



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

June 12, 2013

File Number: 2013-7185

Permit Type: Variance

Location: 475 Lincoln Avenue (near Central Avenue) (209-04-006)

Applicant/Owner: Richard Bettencourt/Danielle Valliere

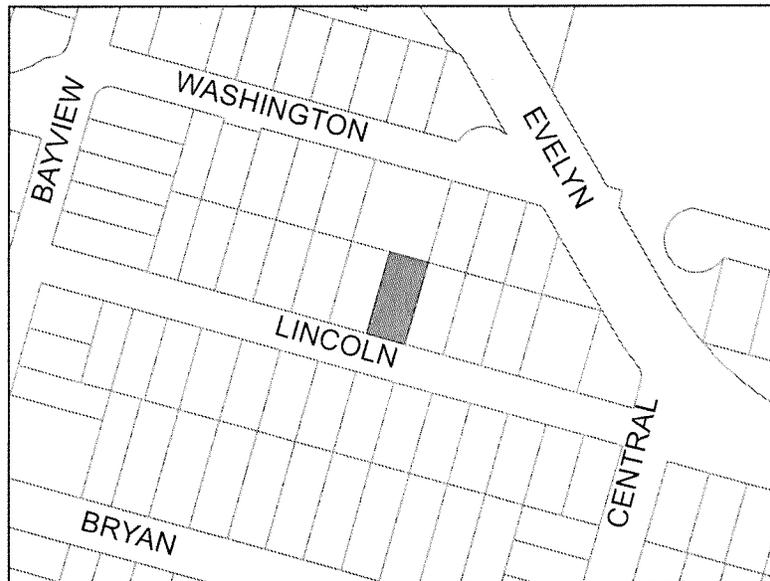
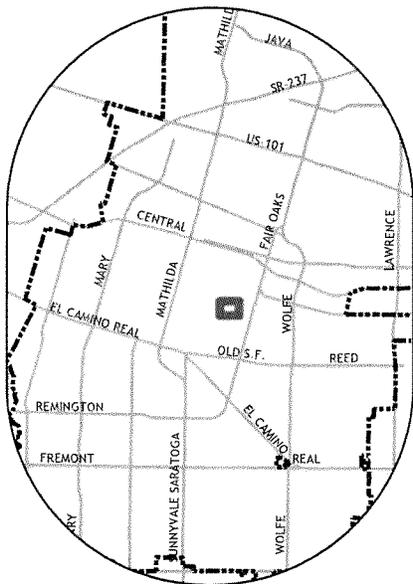
Staff Contact: Elise Lieberman, Assistant Planner, (408) 730-7443

Project Description: To allow the demolition of an existing legal nonconforming detached one-car garage with nonconforming setbacks and to allow the construction of a larger and taller one-car garage. Existing nonconforming setbacks will remain, but the height of the garage will increase from 8' to 13'.

Reason for Permit: A Variance is required for a garage built within the required setbacks and to increase the non-conformity of an existing structure.

Issues: Setbacks

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Residential Low-Medium Density	Same
Zoning District:	R-2	Same
Lot Size:	5,400	Same
Total Sq. Ft.:	1,548	1,555
Lot Coverage:	28.7%	28.8%
Parking:	1 (covered by garage), 1 (covered by carport)	1 (covered by garage) (carport removed)
Front Setback:	26'-6"	Same
Left Setback:	2'-3"	Same
Right Setback:	35'-5"	Same
Rear Setback:	1'-8"	Same
Height:	14' (house with parapet), 8'-6" (garage with parapet)	14' (house with parapet), 13'-6" (garage with parapet)

Previous Planning Projects related to Subject Application	No
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements: The existing home does not provide covered parking in accordance with the current zoning code; however the existing garage is currently legal nonconforming. A Variance is needed to rebuild the garage.	Yes

Background: A one-car garage currently exists on the property which is considered legal nonconforming with legal nonconforming setbacks.

Site Plan: The home is situated on a mid-block lot within an older neighborhood of single-family homes built from the 1920s to 1940s. The proposal is to re-build the existing one-car garage in the same location as the original as its condition is deteriorating. The proposed garage would be 1'-8" from the rear property line and 2'-3" from the left side property line which is the same as the existing structure. A Variance is not required to rebuild the garage as it currently exists; however a Variance is required because the applicants propose to increase the garage height which increases its non-conformity. They also intend to expand the two rear corners of the garage, increasing the footprint of the garage by 7 square feet thereby increasing the non-conforming building footprint.

Floor Plan: The floor plan of the existing house would not be altered. The applicant intends to expand the rear of the garage by 7 square feet so that it is

the same width as the main body of the garage. They also propose to increase the height of the building from 8'-6" (including the parapet) to 13'-6" (including the parapet) to increase storage space. The main floor of the proposed garage would have a plate height of 8'. The second story storage area would have a maximum plate height of approximately 3'-7".

Architecture: The existing garage has siding on three sides with stucco in the front and a small parapet on top. The proposed garage would be built to resemble the existing house more closely by using stucco on all four walls and adding architectural features to match those found on the front of the house. Roll roofing materials would be used to match the existing house. No windows would be included in the garage.

Parking: The site currently provides one covered and one uncovered parking space which is considered to be existing non-conforming as current parking standards require two covered and two uncovered parking spaces. An illegal carport covering is located on the left side of the existing house. Staff is requesting that this structure be removed as part of Condition of Approval GC-4 as it cannot meet current setback requirements or Single Family Design Techniques. The carport would need to be a minimum of 4 feet from the side property line and resemble the architectural style of the house.

Variance Justification: The applicant has provided justifications for the Variance in Attachment C and a proposal 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 nonconforming as they predate City codes. A Variance was approved in 2007 which allowed a similar request for a detached garage within the rear and side yard setbacks at 483 Lincoln.

A Variance would also be needed for the added height as the proposed height would be 5 feet taller than the existing garage. For a detached required garage under 15 feet in height, the Zoning Code would require the proposed structure to meet a rear yard setback of 10 feet and a side yard setback of minimum 4 feet.

Public Contact: A total of 7 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 and its surrounding neighborhood do not meet current standards for an R-2 zoning district within the City. This neighborhood is unique as many lots are smaller than currently allowed and numerous homes have non-conforming detached garages that do not meet current side yard and rear yard setback requirements. The added 7 square feet of space in the back and the increased height of the proposed re-built garage will allow room for both storage space and a vehicle. Many other properties in the surrounding neighborhood enjoy the privileges of maintaining 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 non-conforming side and rear yard setbacks including the neighboring properties on either side. A number of the detached garages are also taller than the existing garage. The proposed Variance would allow the applicant to increase the height of the garage to a comparable height of those located within the neighborhood.

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)**

Many of the homes within the neighborhood have legally constructed detached garages within the rear yard that do not meet current setback requirements. Many of these structures are considered legal nonconforming or have been through a Variance approval (483 Lincoln, 480 Lincoln and 487 Lincoln). 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.

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:



Gerri Caruso
Principal Planner

Prepared By: Elise Lieberman, Assistant Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Variance Justification Letter from the Applicant
- D. Garage Variance Proposal from the Applicant

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
June 12, 2013**

Planning Application 2013-7185

475 Lincoln Avenue

Variance to allow 2'-3" where 4' is required for side yard setbacks
and 1'-8" 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)

GC-4. CARPORT:

Remove the existing non-permitted carport.

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]

Hunt Garage
475 Lincoln Avenue
Oyale, California 94086
APN #209-04-006



JR Structural, Inc.
800 Main Street, Suite E
Pleasanton, California 94566
(925) 468-9000 Fax (925) 468-9008
www.jrstructural.com

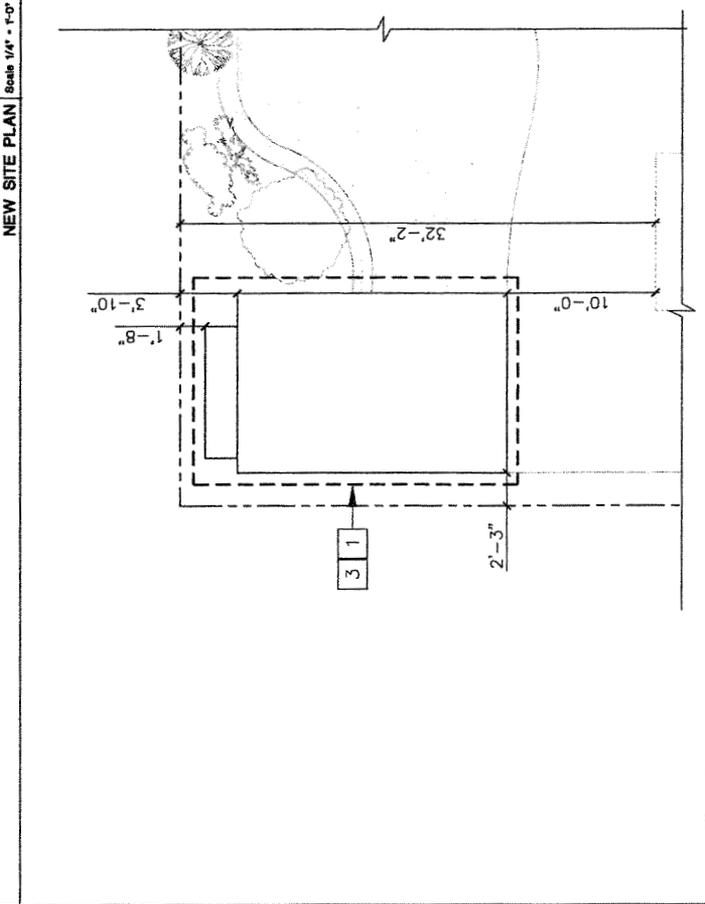
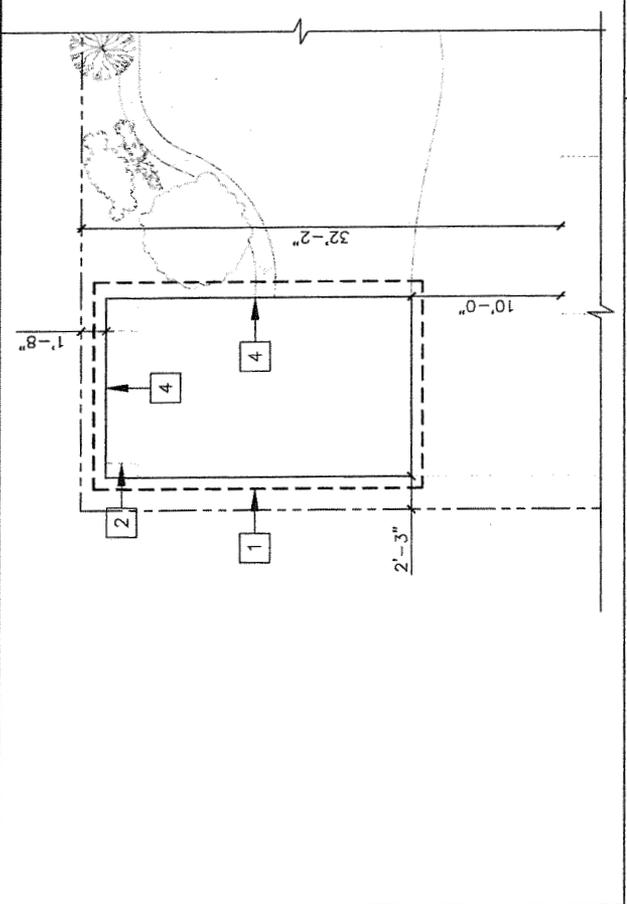
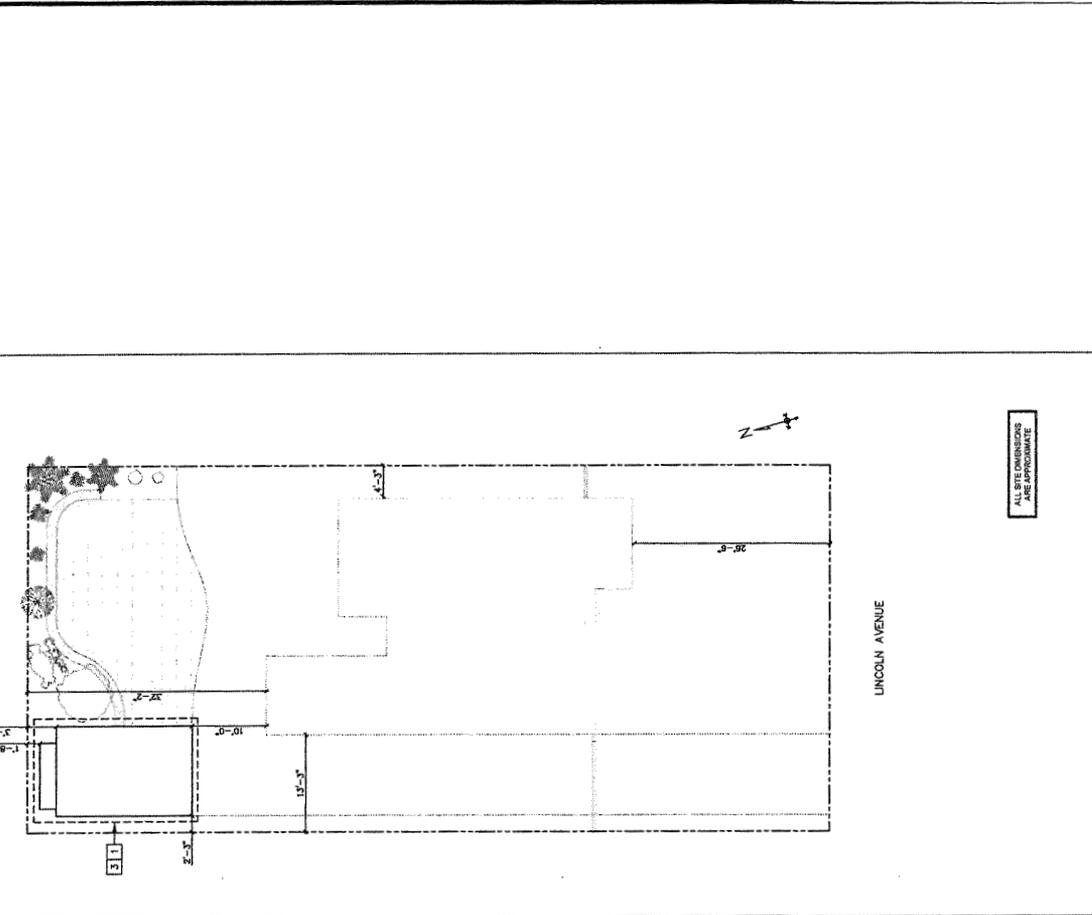
REV	DESCRIPTION	DATE

KEYNOTES

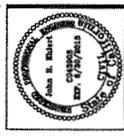
- 1 Area of proposed work shown hatched.
- 2 Outline of existing foundation.
- 3 Completely remove existing garage and foundation.
- 4 New garage to be located as shown.
- 5 No site related work.

SITE NOTES

1. This site plan is not a survey. It is provided for building and site work based only. The contractor shall verify all the dimensions, existing improvements, property lines, setbacks, utility, and other functions. Please discontinue once contact Architect.



Hunt Garage
 475 Lincoln Avenue
 Inyowille, California 94098
 APR #208-04-006



JR Engineering, Inc.
 800 Main Street, Suite E
 Pleasanton, California 94566
 (925) 459-0000 Fax: (925) 459-9008
 www.jrstructural.com

REV	DESCRIPTION	DATE

EXISTING EXTERIOR ELEVATIONS Scale 1/4" = 1'-0"
 EXISTING ROOF PLAN Scale 1/4" = 1'-0"
 KEYNOTES

EXISTING FLOOR / DEMO PLAN Scale 1/2" = 1'-0"
 2414 S.R.
 2414 S.R.
 TOTAL

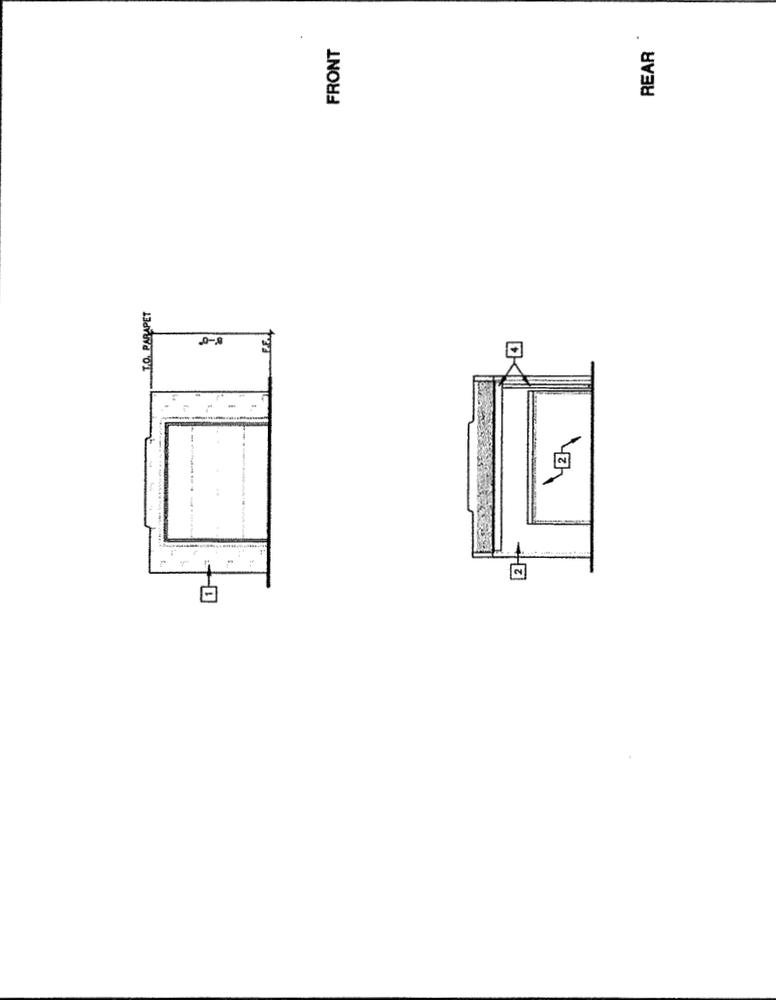
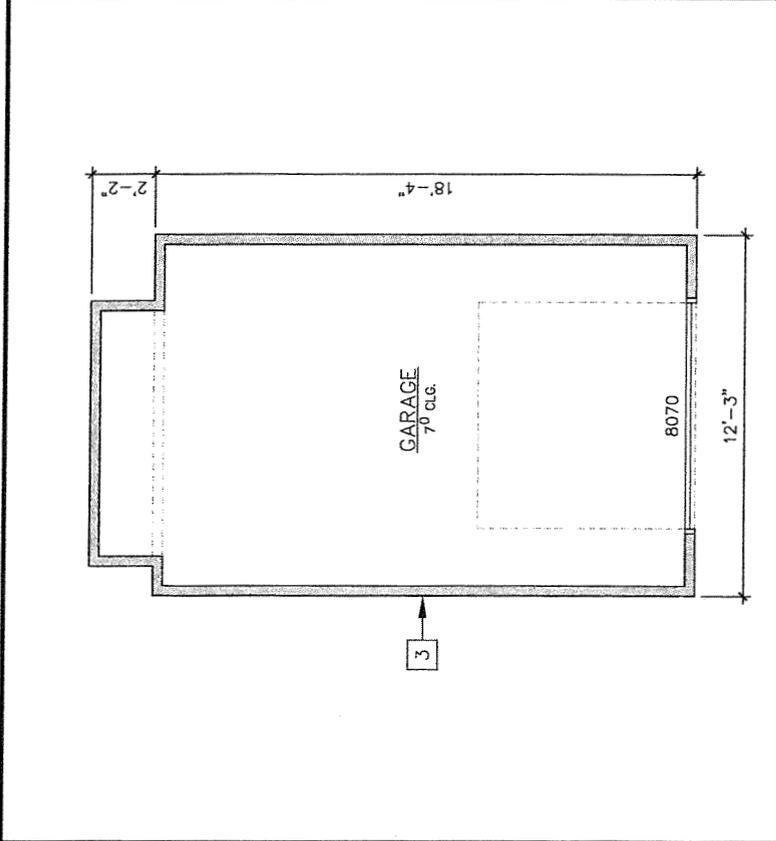
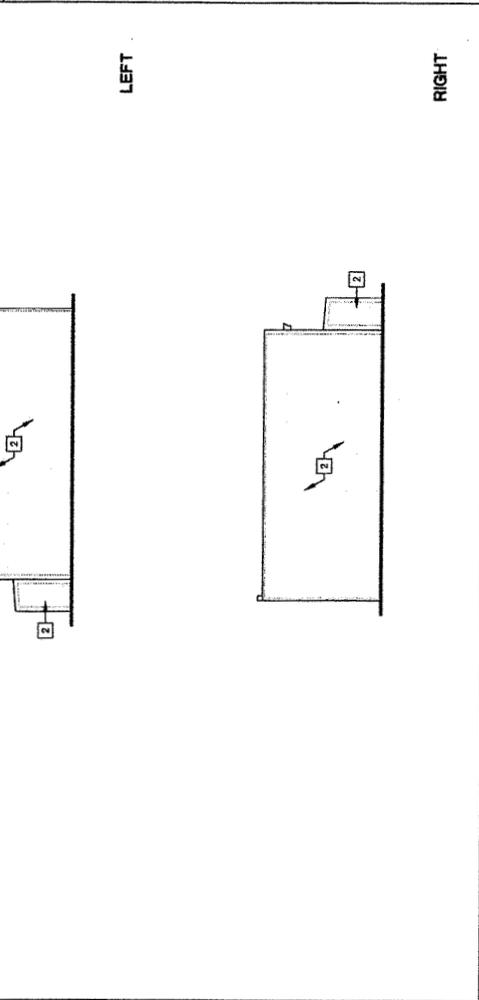
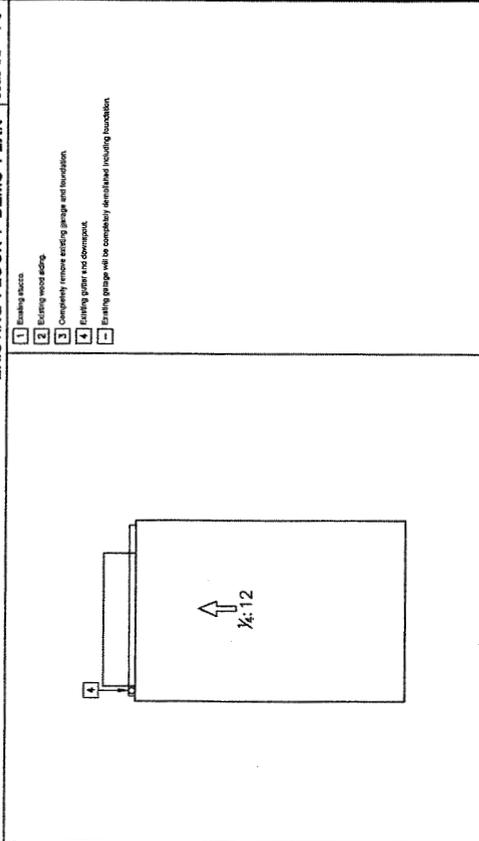


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JR Structural Engineering, Inc. 800 Main Street, Suite E, Pleasanton, California 94566. www.jrstructural.com (925) 499-0000



Junt Garage
75 Lincoln Avenue
Pleasanton, California 94566
APN #209-04-008

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TABLE NO. 230481 NAILING SCHEDULE (PARTIAL LIST)

STRUCTURAL DESIGN INFORMATION
DESIGN CRITERIA FOR PROJECT BOLS
LATERAL SYSTEM DESIGN DATA
GRAVITY LOAD SCHEDULE

PRESSURE TREATED LUMBER
Lumber that has been treated with preservative chemicals...
NOTE REGARDING STRUCTURAL DRAWINGS
SPECIAL INSPECTIONS PER CBC 1704

OBSERVATION OF THE CONSTRUCTION
The contractor shall be responsible for the observation of the construction...
ABBREVIATIONS
LEGEND

CONCRETE NOTES
REINFORCING STEEL NOTES

GENERAL FRAMING NOTES
1. All structural members shall be cut or ground smooth...
2. All steel ends shown on structural drawings shall be formed as follows...
3. Top plates shall be double end cut...
4. U.L.N. plates may be replaced with multiple studs...
5. Provide king studs at the ends of all beams or other members...
6. All members in bearing shall be adequately cut and dished...
7. Where a cut is required for assembly or fit...
8. Initial horizontal members with crown up...
9. Interior walls shall be constructed with concrete...
10. All framing lumber shall be Douglas Fir and shall be stamped with a grade mark...
11. All steel members shall be galvanized...
12. Structural ground shall be graded per A.S.T.M. PS-83...
13. All steel members shall be combination 240-10 composed of 1-1/2" minimum...
14. All structural steel members shall be galvanized...
15. All structural steel members shall be galvanized...
16. All structural steel members shall be galvanized...
17. All structural steel members shall be galvanized...
18. All structural steel members shall be galvanized...
19. All structural steel members shall be galvanized...
20. All structural steel members shall be galvanized...

GENERAL NOTES
1. All structural and non-structural work shall conform to the requirements of the California Building Code...
2. The contractor shall check all drawings immediately after they are issued...
3. Connections and limited construction assemblies that are not specifically detailed or labeled shall be constructed using standard construction practices...
4. All detail references shall be indicated "typical"...
5. Similar condition references shall be indicated "typical"...
6. All detail references shall be indicated "typical"...
7. The structural drawings show the basic structural systems...
8. Contractor is responsible for all temporary bracing necessary to complete the construction...
9. These drawings and specifications have been prepared...
10. The structural system shown on these drawings...
11. The contractor shall maintain the integrity of all existing...
12. Contractor shall coordinate with the City to ensure...
13. If provided, observation of the construction...
14. All framing members shall be manufactured by...
15. All framing members shall be manufactured by...
16. All framing members shall be manufactured by...
17. All framing members shall be manufactured by...
18. All framing members shall be manufactured by...
19. All framing members shall be manufactured by...
20. All framing members shall be manufactured by...

CONCRETE NOTES
1. All concrete work shall conform to the requirements of the latest edition of the ACI Building Code...
2. Concrete shall conform to ASTM C 150 and meet the minimum strength specified on the foundation...
3. All concrete shall be placed and finished in accordance with the approved construction documents...
4. Reinforcement shall not be displaced or cut to provide for penetrations, inserts, or embedments...
5. Loose soil, rock, and other debris shall be removed from the form prior to placing concrete...
6. All construction joints shall be cleaned and prepared during the placement using a mechanical vibrator...
7. Reinforcing steel shall be delivered bare conforming to ASTM A 616 designation...
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GENERAL FRAMING NOTES (continued)
21. All structural members shall be cut or ground smooth...
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Variance Justifications

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or soundings, 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.

Our 1301 sq ft Mediterranean style stucco one story flat roof home with a single detached garage is located on a small lot at 475 Lincoln Avenue. Our need and request to the Sunnyvale Committee is to replace our existing garage, which is in poor repair with a new garage in the same footprint, while increasing the height to match the house height and create attic space. We would stucco the entire exterior to match the house (current garage has only the front stucco'd). We desperately need the added garage height so we can add attic storage space and accommodate a vehicle inside. We do not have the option to move the garage to meet the current code standards since it would make the garage inaccessible for a vehicle.

Our neighborhood is filled with detached garages that are located on top of boundary lines and garages that are much taller and bigger than our proposed plans. We have the shortest (height) detached garage on the block and neighboring block. In addition there are nearby homes that are 2 stories, and double car garages more than double the size of ours.

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

Our detached garage is not a living space, and does not have any windows, so we wouldn't be adding any privacy concerns to our neighbors. The property directly behind our garage (located on Washington avenue) is an apartment complex with a much larger garage that is right up against our back fence. The property has no backyard, only a parking lot and is made up of several complexes.

We are being consistent with feel of the neighborhood and streets behind us that are filled with detached garages. Even with the added height to the garage we will still be smaller in height compared to most structures nearby. We have several homes that you can see from our backyard that are 2 story structures. Our one story Mediterranean flat roof home is tiny compared to some of our neighboring homes. The garage would not exceed the height of our one story home and would NOT be detrimental to our neighbors and public welfare.

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

The majority of Lincoln Ave & Washington Avenue has higher detached garage structures than our

property. There are also several that are closer to the property lines than the code allows for, and closer to the property line than our garage is. The property directly behind our garage is an apartment complex with two much larger double car garages that are right up against our fence. Lincoln avenue has a smaller apartment complex on the end. Washington avenue has multiple apartment complexes as well as a large townhouse complex that rises above the area (420 East Evelyn Ave).

The homes within this neighborhood consist of detached garages that are right on property lines. There are many that would be the same height as our proposed plans and some that are even taller. We have one of the smallest footprints with the rest being much wider. Some garages are double that pair with two story homes.

PLEASE NOTE:

Since we need to pursue the Variance Route for approval on the garage height change we have included as a secondary item as not to affect the critical height increase approval. The secondary item addresses the rear garage indentation.

We currently have an indentation with the rear garage width and to us it made sense to extend so it's flush with the garage length. This portion is accessible via the interior of the garage. The footprint will be pretty much exact, the exception being adding the extra square ft to the rear width so it extends to the current garage length.

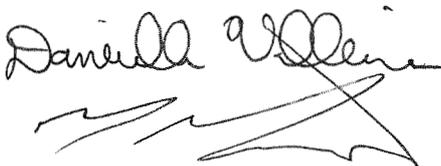
Please refer to the attached materials:

Garage Variance Proposal - Bound Presentation

Garage Architectural Plans - Bound Presentation

Thank you for your time and review.

Sincerely,



Danielle Valliere & Tad Hunt
475 Lincoln Ave
Sunnyvale, CA 94086

Tad (m) 408-425-1737

Danielle (m) 408-455-2633

Garage Variance Proposal

475 Lincoln Ave

Tad Hunt and Danielle Valliere

475 Lincoln Ave
Sunnyvale, CA 94086

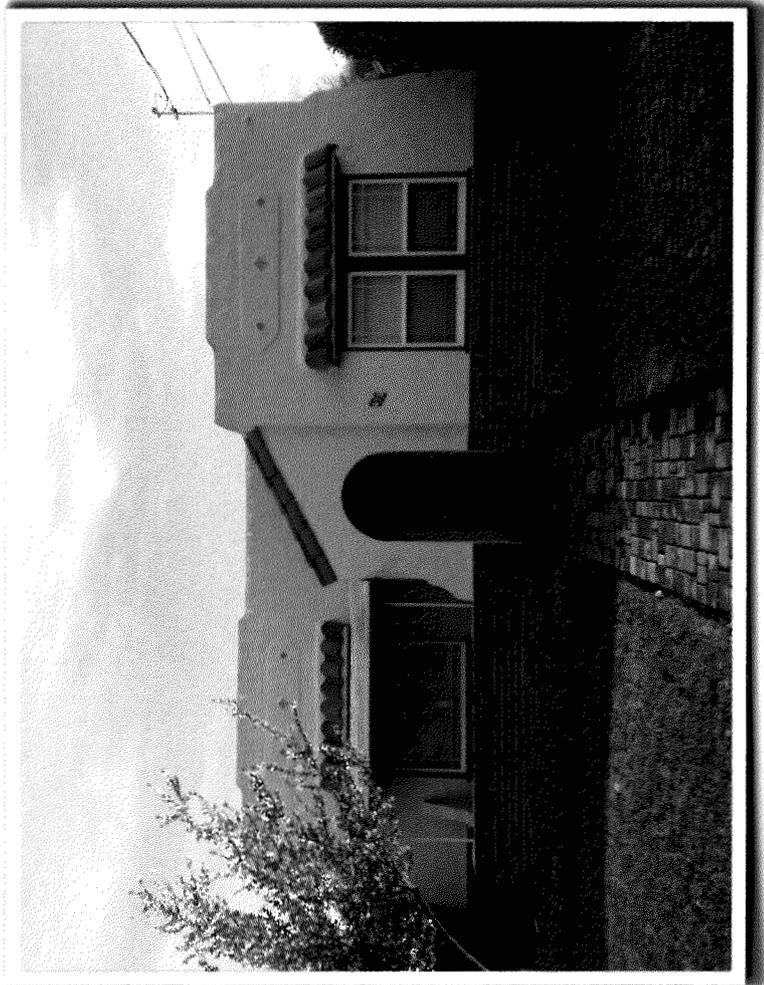
Home: 408-735-8793
Mobile: 408-425-1737

ATTACHMENT
Page 1 of 7

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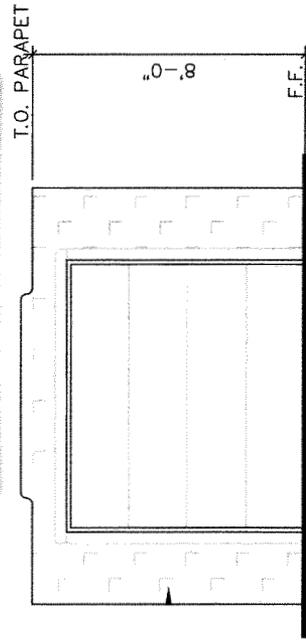
475 Lincoln Avenue



Front View – Mediterranean style stucco, flat roof, ceramic tile, and styling with blue and white tile

Variance Proposal Overview

Replace existing garage, which is in poor repair, with a new garage in the same footprint

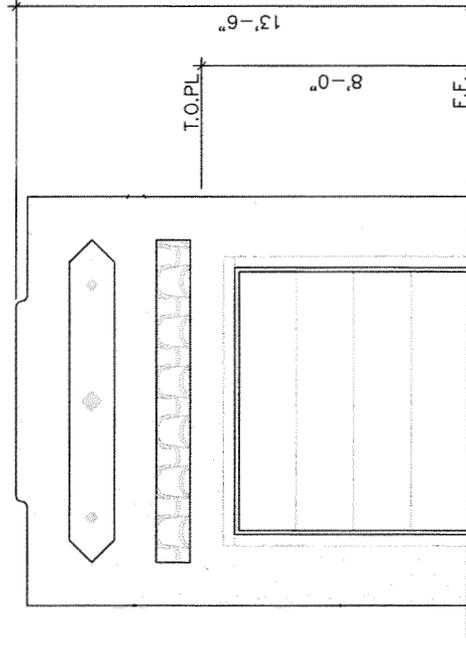


Existing Garage

Increase the garage height to match the house height, creating attic space



Stucco the entire exterior to match the house (existing garage is only stucco'd on the front)



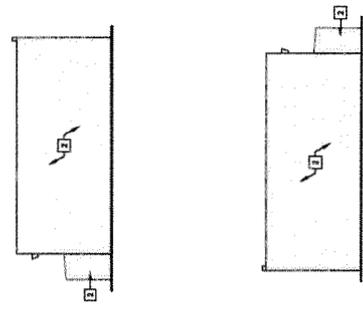
Proposed Garage

Variance Proposal : Secondary

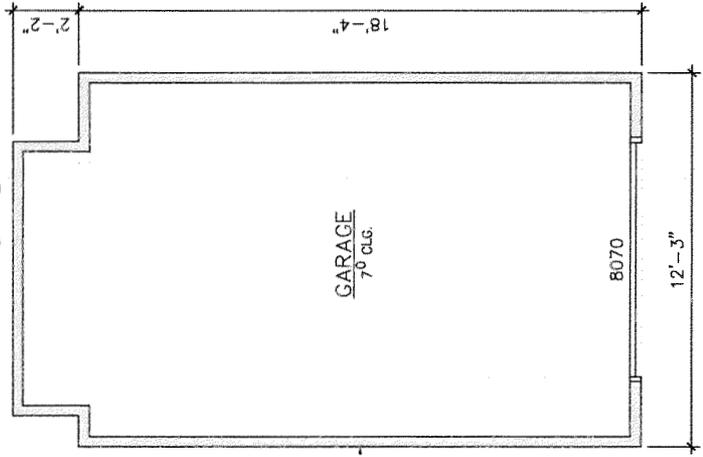
Since we need to pursue the Variance Route for approval on the garage height change we have included as a secondary item as not to affect the critical height increase approval.

We currently have an indentation with the rear garage width & it to us it made sense to extend so it's flush with the garage length. This portion is accessible via the interior of the garage.

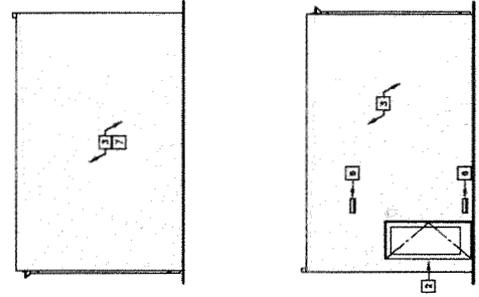
The footprint will be pretty much exact, the exception being the extra square ft to the rear width, so it extends to the garage length.



LEFT
RIGHT



EXISTING FLOOR / DEMO PLAN



LEFT

RIGHT

NEW EXTERIOR ELEVATIONS | Scale 1/8" = 1'-0"

Neighborhood Garage Sizes

Compared to existing garage
 (highlighted in green)

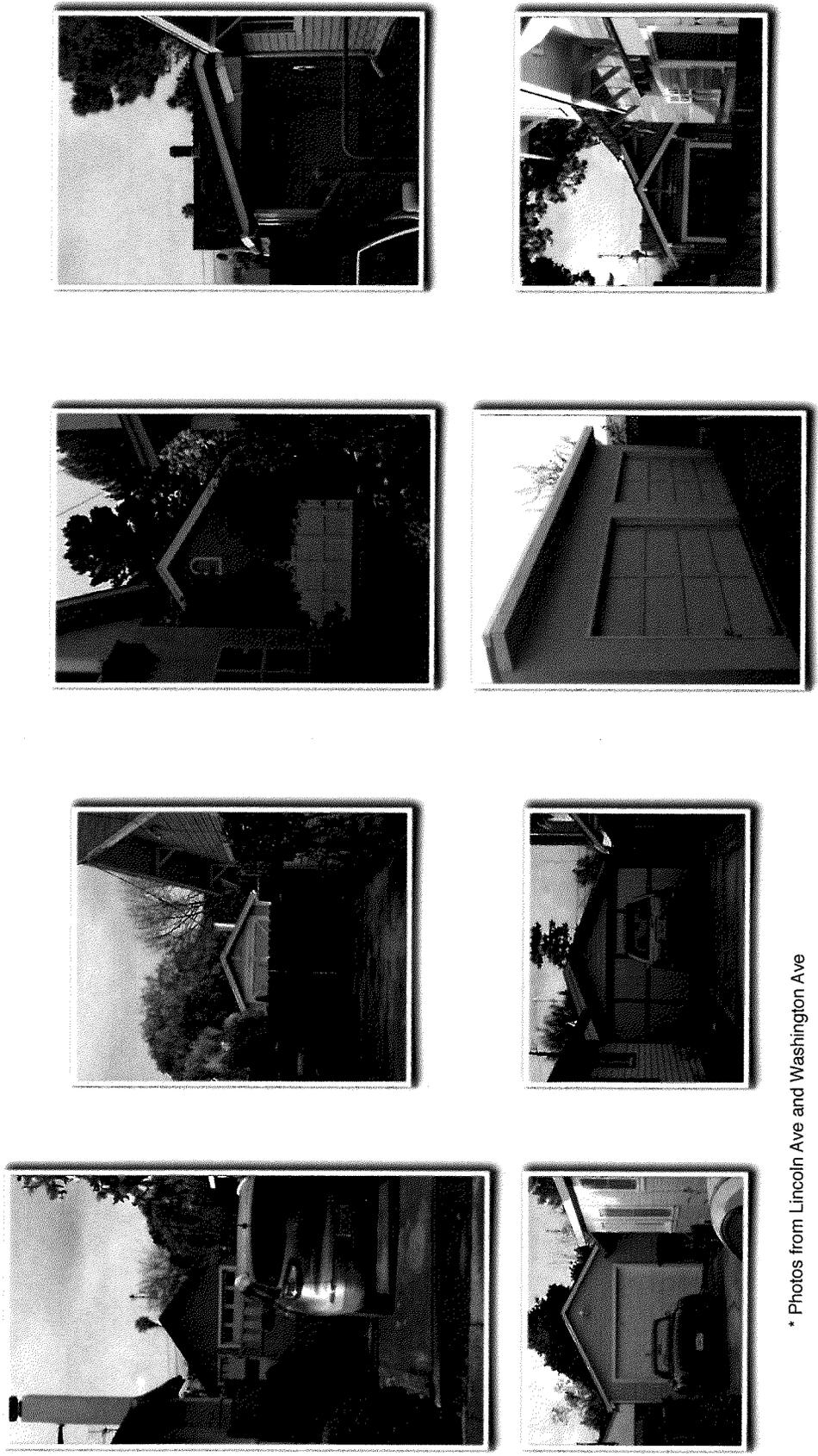
#	Larger (footprint)	Taller	Closer or same dist to prop line
1	X	X	X
2	X	X	X
3	X	X	X
4	X	X	X
5	X	X	X
6	X	X	X
7	X	X	
8	X	X	X

Compared to proposed garage

#	Larger (footprint)	Taller or Same	Closer or same dist to prop line
1	X	X	X
2	X		X
3	X		X
4	X	X	X
5	X	X	X
6	X		X
7	X		
8	X	X	X

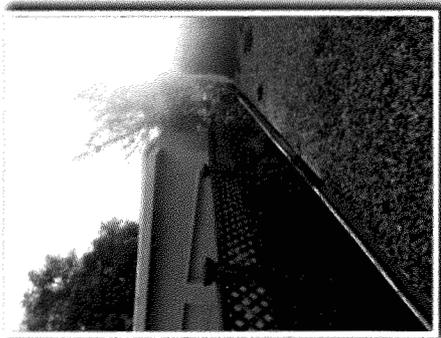
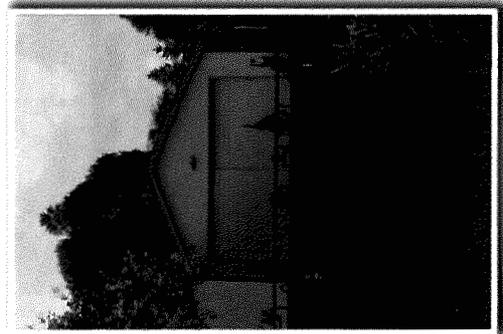


Neighborhood Garage Photos (1 of 2)



* Photos from Lincoln Ave and Washington Ave

Neighborhood Garage Photos (2 of 2)



* Photos from Lincoln Ave and Washington Ave