



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

October 24, 2012

File Number: 2012-7659

Permit Type: Variance

Location: 1351 Selo Drive (near Cascade Drive) (APN: 323-09-037)

Applicant/Owner: Surekha Vetsa

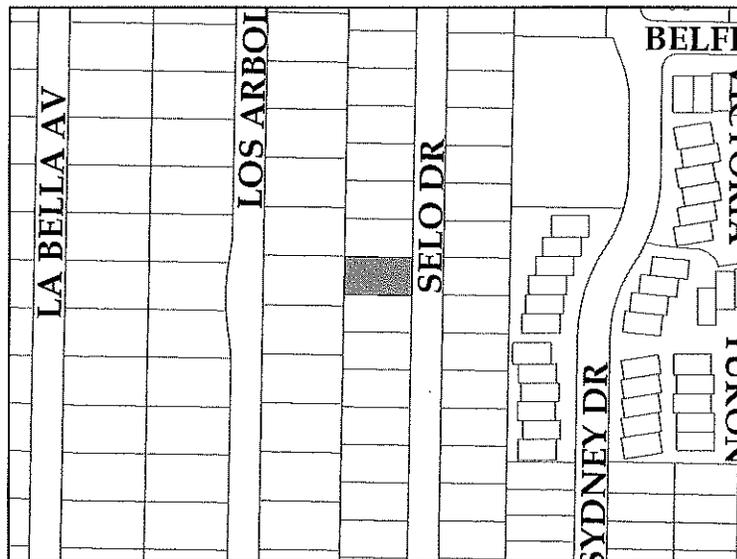
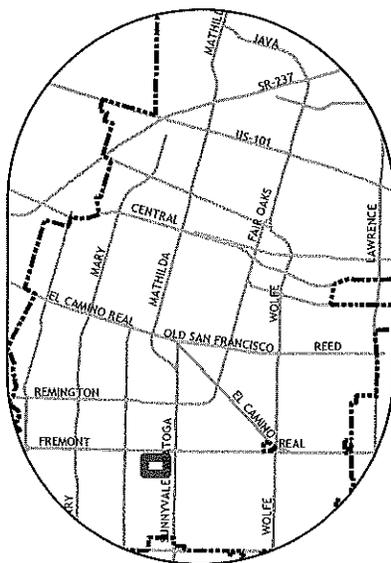
Staff Contact: Ryan Kuchenig, Associate Planner, (408) 730-7431

Project Description: Variance from S.M.C. 19.34.030 to allow a 3' rear yard setback where 10' is required and a 3' side yard setback where 6' is required for a new detached two-car garage.

Reason for Permit: A Variance is required for a garage built within the required setbacks.

Issues: Setbacks

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Residential Low Density	Same
Zoning District:	R-1	Same
Lot Size:	6,360	Same
Total Sq. Ft.:	920	1,808
Lot Coverage:	14.4%	28.8%
Parking:	1 (uncovered)	2 (covered) + 2 (uncovered)
Front Setback:	25' 6"	20' 5"
Left Setback:	10' 3"	Same
Right Setback:	12' 3"	3'
Rear Setback:	51' 8"	38' 8" to home / 3' to garage

Previous Planning Projects related to Subject Application:	No
Neighborhood Preservation Complaints:	No
Deviations from Standard Zoning Requirements: The property does not meet the minimum 8,000 s.f. lot size or 76' lot width for the R-1 Zoning District. The existing home does not provide covered parking on-site. The proposed project would bring the site to conformance for parking, but is requesting a Variance from setback requirements (3' rear setback where 10' is required and 3' side setback where 6' is required).	Yes

Background: The project had originally included a Use Permit application, due to the size of a larger proposed garage, which exceeded 450 square feet. The applicant has since modified the proposal by reducing the size of the garage to 400 square feet; therefore, the Use Permit application is no longer necessary.

Site Plan: The home is situated on a mid-block lot within an older neighborhood of single-family homes built in the 1940s and 1950s. The proposal includes a 488 s.f. rear addition to the existing home and a new 400 s.f. two-car garage. The addition to the home would extend the entire length of the existing home (37'6") back an additional 13'. The addition to the home meets all required setbacks. The new garage would be positioned 3' from the rear and side property lines which necessitates the requested Variance. The application notes the removal of four trees, which are not considered "protected" by City ordinance. Three of these trees are located within the new drive aisle along the north side of the home and the other tree is located adjacent to the proposed garage.

Floor Plan: The proposed addition to the home would allow for a fourth bedroom, increase the size of an existing bedroom and kitchen remodel. A central dining area and enlarged living room area is also created by remodeling the existing floor plan. The proposed garage would be used entirely for the parking of two vehicles. (See Site and Floor Plans in Attachment B.).

Architecture: The proposed rear addition to the home will match the existing structure in term of wood siding material. A new 50-year composition roof material will be installed to replace the asphalt shingles. The proposed garage would include a gabled roof and match the wood siding material of the home. The front of the home will be unchanged; however, the addition of a projecting skylight positioned over the dining area will be visible from the front.

Parking: The site currently does not provide covered parking. The proposed project would bring the site into conformance to parking standards by adding a two car garage and two uncovered parking spaces are available within existing and proposed driveways. The site currently maintains a driveway on the south side of the lot which enables parking for one vehicle. A separate driveway is proposed along the north side of the property that would allow access to the proposed garage. The existing driveway does not provide adequate access to the rear yard; therefore, a garage was not considered feasible at an alternative location. The added driveway would not exceed the 50% maximum of paved surface within the front yard.

Variance Justification: The applicant has provided justifications for the Variance in Attachment C and an aerial exhibit in Attachment D. The common development pattern within the neighborhood includes detached garages within the rear yard including those built at or near the property line. Many of these structures are built within the required setbacks and are considered legal non-conforming as they predate current City standards. A Variance was approved in 1999 which allowed a similar request for a detached two car garage within the rear and side yard setbacks at 1369 Selo Drive.

Public Contact: A total of 11 notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters 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 or privileges enjoyed by other properties in the vicinity and within the same zoning district. **(Finding met)**

The subject property does not meet the required lot size or lot width of the R-1 Zoning District; however, it is not considered unique within the context of the surrounding neighborhood. The existing structure is centrally positioned on the lot which makes it difficult to design a two-car garage within the required setbacks. An alternative with a garage located at the front of the home would result in significant costs and structural changes to the home. Another alternative with a side loading garage attached to the rear of the home would limit functionality of the rear yard and is not considered ideal for vehicular access. Many other properties in the surrounding neighborhood including the adjacent home to the north, maintain a similar configuration as the proposed design.

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 Variance would allow the subject property to upgrade parking facilities while maintaining the neighborhood pattern of detached garages within the rear yard. Many of the homes maintain garages with zero or substandard side and rear yard setbacks including the neighboring properties on either side.

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)**

The proposed Variance would enable improvements and expansion of an existing single family home and bring the site into conformance with parking requirements. Many of the homes within the neighborhood have legally constructed detached garages within the rear yard that do not meet setbacks. Many of such structures are considered legal non-forming or have been built through a Variance approval (1369 Selo Drive). Granting the Variance will not constitute a special privilege, but rather

ALTERNATIVES:

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

RECOMMENDATION

Alternative 1. Approve the Variance with recommended Conditions in Attachment A.

Reviewed by:



Shaunn Mendrin
Senior Planner

Prepared By: Ryan Kuchenig, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Variance Justifications from the Applicant
- D. Aerial Photo of Site and Surrounding Neighborhood



**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
October 24, 2012**

Planning Application 2012-7659

1351 Selo Drive

Variance to allow 3' where 6' is required for side yard setbacks
and 3' where 10' is required for rear yard setbacks.

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 with 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)

GC-3. TREES:

No protected trees are approved for removal as part of this project. [SDR] [PLANNING]

BP: THE FOLLOWING SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

B3

General Notes
 See General Notes on Sheet A1.
 See Detail Notes on Sheet A2.
 All work shall conform to the latest editions of the Building Code of the City of Sunnyvale, California.

No.	Revision/Issue	Date
1	Initial Preparation	07/07/12

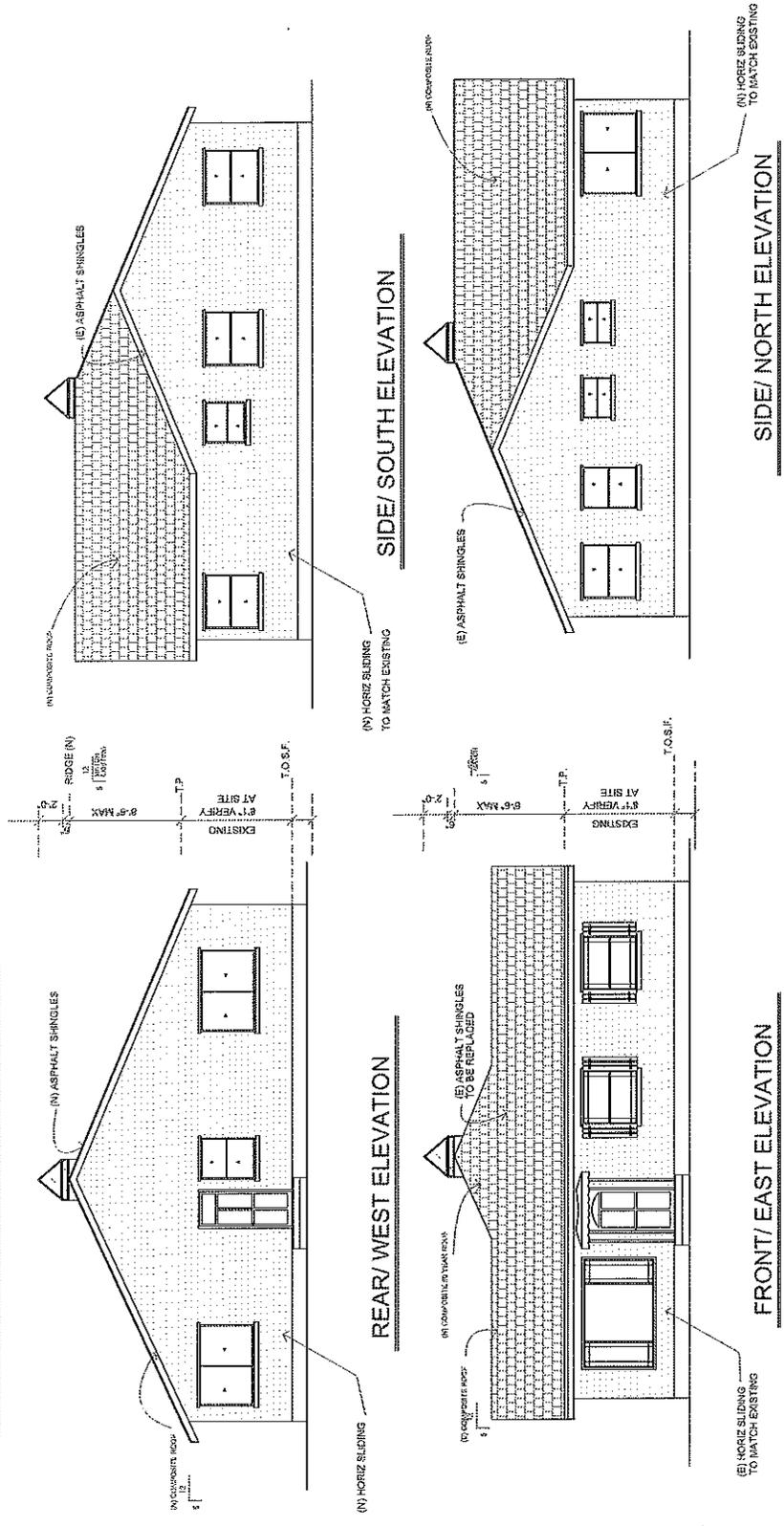
SEBENA, SHERIDAN
 10445 BYRNE AVE
 CUPERTINO, CALIFORNIA

ELEVATIONS
 AUDITION & REINDELL, INC.
 1451 BILCO DRIVE
 SUNNYVALE, CALIFORNIA

DATE
 Aug 2012
 SCALE
 1/4" = 1'

EXTERIOR FINISH SPECIFICATIONS:

1. Roof material: 60 Year Composition Shingles, color as per Owner
2. Fascia: 2x Fascia, see eave detail, typical. Color: Match existing.
3. Gutters: 26 gauge 6.5" M. gutters, typical. Color shall match fascia.
4. Downspouts: 26 gauge 6.5" M. downspouts. prime and paint downspouts to match adjacent color
5. Flashing: 26 gauge flashing and counter flash all penetration at roof 4" min. lap, 6" min. side lap. Paint to match adjacent color, where exposed, with 1st coat #1722 Kel Guard galvanized iron primer, 2nd coat #1240 Acry Shield acrylic flat finish.
6. Wood Siding: Match existing. Color: Match existing.



General Notes
 1. See General Notes Sheet A1
 2. See Foundation Sheet A1
 3. See Civil/Typical on Sheet A1
 4. See Schedule of Materials and Specifications Sheet A1
 5. See Schedule on Sheet A1
 6. See Standard Notes Appendices on Sheet A1

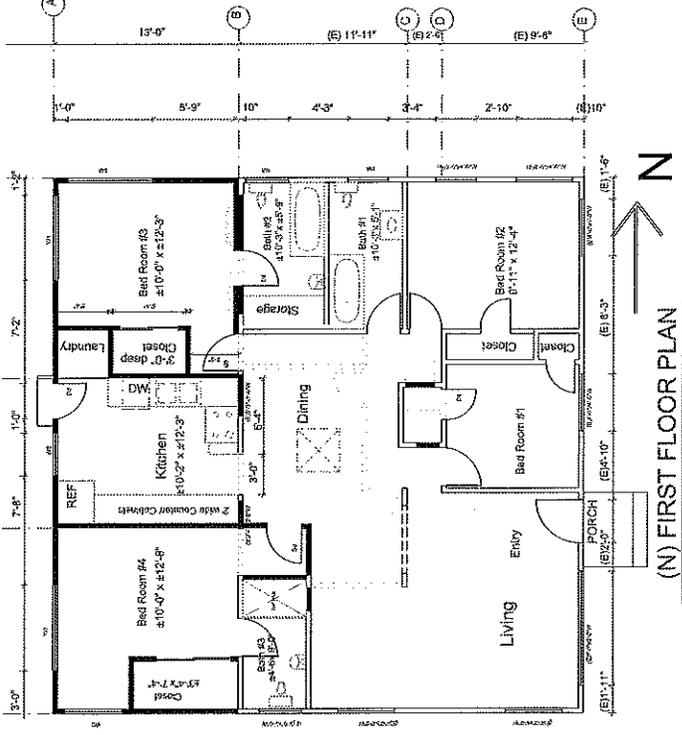
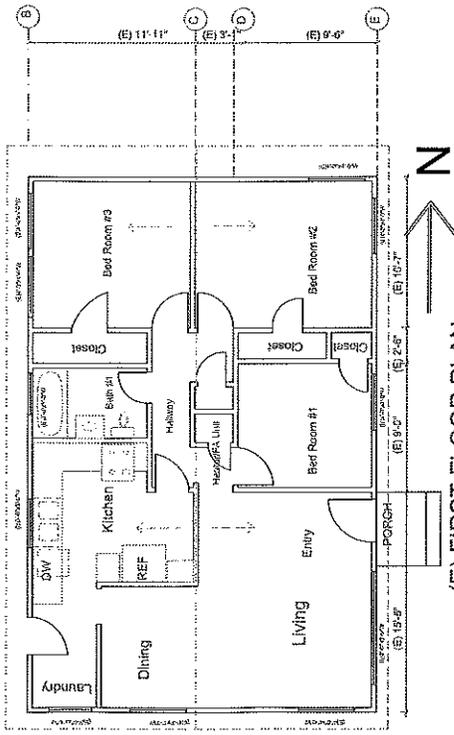
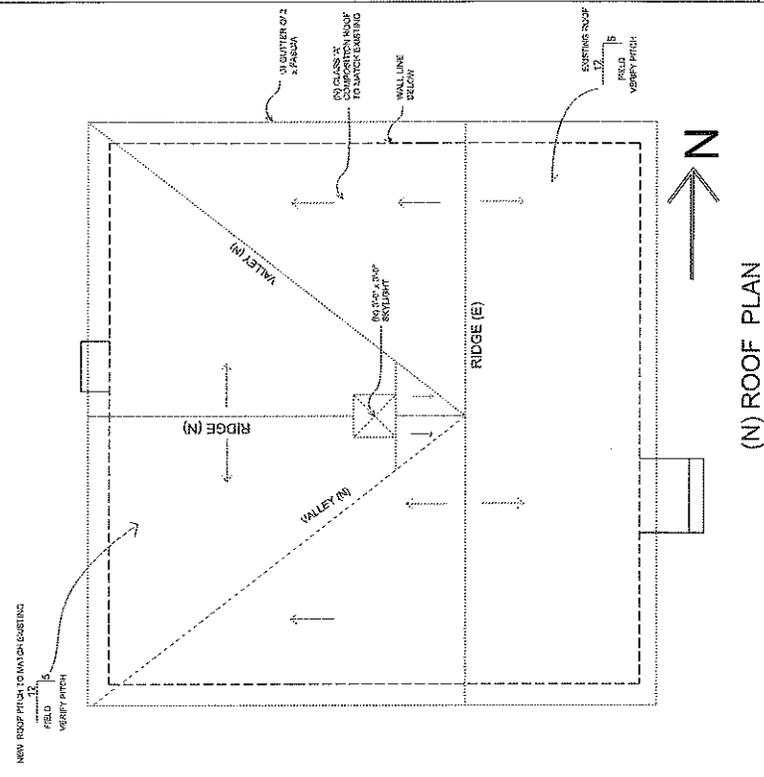
No.	Revision/Issue	Date
1	ISSUED FOR PERMITS	07/23/12

SERENA SHERMAN
 1045 DYRE AVE
 CUPERTINO, CALIFORNIA

FLOOR AND ROOF PLANS
 ADDITION & REMODEL FOR
 DR. SUPRIYA SANTSOKHAR VIVE
 1151 BELLO DRIVE
 SUNNYVALE, CALIFORNIA

Sheet
 No. Aug 2012
 Date
 Scale 1/8" = 1'

WALL LEGEND:
 Existing wall to be removed.
 Existing wall to remain.
 New 2 x 4 studs @16" o.c., UNO



EXISTING TO BE REMODELED
 NEW ADDITION



VARIANCE JUSTIFICATIONS

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

REQUEST TO GRANT VARIANCE FOR LOCATING THE TWO CAR GARAGE IN THE SETBACK ZONE.

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 following 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.

THE OWNER'S OF 1351 SELD DR, SUNNYVALE, CA ARE PLANNING A NEW ADDITION OF 37'-6" X 13'-0" AS SHOWN ON THE SITEPLAN, SHEET A2. THEY ARE PLANNING TO BUILD A TWO CAR GARAGE AS WELL BUT IF THE SETBACK REQUIREMENTS ARE MET THEN THERE WOULD BE NO ROOM TO BACK OUT OF THE TWO CAR GARAGE. THEREFORE THE OWNERS REQUEST THE CITY TO GRANT A VARIANCE TO LOCATE THE GARAGE IN THE NORTHWEST CORNER OF THE LOT AS SHOWN ON THE ~~SITE~~ ^{AND} PLAN.

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.

GRANTING OF THE VARIANCE WILL BE BENEFICIAL TO THIS PROPERTY AS THE PROPOSED LOCATION OF THE GARAGE WILL PROVIDE SUFFICIENT CLEARANCE BETWEEN THE PROPOSED NEW ADDITION AND THE GARAGE. GRANTING OF THE VARIANCE WILL NOT BE DETRIMENTAL TO ANYONE IN THE IMMEDIATE VICINITY AS ALL THE PROPERTIES SHARING BOUNDARIES WITH THIS LOT HAVE THEIR GARAGE STRUCTURE WITHIN THE SETBACK ZONE OR ON THE PROPERTY LINE. PLEASE SEE ATTACHED AERIAL PLAN OF THE ~~NEIGHBORHOOD~~ ^{AND}.

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.

MAJORITY OF THE PROPERTIES ON SELD DRIVE HAVE DETACHED GARAGES THAT ARE LOCATED WITHIN THE SETBACK ZONE, THIS IS EVIDENT FROM THE ATTACHED AERIAL MAP OF THIS ZONING DISTRICT. ^{THEREFORE} GRANTING OF THE VARIANCE FOR SETBACK REQUIREMENTS FOR THE GARAGE STRUCTURE WILL NOT BE UNIQUE TO THIS PROPERTY.

If you need assistance in answering any of these justifications, contact the Planning Division staff at the One-Stop Permit Center.



LOCATION OF GARAGE STRUCTURES IN THE VICINITY OF

1371 SELO DR. SUNNYVALE