

PLANNING COMMISSION MINUTES OF JULY 25, 2011

FILE #: 2011-7240
Location: 319 Bishop Ave. (APN: 209-31-062)
Proposed Project: Appeal of Zoning Administrator decision denying a **Variance** to allow a one car garage for an addition of 543 square feet and new total square footage of 1,947.
Environmental Review: Categorically Exempt Class 1
Staff Contact: Shaunn Mendrin, 408-730-7429
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Vice Chair Larsson said he owns property near the project, recused himself and left the Council Chambers.

Shaunn Mendrin, Senior Planner, presented the staff report.

Chair Hendricks opened the public hearing.

Ken Rheume, applicant and appellant, discussed the code regarding parking. He addressed the findings and provided examples to support how his project meets the findings for a Variance. He discussed the location of his property in relation to the Downtown Specific Plan (DSP) area and that the property is within walking distance of mass transit. He discussed the size and shape of property and that he would have to demolish and reconfigure his house to add a two-car garage. He said that adding a two-car garage would result in losing the character of the front of the house and he would lose his fireplace. Mr. Rheume discussed his proposed addition and said that it would not increase the on-street parking demand. He said his existing one-car garage is larger than a standard garage and when included in the square footage of the home makes him reach the 1,800 square foot size more quickly. He said the existing garage square footage triggers the two covered parking spaces requirement more quickly. He said by granting the Variance that he would not be receiving a special privilege, and discussed other similar projects. He said he is willing to increase the driveway to include a third space if required. Mr. Rheume addressed portions of the report. He discussed the option of reduction of the square footage of the addition and explained the difficulty of a reduction. He discussed the objective of the ordinance which is "to minimize on-street parking in certain neighborhoods and not to limit the lot coverage." He asked that the Commission consider one of three options: to approve the Variance as-is based on his responses to the findings; to approve the Variance as-is and require a third driveway space as allowed on a previous project; or include a standard garage size in determining square footage which would only require a reduction of 27 square feet.

Comm. Chang discussed with the applicant the effect of extending the covered parking which would force a reconfiguration of the house, resulting in the loss of his fireplace. Staff commented that alternatives were discussed with the applicant and none of them met the applicant's needs so he went forward with the Variance application.

Chair Hendricks discussed with staff a possible three-car driveway in the front of house. Staff said that aesthetically the three-car driveway is not the best choice for this property; however the Commission may consider other factors and find a Variance is justified. Comm. Hendricks said, in theory, all decisions for a Variance in the future should be made on an individual basis and not based on precedence. Ms. Ryan agreed and noted that there also is an obligation to make sure the rules are being applied the same. Comm. Hendricks discussed the lot width with staff.

Comm. Dohadwala discussed with staff new home parking space requirements, the intent of covered and uncovered parking, and a parking Study Issue completed in 2002.

Jamey O'Ward, a Sunnyvale resident, spoke in support of the project. He said he lives in an older neighborhood and thinks that single-car garage owners are singled out by this policy, preventing expansion of homes to a reasonable size. He said the policy needs to be reviewed and he thinks Variances should be reviewed on a case-by-case basis. Mr. O'Ward said Mr. Rheume's home is unique as the fireplace is in the middle of the house and inside the garage which makes the size of his garage unique.

Mr. Rheume said his desire would be to use the standard garage size towards the calculation to reach the 1,800 square foot size and reduce the proposal by 27 square feet. He said he does not want the third parking space, hopes his case will not be denied for fear of setting precedence, and asked the Commission to support the Variance.

Chair Hendricks clarified with Mr. Rheume that he is asking the Commission to change the way the size of the garage is figured mathematically and not actually change the size of the garage. Chair Hendricks discussed with Mr. Rheume a possible future addition to this property that would not include any additional sleeping area.

Chair Hendricks closed the public hearing.

Chair Hendricks asked staff about other houses on the street with different garage situations and whether they were considered by the Zoning Administrator when the Variance was denied. Staff said a site visit was made.

Comm. Travis moved for Alternative 2, to grant the Appeal and approve Variance. Chair Hendricks seconded the motion.

Comm. Travis said normally he does not approve Variances; however he was able to make the findings for this project, referring to Attachment A explaining in detail how he was able to make each of the findings. He said if the Commission requires the applicant to include a two-car garage he would have to remove the fireplace and make changes to the house that would be exceptional or extraordinary. Comm. Travis said that the applicant is not adding a lot to the house so he does not see this as detrimental to the public or injurious to the neighborhood. Comm. Travis said he does not see that granting this variance would set a precedence.

Chair Hendricks said he likes the way Comm. Travis explained how he was able to make the findings. He said he also is able to make the findings, that he is looking at this as an individual case, and is not considering this as setting precedence for other projects, and agrees with the staff finding that this will not be a grant of special privilege.

Comm. Sulser said he is leaning towards not supporting the Variance as he cannot find that this is an exceptional circumstance.

Comm. Dohadwala said she would not be supporting the motion. She explained her reasoning, said she believes it would set precedence, and that upgrades to homes need to be updated with current standards.

Comm. Travis posed the question, "How do you solve the problem, the issue with including a two-car garage, with a non-extraordinary measure?" He said he thinks this is an extraordinary circumstance.

Comm. Kolchak said he would be supporting the motion as he does not see a possible floor plan that would make a two-car garage work due to the width of the lot. He said if there are other proposals to make a two-car garage work without significant changing of the current floor plan that he might be able to support that proposal.

Comm. Chang said he would be supporting the motion as he can make the findings and he thinks this is an extraordinary situation.

ACTION: Comm. Travis made a motion on 2011-7240 to grant the Appeal and approve Variance. Chair Hendricks seconded. Motion carried 4-2, with Comm. Dohadwala and Comm. Sulser dissenting, and Vice Chair Larsson recusing himself.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than August 9, 2011.

Vice Chair Larsson returned to the Council Chambers for the remainder of the meeting.