



**CITY OF SUNNYVALE
REPORT
Planning Commission Hearing**

October 27, 2008

SUBJECT: **2008-0802:** Application located at **1291 Brookings Lane** (near Belleville Wy.) in an R-1 (Low Density Residential) Zoning District. (APN: 320-29-050)

Motion **Variance** from Sunnyvale Municipal Code Section 19.46.060 to allow interior modifications to the floor plan of an existing home which would result in less than the required two covered parking spaces.

REPORT IN BRIEF

Existing Site Conditions Single Family Home

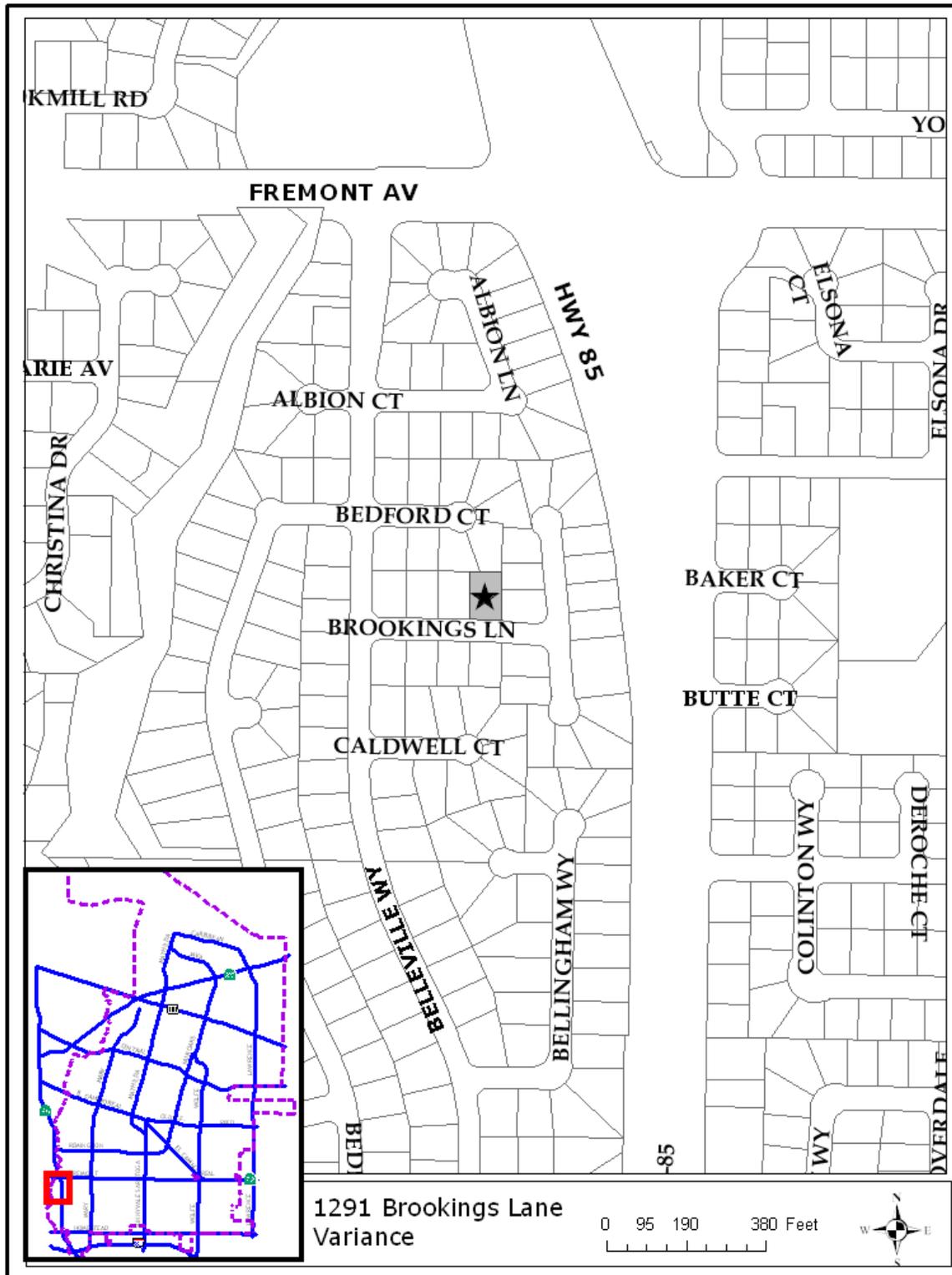
Surrounding Land Uses

North	Single Family Home
South	Single Family Home
East	Single Family Home
West	Single Family Home

Issues Garage Dimensions

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Deny the appeal and uphold the decision by the Administrative Hearing Officer, and deny Variance.



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-1	Same	R-1
Lot Size (s.f.)	8,003	Same	8,000 min.
Gross Floor Area (s.f.)	Approx. 2,915	Same	No max. (4,050 without P.C. review)
Lot Coverage (%)	21%	Same	45% max.
Floor Area Ratio (FAR)	36%	Same	No max
No. of Units	1	Same	1
No. of Stories	2	2	2 max.
Setbacks (First/Second Facing Property)			
Front	20' 8"	Same	20' min. / 25' min.
Left Side	10	Same	6' min. (15' total)
★ Right Side	5	Same	6' min. (15' total)
Rear	35'	Same	20' min. (10' permitted with 25% encroachment)
Parking			
★ Total Spaces	4	3	4 min.
★ Covered Spaces	2	1	2 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The proposal is for a Variance from Sunnyvale Municipal Code 19.46.060(a)(5) to enable interior modifications to a single family home that would result in less than the required two covered parking spaces. The applicant/owner's

Revised 9/27/07

intent is to enable an accessible bathroom adjacent to an existing bedroom. The bathroom would be constructed within a portion of the existing garage. Additional interior changes are planned for the master bedroom and bathroom on the second floor. The exterior changes would be limited to a new door located on the first story adjacent to the proposed bathroom.

Background

Previous Actions on the Site: There are no previous planning applications related to this site.

Administrative Hearing: On Wednesday, August 27, 2008, an Administrative Hearing was held to consider the request for a Variance. On Thursday August, 28, after taking the item under advisement, the Administrative Hearing Office denied the application due to the inability to make the required findings. More discussion is found in the "Public Contact" section of this report.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions. Class 1 Categorical Exemptions include interior modifications to existing facilities.

Variance

Site Layout: The project site is a mid-block lot on Brookings Lane near the intersection of Belleville Way. The home is positioned such that the garage is side loading; which is not uncommon for this neighborhood. There are no proposed modifications to the existing layout of the home other than interior changes previously described in the "Description of the Project." The home was built with a five foot setback along the right side which does not meet the required minimum setback regulations of six feet. The proposal would not increase the non-conformity of this existing condition.

Parking/Circulation: The site currently meets the requirement for two covered and two uncovered parking spaces as specified by Sunnyvale Municipal Code. The proposed interior modifications would reduce the covered parking to one space as the required 17' x 18' dimension would no longer be met. The 468 square foot garage would be reduced to 375 square feet (400 square feet required). The layout of the driveway enables additional parking area; however, this area can only be considered by Code as parking for two vehicles, as tandem parking is only allowed for the two spaces positioned directly behind the garage. The garage is built only 8 inches from the minimum 20 foot front setback and beyond the minimum side yard setback; therefore additional garage area could not be added either of the two directions without a Variance.

A possible consideration would be to convert the existing laundry room and closet to the bathroom area and place the laundry facilities in the garage (beyond the required dimensional area).

Compliance with Development Standards/Guidelines: The site would comply with all development standards for properties in the R-1 Zoning District with the exception of an existing 5 foot setback along the right side (min. 6 feet required) and the required covered parking for two vehicles.

Expected Impact on the Surroundings: The proposed project would result in the loss of one garage space. A possible visual impact would be that an additional car would be parked in front of the home rather than shielded from public view as originally intended by the two car garage. No exterior changes are proposed. If approved, it is possible that a precedent could be set for enabling insufficient covered parking for similar requests.

Fiscal Impact

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

Public Contact

Staff has not received any written comments from the public regarding this proposal. Since the Administrative Hearing the applicant, has provided additional letters of support from a doctor and physical therapist (See Attachment E.) Additional photos provided by the applicant are indicated in Attachment D.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 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

Administrative Hearing: As stated in the "Background" section of this report, this project was originally considered at an Administrative Hearing on August 27, 2008. At the hearing, the applicant noted her mother's medical conditions, need for convenience, need for privacy when there are house guests, and for the safety for her young children as part of her justification for the Variance. Furthermore it was stated that due to the layout of the home, additional

driveway area is available to accommodate parking for the loss of one space in the garage. The applicant also mentioned the existence of a legally converted garage in the neighborhood. No members of the public spoke regarding this proposal. The applicant provided a petition signed by ten nearby residents in support of the applicant's request (Page 4 & 5 of Attachment D). The Administrative Hearing Officer took the item under advisement to research additional information provided by the applicant. The Hearing Officer denied the application on Thursday, August 28, due to the inability to make the required findings (See Minutes of Administrative Hearing in Attachment F).

Conclusion

Discussion: Approval of the Variance would allow for the reduction in covered parking for the site. Staff finds that a redesign of the internal floor plan is feasible to accommodate the need for an accessible bathroom without the need for reduced parking area. The applicant has provided justifications for the Variance in Attachment D. The applicant notes the need for an additional ADA compliant bathroom with direct access to the existing first floor bedroom and the desire to keep an existing bathroom available for guests.

The bathroom could be located partially within the existing laundry room area adjacent to the bedroom. Relocation of the laundry facilities to the garage could be accommodated while providing the needed dimensional area for parking. Another internal modification option exists including reconfiguring the new bathroom into a portion of the living room while some additional bedroom area could be compensated within a smaller portion of the garage (less than what is currently proposed). Additional garage area could be added (in front of the existing garage door) to make up for the loss of area needed for the currently proposed location of the bathroom. This option would result in a visual impact to the front of the home. These alternatives would likely incur additional construction and design costs to the owner.

Prior Variance applications have been approved for the accommodation of accessibility needs. Such applications have been approved through making the required Findings as no feasible alternative exists to meet Code requirements. In other cases, reasonable modifications have been found that enable Code requirements to be met and such requests have been denied.

Findings and General Plan Goals: Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the Planning Commission is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

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

Alternatives

1. Deny the appeal and uphold the decision of the Administrative Hearing Officer and deny the Variance.
2. Grant the appeal and approve the Variance with the recommended conditions of approval.
3. Grant the appeal and approve the Use Permit and Variance with modified conditions of approval.

Recommendation

Alternative 1.

Prepared by:

Ryan M. Kuchenig
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Variance Justifications from the Applicant
- E. Letters from Doctor and Physical Therapist
- F. Minutes from the Administrative Hearing of August 27, 2008

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 Not Met*) Staff finds that project site is not unique to the surrounding area. The lot meets all Zoning Standards for the R-1 Zoning district and although the floor plan layout is different than adjacent homes, it is similar to others found in the neighborhood. Staff finds that options exist that would allow requirements to be met.
 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*). Approval of the Variance would not have any visual impact to the immediate area or negatively affect the surrounding 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 Not Met*) The proposed modification would enable less covered parking than what is required with adjacent property owners. Additionally, granting of the Variance could set a precedent for approving similar requests when alternatives exist that meets Code standards.
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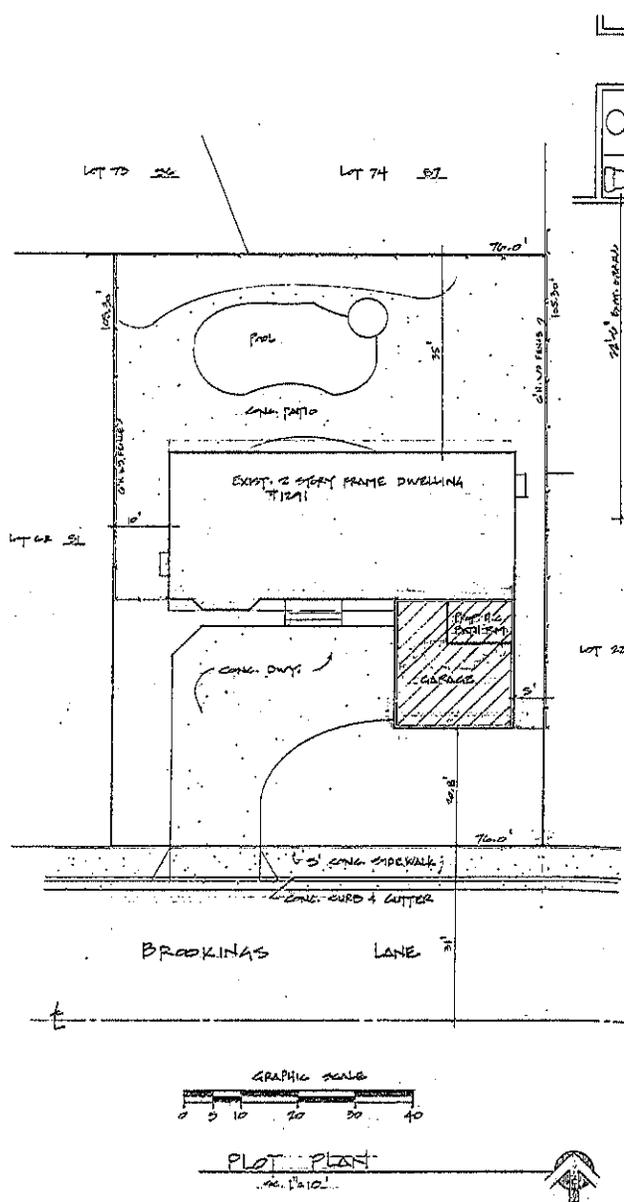
Recommended Conditions of Approval – Variance

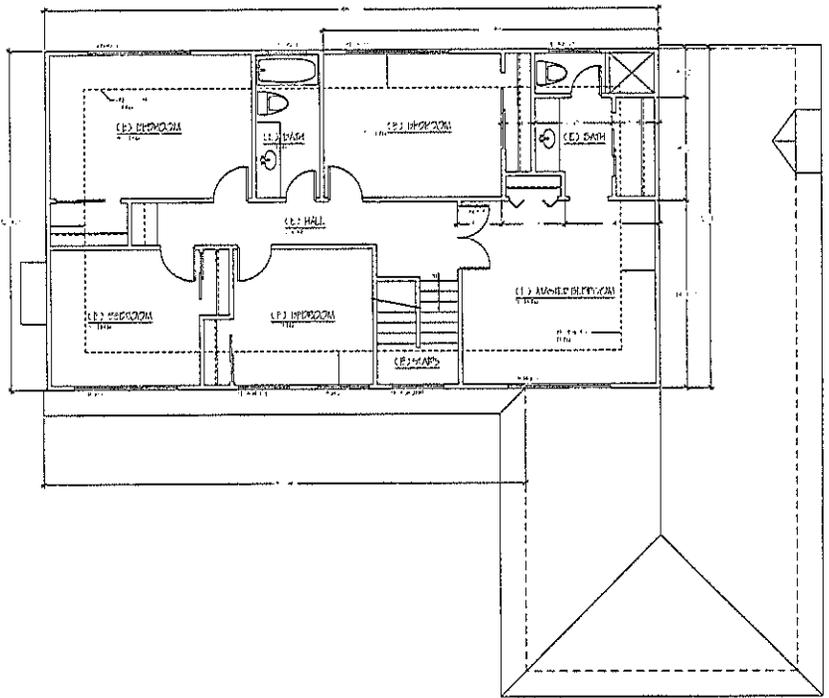
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

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

1. GENERAL CONDITIONS

- A. The Variance Permit for the use shall expire if the use is discontinued for a period of one year or more
- B. The Variance 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 and approved prior to the expiration date.
- C. The project shall be in conformance with the plans approved at the Administrative Hearing. Minor changes may be approved by the Director of Community Development; major changes require approval at an Administrative Hearing.
- D. Obtain building permits.





EXISTING SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"

REVISION	BY

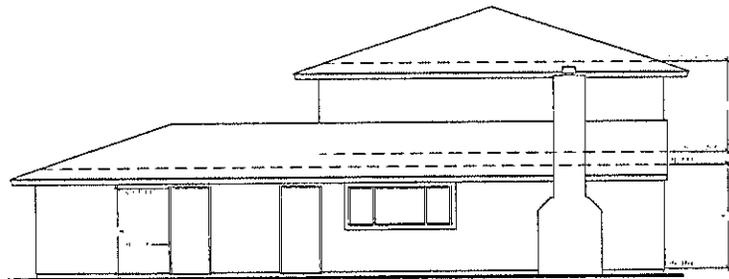
PREPARED BY:
 CHUCK LOZITO
 1040 ELM AVE
 REDWOOD, CA 92223
 (951) 845-3075

PROPOSED 2-STORY RENODEL
 PREPARED FOR:
 MR. & MRS. ROBERT HONVA
 1231 BROOKINGS LANE
 SUNNY VALE, CA 94087

EXISTING
 SECOND FLOOR PLAN

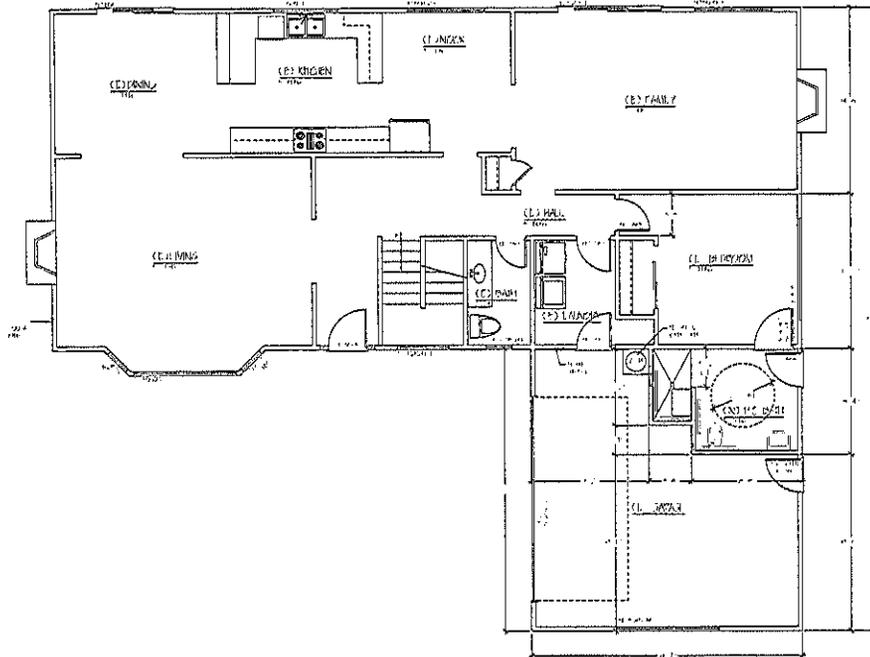
DATE	
CHECKED	
DRAWN	
SCALE	
AS NOTED	
BY	
SHEET	

2



RIGHT ELEVATION

SCALE: 1/4"=1'-0"



REMODELED FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"

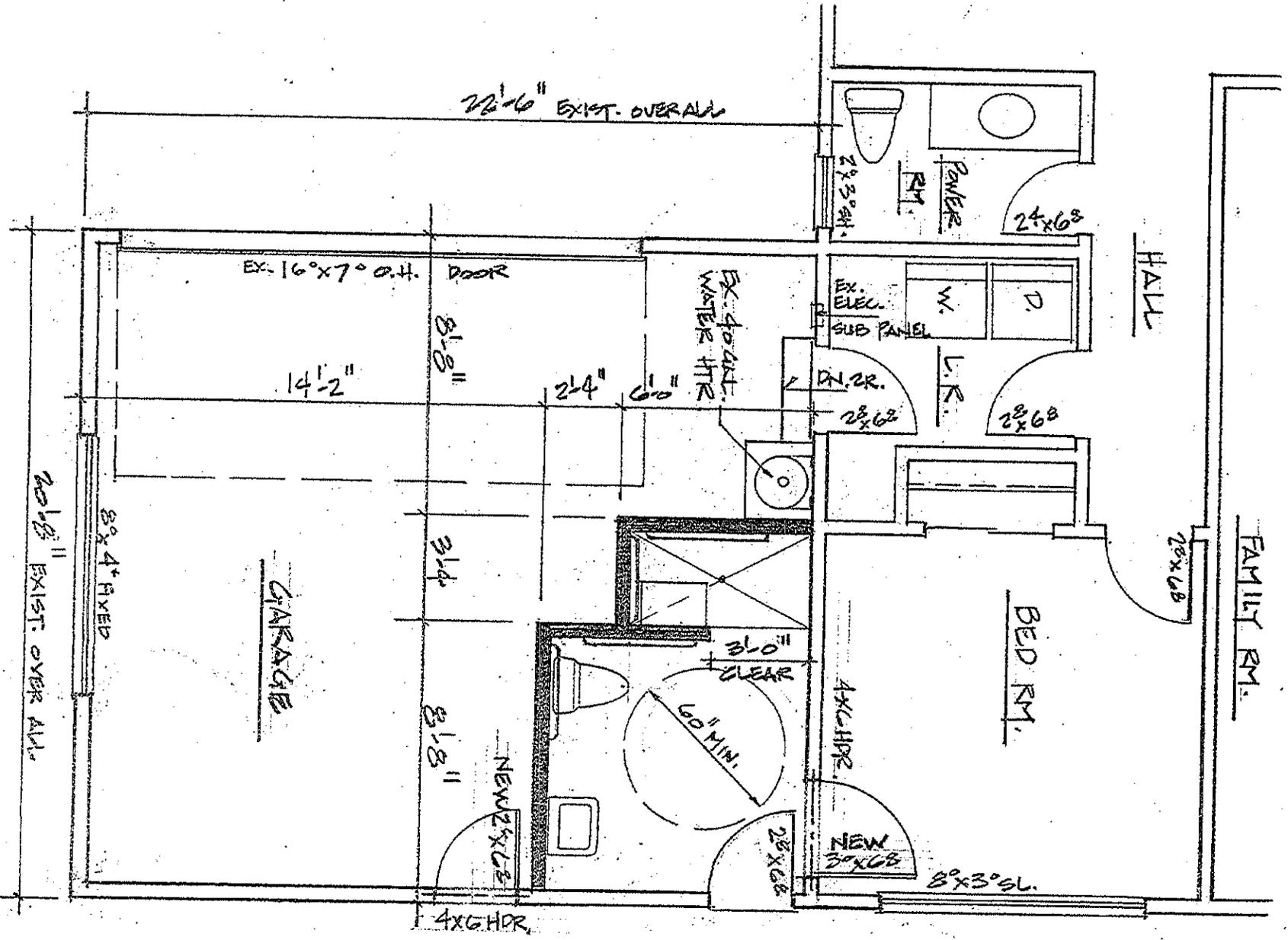
NO.	REVISION	BY

PREPARED BY:
 CHUCK LOZITO
 1040 6th AVE
 BEAUNTON, CA 94223
 (916) 845-3075

PROPOSED 2-STORY REMODEL
 PREPARED FOR:
 MR. & MRS. ROBERT HONMA
 1291 BRIDGES LANE
 SUNNY VALE, CA 94587

REMODELED FIRST
 FLOOR PLAN AND
 RIGHT ELEVATION

NO.	DESCRIPTION



PROPOSED H.C. BATH ROOM
 FLOOR PLAN 24'14" x 15'11"

20'10" EXIST. OVER ALL

26'10" EXIST. OVER ALL

EX. 16'0" x 7'0" O.H. DOOR

14'2"

8'0"

2'4"

6'0"

EX. FRONT WASTE HTR

EX. ELEC. SUB PANEL

DN. DR.

L.R.

28'x68"

24'x68"

HALL

FAMILY RM.

28'x68"

BED RM.

4'x6' HPR.

3'0" CLEAR

6'0" MIN.

28'x68"

NEW 28'x68"

8'x3'6"

NEW 28'x68"

3'6"

8'18"

8'0" x 4' FIXED

GARAGE

4'x6' HPR.

R. Honma

1291 Brookings Ln. Sunnyvale, CA 94087

Variance Justifications:

1. The current floor plan has a single downstairs bedroom for my elderly mother with only a small half bathroom to accommodate her needs. She has several health ailments (arthritis, diabetes, and dialysis). She has increasing difficulties walking and depends heavily on a wheel chair and walker to get around. She is unable to climb the stairs by herself in order to use the full bath/shower without assistance. Her Dr's. can attest to her current medical condition if necessary. We desperately need to provide her access to full bathroom facilities which are ADA compliant in order for her to remain as independent and safe as possible. There does not appear to be sufficient room to convert the existing ½ bathroom. It is also imperative that the bathroom be in close proximity to the only downstairs bedroom available. The garage is the most logical and accessible choice to build an additional full bathroom. We have sufficient driveway (5 cars) and street parking to accommodate the loss of one covered space without affecting the general public's ability to park.
2. There are no materially detrimental effects to the public welfare, etc. by approving this variance that we can foresee. This variance, if allowed, is not "perceivable" from the outside/public.
3. We are proposing building into existing space and the intent and purpose of the ordinance will still be served. Our request is to simply be allowed to build a full size ADA compliant bathroom into an already large 2 car garage space to accommodate someone with handicap accessible requirements.

8/27/08 Public Hearing with Administrative Hearing Officer

We are here today to apply for a variance from Sunnyvale Municipal Code section 19.46.060 to allow interior modifications to the floor plan of an existing home which would result in less than the required 2 covered parking spaces.

We purchased our Sunnyvale home almost two years ago to accommodate a growing family (myself, my husband, my mother-in-law, three children, ages 8, 6 and 3 years and our baby, who is due Oct. 1). It was a considerable purchase, but necessary as my mother-in-law, Fusako Honma, was unable to care for herself in Southern California. Our two-story home has more than enough rooms to accommodate everyone. However, there is only one bedroom downstairs with a half bath.

My mother-in law has considerable health issues: diabetes, severe arthritis, three back surgeries, two knee surgeries and requires twice weekly dialysis treatments. (Medical History and Medications are available upon request.) She is not capable of walking up stairways without assistance. Her health issues are also chronic and progressively debilitating at time goes on. The current half bath cannot accommodate her wheel chair or her walker, which she leaves outside in the hallway when using the bathroom.

We are requesting this variance because we would like to build a handicap accessible full bath attached to the downstairs bedroom for Mrs. Honma. In order to do this, we need to build into existing garage space. We believe using this space for the bathroom is the best solution for our family's needs for the following reasons:

1. **Medical necessity.** Because of Mrs. Honma's numerous health issues and limited mobility, a handicap accessible bathroom is necessary. An attached bath to her bedroom would make it much easier for her to use the toilet and shower in close proximity to her bedroom.
2. **Safety.** A private bathroom would provide a safe place to store her numerous medications and sharps (needles for insulin) away from young children.
3. **Privacy, modesty, dignity.** A private bath would provide privacy and protect Mrs. Honma's modesty and dignity when guests stay late. At this time, she must wait until our evening guests leave in order to use the shower upstairs. She does not wish to be seen in her nightgown or robe.
4. **Independence.** A private bathroom provides independence. Currently, Mrs. Honma must rely on me, who is 35 weeks pregnant, to help her up the stairs and into the bathtub. With a private, handicap accessible shower, she could disrobe in her bedroom and shower independently without having to walk down a hall or up the stairs.
5. **Allows full usage of the current half bath by other members of our family and guests.** Since the majority of our family time is spent downstairs, multiple members of the family trying to use one half bath can be frustrating, especially when our youngest members are potty training and Mrs. Honma needs ample time to use the facilities, checking blood sugar and taking medications. The wait time is multiplied when there are guests.

We respectfully submit to the Administrative Hearing Officer the following reasons to approve our application for a variance:

1. Building a handicap accessible bathroom is medically necessary for Mrs. Honma.
2. We are able to maintain four parking spaces on our driveway without using the garage or taking up street parking. With the modifications we are proposing, we will still maintain one covered parking space.
3. Our neighbors support our proposed design and do not have issues with parking. (See attached petition.)
4. Many of our neighbors park on their driveways and the street in order to use their garages for other purposes, e.g. storage, work space, etc.
5. We have gone to great length and expense drafting up alternative plans which we have discussed with Ryan Kuchenig. However, converting the current half bath is not an ideal option for the following reasons:
 - a. **Safety.** With very young children in the house, securing medications and needles used for insulin is a high priority. While child-safety locks are useful in keeping young children safe, they are extremely difficult for an 82 year old woman with arthritis and limited hand strength to use.
 - b. **Accessibility.** Eliminating the laundry room and placing the washer/dryer in the garage would limit Mrs. Honma's access to the laundry since she cannot independently navigate the steps down into the garage.
 - c. **Usage.** Converting the half bath would cause a problem for anyone else needing to use this bathroom if it is occupied by my mother-in-law, forcing people/children/guests to climb upstairs to use the bathroom. Currently, Mrs. Honma spends one hour in the bathroom every morning in order to get ready for her day (personal hygiene, make up, checking blood sugar, etc.) She spends about one hour in the evening to get ready for bed (includes shower time.) She also uses the bathroom for hand washing delicate laundry items and soaking sore feet.
6. Resale value on the home would not necessarily be negatively affected by the loss of a garage space. Adding a bathroom can more than offset the loss of a parking space depending on the buyer. In some cases, an ADA bathroom may be more attractive for families that desire to age in place.
7. Another neighbor a block away (1307 Belleville Way) has a converted garage with no covered spaces and ample driveway space to support four parking spaces.

Our greatest fear is that if we do not remedy this living situation for my mother-in-law soon, she may suffer a fall or injure herself if she must continue to use the upstairs bathroom for her needs. Also, continued shared usage of the downstairs bathroom increases the risk of injury to young children. We believe that a private, handicap accessible bathroom attached to the downstairs bedroom is the best solution for our family. Not only is it medically necessary, but it also enhances the quality of life and safety for our entire family.

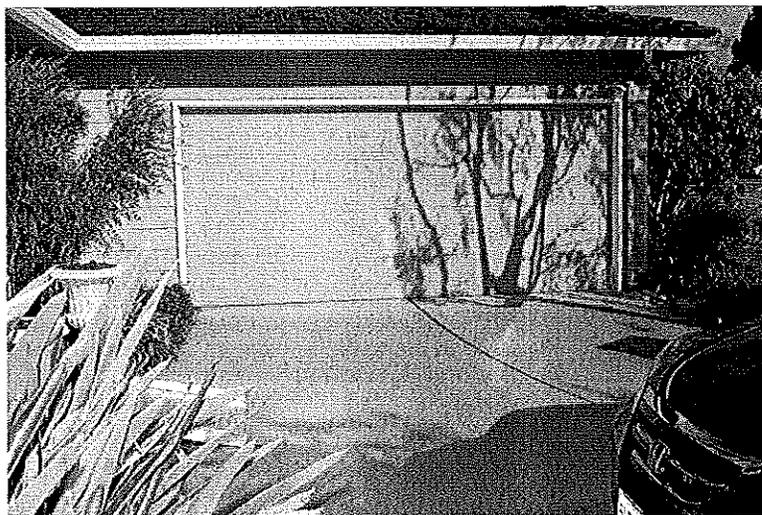
Thank you for your time and consideration. We humbly request that our variance be approved so that we can begin our project and safe guarding our home.

Petition to build handicap accessible bathroom at 1291 Brookings Lane, Sunnyvale, CA 94087

<p>Petition summary and background</p>	<p>Robert and Leilani Honma, owners and residents of 1291 Brookings Ln., Sunnyvale, CA, 94087 are applying for a Variance from Sunnyvale Municipal Code section 19.46.060 to allow interior modifications to the floor plan of an existing home which would result in less than the required 2 covered parking spaces. We are requesting the variance because of the need to build a handicap accessible bathroom attached to the current downstairs bedroom. This attached private bath would provide safety, accessibility and privacy for Fusako Honma, mother of Robert Honma, and current resident at 1291 Brookings Ln. Mrs. Honma has numerous health issues which include diabetes, severe arthritis, limited mobility due to several back and knee surgeries, and twice weekly dialysis treatments. A private bath, as opposed to a hallway bath, would also provide safety for our three (soon to be four) young children (ages 8, 6, 3 years and Baby due October 1, 2008) as Mrs. Honma uses many medications and needles for insulin.</p> <p>The issue at hand is the number of parking spaces that our property can support. Four total parking spaces are required by the City, two of which are required to be covered. In order to support our desired modifications to build a handicap accessible bathroom in the garage space, we will only have one covered parking space. However, our driveway can accommodate 4-5 parked cars. By having ample parking spaces on our property, building a handicap accessible bathroom would not negatively impact our neighborhood's street parking.</p> <p>By signing this petition, you support our desire to build a handicap accessible bathroom in the garage space, which would reduce our covered parking to one space, while maintaining another 4-5 space on the driveway, but not negatively impact the neighborhood's street parking.</p> <p>By signing this petition, you have also had the opportunity to speak with the owners and view the proposed modifications. Furthermore, you may contact the owners at any time at 408-739-4931.</p>
<p>Action petitioned for</p>	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to allow Robert and Leilani Honma to build a handicap accessible bathroom into the garage space, as requested, for Fusako Honma, mother of Robert Honma, and resident at 1291 Brookings Ln., Sunnyvale, CA, 94087.</p>



Ample driveway parking supports 4 cars/vans without blocking sidewalk.



Additional parking available in front of garage if needed.



Health Care Division

795 El Camino Real
Palo Alto, CA 94301
(650) 321-4121
www.pamf.org

Fusako Honma
1291 Brookings Lane
Sunnyvale, CA 94087
(408) 739-4931

September 30, 2008

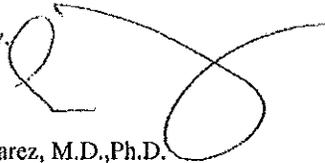
To Whom It May Concern:

The above named patient is currently under my medical care. She has peripheral vascular disease, osteoarthritis, type 2 diabetes mellitus, end stage renal disease which requires hemodialysis for life support. Ms. Honma also suffers from poor gait and uses a wheel chair. She uses injectable medications for management of her diabetes.

For safety purposes it would be advisable that Ms. Honma have a wheelchair accessible room and bathroom.

If you have any questions please feel free to contact me at the above telephone number.

Sincerely,



Luis Alvarez, M.D., Ph.D.

PT WORKS

experience effective physical therapy

Conrad Young
Physical Therapist794 Altos Oaks Drive, Los Altos, CA 94024
Tel (650) 947-9646
Fax (650) 947-9566Sunnyvale City planning Commission
Sunnyvale, CA

Wednesday, October 01, 2008

Sir/Madam

Re: Fusako Honma

I have had the pleasure of treating Ms Honma in the past and have been asked to briefly outline her physical state as of her last visit with me.

Ms Honma has physical limitations due to her severe osteo-arthritic joints, severe diabetes (currently on dialysis twice weekly), past spinal and bilateral knee surgeries.

Ms Honma has shown that she is dependent in use of a 4-wheeled-walker in all of her independent ambulation which makes stairs a formidable barrier and ascending stairs to use the upstairs bathroom would progressively cause a loss of independence and more need for outside care. Her access to her bathroom needs to encompass these features @ the minimum

- Smooth surface to roll the 4-wheeled walker in/out and with an appropriate turning circle
- Private and secure area to store her medications/equipment, safe away from infants and children sharing the home. Medications should be where they are secure and no subject to large changes to heat and / or humidity
- Toilet and sink should be at an appropriate height as to not challenge Ms Honma to sit or stand at a non-functional level
- Showering / bathing areas should be of safe accessibility levels with appropriate handrails

I agree with the necessary suggestions of medical necessity for Ms Honma's family to have alterations needed for her care and continued independence


Conrad Young, PT



MINUTES
SUNNYVALE ADMINISTRATIVE HEARING
Wednesday, August 27, 2008

2008-0802 – Application for a Variance from Sunnyvale Municipal Code section 19.46.060 to allow interior modifications to the floor plan of an existing home which would result in less than the required 2 covered parking spaces. The property is located at **1291 Brookings Lane** (near Belleville Wy.) in an R-1 (Low Density Residential) Zoning District. (APN: 320-29-050) RK

In Attendance: Leilani Honma, applicant; Lusako Honma, resident

Staff Present: Andy Miner, Administrative Hearing Officer; Mariya Hodge, Assistant Planner; Ryan Kuchenig, Associate Planner; Joey Mariano, Staff Office Assistant.

Andy Miner, Principal Planner, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Mr. Kuchenig, presented the staff report.

Leilani Honma, property owner, noted that she is present with her mother, Lusako Honma, who is the reason why they are asking for a Variance as she is disabled and is in need of a private ADA (Americans with Disabilities Act) approved bathroom adjacent to her bedroom. She noted that Mr. Kuchenig has recommended that they have their existing hallway bathroom converted. She noted that due to her mother's medical conditions, need for convenience, need for privacy when there are house guests, and for the safety for her young children, a private attached ADA accessible bathroom is in need. Ms. Honma handed out a sheet that lists the reasons for asking for a private ADA accessible bathroom. She then noted that Lusako Honma currently has to climb up and down the stairs to use the bathroom and shower, and further stated that she has to put on a nightgown when there are guests or has to wait for them to leave in order to access the upstairs' bathroom. She also noted that if she has her own bathroom, the need for secondary help will be minimized as she has two children and one more on the way. She further noted that with a private bath, all their concerns will be met and their lifestyle will be a little easier.

Ms. Honma further noted that she is aware of losing a covered parking space as the proposed design sets into the garage; but they can accommodate 4-5 parking spaces without using street parking with their current driveway. She noted that their neighbors are in support of their design as she handed a petition to the hearing officer. She noted that there are neighbors that use their garage for storage and park their vehicles on the street. She further noted that her husband has been talking to Ryan Kuchenig and that they are aware of his recommendation of putting child-safety locks; however, her mother cannot use the child safety locks herself due to her weakened hand strength from her disability. She further noted that an ADA compliant bathroom is an upgrade to the value of the home.

Mr. Miner asked staff if they could use the space on the side or in front of the home instead of setting the bathroom into the garage area. Mr. Kuchenig noted that it would encroach into the side yard setback with this current design. He then asked the applicant if they have looked at the possibility of expanding to the front. Ms. Honma noted that Mr. Kuchenig has not suggested that possibility.

Ms. Honma then stated that she is aware of an approved garage conversion as their proposal. Staff recommended putting this item under advisement to review that project.

Mr. Miner asked staff if the home with the same design is permitted. Mr. Kuchenig stated that he does not know if it is conforming or not. Ms. Honma noted that the bathroom was the original design of the house.

Mr. Miner closed the public hearing.

ACTION: The Administrative Hearing Officer took the application under advisement until tomorrow, Thursday, August 28, 2008. On that day the Administrative Hearing Officer denied the application due to the inability to make the findings.

APPEAL OPTIONS: May be appealed to the Planning Commission by Friday, September 12, 2008

Minutes approved by:



Andrew Miner, Principal Planner