

REPORT AMENDED BY STAFF 3-23-89
CITY PLANNING COMMISSION

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

APPLICANT	Helen M. Schmidt - 708 San Antonio Way, Sacramento, CA 95819		
OWNER	Helen M. Schmidt - 708 San Antonio Way, Sacramento, CA 95819		
PLANS BY	Helen M. Schmidt - 708 San Antonio Way, Sacramento, CA 95819		
FILING DATE	2-2-89	ENVIR. DET.	Exempt 15301
ASSESSOR'S PCL. NO.	004-0285-012	REPORT BY	BW:sg

- APPLICATION:**
- A. Special Permit to allow an existing 532 sq. ft. second residential unit on 0.11+ developed acres in the Standard Single Family (R-1) zone
 - B. Variance to waive the required covered, PARKING enclosed garage for a second residential unit
 - C. Variance to reduce the required side yard setback from 5 ft. to 0 ft. for a second residential unit
 - D. Variance to reduce the required rear yard setback from 15 ft. to 2 ft. 4 inches for a second residential unit

LOCATION: 708 San Antonio Way

PROPOSAL: The applicant is requesting the necessary entitlements to allow an existing second residential unit.

PROJECT INFORMATION:

General Plan Designation:	Low Density Residential (4-15 du/na)
Existing Zoning of Site:	R-1
Existing Land Use of Site:	Two residential units

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Residential; R-1	Side(Int):	5'	0'
South: Residential; R-1	Rear:	15'	2'4"
East: Residential; R-1			
West: Residential; R-1			

Parking Required:	2
Parking Provided:	1 (driveway)
Property Dimensions:	50' x 104'
Property Area:	0.11+ acres
Square Footage of Building:	Second unit - 532 sq. ft.
Height of Building:	Second unit - 12 ft.
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Plaster brick
Roof Material:	Asphalt shingle

2
104
50
5200

APPLC. NO. P89-079 MEETING DATE March 23, 1989 ITEM NO. 24

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of one developed parcel on 0.11+ acres in the Standard Single Family (R-1) zone. The subject site is an interior lot developed with two single family homes. The second residential home is 532 square feet in size. The General Plan designates the site for Low Density Residential. Surrounding land uses and zoning include residential to the north, south, east and west zoned R-1.

B. Applicant's Proposal

The applicant is requesting a special permit to allow a 532 square foot second residential unit at the rear of the subject site. The applicant is also requesting a variance to waive the required covered, enclosed garage for both units and a variance to reduce the required side yard setback from 5 feet to zero feet. Lastly, the applicant is requesting a variance to reduce the required rear yard setback from 15 feet to 2 feet, 4 inches. The applicant is, therefore, requesting the above entitlements to allow the existing second residential unit to become legal.

C. Garage Conversion

The applicant has indicated to staff that the garage became a guest home in 1956. however, the City Building Division has no record of a building permit to convert the garage into a guest home. The only building permit on record issued for the garage was to remodel the existing garage into a two car garage. This building permit was issued in 1938. The applicant has illegally converted the structure for a second residential unit.

In 1987 the Planning Division was informed by the City Building Division that the structure was cited as an illegal building and the applicant must apply for a special permit and variance in order to convert the garage. The structure also does not meet building code requirements. At that time, staff observed that the tentative improvements were being done on the garage. Staff proceeded to contact the property owner in April 1988 by letter and in a meeting to inform the applicant of the illegal structure and that a special permit and variance shall be requested. Since 1987 the property owner has not conformed to the Planning Division's standards nor the Building Division's regulations. The City has since then taken legal action. On November 2, 1988 a court order required that the owner/applicant obtain both a building permit and a special permit to allow a detached accessory building as living quarters on the subject site. The court order required that the applicant complete the necessary action within 90 days (see attached Exhibit C).

Section 2E(26)(i) of the Zoning Ordinance requires that a dwelling or mobile home have an enclosed garage (either attached or detached) if more than 50% of

other dwellings or mobile homes located within 1,000 feet, measured structure to structure, have enclosed garages. Staff surveyed the area and found that the majority of the homes in the area have one or two car garages. There are no other existing homes on the entire block of San Antonio Way with a second residential unit. The residential neighborhood is a well kept area with a great deal of character and style. The existing homes are in very good condition. The subject site's second unit is in substandard condition and is an eye-sore on the block. Debris and litter also exist on the subject site. The Building Division has indicated to staff that the existing second residential unit is a hazardous structure and must be brought up to code for a living unit or converted back into a two car garage. Staff recommends that the applicant convert the second residential structure back into a two car garage. Staff does not support a variance to waive the required covered, enclosed garage into a second residential unit.

At this time, no parking spaces, except the existing driveway, are provided on the lot. Staff has recommended approval of some second residential units on interior lots in an R-1 zone. These projects, however, retained two car garages, built new garages or made modifications to the structure to comply with City standards.

D. Side Yard and Rear Yard Setbacks

A second residential unit in an R-1 zone has a required 5 foot side yard setback and a 15 foot rear yard setback. The applicant is proposing to provide a zero foot side yard setback and a 2 foot, 4 inches rear yard setback which are the existing setbacks of the secondary unit. In previous second residential unit approvals, projects on interior lots were able to provide the required rear yard and side yard setbacks. Some projects on corner lots have been granted a variance to reduce the rear yard or side yard setback.

A window exists on the second residential unit which is facing the back yard of the adjacent property owner to the west. The adjacent property owner is opposed to this window and would like to see the unit converted back into a garage. The Building Division informed staff that the window was put in the second unit in 1987. The adjacent property owner indicated to staff that the unit was converted two years ago.

Staff was also informed by the property owner to the north that the existing second residential unit is located on their property. A surveyor appraised the property to the north and determined that the second unit is illegally encroaching on the north property. The owner (north) has since then put up a 6 foot fence and a 4 foot block wall.

Staff does not support the variance to reduce the rear yard and side yard setbacks for the interior lot in an R-1 zone. The proposed setbacks would result in an adverse impact for the existing residential unit on the subject site and adjacent dwellings.

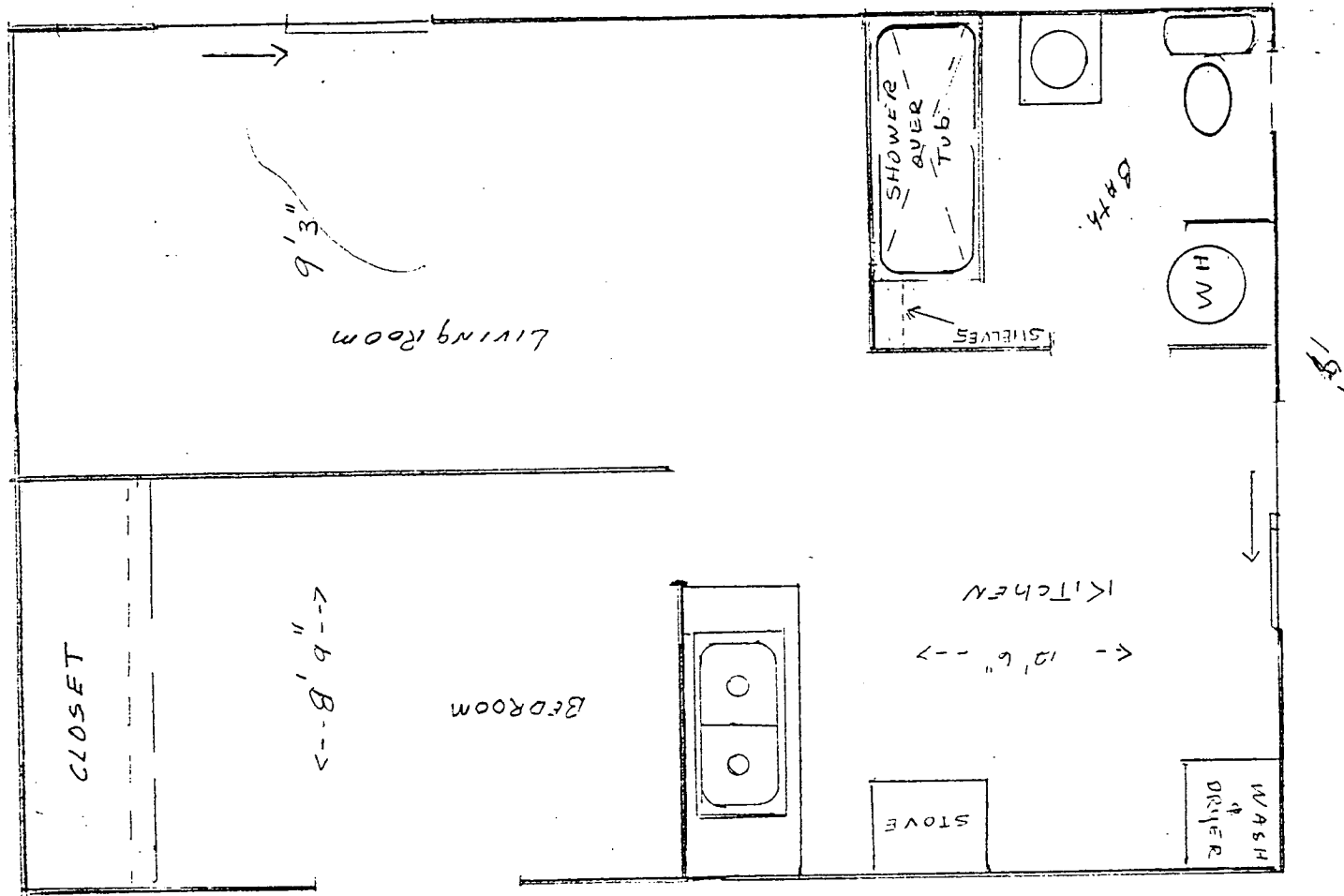
2. The project would be detrimental to the public health, safety and welfare in that:

a precedent would be set to allow conversion of necessary parking garages in order to illegally construct second residential units, which could lead to significant density increases and parking shortages in a single family area.

Findings of Fact - Variances

1. Granting the variances would constitute a special privilege extended to an individual applicant in that:
 - a. a variance would not be granted to other property owners facing similar circumstances;
 - b. the structure was illegally converted two years ago and no building permits were issued; and
 - c. there is not hardship involved to support the request.
2. Granting the variances would be injurious to the public health, safety, and welfare, in that adequate setbacks and parking would promote future surrounding residences to develop a similar structure.

EXHIBIT B



GUEST HOUSE
 708 SAN ANTONIO WY

1/4" = 10 FT.

69039

2784

3-23-89

Item 24

RECEIVED
MAR 6 1989
East Sacramento
Improvement Association, Inc. Planning and Development

MARTY VAN DUYN
PLANNING DIRECTOR
CITY OF SACRAMENTO
1231 I STREET
SACRAMENTO, CALIF 95814

P.O. Box 19147
Sacramento, CA 95819
MARCH 6, 1989

RE: P-89-079: SECOND
RESIDENTIAL UNIT AT
708 SAN ANTONIO WAY

DEAR MR. VAN DUYN:

THE EAST SACRAMENTO IMPROVEMENT ASSOCIATION IS
STRONGLY OPPOSED TO THE PROPOSED 2ND RESIDENTIAL
UNIT AND VARIANCES AT 708 SAN ANTONIO WAY.

WE ARE OPPOSED BECAUSE:

1. THIS "GRANNY" APARTMENT UNIT IS A RENTAL AND
SUCH A USE IS INCONSISTANT WITH IT'S SINGLE FAMILY
NEIGHBORS;
2. THE CITY'S 2ND RESIDENCE ORDINANCE REQUIRES THAT
SUCH "GRANNY" UNITS COMPLY WITH ALL OTHER EXISTING
ORDINANCES. BEFORE A SPECIAL PERMIT MAY BE
GRANTED, THIS UNIT VIOLATES A VARIETY OF ZONING
ORDINANCES AND THE OWNER IS REQUESTING VARIANCES.
THEY PROPOSE A ZERO SET-BACK. THERE IS NO
JUSTIFICATION FOR ANY VARIANCES AND IT WOULD BE
2812 TOTALLY INAPPROPRIATE TO ALLOW A RENTAL APT.
SO CLOSE TO NEIGHBORS. THE COMMISSION REQUIRED
A PREVIOUS APPLICANT TO MOVE HIS GARAGE TO COMPLY
WITH SET-BACK LAWS. IT WOULD BE UNFAIR TO REQUIRE
ANYTHING LESS OF THIS APPLICANT;