

**COUNTY OF SACRAMENTO
CALIFORNIA**

ZONING ADMINISTRATOR REPORT

Control No.: PLNP2012-00058
Type: VAZ

TO: ZONING ADMINISTRATOR

FROM: DEPARTMENT OF COMMUNITY DEVELOPMENT

CONTACT: *Rebecca Boschee, Planner, 874-3104; boscheer@sacounty.net*

PROJECT DESCRIPTION

PLNP2012-00058. 1733 Ascot Avenue. Request for a Variance to allow an existing agricultural barn to deviate from the minimum side yard setback of fifty (50) feet on approximately 2.3 acres at 1733 Ascot Avenue, on the north side of Ascot Avenue and approximately 1,035 feet east of 16th Street in the Rio Linda community. Applicant: Joseph Brown; APN: 215-0212-017; Environmental Document: Exempt. District 1: Phil Serna

APPLICANT/OWNER:

Joseph Brown
1733 Ascot Avenue
Rio Linda, CA 95673

**DETAILED
REQUEST:**

A **Variance** to allow an existing agricultural barn of approximately 1,500 square feet to deviate from the minimum side yard setback of fifty (50) feet by providing a setback of only 10 feet 3 inches along the eastern property line on approximately 2.3 acres in the AR-2 (*Agricultural/Residential*) Zone.

Note: The applicant is also requesting a 24-foot by 30-foot, or 720-square-foot, addition to the existing agricultural barn.

Overview:

The proposed project consists of a Variance to allow an existing agricultural barn of approximately 1,500 square feet to deviate from the minimum side yard setback of fifty (50) feet by providing a setback of only 10 feet 3 inches along the eastern property line on approximately 2.3 acres in the AR-2 (Agricultural/Residential) zone. The applicant is also requesting a 24-foot by 30-foot, or 720-square-foot, addition to the existing agricultural barn.

Summary of Significant Issues:

The existing agricultural barn does not meet the side yard setback of fifty (50) feet as required under Section 310-03 of the Zoning Code. An existing 400± square foot carport is located within a Pacific Gas and Electric PG&E Company easement and must be demolished. The applicant will be adding 720± square feet to the existing agricultural barn to compensate for the loss of the carport structure. There are two Sacramento County Building Inspection cases on the existing agricultural barn (COPR2011-00166 and CBNR2011-00574). The applicant has applied for the demolition permit for the carport structure (DMOR 2011-00121) and will proceed with the demolition once the building case has been resolved.

CPAC Recommendation:

The Rio Linda Community Planning Advisory Council (CPAC) met on May 23, 2012 and recommended **APPROVAL** (4-0) of the proposed project. The Council received a copy of the letter from the neighbor that supports the project. Overall, the Rio Linda CPAC strongly recommends the approval of the variance.

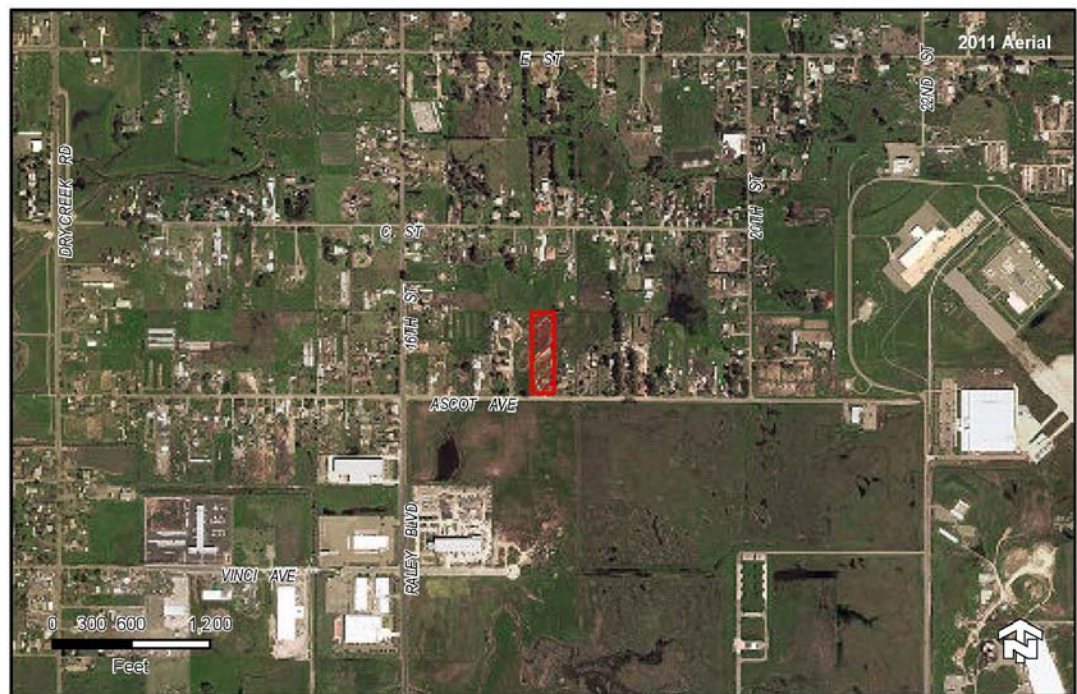
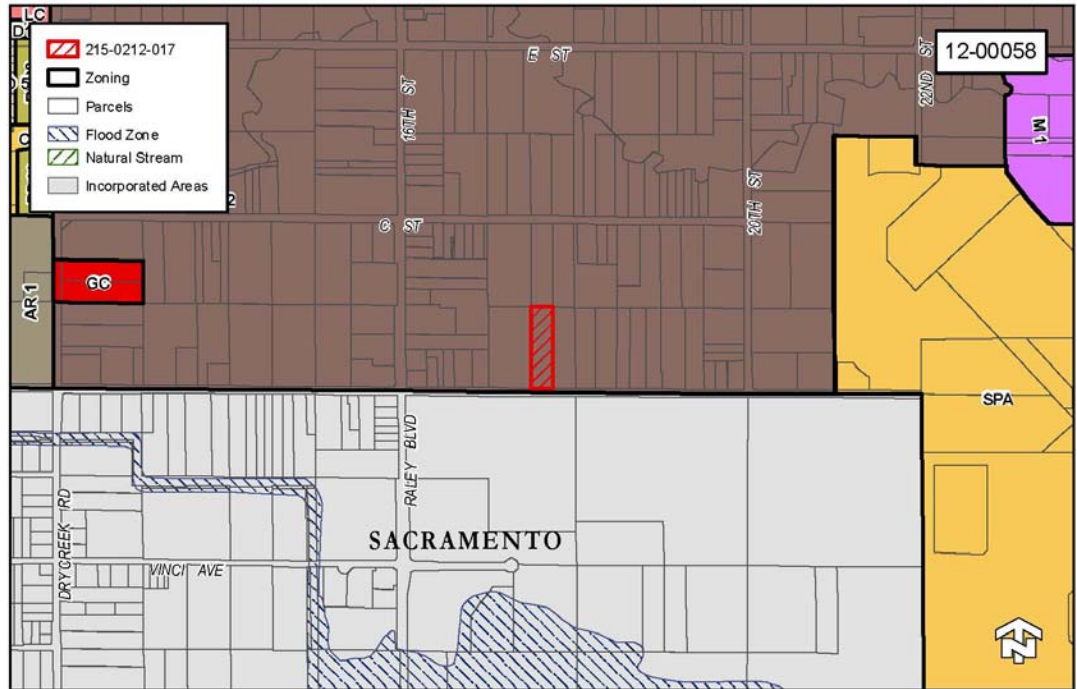
Recommendations:

Staff is recommending **APPROVAL** of the proposed project.

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1733 ASCOT AVENUE
PLNP2012-VAZ-00058
215-0212-017

I. LOCATION MAPS



II. PROJECT ANALYSIS

A. Adjacent Land Uses and Zoning:

	Existing Land Use	Zoning and Community Plan Designations
Subject Property	Agricultural/Residential	AR-2
North	Agricultural/Residential	AR-2
South	Vacant (across Ascot Avenue)	M-1-R (City of Sacramento)
East	Agricultural/Residential	AR-2
West	Agricultural/Residential	AR-2

- B. History/Background: On May 10, 1967 the zoning of the subject property was designated as A-1-A. The zoning of the subject property changed to AR-1 as a result of the Rio Linda Zoning Consistency Hearings on July 12, 1978 (SZC 78-98). On October 6, 1983 the zoning of the property changed to the current designation.

The subject property has a Building Code violation (COPR2011-00166) and the 1st notice of violation was issued on 05/31/2011. The details of the violation state that the property owner is required to obtain CBNR permits for all accessory structures that are over 120 square feet or over 9 feet tall. The following structures on the property will need to be permitted: detached garage, barn or shop and a single wide modular. The notice of violation from the Sacramento County Building Inspection also stated that the property owner will need to schedule an interior inspection of the structures on the property.

The applicant purchased the 2.34-acre property in 1997. At that time, there were three accessory structures on the property, including a 400± square foot carport, a 200± square foot storage shed, and a single-wide modular building. The 1500± square foot barn/shop was constructed by the current owner in 2003 (see Exhibit “1” for building locations). The applicant indicated that he was unaware of the contractor not receiving the proper permits to construct the barn/shop. In 2011, the Building Inspection Division opened a Building Code Enforcement case and discovered that none of the accessory structures were issued building permits. Since that time, the applicant has been working with Building Inspection to conform with building and zoning requirements. The 200± square foot storage shed and the modular building have been removed. The applicant has agreed to remove the 400± square foot carport once the issues with the larger 1,500± square foot barn/shop are resolved.

- C. Project Description: The applicant is requesting a Variance to allow an existing agricultural barn of approximately 1,500 square feet to deviate from the minimum side yard setback of fifty (50) feet by providing a setback of only 10 feet 3 inches along the eastern property line on approximately 2.3 acres in the AR-2 (Agricultural/Residential Zone). The applicant is also requesting a 720± square foot

addition to the existing agricultural barn (see Exhibit “1”). The subject property is located on the northern side of Ascot Avenue and is surrounded by Agricultural/Residential properties. The subject property has an existing 17-foot wide gravel driveway with a gate off Ascot Avenue. The gravel driveway serves the existing residence as well as the existing agricultural barn. The subject property is surrounded by Agricultural/Residential properties Zoned AR-2. The properties that are located to the south and across Ascot Avenue are located within the City of Sacramento. There is an existing (PG&E) transmission tower located on the western portion of the property opposite from the agricultural barn. Pacific Gas & Electric Company (PG&E) has provided comments that are included as conditions of approval for the proposal.

The applicant intends to resolve the building and zoning violations on the property by obtaining a variance for the existing barn/shop, with a 400-square-foot addition. The applicant has agreed to remove the 400-square-foot carport once the building violation with the larger 1,500-square-foot barn/shop is resolved. The applicant has applied a demolition permit (DMOR2011-00121) for the carport structure. The carport is located within the PG&E easement area and must be removed.

There are two categories of accessory structures, agricultural and non-agricultural, which have different zoning requirements. The building does not qualify for a non-agricultural accessory building as it exceeds the allowable size and height. The setback requirement for a non-agricultural accessory building is only three feet, but the maximum size is 50 percent of the size of the main dwelling and the maximum height is 16 feet. The structure does not meet either of these requirements. According to the applicant, the barn is used to store personal belongings, farm implements, lawn and garden tools and feed and hay. The applicant is planning on using the 720± square foot addition to store the items that are currently located within the structure that will be torn down. The existing structure does not meet the 50-foot setback requirement for an agricultural barn in the AR-2 zone and requires a Variance. The setback requirements are listed in Section 310-03 of the Zoning Code for general agricultural uses.

The proposed project is subject to Sacramento County Zoning Code (SZC) Section 310-03. The project does not meet the required fifty (50) foot side yard setback along the eastern portion of the property and is providing 10 feet 3 inches. The structure is 124± feet from the western property line (side yard), 95± feet to the northern property line (rear yard) and 250± feet to the front yard.

D. Consistency with General Plan and/or Community Plan:

1. General Plan: The request is consistent with the Sacramento County General Plan Agricultural-Residential Designation and text in that no policies conflict with the request.

2. Community Plan: The proposed project is within the boundaries of the Rio Linda/Elverta Community Plan and does not conflict with any of the policies that are contained within that plan.
- E. Community Outreach: It is Sacramento County policy to encourage applicants to conduct community outreach for projects prior to or concurrent with the filing of a planning application, and to provide a written description of the outreach.

The applicant has provided a letter from their neighbors directly to the east that border the property line of the existing agricultural building. The neighbors at 1741 Ascot Avenue do not have any complaints regarding the barn and the structure and is not a nuisance from their perspective. The letter of support from the neighbors is attached to this staff report (see Attachment "B").

III. STAFF RECOMMENDATIONS

The request is consistent with the County General Plan, Rio Linda Community Plan and the Sacramento County Zoning Code, with the exception of the Variance request related to the side yard setback of a general agricultural use. The neighbor on the eastern property line has submitted a letter stating that the agricultural barn does not affect them. The applicant had the agricultural barn constructed in 2003 and was unaware that the contractor did not receive the proper permits to construct the barn. In 2011, the Building Inspection Division opened a Building Code violation case and discovered that the accessory structure was not issued a building permit. The Variance will allow the applicant to have a legal structure on the property. The applicant has agreed to demolish the carport structure within the PG&E easement. For these reasons, staff recommends **APPROVAL** of this proposal.

A. Recommended Actions:

1. Environmental Documentation: Recognize the EXEMPT status of the request under Section 15305, Class 5.
2. Variance: **APPROVE** the requested entitlement for the reduction of the side yard setback for an existing agricultural barn, subject to the findings listed in Section III.B and the conditions listed in Section III.C of this report.
3. Mitigation Monitoring and Reporting Program: None.

B. Recommended Findings: The staff recommendations are based upon the following considerations:

1. The request is consistent with the County General Plan Map Agricultural/Residential Designation and Text in that no policy conflicts have been identified.
2. The request is consistent with the Rio Linda Community Plan Map and Text.
3. The proposed development will not conform to applicable Zoning Code regulations Section 310-03.

4. Staff has identified no effects from the proposal which would result in a significant detrimental impact on adjoining or neighboring properties if the conditions, as recommended by staff, are adopted.
 5. The grant of the Variance to reduce the side yard setback of a general agricultural structure along the eastern property line would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone, in which the subject property is situated, in that:
 - a. The neighbors to the east have submitted a letter stating that the agricultural barn does not negatively affect them.
 - b. The neighbor's structures are 100 feet away from the applicant's property line.
 - c. PG&E transmission lines cross the property that constrain the site and location of the barn.
 6. The applicant has shown that there are special circumstances particular to the property that would cause the strict application of the requirements of the Zoning Code to deprive the property of privileges enjoyed by other properties in the vicinity and under the identical zone classification.
- C. Recommended Conditions: Any approval of the Variance shall be subject to the following conditions:
1. The final development plans shall be in substantial compliance with Exhibit "1" (Site Plan) and Exhibit "2" (Elevations).
 2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations and procedures. Any required subsequent procedural actions shall take place within 36 months of the date on which the permit became effective or this action shall automatically be null and void.
 3. Obtain all necessary permits for installation from Sacramento County Municipal Services.
 4. In conjunction with the issuance of building permits, final development plans shall be reviewed by the Planning Division during the plan check process to assure compliance with all ordinance requirements and the following:
 - a. Remove the 400-square-foot carport once the building cases have been resolved with the agricultural barn.
 5. The applicant shall work with the Sacramento County Building Inspection Division to close the following open cases on the subject property within thirty (30) days of the issuance of the Variance: COPR2011-00166 and CBNR2011-00574.
 6. Buildings, Structures, and Wells are not allowed within PG&E's easement area.

7. No grading cuts or fills are allowed within PG&E easement area without prior written approval from PG&E.
8. No trees are allowed within PG&E's easement area.
9. The proposed Building and Awning is to be removed as shown on the site plan (DMOR 2011-00121) so that PG&E's easement area is free and clear from any buildings and/or structures of any kind.
10. There are restrictions when operating any equipment or tools in the proximity to the tower line. You must not erect, handle, or operate any such equipment or tools, closer to any of PG&E's overhead high-voltage electric conductors than the minimum clearances set forth in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety, but in no event closer than 17 feet.
11. General Order No. 95 of the California Public Utilities Commission sets forth certain clearance requirements for the construction and operation of electric lines. Therefore, you must control your excavations and digging, including spoils, in such a manner as not to decrease the ground-to-conductor clearance below 30 feet.
12. Environmental Management Department approval will be required for any modification to existing septic system or for any new sewer septic system.

IV. ATTACHMENTS

- A. CPAC Referral
- B. Support Letter from 1741 Ascot Avenue
- C. Context Photos

V. EXHIBITS

1. Site Plan
2. Elevations

This staff report was prepared on July 25, 2012.

HRG. DATE:	
PLANNER	
NOTICES	

CPAC REFERRAL

CPAC COMMUNITY		
DERA RELEASE	Y <input type="checkbox"/>	N <input type="checkbox"/>

05/02/12

1733 ASCOT AVENUE VARIANCE

PLNP2012-VAZ-00058

Date

PROJECT NAME

CONTROL NO.

APPLICANT: <u>Joseph Brown</u>	A.P.N.: <u>215-0212-017</u>	ZONING: <u>AR-2</u>
ADDRESS: <u>1733 Ascot Avenue</u>	CONTACT PERSON: <u>Joseph Brown</u>	COM. PLAN: <u>AR-2</u>
<u>Rio Linda, CA 95673</u>	TELEPHONE: <u>(916) 991-5234</u>	GEN. PLAN: <u>AG-RES</u>

REQUEST:

A Variance to allow an existing agricultural barn of approximately 1,500 square feet to deviate from the minimum side yard setback of fifty (50) feet by providing a setback of only 10'-3" along the eastern property line on approximately 2.3 acres in the AR-2 (Agricultural/Residential Zone).

Note: The applicant is also requesting a 24' x 30' or 720 square foot addition to the existing agricultural barn.

<input type="checkbox"/> PRIMARY CPAC <u>Rio Linda</u>	<input type="checkbox"/> ADJACENT CPAC (If Applicable)
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HEARING BODY: Zoning Administrator

REVISED APPLICATION: DATE: _____

Planning Department Project Manager:	Rebecca Boschee	RETURN BY: _____ (Date)
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ADVISORY COUNCIL COMPLETE THIS SECTION - PLEASE PRINT OR TYPE

- Meeting date(s) at which proposal discussed: _____
- Number of council members present: _____ Quorum: YES NO
- Is the proposal compatible with the area or neighborhood in which proposed: YES NO
- Summarize neighborhood response or reaction: LETTER FROM NEIGHBOR INCLUDED AND STATES HAS NO COMPLAINTS. (SEE LETTER ATTACHED).

- Motion by: CHARLEA MOORE Seconded by: JESUS NAVARRO
- Council recommendation: APPROVAL DENIAL CONTINUE Date: _____
- Council vote on motion to reflect recommendation
YES: 4 NO: 0 ABSTAIN: _____ ABSENT: _____
- Comments/conditions on recommendation:
To Strongly Recommend Variance !!

<u>CHARLEA MOORE</u> Investigating Member	<u>Manuel J. ...</u> Chairperson or Secretary	<u>5/23/12</u> Date
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Return to: SACRAMENTO COUNTY COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
827 - 7th Street, Room 230, Sacramento, CA 95814
ATTN: CPAC Secretary

CONTROL #
PLNP2012-VAZ-00058
RECEIVED 5/23/12 By
SECRETARY: M. L. J. P. R.

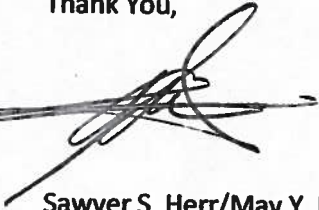
February 10, 2012

To Whom It May Concern,

Sawyer S. Herr & May Y. Herr homeowner of 1741 Ascot Avenue, Rio Linda, CA the next door neighbor to Mr. Joe Brown of 1733 Ascot Avenue, Rio Linda, CA. I'm writing this letter to you concerning a unit/barn build on Mr. Brown's property next to ours. I have no complaints towards the building nor does it bother me in any way.

If you have any questions or concern please contact me at (916) 238-4143

Thank You,



Sawyer S. Herr/May Y. Herr

may y. herr



1. View of the existing agricultural barn on the subject property.



2. View of the carport structure located within the PG&E easement that will need to be removed.

CONTEXT
PHOTO
NOS.: 1 & 2

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DATE: 06-14-2011
ZA ATTACHMENT C
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3. View of the existing agricultural barn on the left as well as other structures located to the property.

CONTEXT
PHOTO
NO.: 3

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DATE: 06-14-2011
ZA ATTACHMENT C
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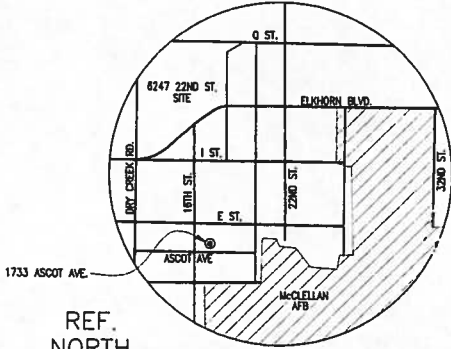
APR 24 2012

PLANNING DEPT
County of Sacramento

JOE BROWN

1733 ASCOT AVE.

RIO LINDA, CALIFORNIA

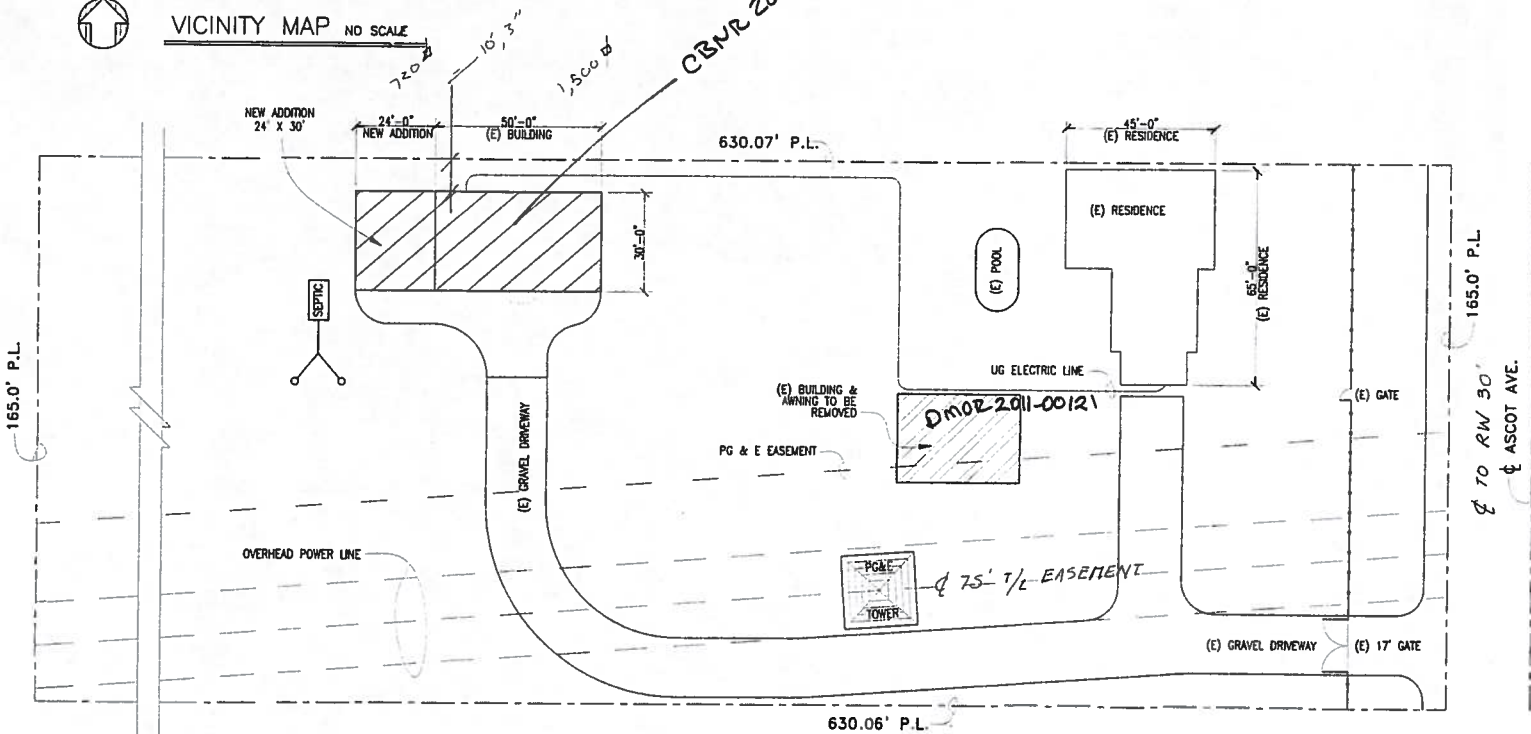


REF. NORTH



VICINITY MAP NO SCALE

CBNR 2011-00574



ENERGY COMPLIANCE:

THE FOLLOWING MEASURES ARE REQUIRED FOR COMPLIANCE (MINIMUM STANDARDS):

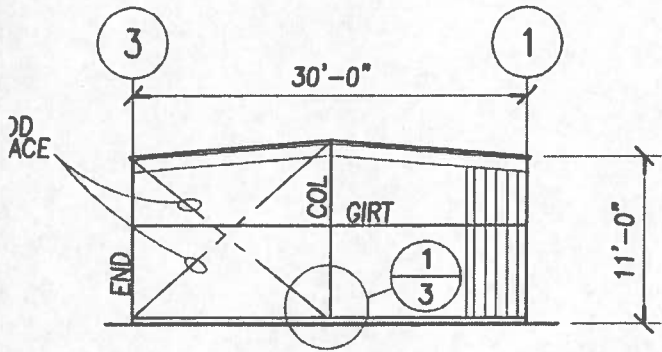
- R-38 ROOF INSULATION.
- R-13 WALL INSULATION.
- WINDOWS SHALL HAVE METAL OR VINYL/WOOD FRAMES WITH DUAL-PANE, LOW-E GLAZING WITH THE FOLLOWING MINIMUM U-FACTOR/SHGC VALUES: OPERABLE 0.77/0.40
- (2) PTAC HVAC SYSTEM WITH MINIMUM EFFICIENCIES OF 3.41 COP (HEATING) AND 11.00 EER (COOLING).
- LIGHTING COMPLIES AS DESIGNED WITH THE FOLLOWING FIXTURE TYPE (2) 4 FT. FLUORESCENT T8 RAPID START ELECRO (MAXIMUM 51.0 WATTS/FIXTURE)

REF. NORTH

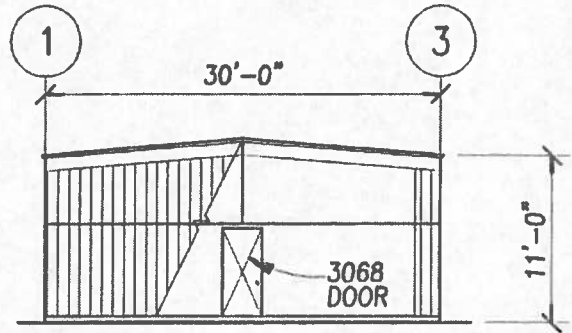


SITE PLAN 1" = 20'-0"

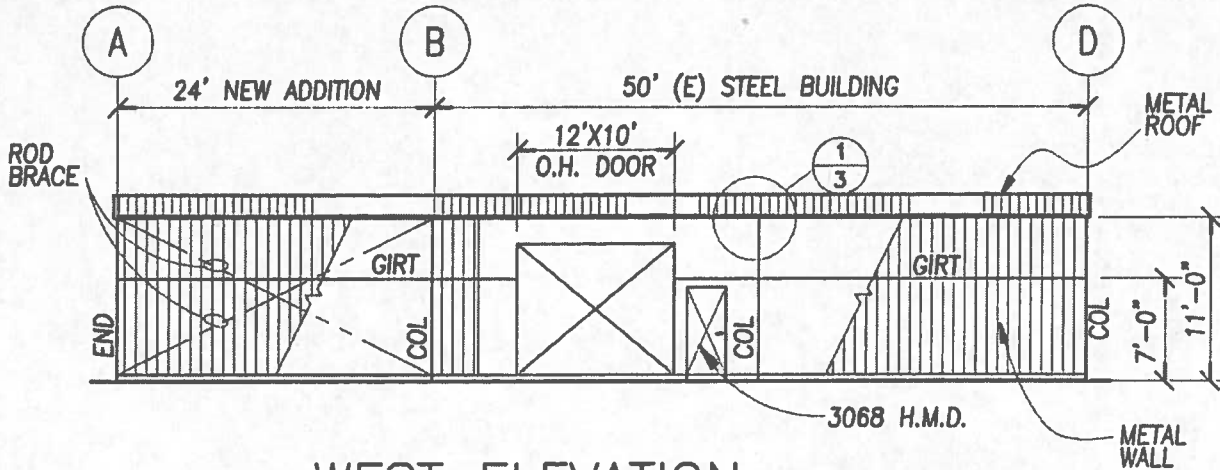
INDICATES NEW BUILDING ADDITION



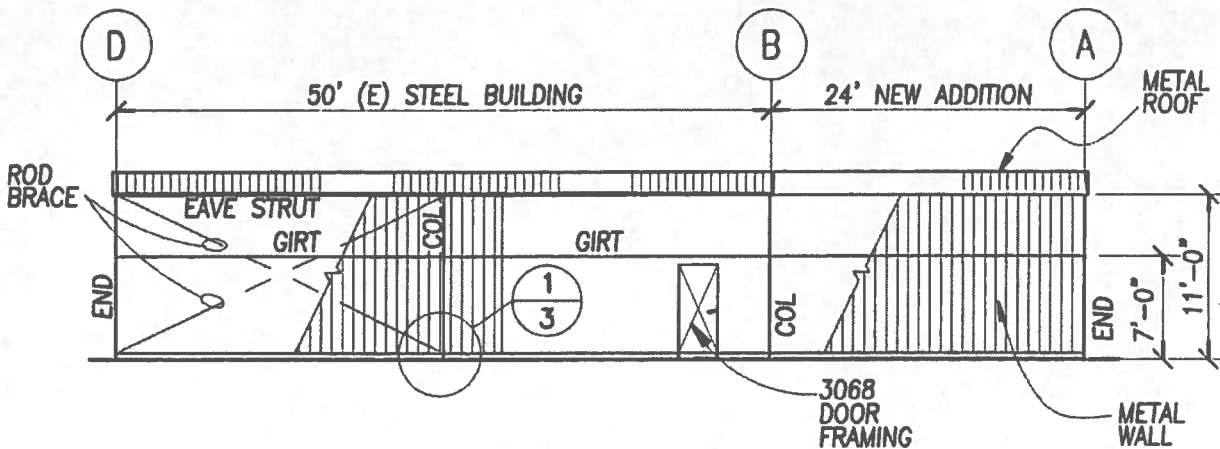
SOUTH ELEVATION 3/32"=1'-0"



NORTH ELEVATION 3/32"=1'-0"



WEST ELEVATION 3/32"=1'-0"



EAST ELEVATION 3/32"=1'-0"

RECEIVED

FEB 21 2012

PLNP 2012 - 00058

PLANNING DEPT
CounZA EXHIBIT 2