

PLANNING DIRECTOR'S VARIANCE  
CITY PLANNING COMMISSION

927-10th Street, Suite 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Robert B. & Leona A. Rice, 1201-41st Street, Sacramento, CA 95819		
OWNER	Robert B. & Leona A. Rice, 1201-41st Street, Sacramento, CA 95819		
PLANS BY			
FILING DATE	6-4-82	50 DAY CPC ACTION DATE	REPORT BY: GM:bw
NEGATIVE DEC.	EIR	ASSESSOR'S PCL NO.	008-203-12

APPLICATION: Request for Planning Director's Variance (P82-148) to move the carport posts within three feet-10 inches of the side property line.

LOCATION: 1201-41st Street

PROJECT INFORMATION:

1963 Sacramento Community Plan  
Designation: Light Density Residential  
Existing Zoning of Site: R-1  
Existing Land Use of Site: Single Family Residential  
Surrounding Land Use and Zoning:  
North: Single Family; R-1  
South: Single Family; R-1  
East: Single Family; R-1  
West: Single Family; R-1

BACKGROUND INFORMATION: The applicant has constructed a two-story addition to the north side of an existing two-story single family home. The new structure consists of a second story bedroom and bathroom addition constructed over a carport. The outside wall of the addition is set back five feet from the side property line and located over the existing concrete driveway.

The vertical support posts for the carport are located sixteen inches from the outermost edge of the concrete driveway and five feet from the side property line. The width of the area under the carport is only seven and one-half feet measured from the wall to the carport posts. The applicant is requesting a Planning Director's Variance to relocate the vertical support posts sixteen inches to the edge of the existing concrete driveway to allow adequate parking clearance for the owner's automobile and full utilization of the existing driveway. The relocated support posts would be approximately three feet, 10 inches from the side yard property line.

STAFF EVALUATION:

1. Staff has no objection to the variance request based upon the fact that the driveway is existing and has been continually used in the past for vehicle parking and access. The relocation of the two support posts 16 inches to the edge of the concrete driveway (three feet, 10 inches from the side property line) would allow for the full utilization of the existing driveway. The main structure of the second story addition complies with the five-foot side yard setback requirement and relocation of the two support posts within three feet, 10 inches of the side property line would not materially affect light and air access to the adjacent property.

STAFF RECOMMENDATION: Staff recommends approval of the variance subject to condition and based on Findings of Fact which follow:

Condition

The side portion of the carport between the support posts shall not be enclosed.

Findings of Fact


1. The project is not a special privilege extended to one individual property owner in that:
  - a) the concrete driveway is existing and used in the past for auto parking and access, and relocation of the carport support posts would allow for full utilization of the existing driveway;
  - b) the upper portion of the two-story addition complies with the five-foot side yard setback requirement.
2. The granting of the variance would not be injurious to the public welfare nor to the vicinity of the applicant in that the addition is compatible and consistent with the architectural style of the existing residential structure and the carport will remain unenclosed.
3. The proposal is consistent with the 1974 City General Plan which states, "Improve neighborhood and community environments to provide a sense of pride and identity among its residents."

REPORT PREPARED BY:



Gene Masuda, Associate  
Planner

RECOMMENDATION APPROVED:



Marty Van Duyn, Planning  
Director

MVD:GM:bw

Attachments

003557

P82-148

9-23-82

430

September 16, 1982

Planning Commission  
Sacramento, California

Members in Session:

SUBJECT: Appeal of Planning Director's variance approval to reduce the sideyard setback from 5 feet to 3 feet 10 inches in order to move existing carport posts

LOCATION: 1201 41st Street

SUMMARY

The Planning Director approved variance P82-148 to allow the relocation of two carport posts within 3 feet 10 inches of the side yard property line. The adjacent property owner subsequently appealed this variance. Staff has no objection to relocation of the two carport posts into the sideyard setback area and, therefore, recommend the Commission deny the appeal.

BACKGROUND INFORMATION

The applicant has constructed a second-floor addition to the north side of an existing two-story single family home. This addition consists of a bedroom and bathroom that is constructed over a carport. The outside wall (north side) of the second-floor addition is set back five feet from the sideyard property line and located over the existing concrete driveway. The two vertical support posts for the carport are also located 5 feet from the property line. The width of the area under the carport is 7 feet 6 inches wide. The applicant requested a variance to move the two vertical carposts in order to allow adequate parking clearance and full utilization of the existing driveway and garage to the rear.

The Planning Director and staff had no objection to the variance request in that the projection of two vertical support posts into the setback would not alter the character of the area and would not affect the light and air access to the adjacent property. In addition, there are similar carports located in setback areas on the same street as the subject property.

Appellant's Comments:

The appellant originally had several reasons for objecting to the Planning Director's variance. (See attached appeal form.) Staff met with the appellant and provided development plans and explained the reasoning for the variance approval. Therefore, the appellant's basic objection at this time is that the northerly property line was arbitrarily selected by the builder.

Staff Comment:

Staff indicated to the two owners that it was not the Planning Department's responsibility to locate the property line. Staff's approval of the variance was based on the applicant's submitted site and building plans.

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September 23, 1982

Item No. 30

003558

In order to accurately locate the property line, staff suggested the two property owners get together and hire a civil engineer or surveyor and thereby resolve this issue.

Based on the site inspection of the subject property, the distance from the wood fence to the vertical support posts is 5 feet. The owner of the room addition has indicated that the wooden fence is on the property line. If the fence/property line were one foot off, the setback would be reduced to 2 feet 10 inches. Staff, however, would still support the variance.

Attached is the staff report for the Planning Director's variance for the Commission's information.

STAFF RECOMMENDATION

Staff recommends the Commission deny the appeal.

Respectfully submitted,

  
Wilfred Weitman  
Senior Planner

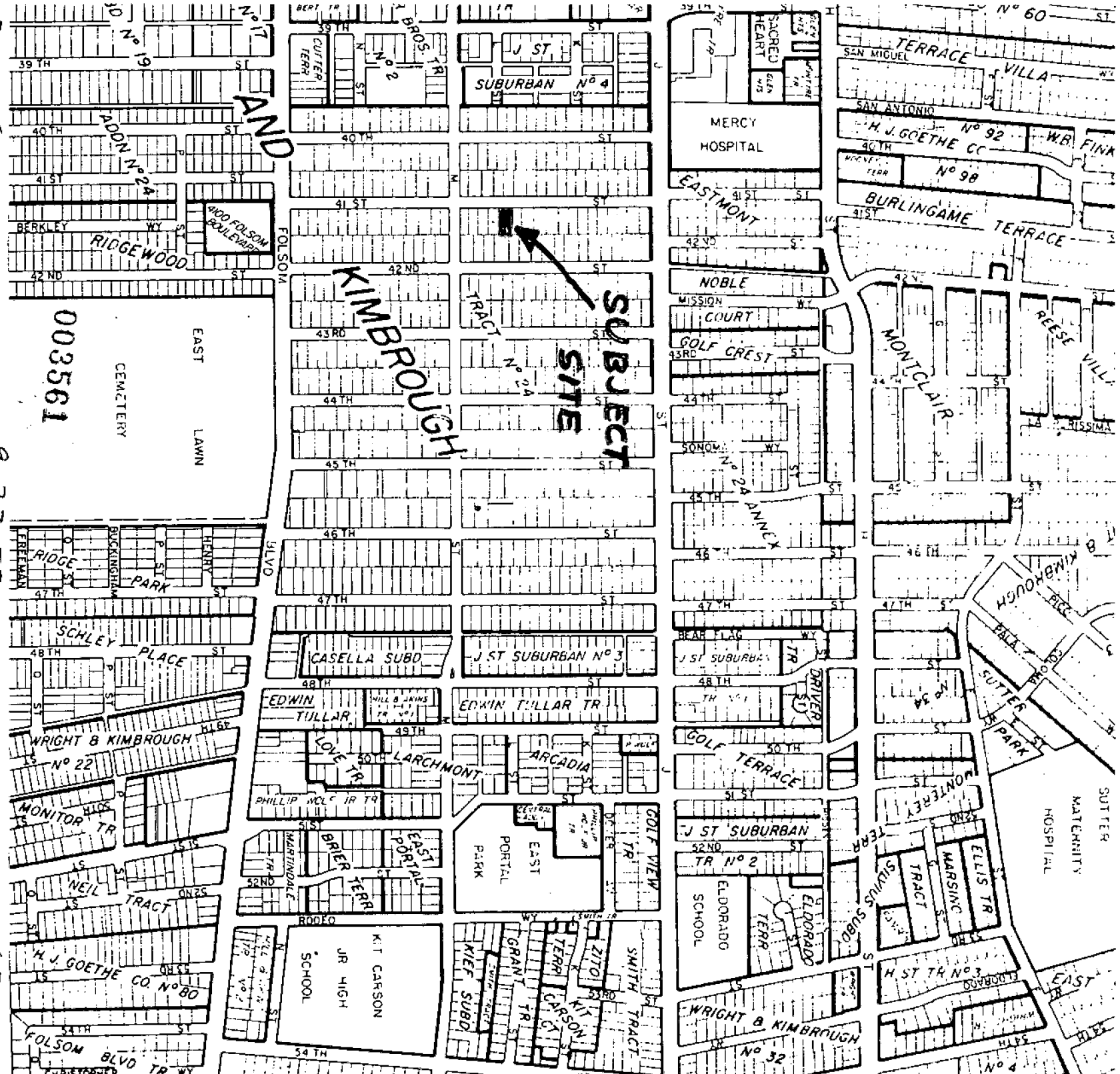
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Attachments

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AND

**SUBJECT SITE**  
KIMBROUGH

SUBURBAN NO 4

MERCY HOSPITAL

EASTMONT

NOBLE COURT

GOLF CREST

SONOMA

J ST SUBURBAN

GOLF TERRACE

J ST SUBURBAN

ELDORADO SCHOOL

WRIGHT & KIMBROUGH

TERRACE

VILLA

H. J. GOETHE CO

BURLINGAME TERRACE

MONTCLAIR

RESE VILL

KIMBROUGH

SUTTER

SUTTER MATERNITY HOSPITAL

MONTEREY TERRACE

ELVIS TR

H ST TR NO 3

WRIGHT & KIMBROUGH

39 TH ST  
40 TH ST  
41 ST  
BERKLEY WY  
42 ND ST  
RIDGE WOOD  
400 FOLSON BOULEVARD  
EAST LAWN CEMETERY

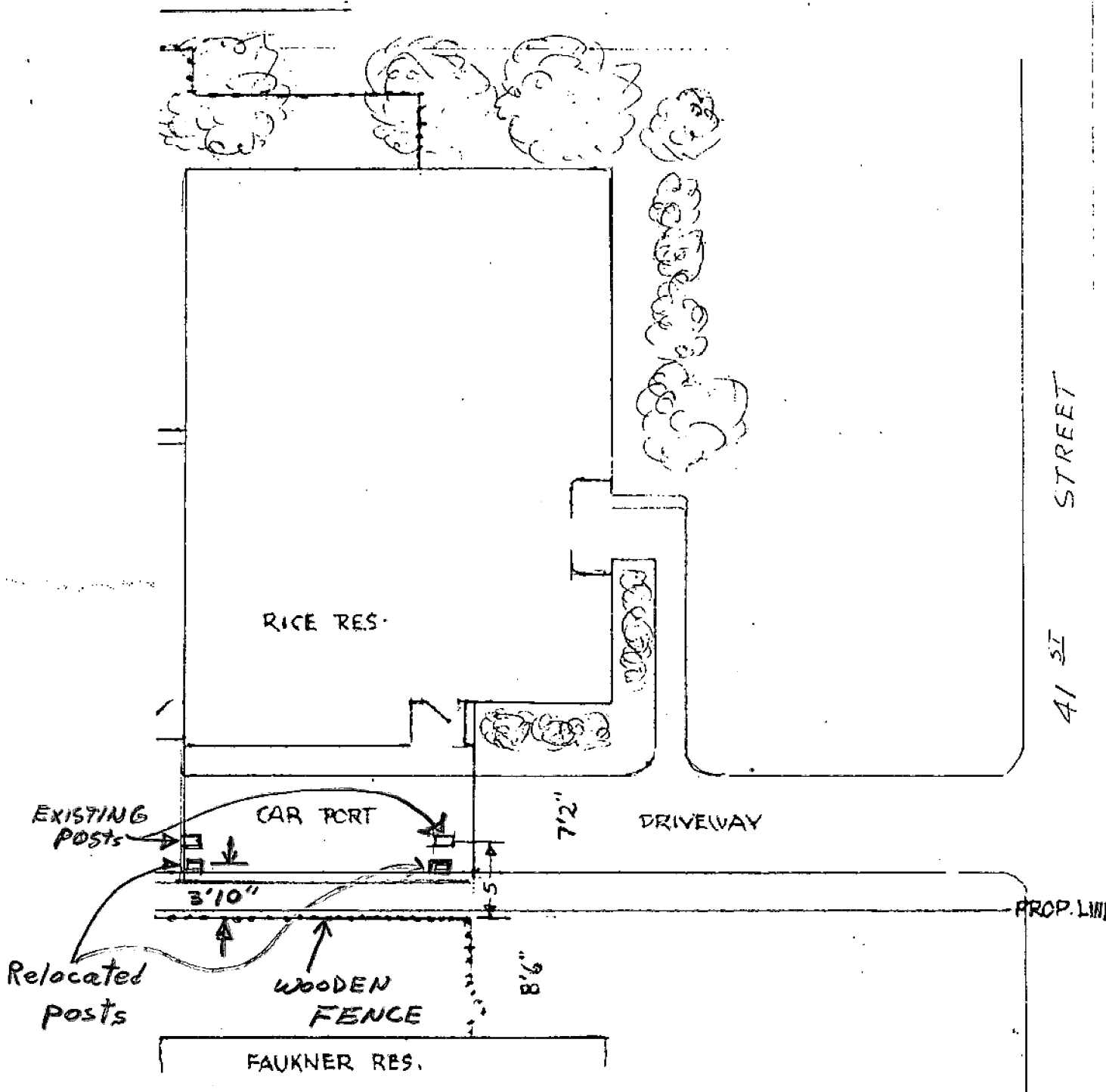
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RIDGE  
BOCKINGHAM PARK  
HENRY ST  
SCHLEY PLACE ST  
48 TH ST  
WRIGHT & KIMBROUGH  
NO 22  
MONITOR TR  
NEIL TRACT  
H. J. GOETHE CO. NO 80  
FOLSON BLVD TR WY  
CHRISTOPHER

BERT TR  
CUTLER TERR  
NO 2  
BROS. TR  
J ST  
SUBURBAN NO 4  
40 TH ST  
41 ST  
42 ND  
43 RD  
44 TH ST  
45 TH ST  
46 TH ST  
47 TH ST  
48 TH ST  
EDWIN TILLAR TR  
LOVE TR  
LARCHMONT  
ARCADIA  
EAST PORTAL PARK  
BRIER TERR  
MARTINDALE  
ROOFO  
KIT CARSON JR HIGH SCHOOL  
GRANT TR  
TERR CARSON  
SMITH TRACT  
ZITON

39 TH ST  
SACRED HEART  
MERCY HOSPITAL  
41 ST  
42 ND  
43 RD  
44 TH ST  
45 TH ST  
46 TH ST  
47 TH ST  
48 TH ST  
49 TH ST  
50 TH ST  
51 ST  
52 ND  
53 RD  
54 TH ST  
55 TH ST

NO 60 ST  
SAN MIGUEL  
SAN ANTONIO  
H. J. GOETHE CO NO 92  
W.B. FINK  
NO 98  
BURLINGAME TERRACE  
41 ST  
42 ND  
43 RD  
44 TH ST  
45 TH ST  
46 TH ST  
47 TH ST  
48 TH ST  
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53 RD  
54 TH ST  
55 TH ST

DRIVE WAY



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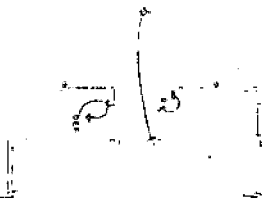
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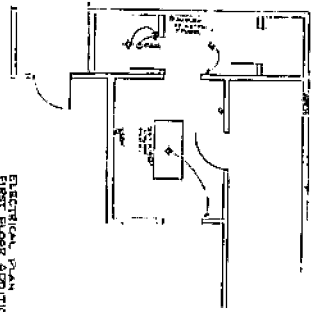


LEADER  
DETAIL

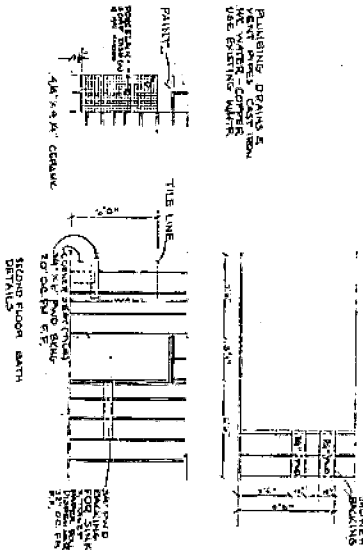
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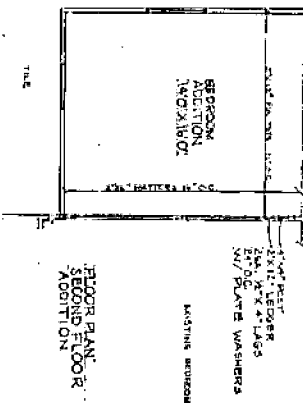
ELECTRICAL PLAN  
SECOND FLOOR ADDITION



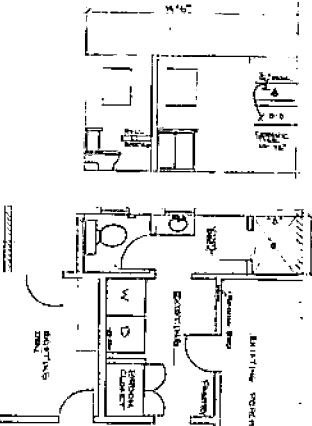
ELECTRICAL PLAN  
FIRST FLOOR ADDITION



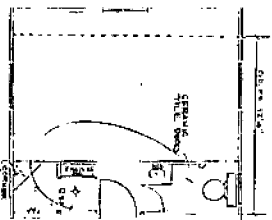
SECOND FLOOR BATH  
DETAILS



FLOOR PLAN  
SECOND FLOOR  
ADDITION

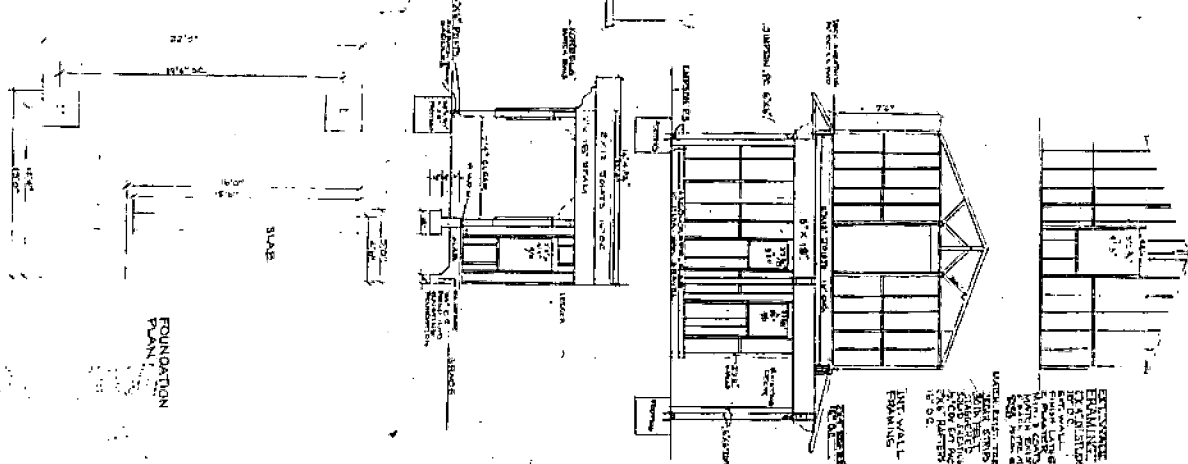


FLOOR PLAN  
FIRST FLOOR  
ADDITION



FLOOR PLAN  
SECOND FLOOR  
ADDITION

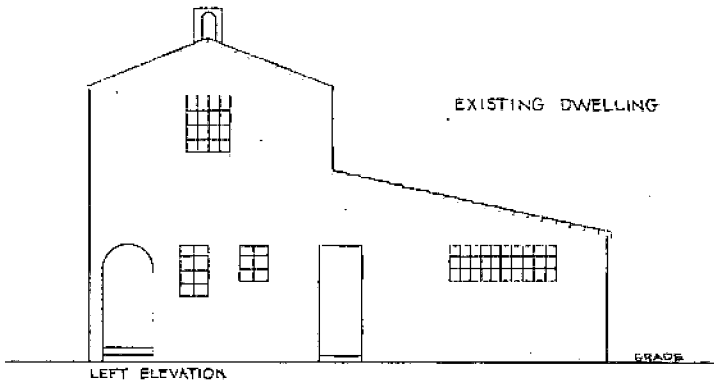
SCALE 1/4" = 1'-0"



FOUNDATION  
PLAN

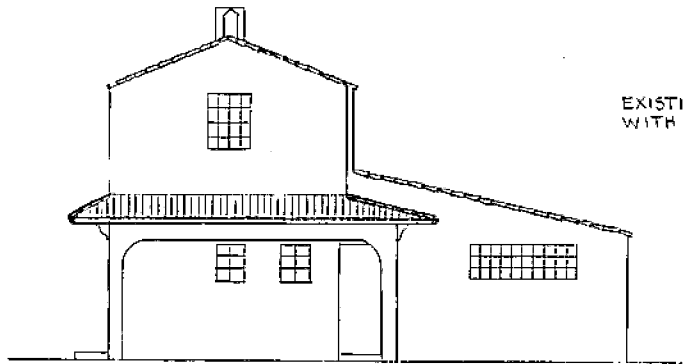
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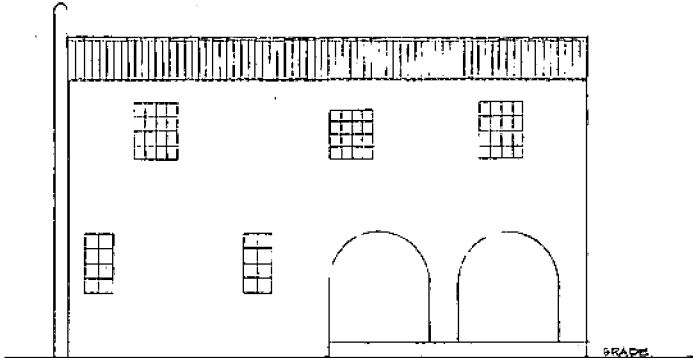
LEFT ELEVATION

EXISTING DWELLING

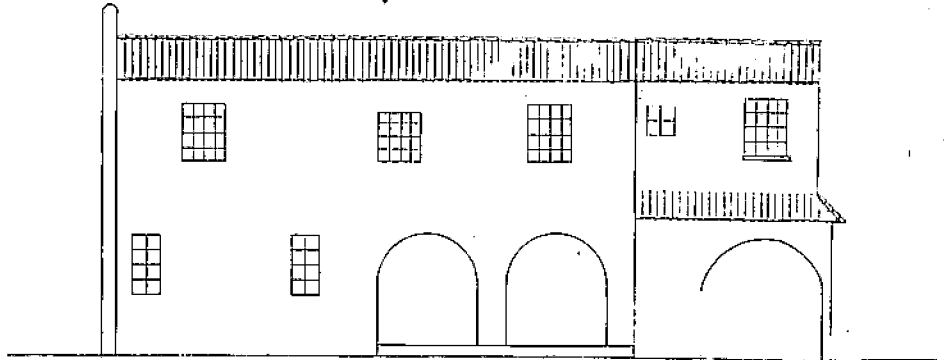


LEFT ELEVATION

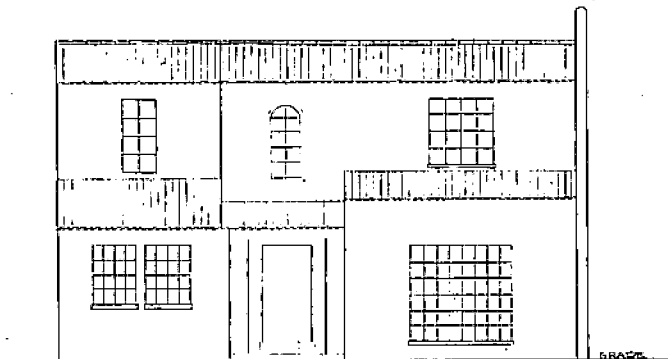
EXISTING DWELLING WITH ADDITION



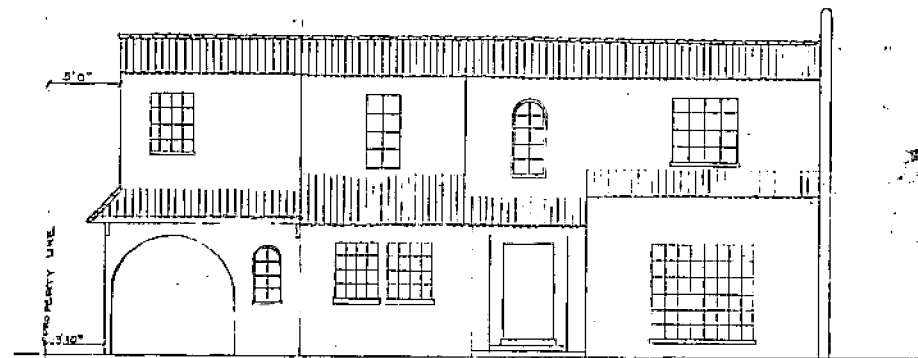
REAR ELEVATION



REAR ELEVATION



FRONT ELEVATION



FRONT ELEVATION

SCALE 3/4" = 1'-0"

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