



MEMO

DATE: 4/21/2025

TO: Town of Loomis
Planning Department
Christy Consolini

FROM: Premier Homes LLC
Stefan Horstschraer
209-256-1971

RE: Fence Height Variance for The Reserve

Dear Rob:

This memo serves as request for a Fence Height Variance for "The Reserve" project. This request accompanies the second submittal of the Tentative Map application for the project. Please see the proposed variance language and necessary findings, as well as sample use cases for the variance on the following pages.

Sincerely,

Stefan Horstschraer

FENCE HEIGHT VARIANCE REQUEST

The Reserve, Loomis

The Loomis Zoning Code § 13.30.040 in subsections C2 & C3 reads as follows:

C. Measurement of Heights

2. The height of fencing atop a wall shall be measured from the base of the wall.

3. In cases where elevation of the finished grade within six feet of the base of the fence differs from one side of the fence to the other (as when a fence is placed at the top of a slope or on a retaining wall), the height shall be measured from the side with the lowest natural grade; except that a safety fence with a height of forty-eight inches shall be allowed in all cases. See Figure 3-1

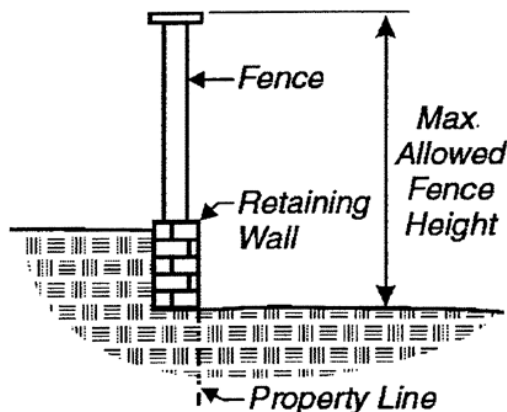


Figure 3-1.

Premier Homes request this fence height variance due to a couple of use cases for interior lot conditions based on the preliminary grading plans in combination with regulations of the California Health and Safety Code and privacy expectations of future residents within The Reserve:

1. The large lots provide opportunities for pool construction after initial home sale. Per section 115923 of the California Health and Safety Code, however, a pool requires an enclosure/fence of a minimum of 60". Under section C3 this 60" height would appear to be in violation of the zoning code for a pool on either side of the fence. Likewise, a 48" fence on top of a wall per C2 would likely not allow for the permitting of a pool in the lower yard as a person in the upper yard would only have to overcome a 48"-high obstacle
2. In scenarios where home pad elevations differ between lots, we typically overbuild the higher pad one foot past the property line. Per C3, however, this scenario would also only allow for a 48" high fence and an upslope owner walking within a few feet of the fence would have an unobstructed view into the lower yard of their neighbor. A higher fence would provide the privacy home owners in California typically desire.

Without this fence height variance as part of the project approvals, future property owners could apply to the Town for the needed fence height variances on their own accord. But, even if a variance for the fence height would very likely be granted, the pool-building owner or the privacy-desiring owner would then have to replace the fence at a significant cost to the owner; rather than having the builder construct the higher fence from the beginning. Hence, Premier Homes requests a variance for the lots at The Reserve for the construction of standard 6' solid-wood fences along interior property lines.

STATEMENT OF JUSTIFICATION

For
Fence Height Variance

Findings

- (A) Required Finding:** There are special circumstances applicable to the property (e.g. location, shape, size, surroundings, topography, or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district.

Determination: Per Loomis' Municipal Code section 13.030.040(B), the height for a side yard fence for an interior lot is 6 feet. This provides privacy and view protection between homes on neighboring lots. Limiting the fence height to 48" on top of retaining walls and on top of slopes of adjacent lots with different finish grade elevations, does not provide the same privacy protection to owners of such lots.

- (B) Required Finding:** Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought.

Determination: The fence height limitation per Loomis' Municipal Code section 13.030.040 is only applicable to adjacent lots with finish grade elevation differences. Lots without such elevation differences are not subject to the 48" fence height limitation. As such, adjacent lots with different grade elevations could not be granted a pool construction permit as pools require an enclosure/fence with a minimum height of 60" per California Health and Safety Code. Thus, owners of respective lots would be prevented from constructing a pool on their lot.

- (C) Required Finding:** The variance is consistent with the general plan and any applicable specific plan.

Determination: Fence heights for the Rural Residential zoning district are defined in the Zoning Code and the requirements therein. The general plan looks to the Zoning Code for the determination of fence heights and does itself not specify fence heights or other development standards. As such, the variance is consistent with the general plan. The property is not subject to a specific plan.