



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES
Wednesday, March 31, 2008

2008-0131 - Application for a Variance to allow a 25' tall accessory utility building (free-standing aerial rope apparatus) in the rear yard of a single-family residence. The property is located at **1110 Breezewood Ct.** (at Palamos Avenue) in an R-0 (Low Density Residential) Zoning District. (APN: 104-26-024) RZ

In attendance: Tracy Devincenzi, Applicant; Andrew Miner, Administrative Hearing Officer; Rosemarie Zulueta, Project Planner; Luis Uribe, Staff Office Assistant.

Mr. Andrew Miner, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Mr. Miner announced the subject application.

Rosemarie Zulueta, Project Planner, stated that the applicant is proposing to construct a 25-foot tall freestanding aerial rope apparatus in the rear yard at 1110 Breezewood Ct. The structure is considered an "accessory utility building" under the Sunnyvale Municipal Code (SMC). The structure does not contain floor area and meets setback and lot coverage requirements. However, a Variance is required because SMC prohibits accessory utility buildings greater than 15 feet in height. Staff has not received any public comments but the applicant did make an effort to contact neighbors that would be affected by the apparatus.

Mr. Miner clarified that if the applicant was to reduce the apparatus to 15 feet that an approval can be made at staff level. He also wanted to know the height of the telephone pole that is adjacent to the property. Ms. Zulueta stated that she spoke with someone at PG&E and she was informed that the typical height of a utility pole in a residential neighborhood was 40 feet which 5 to 6 feet is located underground.

Mr. Miner opened the public hearing.

Tracy Devincenzi, Applicant, received and reviewed a copy of the staff report. Ms. Devincenzi stated that she has the opportunity to join the Aerial Rope Angels who perform around the world. The applicant stated that she currently trains in San Francisco and in order for her to be up to par with the other performers she must practice 5 to 6 hours daily. Ms. Devincenzi stated that driving back and forth everyday is taking a toll on her financially due to the amount of gas that must be used. She also stated that she spoke to a number of her neighbors and explained to them the situation and showed them pictures of the apparatus, she received support. She also stated that trees will provide additional screening. Ms. Devincenzi stated that practice would take place during normal business hours (8 a.m. - 5 p.m.) and she does not feel that her practicing will be disruptive to the neighborhood. She also submitted a petition signed by her neighbors in support of the project. The applicant stated that the apparatus is not a permanent fixture and it will be removed after two years.

Mr. Miner asked the applicant if 15 feet would be efficient enough. The applicant stated that the height is imperative and anything lower would be dangerous. The applicant also stated that she had people that specialize in this type of apparatus come and take measurements of the back yard to make sure there is no interference with power lines.

Mr. Miner asked staff if a building permit would be required and Ms. Zulueta stated that anything over 6 feet would require a building permit. Mr. Miner also wanted to know if staff researched a possible time restriction that can be associated with the apparatus. Ms. Zulueta stated that a variance runs with the land and she was unable to include a condition of approval that put a time restriction on the variance.

Mr. Miner closed the public hearing.

Mr. Miner denied the application due to the inability to make the findings.

Mr. Miner stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.

The meeting was adjourned at 3:09 p.m.

Minutes approved by:

Andrew Miner

Principal Planner