

PLANNING COMMISSION MINUTES OF JUNE 23, 2008

2008-0121: Appeal by applicant of a decision of the Administrative Hearing Officer's denying an application for a Variance from Sunnyvale Municipal Code section 19.34.066 to allow an addition in the 40-foot corner vision triangle. The property is located at **305 East Arques Avenue** (at N. Bayview Ave.) in an R-0 (Low Density Residential) Zoning District. (APN: 204-40-049) SL

Steve Lynch, Senior Planner, presented the staff report. He said staff recommends the Commission deny the appeal and uphold the decision of the Administrative Hearing Officer to deny the Variance.

Chair Sulser opened the public hearing.

Dennis Shafer, architect representing the applicant, said they have read the Planning staff's recommendation. He said that he thinks that the circumstance for the Variance request is extraordinary. He described the location of the proposed site and how it is unique from the other neighboring corners along Central Expressway. He provided a piece of paper showing what 8 square feet looks like, which he said is not very large. He said the existing house which was legally built and was approved, sticks out about 8 feet. He said that if the point of the vision triangle is to allow better visibility that the legal existing corner is what is blocking the vision triangle and not the proposed addition. He said allowing the Variance would not affect any visibility. He said that any adjustment to the proposed project takes away space and affects the rest of the house. He said that in regards to the findings, that he thinks this is an extraordinary site.

Chair Sulser closed the public hearing.

Vice Chair Rowe referred to the illustration on page 2 of the report and asked staff why some of the corners are curved and some are squared. Mr. Lynch said that the property right-of-ways of the different streets were developed at different times. He said that Jackson Avenue and Schroeder Avenue are newer developments and there are different configuration requirements at different times. Vice Chair Rowe asked about an addition to the house that she saw on her site visit. Staff said the addition does not appear to have been completed with permits and part of this application will include the applicant removing the old addition and bringing this area back into compliance including the setbacks in this area.

Comm. Babcock moved for Alternative 2 to grant the appeal and approve the Variance with the attached conditions. Vice Chair Rowe seconded the motion.

Comm. Babcock said she was able to make all three of the findings to grant the appeal and approve the Variance. She said she thinks this is an extraordinary circumstance as there is no vision triangle that is being blocked by this addition as it is already blocked by a legal non conforming portion of the house. She said that the Variance is a minute size that is being requested and is less than 1%. She explained that Variances are difficult for the Commission to approve as the findings are often difficult to make.

Vice Chair Rowe said she does not usually support requests for Variances. She said she agrees with Comm. Babcock's comments. She said if another person came to the Commission requesting a Variance for less than 1% that she would have to compare it to this request. Vice Chair Rowe said she agrees that the proposed addition seems to be hidden by the legal non-conforming portion of the house.

Comm. Simons said he would not be supporting the motion. He said for consistency sake that he concurs with staff and cannot support the Variance.

Comm. Hungerford said he would be supporting the motion as he is able to make the findings. He said this small addition will have no impact on the vision triangle.

ACTION: Comm. Babcock made a motion on 2008-0121 to grant the appeal and approve the Variance with the attached conditions. Vice Chair Rowe seconded. Motion carried , 6-1, with Comm. Simons dissenting.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than July 9, 2008.