



# CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

July 24, 2013

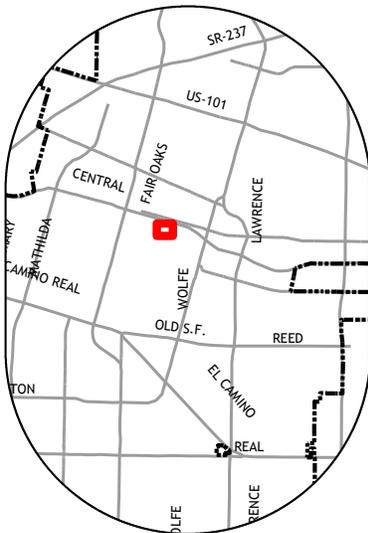
<b>File Number:</b> 2013-7526	<b>Permit Type:</b> Variance, Use Permit
<b>Location:</b> 227 Jackson Avenue (near East California Avenue) (204-44-006)	
<b>Applicant/Owner:</b> Kieran Boughan/Ronan Campbell	
<b>Staff Contact:</b> Timothy Maier, Assistant Planner, (408) 730-7257	

**Project Description:** To allow the construction of a 570 square-foot detached structure which combines a two-car garage, storage space, and darkroom. Proposed rear yard setback is to be 3' when 10' is required, proposed side yard setback to be 4', and height of the proposed garage to be 15' from finished grade.

**Reason for Permit:** A Variance is required for a garage to be built within the required setbacks. Also, a Use Permit is required for construction of the detached garage facility, an accessory structure over 450 sq. ft. in size.

**Issues:** Setbacks, rear-yard coverage, clearance for vehicle entry into garage, uncovered parking.

**Recommendation:** Approve with Conditions



500 Feet

**PROJECT DESCRIPTION**

	<b>Existing</b>	<b>Proposed</b>
General Plan:	Residential Low-Density	Same
Zoning District:	R-0	Same
Lot Size:	5,650 sq. ft.	Same
Total Sq. Ft. on Site:	1,384 sq. ft.	1,954 sq. ft.
Lot Coverage:	24.5%	34.6%
Parking:	2 (uncovered), plus additional space in driveway	2 (uncovered), 2 (covered by garage)
Front Setback	16'-6" (house)	Same
Left Setback	14'-6"	4'
Right Setback	12'	Same
Rear Setback	41'	3'
Height	15'-6" in. (house)	15'-6" in. (house), 15'-0" (garage)

Previous Planning Projects related to Subject Application	<b>No</b>
Neighborhood Preservation Complaints	<b>No</b>
Deviations from Standard Zoning Requirements: The proposed garage encroaches into the rear-yard setback by 7' and exceeds the City's allowed 25% rear-yard area coverage maximum. A Variance is needed to provide relief from these requirements. Also, a Use Permit is required to address the size of the detached garage, as the proposed garage exceeds 450 sq. ft. in size.	<b>Yes</b>

**Use Description:** Currently, no garage exists on the property. The construction of the proposed facility would satisfy the City's requirement for covered parking capacity for a single-family residence.

**Site Plan:** The home is situated on a mid-block lot within an older neighborhood of single-family homes built from the 1940s to 1950s. The proposal is to build a garage in the rear yard of a home which currently has no covered parking. The proposed garage would be located 3' from the rear property line and 4' from the left-side property line. Although the location of the garage would satisfy City requirements for side setbacks, the proposed location of the garage would represent a departure from City Code, which requires a minimum rear yard setback of 10.' A Variance is required to construct the garage in the proposed location due to encroachment into the required rear-yard setback. In addition, a Use Permit is required for an accessory utility building over 450 sq. ft. The proposed structure would 570 sq. ft. in size.

**Floor Plan:** The floor plan of the existing house would not be altered. The applicant intends to build a combined garage, storage, and darkroom structure with a total size of 570 sq. ft. The main floor of the proposed facility would have a plate height of 9'. The structure would also have a loft storage area over the ground floor containing a dormer with an eave 13'-6" above finished grade, and maximum roof height 15' above finished grade. The loft would not qualify as a habitable area and is intended for storage.

**Architecture:** The applicant intends to make no changes to the exterior of the existing single-family home. The proposed garage façade would consist of cement plaster walls with a color scheme similar to that which presently appears on the house. The paneled garage doors would provide visual interest to the frontage of the facility. In addition, the applicant intends to include a darker cement plaster base to provide horizontal definition and contrast with the remainder of the walls of the building. Although the existing house contains a hip roof, the proposed garage would feature a gable roof. The applicant intends to include seven windows in the detached garage, including three on the first level and four as components of the dormer on the upper (loft) level.

**Parking:** The site currently provides in excess of two uncovered parking spaces. However, the lot currently contains no covered parking. The proposed garage facility would address the present lack of covered parking, and the site would meet the Code standard for required two covered and two uncovered parking spaces.

Initially, it was thought that the plans submitted offer inadequate clearance between the proposed garage and the existing home, precluding safe conveyance of automobiles into the right-hand garage entry. However, upon analysis, staff concluded that the distance between the existing home and the garage facility would provide for adequate turning and movement of vehicles into and out of the proposed garage.

**Variance Justification:** The applicant has provided justification for the Variance in Attachment C. The common development pattern in the neighborhood is characterized by lots containing detached garages within rear yards encroaching into currently-required setbacks, including garages built at or near property lines. Many of these structures are considered legal nonconforming, as they likely predate City codes and permitting. The project site is approximately 400 sq. ft. smaller than the required lot size in the R-0 zoning district. The existing placement of the home prevents construction of a front garage. The proposed garage placement allows the property owner reasonable use of the rear yard.

**Use Permit Justification:** A Use Permit would also be needed for the construction of the detached garage, as its proposed size is 570 sq. ft., or 120 sq. ft. in excess of the maximum allowable square footage of any single accessory structure permitted by staff-level review. Justification for the Use Permit can be found in Attachment D.

**Public Contact:** Five notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters or calls were received from the public by staff.

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

## **FINDINGS**

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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 met.**

The existing single-family home is located on a lot of 5,650 sq. ft. in size, while City Code requires a minimum lot size in the R-0 zoning district of 6,000 sq. ft. The existing single-family home contains no covered parking. The lot is narrow and rectangular, with the existing single-family home set back approximately 16'-6" from the front property line and occupying the majority of the width of the lot. Without significant modifications to the façade, these combined factors prevent the applicant from placing a garage near the front of the home.

The proposed detached garage, with a rear setback of 3,' encroaches into the City's ten-foot minimum rear yard setback limit. The side setback of 4' meets City Code. However, a building orientation as intended necessitates encroachment into the 20-foot rear setback to some degree. In addition, the location of the existing house mandates a non-parallel ("stepped back") placement of the northerly garage entry to allow vehicle access. Therefore, intrusion of the garage into the rear yard to an extent greater than ordinarily permitted is needed. Also, the location of the facility in close proximity to the left and rear property lines frees the majority of the backyard space for use.

In this neighborhood, many lots contain very large rear yards, and numerous homes have non-conforming detached garages that do not meet current side- or rear-yard setback requirements. The proposed structure would provide covered parking for two vehicles and offer consistency with

surrounding properties, as most neighboring homes enjoy the privilege of maintaining detached garages. Further, the attractive design of the proposed facility adds value to the home and exceeds the quality of design of detached garage units in the surrounding area.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair the orderly development of, or the existing uses being made of, adjacent properties. **Finding met.**

The proposed Variance would allow the subject property to upgrade parking facilities while maintaining the neighborhood pattern of detached garages within rear yards. The requested Variance would allow the applicant to increase the capacity of covered parking on the lot and would reinforce the pattern of detached garages which prevails in the neighborhood. Further, the proposed structure would not be located in a manner that would prevent expansion or use of adjacent single-family homes or the adjacent City park.

Although the proposed garage rises 9' above the fence line, the structure would not result in significant visual or privacy impacts to the surrounding properties, as the structure will be located away from adjacent habitable areas. Also, Martin Murphy Park lies to the rear of the proposed garage, reducing privacy concerns which might otherwise arise. Further, submitted plans call for the placement of a row of trees between the west- and south-facing walls, thereby screening much of the mass of the structure and diminishing concerns related to privacy afforded to neighboring properties.

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 detached garages within their respective rear yards which fail to meet current setback requirements. Many of these structures are considered legal nonconforming. Granting the Variance will not constitute a special privilege, but rather will allow the applicant to enjoy benefits similar to those enjoyed by other property owners in the immediate neighborhood.

Many surrounding lots contain garages with nonconforming side and rear yard setbacks, including neighboring properties to both the north and south, whose detached garages are built directly adjacent to their respective surrounding fences. The detached garage located at the property

to the north of the subject property is also larger than the unit proposed at 227 Jackson Avenue.

In order to approve the Use Permit the following findings must be made:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. **Finding met.**

Policy CC -3.2 Ensure site design is compatible with the natural and surrounding built environment.

Policy CC -5.2 Enhance the visual character of the City by preserving diverse as well as harmonious architectural styles, reflecting various phases of the City's historical development and the cultural traditions of past and present residents.

The proposed garage would provide on-site parking and has been designed to be compatible with the development pattern and architectural style found on the main building and within the existing neighborhood. Also, the construction of the detached garage precludes the necessity to significantly alter the exterior of the home thus conserving the architectural style of a home reflective of the historical development of Sunnyvale.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair the orderly development of, or the existing uses being made of, adjacent properties. **Finding met.**

Although the proposed garage rises 9' above the fence line, the structure would not result in significant visual or privacy impacts to the surrounding properties, as the structure will be located away from adjacent habitable areas. Also, Martin Murphy Park lies to the rear of the proposed garage, reducing privacy concerns which might otherwise arise. Further, submitted plans call for the placement of a row of trees between the west- and south-facing walls, thereby screening much of the mass of the structure and diminishing concerns related to privacy afforded to neighboring properties.

Although the proposed garage exceeds the City's maximum allowable 450 square-foot accessory structure size, the placement of the existing home and configuration of the lot entail building dimensions at the upper limit of accessory units normally allowed. Because the proposed structure contains a darkroom and storage space at both ground and loft levels, the intended uses of the facility compel a size beyond the allowable 450

square-foot size. With a height of 15' at its highest point, the proposed facility would nevertheless remain below the maximum height of the existing home, which rises to 15'-6" and would approximate the height of surrounding detached garages. Although large in size, the proposed facility does not overwhelm the lot, and construction of the structure would harmonize the property with the prevailing pattern of detached garages which occurs in the home's immediate environment.

**ALTERNATIVES:**

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

**RECOMMENDATION**

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

Reviewed by:

  
Gerri Caruso  
Principal Planner

Prepared By: Timothy Maier, Assistant Planner

Attachments:

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

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
July 24, 2013**

**Planning Application 2013-7526**

227 Jackson Avenue

Variance to allow 3' where 20' is required for rear yard setbacks.

Use Permit to allow an accessory structure over 450 square feet.

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]

# **ATTACHMENT B**

REVISIONS	DATE	BY
1		
2		
3		
4		
5		

415 244 0849  
Sun Francisco, Ca. 94117  
845 Waller Street, 45  
Kieran Boughan, Architect



Kirana and Barbara Reservations at:  
336 Day Street  
San Francisco, Ca.  
For: Steve and Karen Carlson

DATE	11/13/18
PROJECT	336 DAY STREET
OWNER	STEVE AND KAREN CARLSON
SCALE	AS SHOWN
DATE	11/13/18
BY	KB

# NEW GARAGE AT REAR OF: 227 JACKSON AVENUE SUNNYVALE, CALIFORNIA. For: RONAN CAMPBELL

### SCOPE OF WORK:

ADDITION OF A NEW GARAGE BUILDING IN THE REAR OF AN EXISTING SINGLE FAMILY DWELLING IN SUNNYVALE, CALIFORNIA.  
THE GARAGE BUILDING IS TO HOUSE TWO PARKING SPACES AND STORAGE AND A DARK ROOM.  
THE CONSTRUCTION OF THE GARAGE IS TO ENABLE EXPANSION OF THE EXISTING LIVING SPACE IN THE DWELLING INTO SPACE CURRENTLY OCCUPIED BY A GARAGE WITHIN THE OVERALL DWELLING ENVELOPE.

### CONTRACTOR RESPONSIBILITIES:

- CONTRACTOR SHALL VERIFY ALL PERMITS AND APPROVALS ARE IN PLACE AND VALID FOR THE PROJECT AND THE PROJECT IS IN COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
- CONTRACTOR SHALL VERIFY THE EXISTING FOUNDATION AND FOOTING ARE ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING UTILITIES ARE ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING STRUCTURE IS ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING FINISHES ARE ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING MATERIALS ARE ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING WORKMANSHIP IS ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING SAFETY IS ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING ACCESSIBILITY IS ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING ENVIRONMENTAL IMPACT IS ADEQUATE TO SUPPORT THE PROPOSED GARAGE.

### GENERAL NOTES:

- ALL WORK SUBJECT TO THIS PERMIT AND THESE CODES AND ORDINANCES, INCLUDING THE CITY OF SUNNYVALE, CALIFORNIA, AND THE STATE OF CALIFORNIA, SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE APPLICABLE CODES AND ORDINANCES.
- THE CONTRACTOR SHALL VERIFY THE EXISTING FOUNDATION AND FOOTING ARE ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE APPLICABLE CODES AND ORDINANCES.
- CONTRACTOR SHALL VERIFY THE EXISTING UTILITIES ARE ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING STRUCTURE IS ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING FINISHES ARE ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING MATERIALS ARE ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING WORKMANSHIP IS ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING SAFETY IS ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING ACCESSIBILITY IS ADEQUATE TO SUPPORT THE PROPOSED GARAGE.
- CONTRACTOR SHALL VERIFY THE EXISTING ENVIRONMENTAL IMPACT IS ADEQUATE TO SUPPORT THE PROPOSED GARAGE.

### INDEX OF DRAWINGS:

- T.1 PROJECT DATA
- LOCATION MAPS
- GENERAL NOTES
- INDEX OF DRAWINGS
- A.1 EXISTING SITE PLAN
- A.2 PROPOSED SITE PLAN
- A.3 PLANS, SECTION ELEVATIONS
- SEE ACCOMPANYING 11 X 17 SUPPLEMENTAL MATERIALS

### PROJECT DIRECTORY:

PROJECT ADDRESS: 227 JACKSON AVENUE, SUNNYVALE, CA  
PROJECT OWNER: RONAN CAMPBELL, 227 JACKSON AVENUE, SUNNYVALE, CA, 94087-9134  
ARCHITECT: KIERAN BOUGHAN, 845 WALLER STREET, SUNNYVALE, CA 94087-9117, 415 244 0849  
STRUCTURAL ENGINEER: DOBBLE ENGINEERING, 2450 CALIFORNIA AVENUE, SAN FRANCISCO, CA 94115, 415 551 4100  
GENERAL CONTRACTOR: GICHINC, 2450 CALIFORNIA AVENUE, SAN FRANCISCO, CA 94115, 415 292 0200

### PROJECT DATA:

LOT SIZE: 5700 SQ. FT. (114 X 50)  
EXISTING: 1384 SQ. FT.  
PROPOSED WITH GARAGE: 1984 SQ. FT.  
F.A.R. PERMITTED: 3600 SQ. FT.  
LOT COVERAGE EXISTING: 34.28%  
LOT COVERAGE PROPOSED: 34.72%  
EXISTING BUILDING HEIGHT: 15'-0"  
PROPOSED GARAGE: 15'-0"

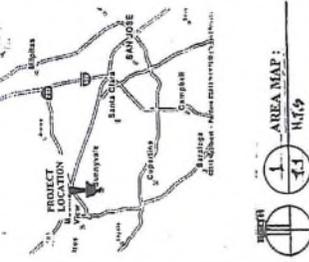
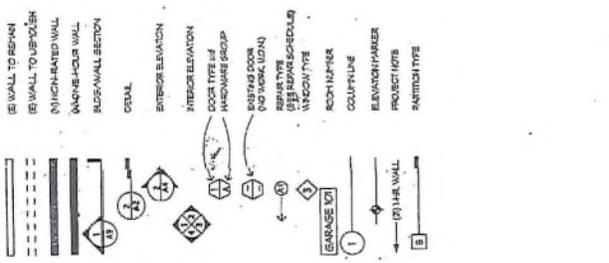
### APPLICABLE CODES:

BUILDING: ALL LOCAL COUNTY WITH PROJECT REQUIRES A VARIANCE FROM THE SUNNYVALE PLANNING CODE FOR THE LOCATION AND SIZE OF THE REAR GARAGE BUILDING.  
CALIFORNIA ELEC. CODE, 2018  
CALIFORNIA MECH. CODE, 2018  
CALIFORNIA FIRE CODE, 2018  
CALIFORNIA PLUMBING CODE, 2018  
IT IS DESIGNED TO HARMONIZE WITH:  
DESIGN TECHNIQUES  
CITY OF SUNNYVALE  
DESIGN GUIDELINES

### ABBREVIATIONS:

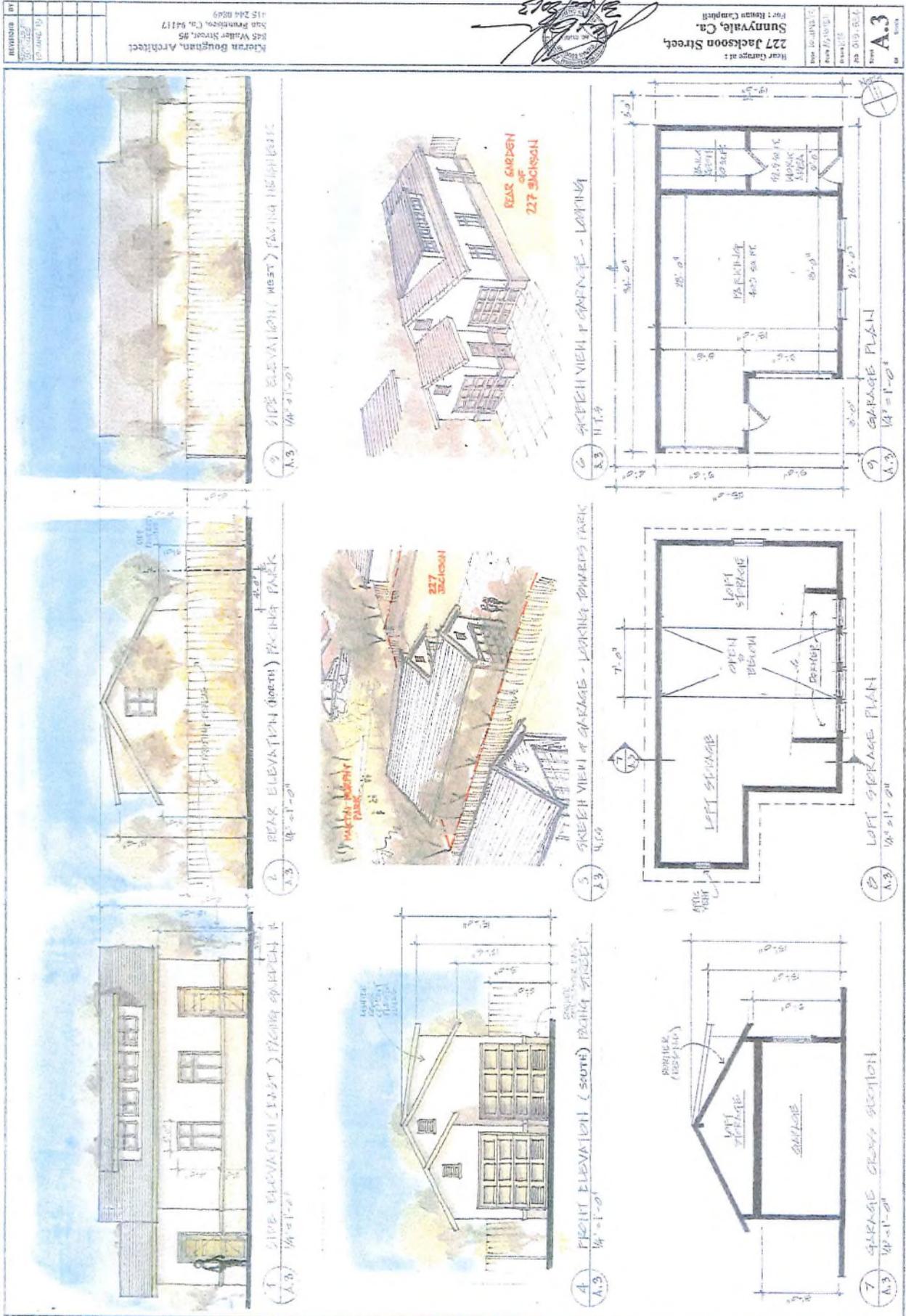
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5	Structure	5	Interior
6	Interior	6	Exterior
7	Exterior	7	Roof
8	Roof	8	Site
9	Site	9	Utility
10	Utility	10	Other

### LEGEND:









REVISIONS BY  
DATE  
BY  
DATE  
BY  
DATE

Kieran Bougann, Architect  
845 Walker Street, #5  
San Francisco, Ca, 94117  
415 244 0849

227 Jackson Street,  
Sunnyvale, Ca.  
For: Roman Campbell

Sheet No. 10  
Date: 01/10/13  
Scale: 1/4" = 1'-0"

A3

*[Handwritten signature]*  
01/10/13



Rear Garage at :  
**227 Jackson Street,**  
**Sunnyvale, Ca.**  
For : Ronan Campbell

**Kieran Boughan, Architect**  
845 Waller Street, #5  
San Francisco, Ca. 94117  
415 244 0849

Rear Garage at :  
227 Jackson Street,  
Sunnyvale, Ca.  
For : Ronan Campbell

Kieran Boughan, Architect  
845 Waller Street, #5  
San Francisco, Ca. 94117  
415 244 0849



Rear Garage at :  
227 Jackson Street,  
Sunnyvale, Ca.  
For: Rogan Campbell

Kieran Boughan, Architect  
845 Waller Street, #5  
San Francisco, Ca. 94117  
415 244 0849



EXISTING AERIAL PHOTO

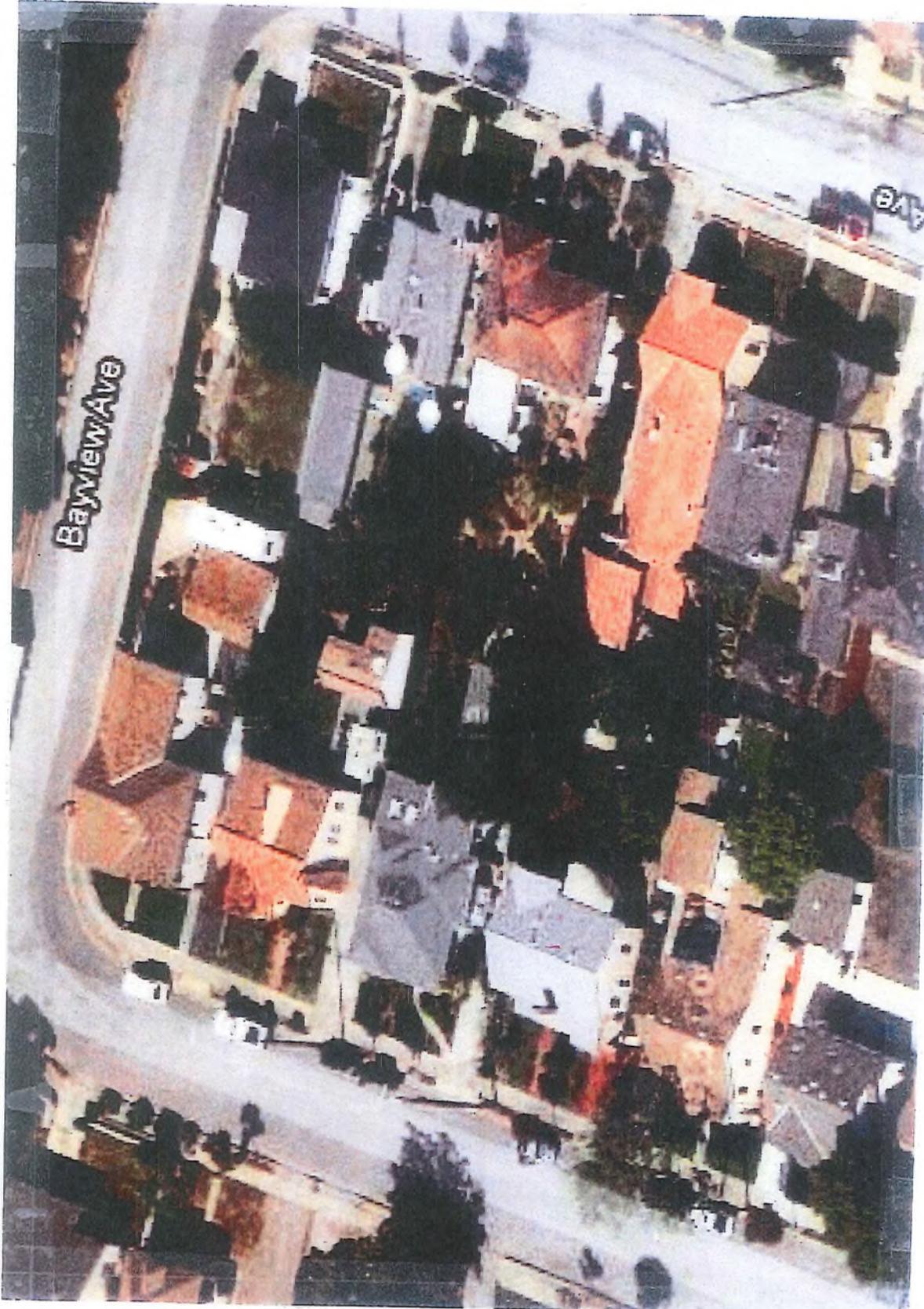
Rear Garage at :  
227 Jackson Street,  
Sunnyvale, Ca.  
For : Ronan Campbell  
Kieran Boughan, Architect  
845 Waller Street, #5  
San Francisco, Ca. 94117  
415 244 0849



PROPOSED AERIEL PHOTO

Rear Garage at :  
227 Jackson Street,  
Sunnyvale, Ca.  
For : Ronan Campbell

Kieran Boughan, Architect  
845 Waller Street, #5  
San Francisco, Ca. 94117  
415 244 0849



EXISTING ADJACENT BLOCK

Rear Garage at :  
227 Jackson Street,  
Sunnyvale, Ca.  
For : Ronan Campbell

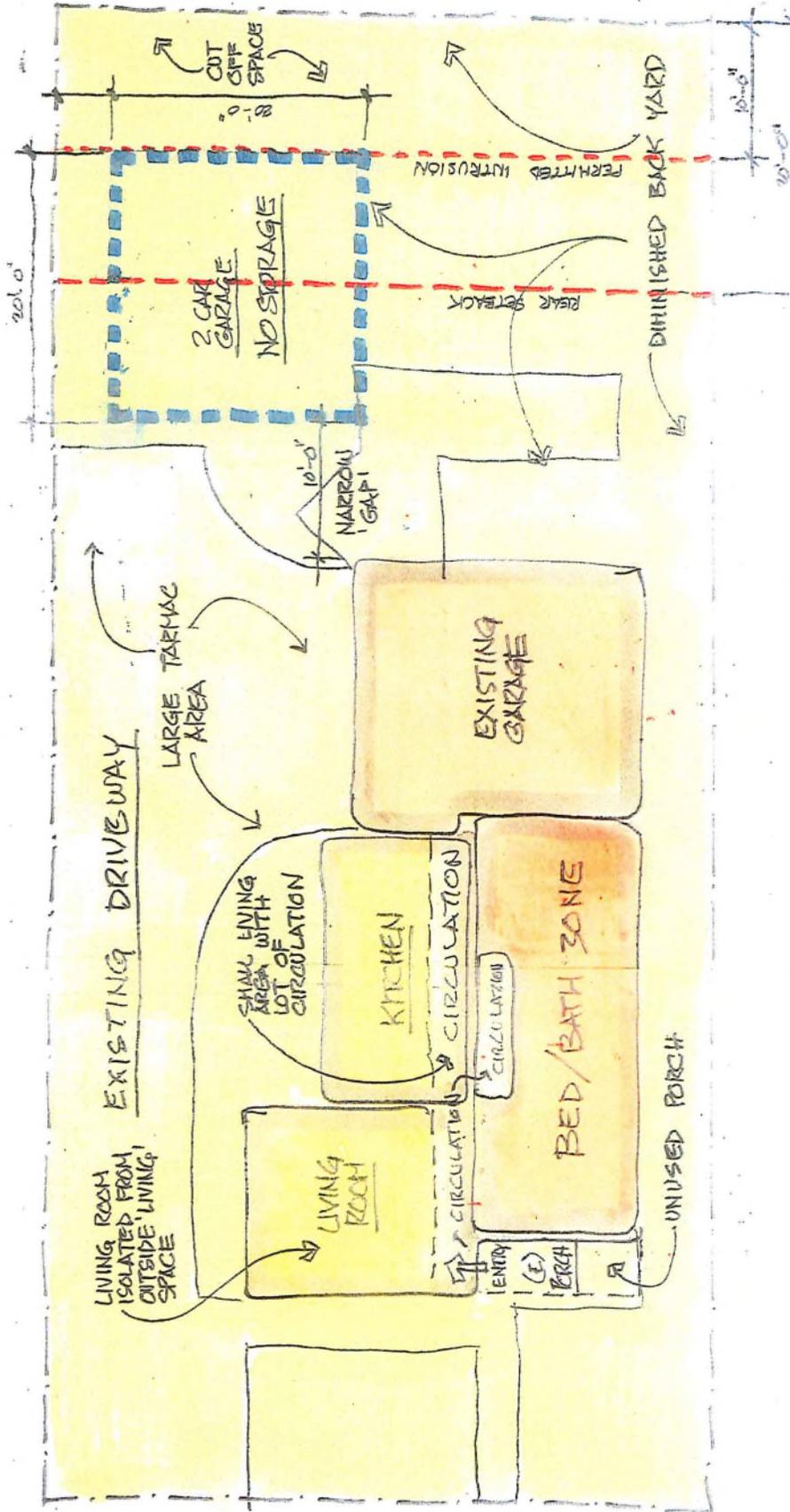
Kieran Boughan, Architect  
845 Waller Street, #5  
San Francisco, Ca. 94117  
415 244 0849



EXISTING ADJACENT BLOCK

Kieran Boughan, Architect  
845 Waller Street, #5  
San Francisco, Ca. 94117  
415 244 0849

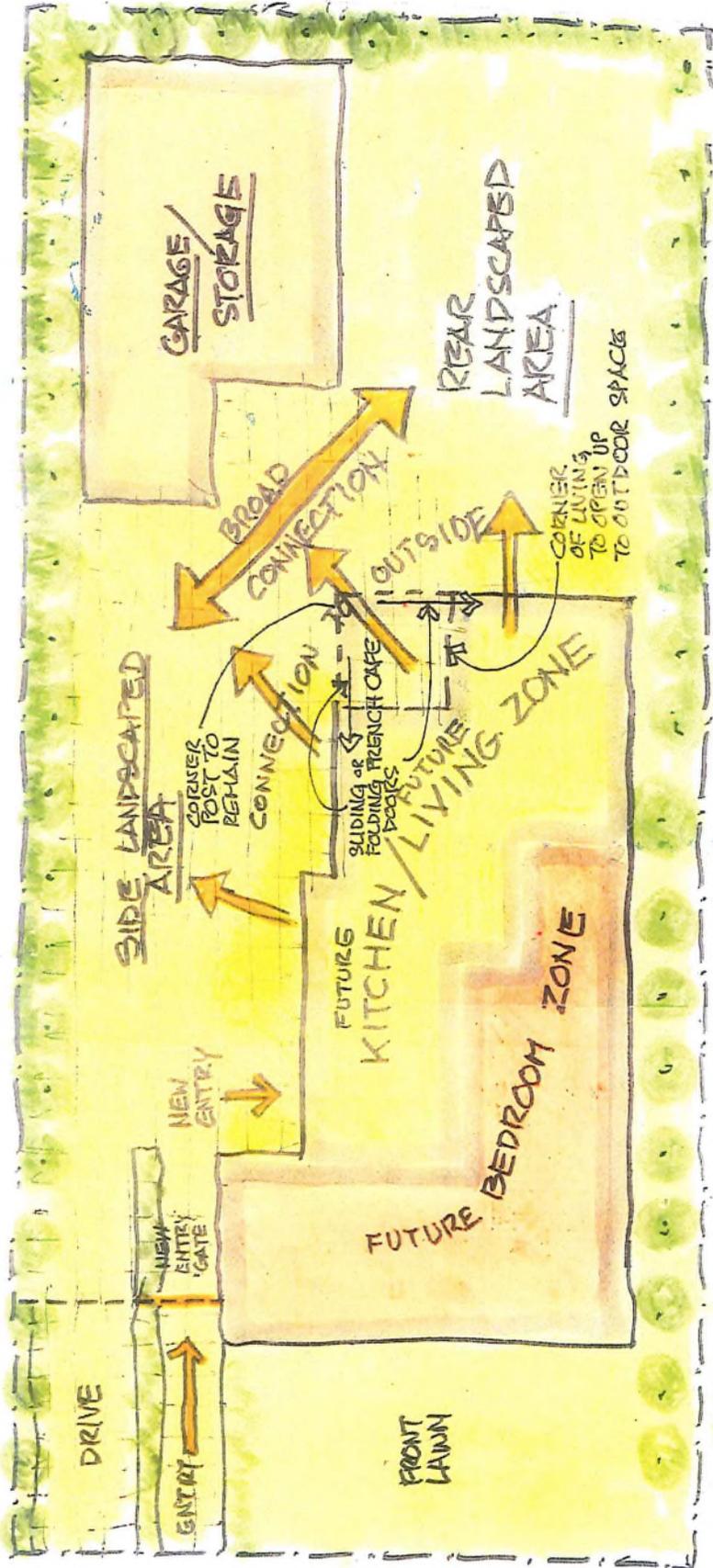
Rear Garage at:  
227 Jackson Street,  
Sunnyvale, Ca.  
For: Ronan Campbell



EXISTING SITE DIAGRAM

Kieran Bougman, Architect  
845 Waller Street, #5  
San Francisco, Ca. 94117  
415 244 0849

Rear Garage at:  
227 Jackson Street,  
Sunnyvale, Ca.  
For: Ronan Campbell



PROPOSED SITE DIAGRAM

# ATTACHMENT C



# VARIANCE JUSTIFICATIONS

ATTACHMENT C

Page 1 of 1

All three of the following findings 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 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.
  - All neighbors on same side of block have garages in similar or closer location to side and rear property lines, compared to what we are proposing. See site plans and photographs.
  - The block immediately across Jackson Ave. from our site has many extensions, rear buildings and additions, many much larger than our proposal.
  - Other neighboring blocks have multiple similar situations.

AND

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.
  - We are screening with landscape between our garage building and our side neighbor and rear park neighbor.
  - Existing 6 foot high fences to side and rear partially screen building.
  - Garage is in rear and not prominently visible from the street.
  - Eave of garage close to house eave
  - Height of garage (15') is less than house (15'6") and in harmony with other adjacent garage ridge heights.
  - Roof slope in generally similar to existing house.

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.
  - Surrounding neighbors all have similar garage buildings located on their properties.

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

# ATTACHMENT D



# USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets **at least one** of the following criteria.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project ...
  - Relocating garage to rear allows main building the ability to better accommodate current needs or a single family dwelling.
  - Living space can be expanded and relocated to side and rear to better serve inside outside functions of site as a whole.
  - Additional bathrooms and storage can be provided on site
  - Achieves the above without increasing height or massing of the existing building.

OR

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as ...
  - As new building is located in far rear of property, it has little impact on street.
  - Landscaping will screen to the side and rear of new structure.
  - Height and massing in harmony with neighbor's garage.
  - The location and scale of the proposed garage is consistent with the established neighborhood pattern.

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