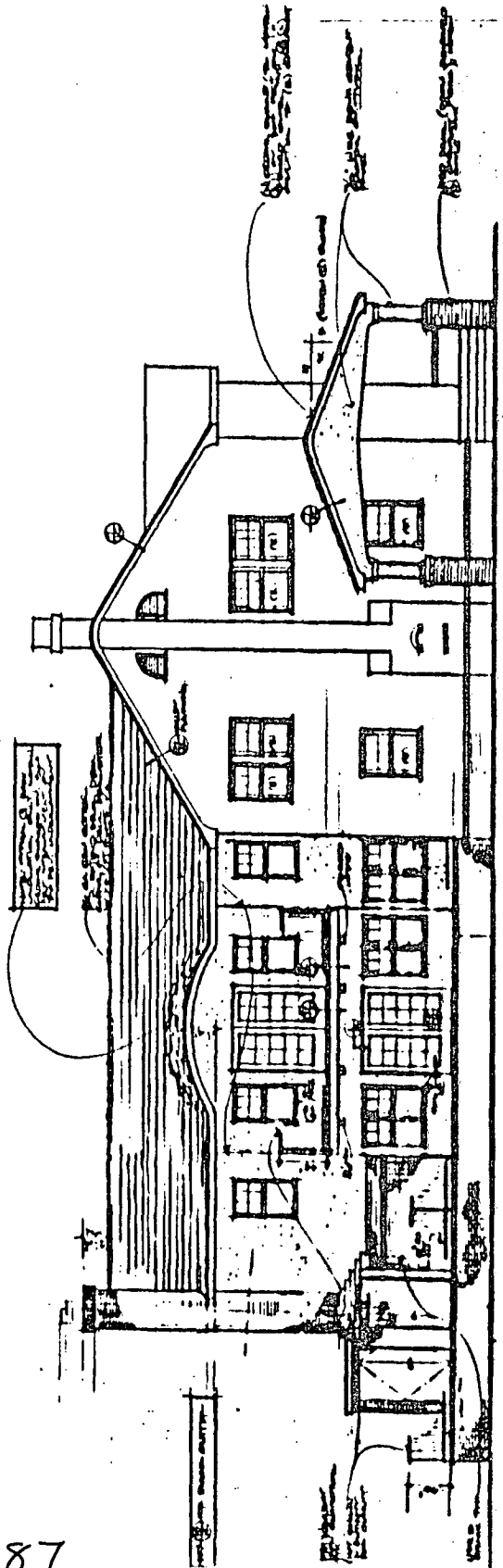

O'BRIEN  
 ARCHITECTS  
 1408 58TH STREET  
 MALDEN




P 87233  
 EXHIBIT E



NORTH ELEVATION

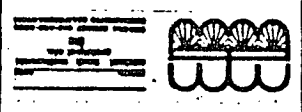


SOUTH ELEVATION

P87-233

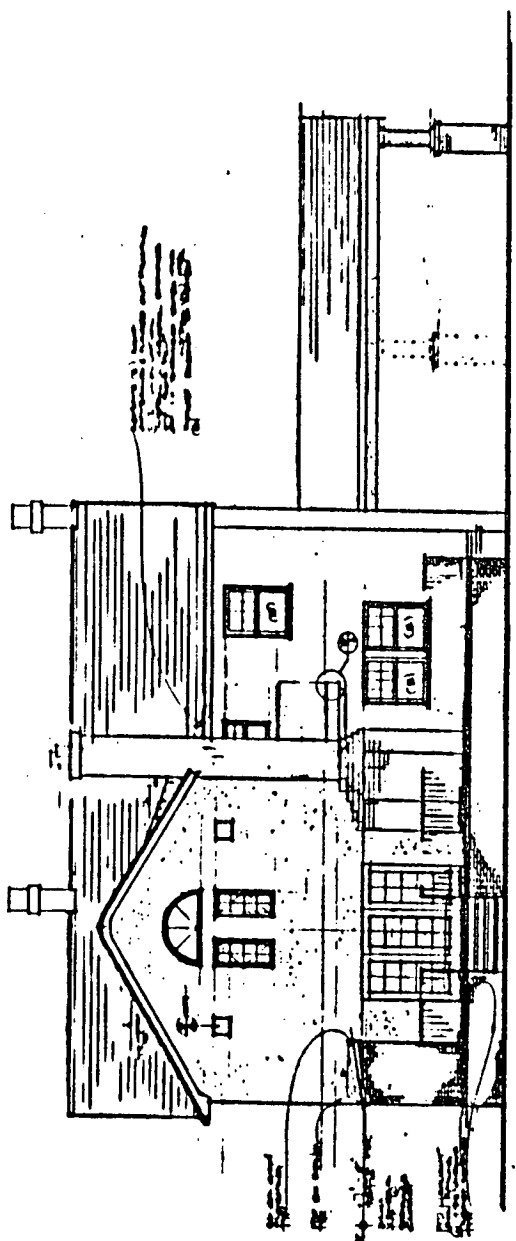
6-11-87


O'BRIEN  
RESIDENTIAL  
1400 20TH STREET  
SACRAMENTO, CALIF.

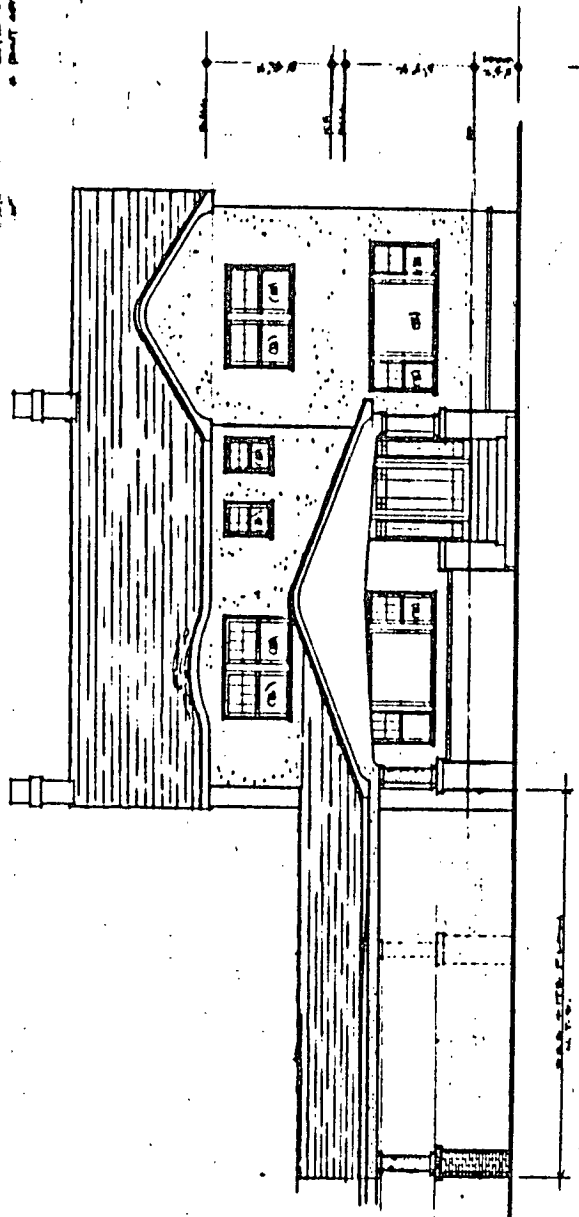



P 87233

EXHIBIT F



WEST ELEVATION  
174-11-01



EAST ELEVATION  
174-11-01

ALL DIMENSIONS ARE IN FEET AND INCHES.  
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

002034

P87-233

6-11-87

#30

**EXHIBIT G**

May 4, 1987

City of Sacramento  
City Planning Department  
927 10th Street, Suite 300  
Sacramento, Ca. 95814

Dear Sirs:

My name is Jack Mullins, resident owner of the property to the immediate North of the O'Brien residence. I have reviewed the plans with Mark and Tonette O'Brien of their proposed addition remodel and have no objections to the way it sits in relation to my South property line. The addition is in keeping with the architectural integrity of the existing structure and I have no problems with the proposed new structure, including the windows as indicated on the North elevation.

Thank you for your consideration.



John Mullins

1400 38th Street  
Sacramento, Ca. 95816

P87-233

6-11-87

P87233

## EXHIBIT G

John Mullins  
Madeleine Mullins  
1400 38th St.  
Sacramento, Ca. 95816

City of Sacramento  
City Planning Department  
927 10th Street, Suite 300  
Sacramento, Ca. 95814

June 4, 1987

To Whom It May Concern:

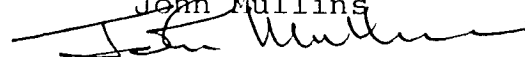
We agree to variance # P87233 subject to the following conditions.

That no windows or openings shall be placed in the wall of 1408 38th St. further West than the North West corner of the main structure at 1400 38th St. (Excluding annexes & porches).

*John Mullins*  
NORTH

Sincerely,

John Mullins



Madeleine Mullins



cc.

P87-233

6-11-87

Item 30