



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES

Wednesday, August 13, 2008

2008-0571: Application for related proposals located at **1563 Benton Street** (at Kensington Ave.) in an R-0 (Low Density Residential) Zoning District. (APN: 313-33-009) MH;

- **Use Permit** to allow an approximately 11' tall fence along the reducible front yard.
- **Variance** from Sunnyvale Municipal Code section 19.34.040 to allow a deck taller than 18" with zero setback in the reducible front yard where a 9' setback is required.

In attendance: William Weils, Applicant; Richard Treanor, Neighbor; Judi Kidwell, Neighbor; Manfred Mueller, Neighbor; Gerri Caruso, Administrative Hearing Officer; Mariya Hodge, Project Planner; Luis Uribe, Staff Office Assistant.

Ms. Gerri Caruso, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

Mariya Hodge, Project Planner, stated that the proposed project has two aspects: a new deck and a new fence along the north property line along Kensington Avenue. The proposed raised deck would be located in the required reducible front yard setback and would have a height of approximately 6' 1" above the top of the adjacent curb (at the level of the home's finished floor). The applicant is requesting a Variance to allow the deck to be located at the property line with no setback where a 9' setback is required. (Note that the project plans submitted by the applicant, Attachment D, incorrectly show the property line located at the back of the sidewalk. The actual property line is 5' 6" behind the back of the sidewalk. Due to this error, the location of the corner vision triangle is also shown incorrectly on the plans. It appears a small portion of the proposed deck would be located in the corner vision triangle as currently proposed.)

The proposed fence along the reducible front yard would consist of 9' 9" of solid wood boards and 1' of lattice resulting in a height of approximately 10' 9" as measured from the top of the adjacent curb. The interior height of the fence would be approximately 8' 3" as measured from the current grade of the lot at the property line, approximately 6' 6" as measured from the average grade of the rear yard, and approximately 4' 8" as measured from the level of the proposed deck (see Attachment D – Plans).

Ms. Caruso opened the public hearing.

William Weils, Applicant, received and reviewed a copy of the staff report. The applicant stated that he has been working with the One-Stop for the past 12 months to come up with the purposed plan. He also mentioned that he feels there are sections in the report that are distorted. The applicant mentioned that he would like to have relief from the

slope/grade and the 3 foot raised foundation and that he would prefer to have an exterior measurement of 10 foot 3 inches. Ms. Caruso asked the applicant to explain what he meant by relief, Mr. Weils explained that it has to do with whether or not the deck will be measured at the grade or the curb. The applicant also mentioned that the window and door will be completely exposed if the fence is to have a 6 foot interior height requirement due to the fact that part of the house is on a 3 foot grade.

Richard Treanor, Neighbor, stated that he is in support of the project and that he has benefited from the up keep that his neighbor has done with the property.

Judi Kidwell, Neighbor, stated that she is in support of the project and that the applicant has done nothing but great things to the property. She also stated that this has no effect on any of the neighbors.

Mandfred Mueller, Neighbor, stated that he is in support of the purposed project.

The applicant stated that he is willing to work with the city to come up with a plan that will benefit both him and the city.

Ms. Caruso closed the public hearing.

Ms. Caruso took the application under advisement so a site visit may be conducted. On Monday, August 18, 2008 the Hearing Officer denied the Variance and approved the Use Permit.

Ms. Caruso 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 2:19 p.m.

Minutes approved by:

Gerri Caruso

Principal Planner