



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

February 29, 2012

File Number: 2012-7034 **Permit Type:** Variance

Location: 317 Hiddenlake Drive (near Lakebird Drive) (110-21-046)

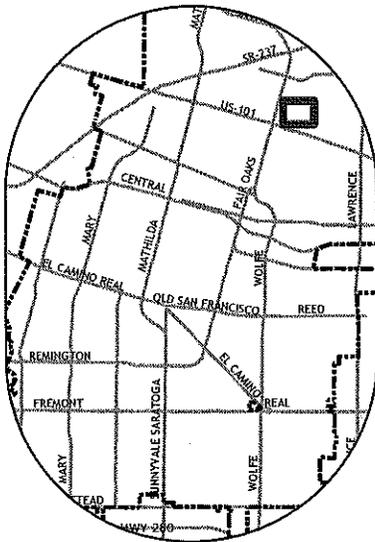
Staff Contact: Diana O'Dell, Senior Planner, (408) 730-7257

Project Description: Variance from SMC 19.46.060(a) (5) to allow partial conversion of a garage to living space. The conversion results in one covered parking space where two is required.

Reason for Permit: A Variance is required for any conversion of a garage that does not replace the covered parking on-site.

Issues: Parking and Neighborhood Compatibility

Recommendation: Deny



500 Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Residential Low Density	Same
Zoning District:	R-0	Same
Lot Size:	5,670 sq. ft.	Same
Lot Width:	54 ft.	Same
Parking:	1 covered and 2 uncovered	Same
Lot Coverage:	25% (1,468 sq. ft. total)	Same

Previous Planning Projects related to Subject Application	No
Neighborhood Preservation Complaints: On November 2, 2011, NP received a complaint about a garage conversion at the subject property. After inspecting the garage, the Neighborhood Preservation Division advised them of the options to reconvert the garage or apply for a Variance. (NP Case 2011-3997)	Yes
Deviations from Standard Zoning Requirements: Deviation from SMC 19.46.060(a) (5) requiring replacement covered parking for any conversion of garage space.	Yes

Use Description: The property owner has converted half of the garage into an office space. The remaining garage area is usable for parking.

Floor Plan: An area of 13 ft. by 9 ft. was converted to an office. This conversion leaves an area over 9 ft. wide by 20 ft. deep for the parking of one vehicle. (Attachment B, Plans).

Exterior Changes: There are no exterior changes proposed. The garage door remains operable.

Converted Garages in the Lakewood Area: Since 2003, there have been 42 Neighborhood Preservation complaints regarding converted garages in the Lakewood area. Approximately 33% of the complaints were for garages that were not considered "converted" (i.e. no partition walls were installed and the garage door remains operable.) Another 40% of complaints resulted in the partition walls being removed and the garage door being reinstalled. Approximately 15% were found to have a previous permit legalizing the garage, and only two received planning approval by building replacement parking. No variances were found recently granting garage conversions in the Lakewood area. One Variance for a garage conversion at 697 Lakewood Drive was denied by City Council after two appeals.

Public Contact: Eight notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters or comments were received.

Environmental Determination: A Categorical Exemption Class 1 (minor changes in use) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Variance the following findings must be made:

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. **[Finding not met]**

The lot is typical for the subdivision in the Lakewood area. The lot widths in the area vary from 53 to 55 ft. in the nearby area (See Attachment C, Assessor Parcel Map).

While there are some legal garage conversions in the nearby area, this privilege does not appear to be widely shared throughout the neighborhood. Over 85% of garage conversion complaints received in the last nine years resulted in the provision of two covered spaces.

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 not met]**

The purpose of the garage conversion requirement is to ensure that private properties provide adequate on-site parking. Maintaining covered parking would preserve on-street parking for the general public. The site still maintains one covered parking space and two uncovered spaces on the driveway.

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 not met]**

The property owner has submitted a justification letter explaining the garage conversion (See Attachment D, Applicant Letter). Staff understands the desire for additional floor area, and agrees that converting existing garage area can be the most economical way to gain additional space.

However, the code requires two covered spaces for single-family homes. Staff does not find that the intent of the code would be served by granting this Variance.

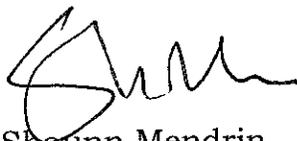
ALTERNATIVES:

1. Deny the Variance.
2. Approve the Variance with recommended Conditions in Attachment A.
3. Approve the Variance with modifications.

RECOMMENDATION

Alternative 1. Deny the Variance.

Reviewed by:



Shaunn Mendrin
Senior Planner

Prepared By: Diana O'Dell, Senior Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Project Plans
- C. Assessor Parcel Map
- D. Letter from the Applicant

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
February 29, 2012**

Planning Application 2012-7034
317 Hiddenlake Drive
Variance to allow an office space within a garage

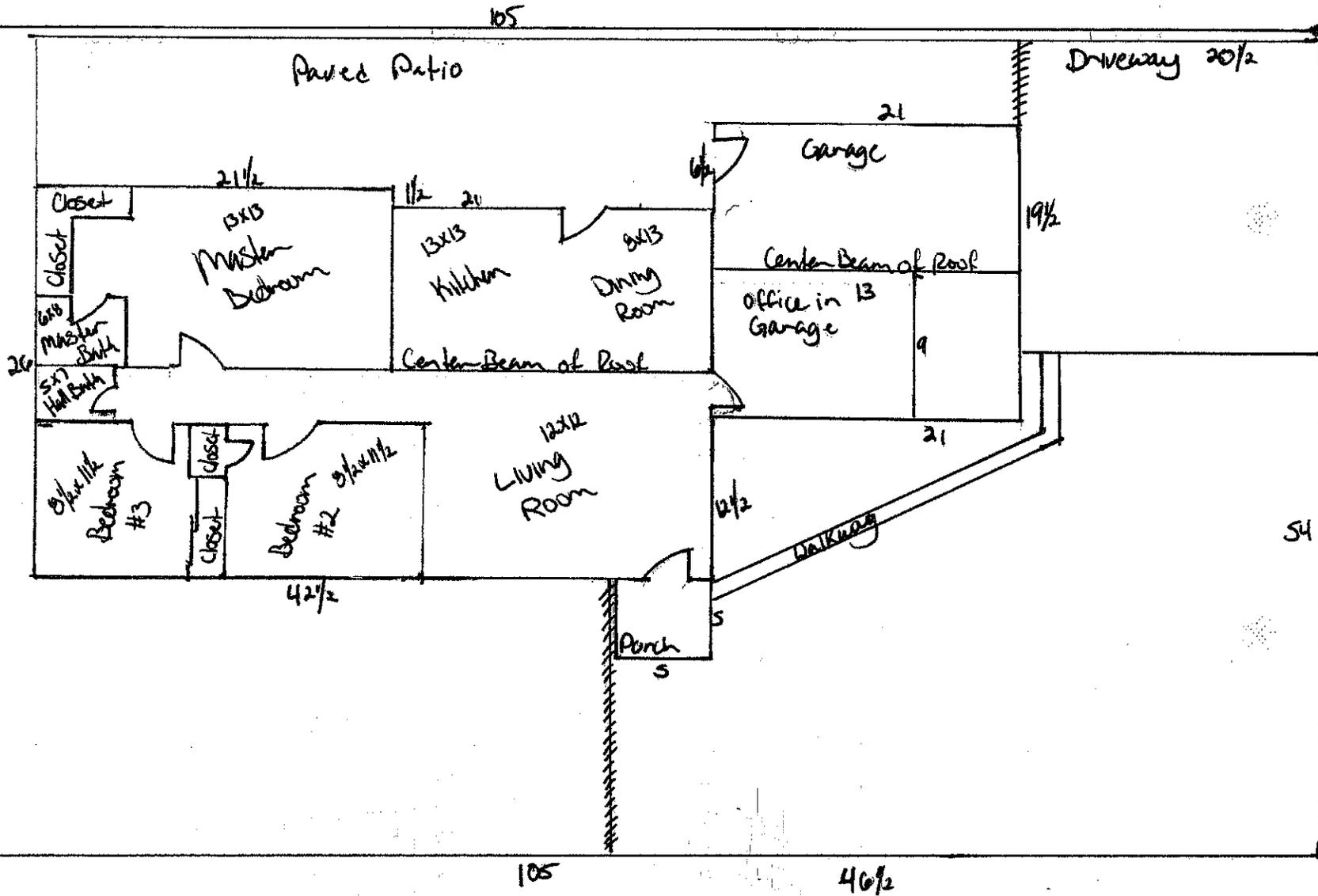
The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

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 and Standard Development Requirements of this Permit:

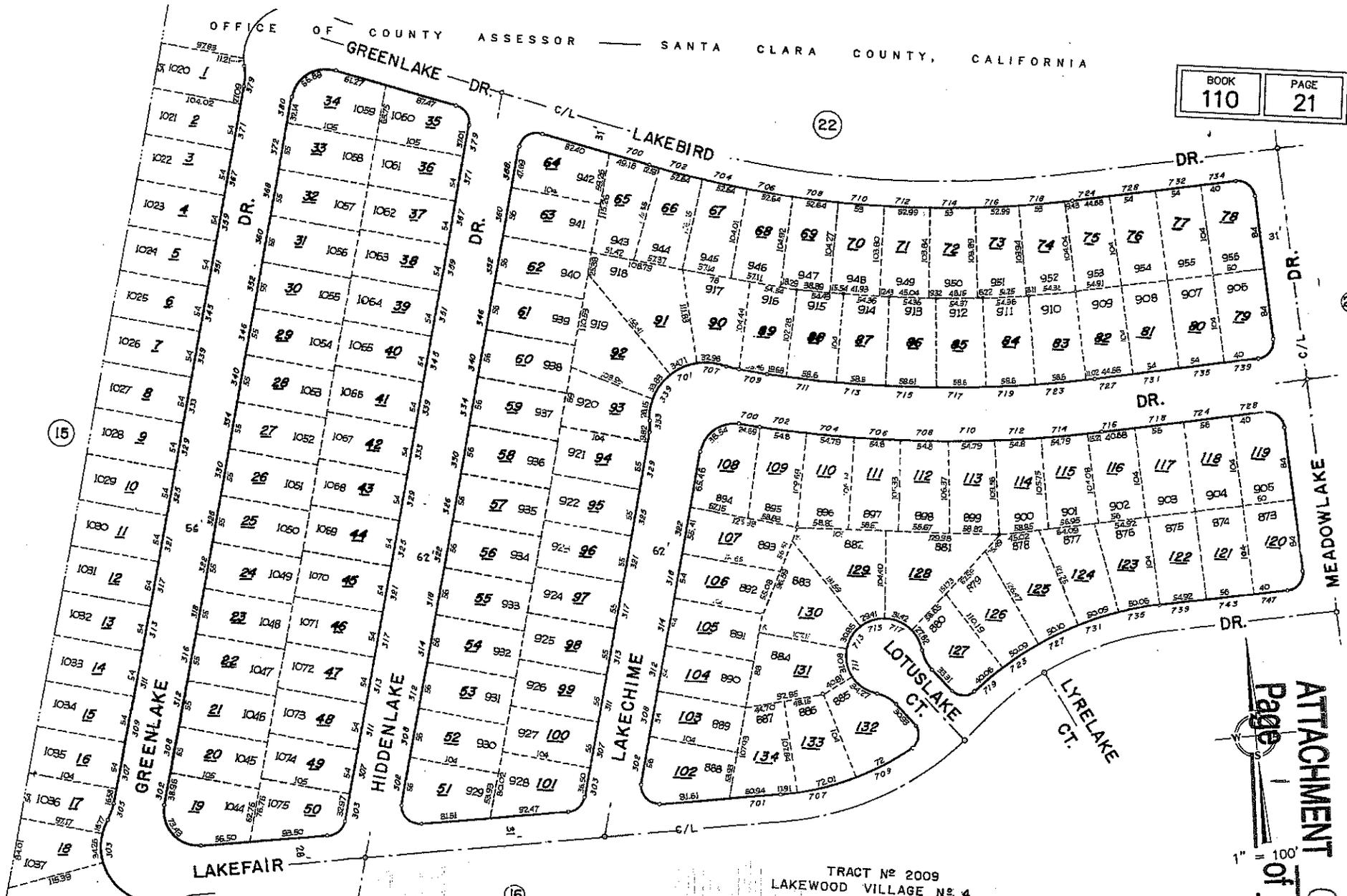
GC: THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.

- GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:
All building permit drawings and subsequent construction and operation shall substantially conform to the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing.
[COA] [PLANNING]
- GC-2. PERMIT EXPIRATION:
The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not

exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)



317 Hiddenlake Dr
Sunnyvale CA 94089



TRACT # 2009
LAKEWOOD VILLAGE # 4.

ATTACHMENT
Page 1 of 1

LAWRENCE E. STONE — ASSESSOR
Cadastral map for assessment purposes only.
Computed under R. & T. Code, Sec. 327.
Effective Roll Year 2000-2007

Variance Justification

#1: I live in a 3 bedroom home in Sunnyvale in Lakewood Village. When we first bought the house approx 9 years ago the 3 bedrooms were sufficient to meet our needs. As my step-daughter and son grew up in the community, I began to be more involved in Sunnyvale community and school organization as well as my work becoming more and more busy which has created the necessity of a home office in which to conduct my involvement and paperwork. I am currently on the board of directors of Sunnyvale National Little League Baseball as the Safety Officer, Columbia Middle School Site Council, Columbia Music Boosters and work from home approx 10-15 hours a week writing letters of medical necessity and doing paperwork for spinal cord injury and neurological injury patients for them to be provided power wheelchair thru their health insurance. All this has created the need to have multiple filing systems, computers and a large desk on which to work. In the house as it was, there was no space to do this. My wife and I use the master bedroom, my 11 year old son uses the rear bedroom and my 18 year old expecting step-daughter uses the bedroom closes to the living room. My wife and I go for walks around a two mile course thru the neighborhood, and as we walked we would notice that a large number of the homes in our neighborhood had the garage converted. We decided that would be the answer to our need for an office space. So approx 5-6 years ago I added two walls in the garage to make a room in which to use as an office. It never even crossed my mind that a permit was required since it was just adding an internal wall and raising the floor so to not be on cold concrete. Because of the placement of my house on the property, it precludes me from doing any other kind of modification to accommodate the need for office space while maintaining the required covered and uncovered parking other than building a second story or a major remodel project which would be an outrageous expense for some office space. I have worked with two planning guys to try to figure out a way to add covered parking but each attempt ends with a different ordinance or setback blocking the attempt. My son has gone to multiple birthday parties for friends and classmates of his in the neighborhood that are being held in a large family room which exist in those homes because the entire garage has been converted. The variance that I am requesting is not

out of line for my neighborhood and a large percentage of the families currently enjoy this privilege.

#2: The granting of the requested variance to the ordinance requiring two covered parking spaces will have no impact detrimental or otherwise to the welfare of the public, the property or the immediate vicinity. It is not visible to anyone from public accessible areas and poses no injury or destruction to the property.

#3: I believe the intent and purpose of the ordinance requiring the two covered and two non-covered parking spaces it to prevent a huge number of vehicles from being parked on the city street and to prevent the garage from being converted into a rentable apartment. Our intent for the space is office space and it's too small of a space for someone to live in. My wife and I only have two vehicles which we park in the driveway each night. We never use the garage or public street for parking, rather we use the garage for storage. If the variance is granted, it would not be a special privilege not enjoyed by other property owners as a large percentage of those already have this privilege.

I would make a plea to be allowed to retain the office that already exists in my garage. Before I built the office in there, I was using the same space to conduct my obligations but was having to go in and out thru the exterior garage door on the patio and was cutoff from the rest of the family during the time I was in there working and it was very cold in the winter and very hot in the summer. Now, the room is kept the same temperature as the rest of the house since there is a door leading into the dining room where air from the house circulates thru it. Also, I am in an area where my children or wife can talk to me or ask a question by just coming down the hall rather than having to put on shoes and a jacket to go outside thru the patio and into the garage to ask or tell me something. I would hope to not have to go back to using the space like I was before. It would be such ashame as I made the office look the same as the inside of the house.

Thank You,


Jay Krusemark

317 Hiddenlake Dr. Sunnyvale, CA 94089