



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

May 14, 2008

SUBJECT: **2008-0370:** Application for a property located at **1085 Polk Avenue** (near Leota Ave.) in an R-0 (Low Density Residential) Zoning District.

Motion Variance from Sunnyvale Municipal Code section 19.34.030 to allow a 10' combined side yard setback where 12' is required for an addition to an existing single-family home.

REPORT IN BRIEF

Existing Site Conditions Single-story single-family home

Surrounding Land Uses

North Single-family home

South Single-family home

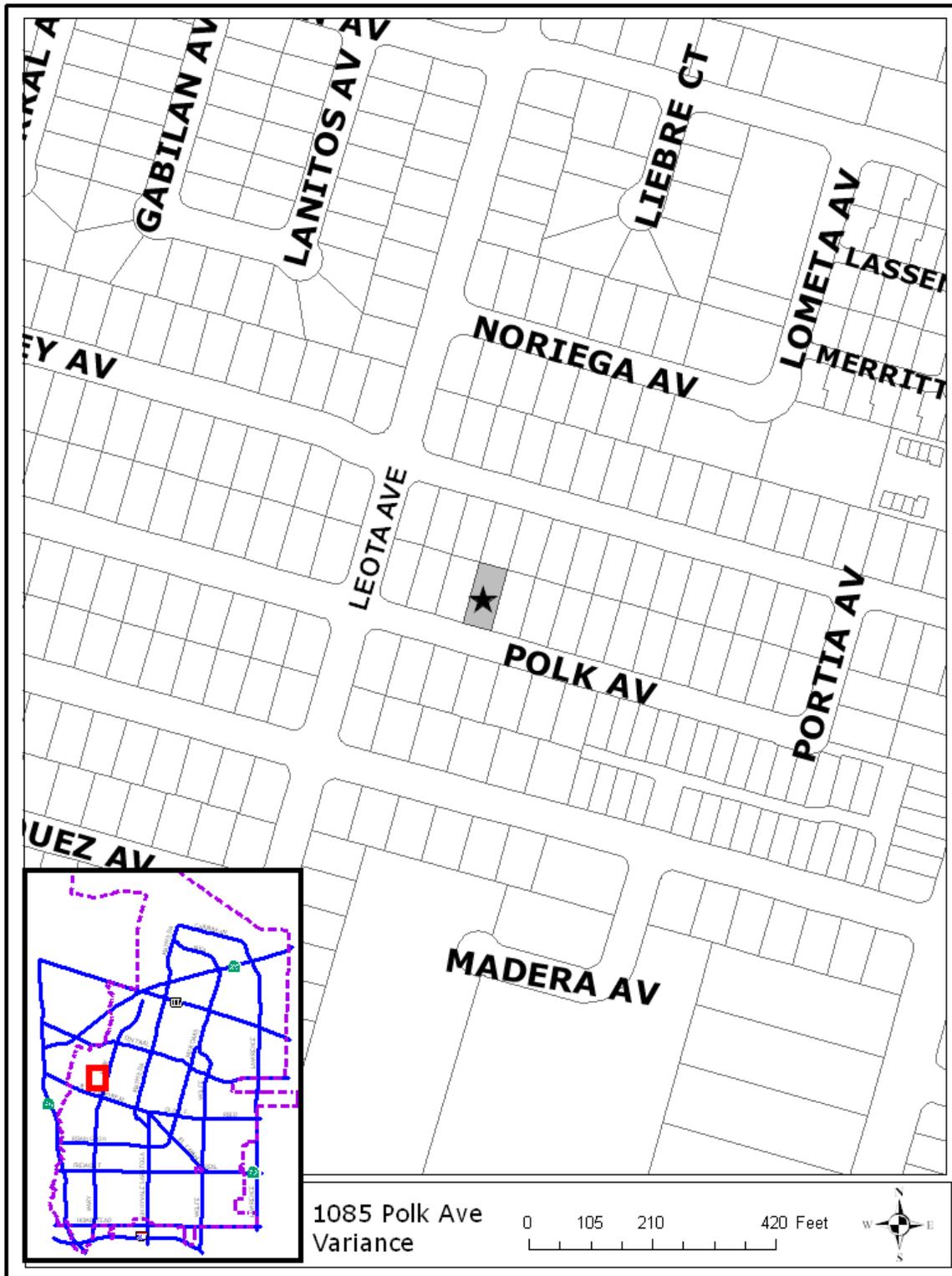
East Single-family home

West Single-family home

Issues Variance findings
Combined side yard setback

Environmental Status A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with conditions



1085 Polk Ave
Variance

0 105 210 420 Feet



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-0	Same	R-0
Lot Size (s.f.)	5,128.5	Same	6,000 min.
Gross Floor Area (s.f.)	1,491	2,034	2,307.8 max. (45%)
Lot Coverage (%)	29%	39.6%	45% max.
Floor Area Ratio (FAR)	29%	39.6%	45% max. without PC review
Building Height (ft.)	15	Same	30 max.
No. of Stories	1	Same	2 max.
Setbacks (Facing Property)			
Front	23'-4"	Same	20 min.
Left Side	5'	Same	4' min.
Right Side	5'	Same	4' min.
Combined Sides	10'	Same	12' min.
Rear	25'	Same	20' (10' permitted for 25% encroachment of rear yard)
Parking			
Total Spaces	4	Same	4 min.
Covered Spaces	2	Same	2 min.
Uncovered Spaces	2	Same	2 max.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The applicant is proposing a 543-square foot single-story addition to an existing 1,491-square foot single-story home. The project includes an addition

to the front of the residence to expand an existing bedroom and enclosing the existing covered porch in the rear. Both proposed additions continue the lines of the existing walls, which are both set back 5 feet from the side property lines.

The existing home is legally nonconforming with regard to the combined side yard setbacks. Sunnyvale Municipal Code (SMC) requires a 12-foot combined side yard setback for the R-0 Zoning District. The existing home meets the minimum side setback of 4 feet but has a combined side yard setback of only 10 feet. The proposed project would continue the line of the existing walls, which would increase the nonconformity.

Background

There are no previous planning applications related to the subject site. The existing home was constructed in 1954 and has not been modified.

Environmental Review

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 5 Categorical Exemptions include lot line adjustments, setback variances and other minor alterations to land use limitations.

Variance

Site Layout: The subject site is located in a single-family residential neighborhood consisting mainly of single-story homes that are similar in layout and size. The existing home is situated in the center of the property and is set back 5 feet from the side property lines (see Attachment C). The existing structure meets current setback requirements for front, rear and one side, but does not meet the current combined side setback requirement.

The proposed addition to the front of the home would continue the existing wall that is set back 5 feet from east property line and would bring the living area to be almost in line with the garage. The addition would extend the entry forward, expand the bedroom at the front of the home and add a second bathroom. The applicant also proposes to enclose an existing covered porch that is also set back 5 feet from the (west) side property line at the rear of the home to expand the living room.

Surrounding Area: Most properties in the neighborhood are zoned R-0. The minimum required lot size for the R-0 Zoning District is 6,000 square feet and the minimum lot width for an interior lot is 57 feet. The subject property, along

with the other properties on the block, is substandard by the current SMC with a lot width of 50 feet and a lot area of 5,128.5 square feet.

Similar additions have been permitted within the neighborhood along nonconforming setbacks with and without a Variance approval. The Sunnyvale Municipal Code (SMC) states that, "any residential building that does not meet current development standards may be repaired, altered, enlarged or replaced without requiring a variance provided: (a) No increase in nonconformities will result and (b) all required permits are obtained." (SMC 19.050.020). Prior to 2002, staff interpreted this to mean that any addition to single-family homes may be built along an existing nonconforming setback, as that setback already exists. In 2002, City Council directed staff to no longer consider these types of proposals through staff-level review and required a Variance application to be reviewed at a public hearing for additions along nonconforming setbacks.

Attachment E includes a list of properties within the immediate vicinity that have constructed similar additions to the front of the home. Two properties were granted Variances from the combined side yard setback requirement. One property received staff-level Design Review approval from Planning in 2001 for an addition with a 10-foot combined side yard setback. Those properties that received staff-level Design Review permits from Planning after 2002 met the required combined side yard setback. It is unclear whether those that received building permits only (additions that did not meet the threshold for Design Review) prior to 2002 met the required combined side yard setback.

Architecture: The proposed project includes significant upgrades to the façade of the home. The proposed elevation shows a change in material from wood siding to stucco with a stone veneer base, which is consistent with other remodeled homes in the neighborhood. The proposed roofline matches the existing pitch and the addition provides symmetry and a more balanced façade.

Alternative designs for the addition would be to increase the side setback to 7 feet to meet the combined side yard setback requirement; to construct an addition to the rear; or to construct a second-story addition. Staff believes that increasing the side setback would sacrifice the design of the façade and the organization of the floor plan. Constructing an addition to the rear would involve significant reorganization of the existing floor plan and could possibly separate the living room area from the back yard. Constructing a second-story would not respect the adjacent single-story homes and predominantly single-story neighborhood. Although two-story homes exist in the neighborhood, they are located mostly at larger, corner lots.

The following Guidelines were considered in the analysis of the project architecture.

Single-Family Home Design Techniques	Comments
<p><i>2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.</i></p> <p><i>3.1 Design homes to respect their immediate neighbors.</i></p>	<p>The applicant has chosen to construct a single-story addition to expand the home as opposed to a second-story to respect the character of the surrounding predominantly single-story neighborhood. Other homes in the area have also been permitted to construct additions that are similar in design.</p>

Landscaping: The property meets all landscaping requirements. No trees are proposed to be removed as part of this application.

Parking: As required by SMC, the site provides a two-car garage and two uncovered parking spaces.

Compliance with Development Standards/Guidelines: The proposed project meets all development standards for the R-0 Zoning District, with the exception of the combined side yard setback. The requested Variance would allow the addition to be built 5 feet from the side property line on one side instead of the required 7 feet.

Expected Impact on the Surroundings: The proposed addition would not have a negative visual impact on the surrounding neighborhood. The project would improve the appearance of the existing home, which has not been modified since it was constructed. The proposal is to construct a single-story addition instead of a second story, which is more in character with the surrounding homes. Several properties in the area have also done similar additions to the front of the home.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Staff has not received any public contact regarding this project.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 8 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Conclusion

Discussion: The following is staff's discussion of the required findings:

1. The first required finding for approving a Variance is that the property or use involves a unique or exceptional circumstance. The subject property is 7 feet narrower than the minimum lot width standard and more than 800 square feet less than the minimum lot size standard for the R-0 Zoning District. The subject property is substandard, but is typical of the surrounding neighborhood. However, staff believes that these limitations and the required development standards of the R-0 Zoning District prevent the property owner from achieving a well-designed and reasonably sized addition. Constructing the addition to meet the required combined side yard setback or locating the addition to the rear would involve significant reorganization of the existing floor plan. The proposed floor plan does not include over-scaled spaces, makes use of the existing plumbing core and provides a more functional and organized layout. Also, other similarly sized properties in the neighborhood have been permitted to construct similar additions. Staff was able to make the first finding.
2. The second required finding is that the granting of a Variance will not be detrimental to adjoining properties and uses. The proposed single-story addition respects the character, size and bulk of homes in the neighborhood. The project would have a positive visual impact to the neighborhood as the change in materials and design of the facade would update the appearance of the home. Although the addition does not meet the required combined side yard setback of 12 feet, it does meet the minimum required side setback of 4 feet for each side. Staff was able to make the second finding.
3. The third required finding for a Variance is that granting a Variance meets the intent of the zoning ordinance and does not grant special privileges to the proposed use or site. Staff finds that approval of the Variance would not grant special privileges not enjoyed by other surrounding property owners, or within the same zoning district.

Variances and other permits have been granted to properties in the neighborhood construct similar additions. Staff was able to make the third finding.

Findings and General Plan Goals: Staff was able to make the required Findings. Findings are located in Attachment A.

Conditions of Approval: Recommended Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Variance with the attached conditions.
2. Approve the Variance with modified conditions.
3. Deny the Variance

Recommendation

Alternative 1

Prepared by:

Rosemarie Zulueta

Project Planner

Reviewed by:

Gerri Caruso

Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Variance Justifications from the Applicant
- E. Properties with Front Additions

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. (*Finding met.*)

The subject property is more than 800 square feet smaller and 7 feet narrower than the current standard for R-0 Zoning District. These characteristics make it difficult to achieve a reasonably-sized and well-designed addition. Requiring the applicant to redesign to meet the current combined side yard setback will sacrifice design. Although the project does not meet the required combined side yard setback, it does meet the minimum required side setback for each side.

The size and width of the subject property is not unique in the surrounding neighborhood. However, other properties in the neighborhood have been permitted to construct similar additions.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. (*Finding met.*)

The proposed project will not have a detrimental impact on the surrounding neighborhood. The single-story addition is within character of the surrounding neighborhood, and would improve the appearance of the existing home, which has not been modified since it was first constructed. The project meets the minimum required side setback, which also allows sufficient access along the side of the home.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. (*Finding met.*)

There are other properties in the area that enjoy the same 10-foot combined side yard setback. Some of these additions were constructed prior to the 12-foot combined setback requirement, while others received Variance approvals. Granting the Variance will not constitute a special privilege, but rather will allow the applicant to enjoy the same privileges as other property owners in the immediate neighborhood.

Recommended Conditions of Approval - Variance

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The Variance shall be null and void two years from the date of approval by the final review authority if the approval is not exercised.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. Obtain building permits for the project.

2. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval of the Director of Community Development prior to issuance of a building permit.
- B. Roof material shall match the existing home, or if replaced entirely, be 50-year dimensional composition shingle or equivalent warranty, providing texture and shadow effect, or as approved by the Director of Community Development.

SHEET INDEX

1.	COVERSHEET
2.	EXISTING SITE PLAN
3.	PROPOSED SITE PLAN
4.	EXISTING FLOOR PLAN
5.	PROPOSED FLOOR PLAN
6.	EXISTING FRONT AND REAR ELEVATIONS
7.	EXISTING SIDE ELEVATIONS
8.	PROPOSED FRONT AND REAR ELEVATIONS
9.	PROPOSED SIDE ELEVATIONS

PROJECT INFORMATION

1.	BUILD APPROXIMATELY 466 SQUARE FOOT ADDITION TO FRONT OF REDEDENCE. FRONT ADDITION TO CREATE MASTER BEDROOM.
2.	CONVERT EXISTING FRONT BEDROOM INTO NEW MASTER BATHROOM WITH WALK-IN CLOSET.
3.	REMODEL EXISTING HALL BATH.
4.	ENCLOSE REAR COVERED PORCH AREA AND CONVERT TO LIVING SPACE.
5.	REROOF HOUSE WITH 50 YEAR OR GREATER ROOFING MATERIAL.
6.	REPIPE EXISTING FRESH WATER SYSTEM TO COPPER.

TABULATIONS

AREA	EXISTING	NEW	TOTAL
FIRST FLOOR	1,124 S.F.	543 S.F.	1,667 S.F.
GARAGE	367 S.F.		367 S.F.
TOTALS	1,491 S.F.	543 S.F.	2,034 S.F.
LOT SIZE:			5,128.5 S.F.
F.A.R.			
EXISTING COVERAGE			29%
NEW COVERAGE:			39.6%

1

351 South 19th St.
San Jose, Ca 95116
408.277.0542



CONSTRUCTION & DESIGN

COVER SHEET

& Vicki Bellum

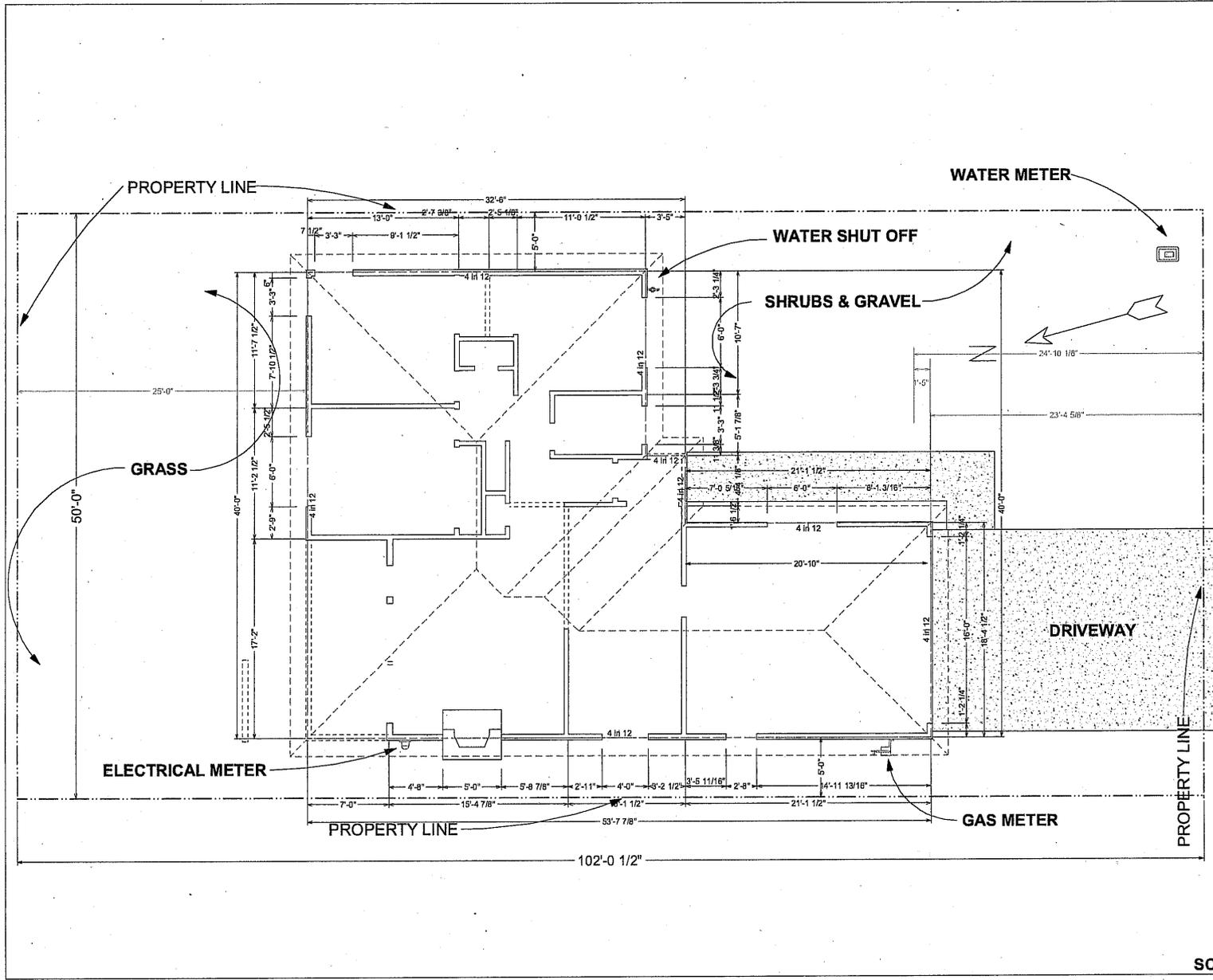
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e, Ca. 94086

ATTACHMENT
1
C



Rich & Vicki Bellum
1085 Polk Ave
Sunnyvale, Ca. 94086

DESIGN BY:
Peggy Jeffery Wain
ATTACHMENT
2 of 9



1085 POLK AVE.
EXISTING SITE PLAN
CURB FACE
SIDEWALK

SCALE 1/8"=1'-0"



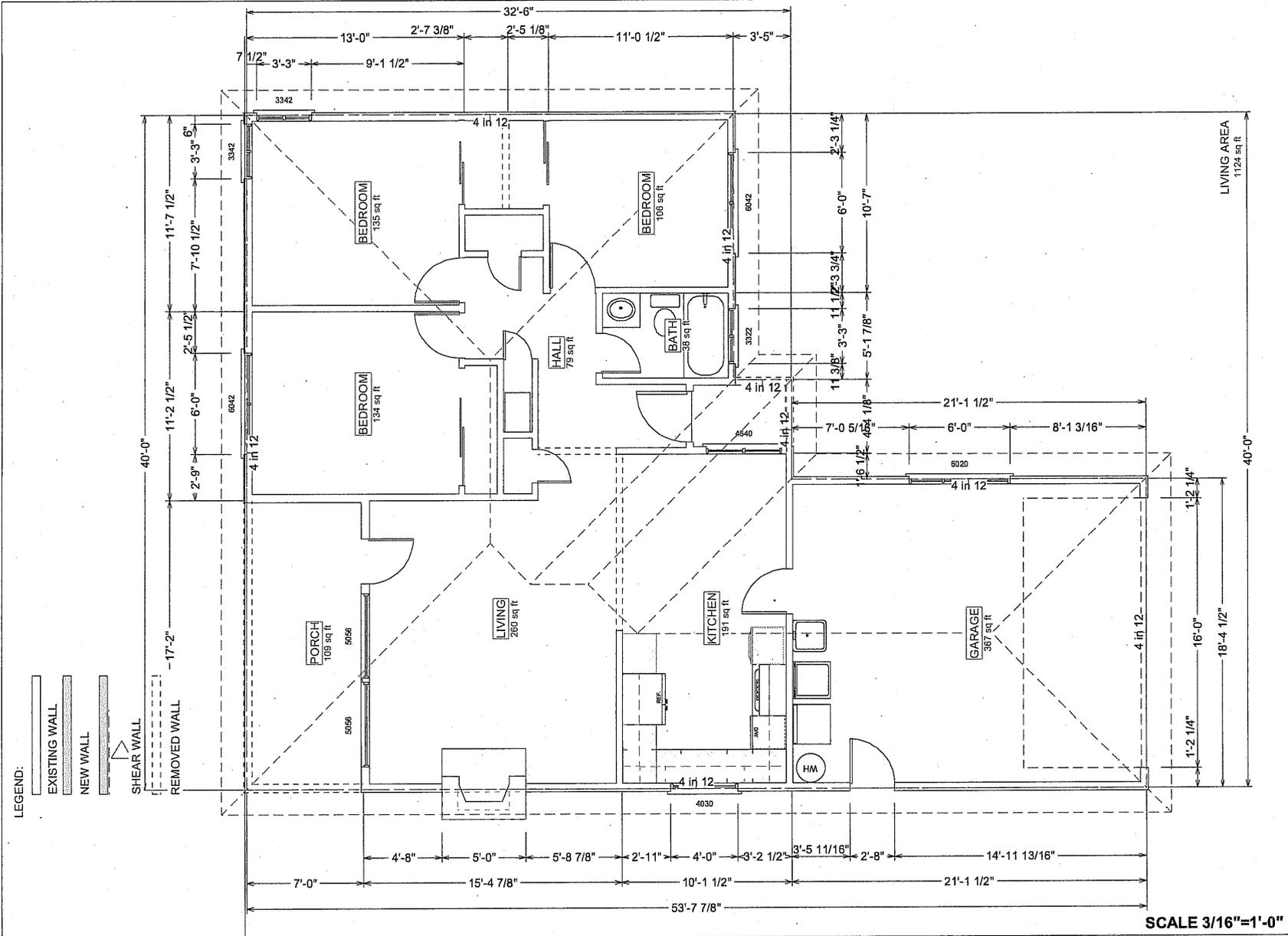
Rich & Vicki Bellum

1085 Polk Ave
Sunnyvale, Ca. 94086

EXISTING FLOOR PLAN

DESIGN BY:
Peggy
Jeffrey

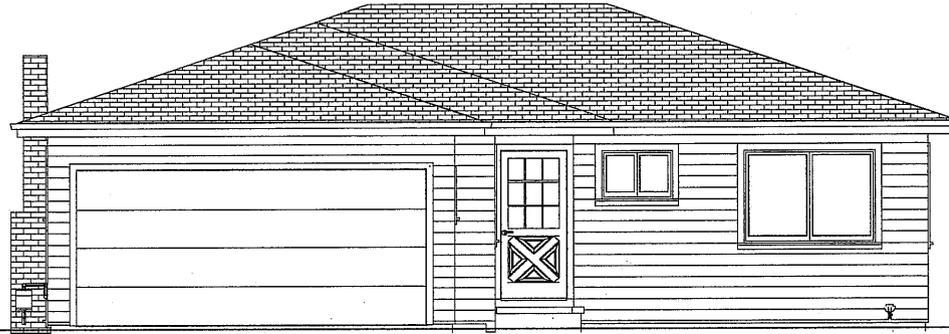
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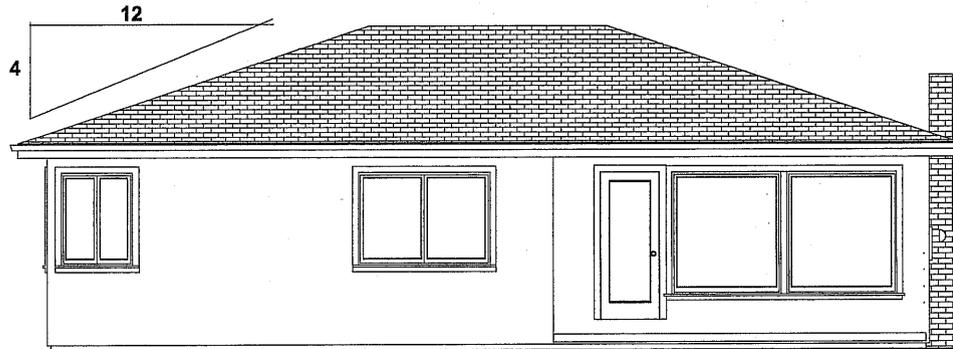
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351 South 19th St.
San Jose, Ca 95116
408.277.0542



EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION

EXISTING FRONT AND REAR ELEVATIONS

Rich & Vicki Bellum

1085 Polk Ave
Sunnyvale, Ca. 94086

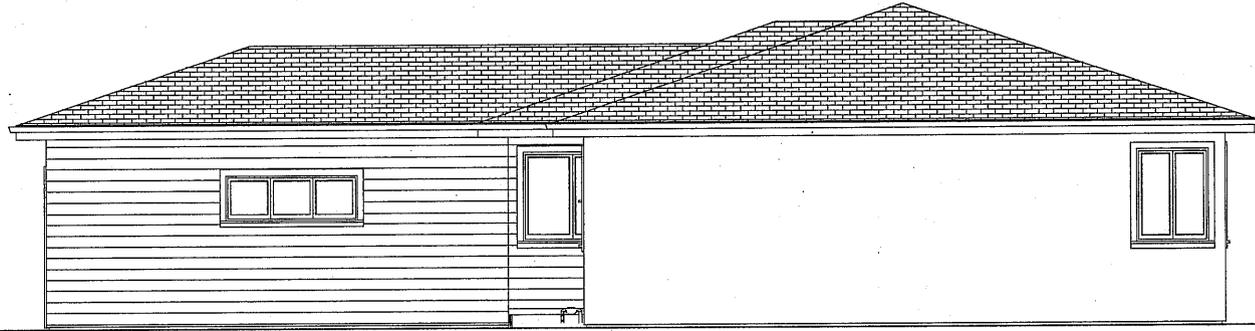
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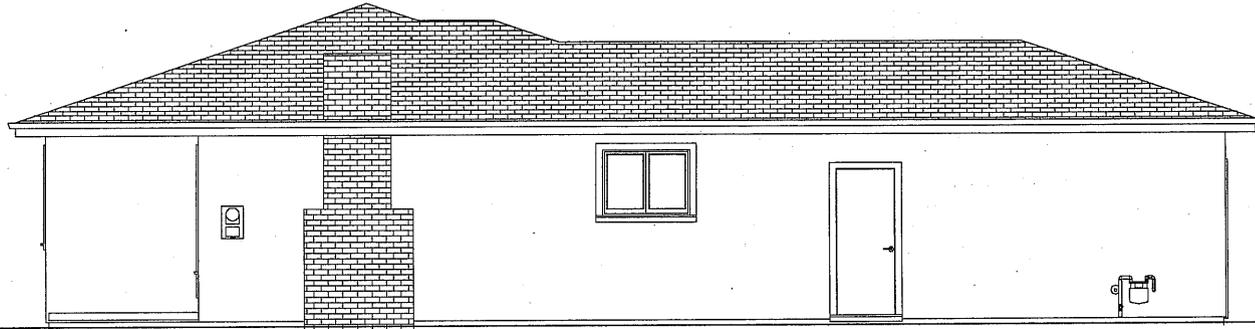
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351 South 19th St.
San Jose, Ca 95116
408.277.0542



EXISTING (EAST) ELEVATION



EXISTING (WEST) ELEVATION

EXISTING SIDE ELEVATIONS

Rich & Vicki Bellum

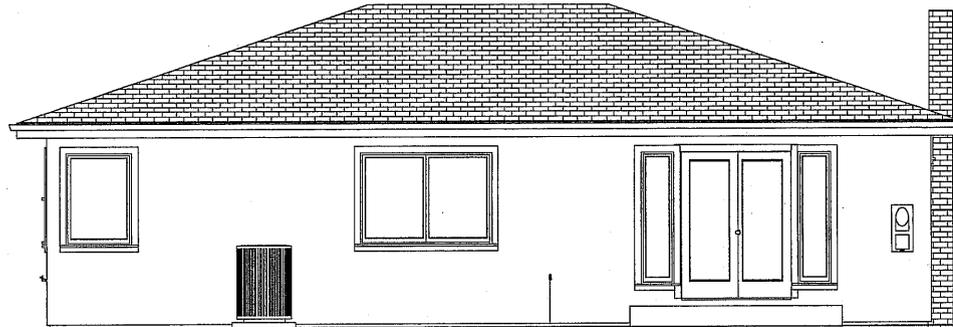
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Sunnyvale, Ca. 94086

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DESIGNED BY
Jeffery Winn
ATTACHMENT
88.04.03



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

8

951 South 19th St.
San Jose, Ca 95116
408.277.0542



PROPOSED FRONT AND REAR ELEVATIONS

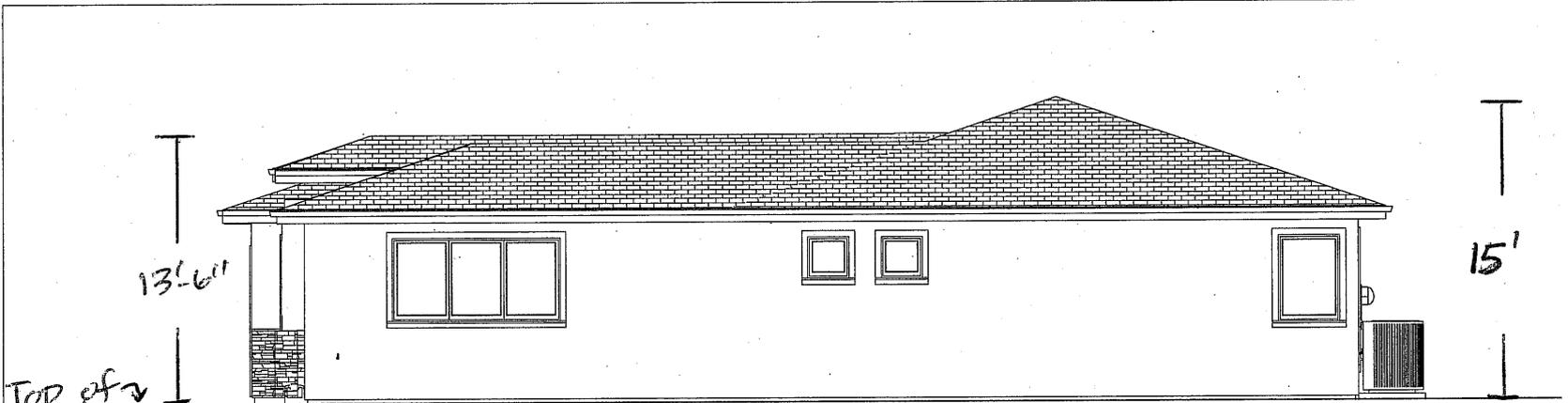
Rich & Vicki Bellum

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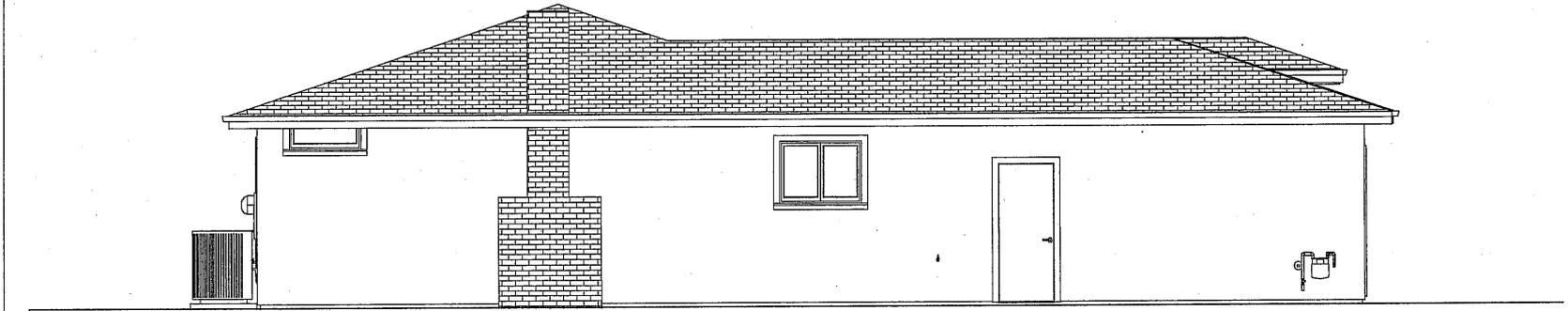
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Jeffery Winn

ATTACHMENT
1 of 9

SCALE 3/16"=1'-0"



PROPOSED (EAST) ELEVATION



PROPOSED (WEST) ELEVATION

PROPOSED SIDE ELEVATIONS

Rich & Vicki Bellum

1085 Polk Ave
Sunnyvale, Ca. 94086

DESIGNED BY
Jeffery Winn

ATTACHMENT
08-04-03

SCALE 3/16"=1'-0"

Handwritten signature and initials.

VARIANCE JUSTIFICATIONS

All three of the followings must be made in order to approve a Variance application.

The Sunnyvale Municipal code states that all three of the following justifications must be met before granting the Variance. Please provide us information on how your project meets all of the criteria.

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property or use, including size, shape topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

Many homes within this neighborhood have gone through a similar remodel process because of the age of the homes which were built around 1956. All of these homes with front additions have utilized the same side yard setback as the existing structure as we propose to do. Our goal is to maintain the historical neighborhood standards.

The property owner requesting this variance has lived at this residence since 1959 and has always keep this property in excellent condition.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

The remodel and addition to this home will enhance and promote the attractive well maintained type of residential neighborhood the City encourages.

3. Upon granting of the variance, the intent and purpose of the ordinance will still be served and the recipient of the variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

No special privileges are desired. The intent is to maintain the side yard setback of 5 feet as established in the original neighborhood standards and maintain that pattern.

No significant land use consequences will be granted with the approval of this application.

Within 200 feet of this property on Polk Avenue, there is a newer SF development that was developed under a R2 DU zoning that has reduced front, side, and rear yard setbacks. This development, while using different standards than the original neighborhood, also enhances the neighborhood.

Address	Permit Type	Description	Approval/ Issue Date
1134 Polk	PL VAR 1966-0178	Addition continues 5 ft. setback (10 ft. combined); 38.1% lot coverage	4/25/1966
1041 Polk	BL 1970-0531	New family room & bathroom	3/2/1970
1151 W Mc Kinley	BL 1989-0561	Addition 608 sq. ft.	3/17/1989
1159 Polk	BL 1990-1159	Addition to bedroom 237 sq. ft.	4/3/1990
1068 W Mc Kinley	PL VAR 1992-0383	Addition continues 5.5 ft. setback both sides; 41.3 lot coverage	10/14/1992
1073 W Mc Kinley	BL 1993-2794	Addition to master bedroom, bath & entry	9/3/1993
1027 W Mc Kinley	BL 1995-0736	Master bedroom addition 240 sq. ft.	3/20/1995
1158 Polk	BL 2000-2212	Addition to bedroom 334 sq. ft.	7/26/2000
1122 Iowa	BL 2000-3775	Addition 234 sq. ft. & 62.5 sq. ft. to entry	10/12/2000
1145 Iowa	PL DR 2001-0296	Addition with 10 ft. combined side yard; lot width 57 ft.	5/18/2001
1073 Polk	BL 2004-0349	Add 333 sq. ft.	2/17/2004
1115 Iowa	PL DR 2005-0241	Addition (10 ft. combined side yard) conditioned to meet setbacks or apply for VAR	4/1/2005
1045 W Mc Kinley	PL DR 2006-0803	Addition w/ 6 ft. setback both sides; lot width 52 ft.	8/8/2006
1184 W Mc Kinley	PL DR 2006-0975	Addition 506 sq. ft.; met setbacks	10/18/2006
1176 W Mc Kinley	PL DR 2007-0533	Addition 982 sq. ft.; met setbacks	5/30/2007
1087 Noriega	BL 2007-3226	Addition 108 sq. ft.; lot width 56.6 ft.	8/2/2007
1059 W Mc Kinley	None		
1069 W Mc Kinley	None		

BL = Building Permit
 PL = Planning Permit
 DR = Design Review (staff level)
 VAR = Variance

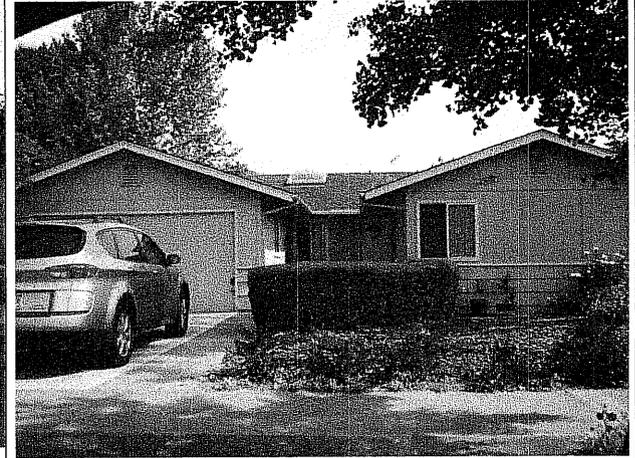
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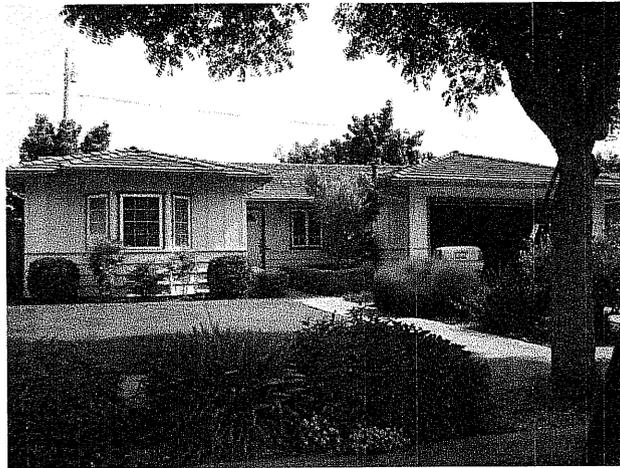
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1151 W Mc Kinley Ave



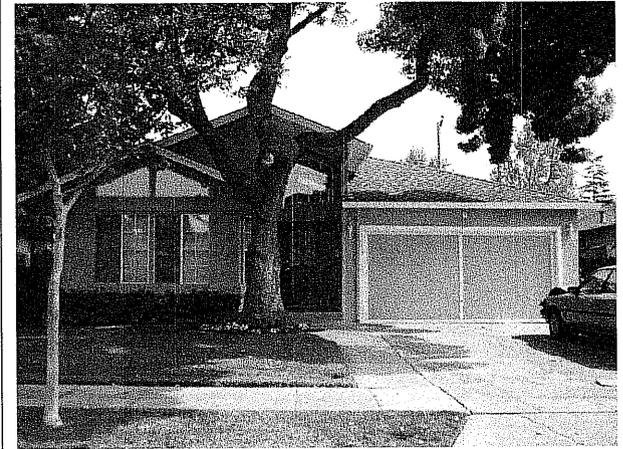
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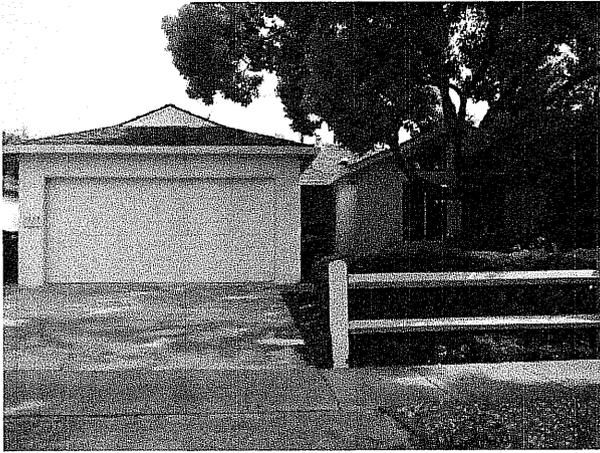
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1073 W Mc Kinley



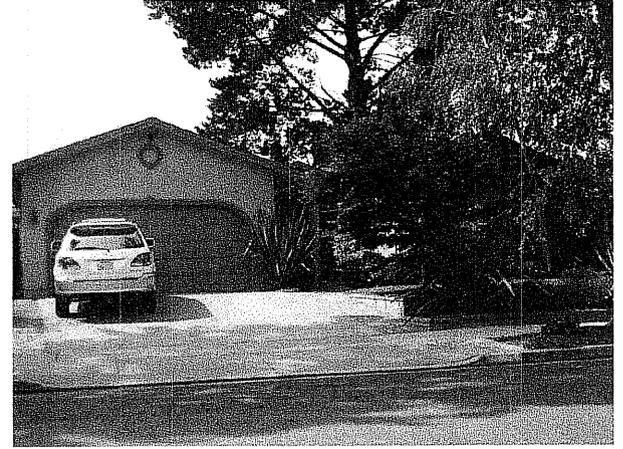
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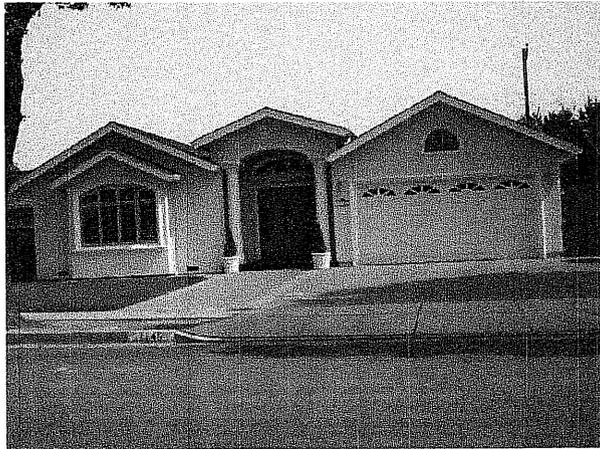
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1122 Iowa Ave



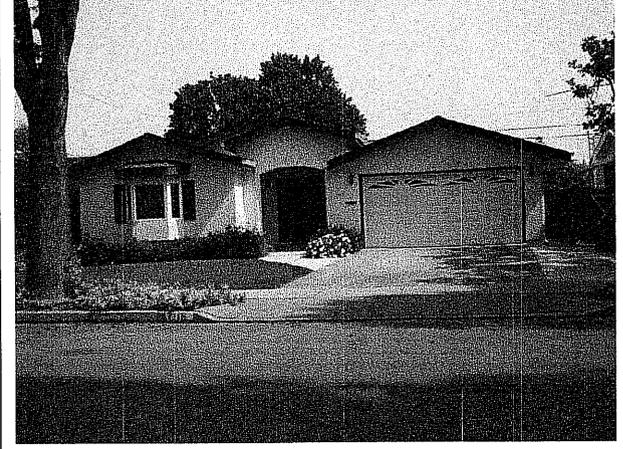
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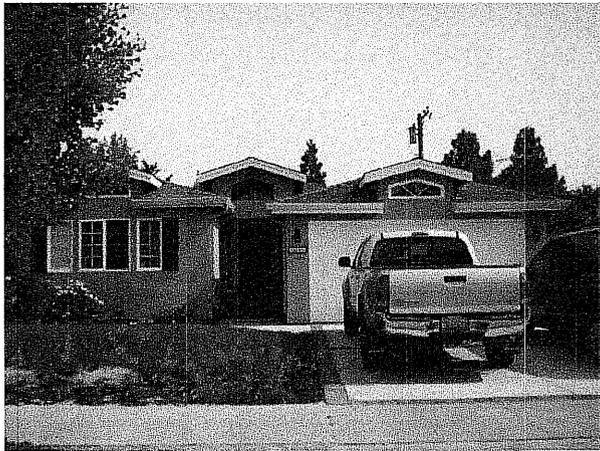
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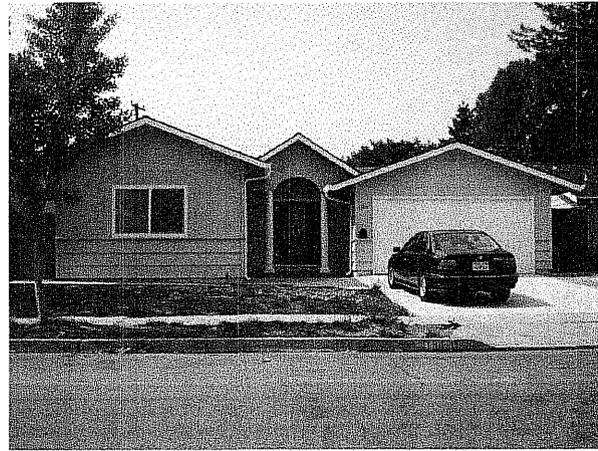
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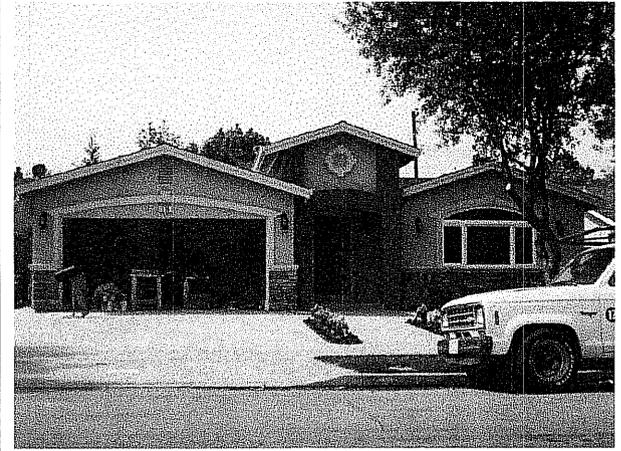
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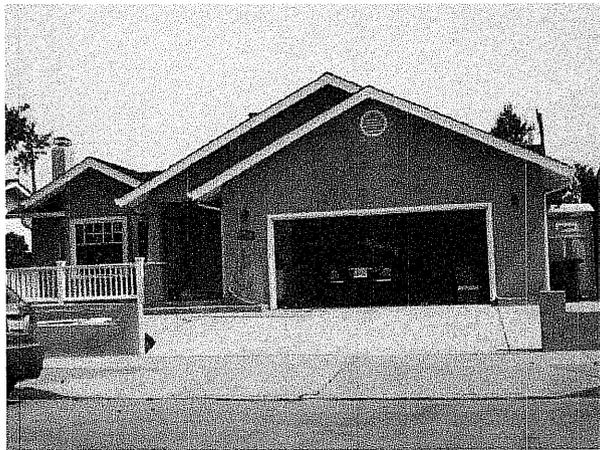
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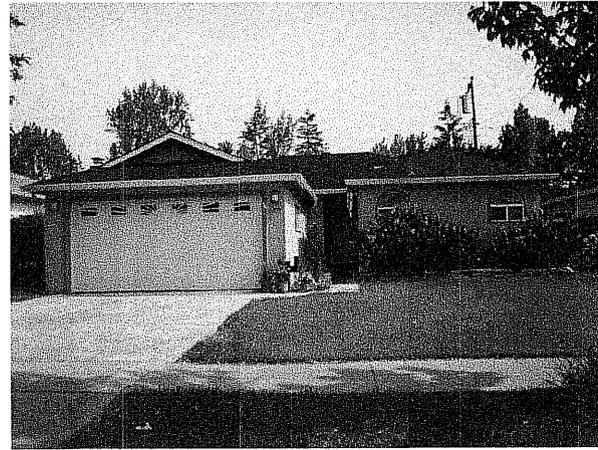
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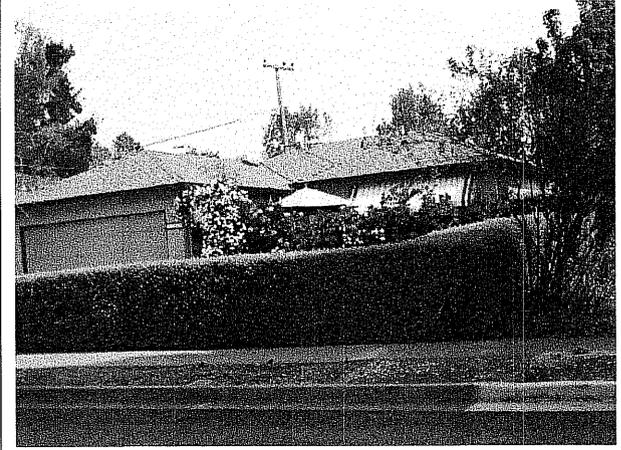
1087 Noriega Ave



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1069 W Mc Kinley Ave



ATTACHMENT E
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