



VARIANCE JUSTIFICATIONS

All three of the following findings must be made in order to approve a Variance application.

The Sunnyvale Municipal code states that all three of the following justifications must be met before granting the Variance. Please provide us information on how your project meets all of the following criteria.

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 of privileges enjoyed by other properties in the vicinity and within the same zoning district.

AND

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.

AND

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.

If you need assistance in answering any of these justifications, contact the Planning Division staff at the One-Stop Permit Center.

Projects description: Move front bedroom wall two and one half feet closer to the street, without changing the roof line and staying within the existing eave overhang. The project would impact in the Front Setback. Only a portion of the project will encroach in the setback. The intent is to maintain all the Eichler details of the existing siding and windows.

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 of privileges enjoyed by other properties in the vicinity and within the same zoning district.

- The variance is requested for the addition. This is caused by the layout of the street. This property is right at a curve in the street. This causes the challenge. Several houses are in the "curve", they have this challenge. Houses that are not in the curve don't have this challenge.
- As the house was originally built, it is already impacting into the front setback. This is obviously an original deviation that was granted to the developer. This indicates there was already an understanding of the unique challenges of the property. There have been no complaints or issues over the years because of this.
- The house is purposefully placed forward (towards the street) on the property. Because of the curve in the street to try and reduce a "jutting out effect" for the alignment of the homes on the street, this home was placed forward on the property. If this home had been placed at the same distance from the street as other homes then there would be a weird alignment of the homes. There would be a large separation in how the homes align from the street.
 - Because this property was selected as one of the "alignment" properties, I am running into this setback issue. Other homes on the street would be able to implement this room expansion without running into this setback issue..
- If this variance was requested as part of the original development and averaged over the entire project, it is very possible this would be granted. If this variance is approved, the overall cumulative effect on the setbacks for the entire street or zoning district is very minor.
- The project could only expand one of the front bedrooms (instead of both). This would keep the project within the designed setbacks, but it would go against the Eichler Design Guidelines of having a "solid wall front façade".
 - The project will stay within the definitions of the Eichler Design Guidelines adopted July 28, 2009 even though they only apply when increasing the floor area by 20% or more.
 - Creating additions that blend with the existing architectural design. (Page 7)
 - Relatively solid wall front facades
 - Vertical-grooved wood siding
 - Vertical slot windows on front facades and sidelights, often with translucent glazing
 - 3.1.4 – Design homes with architectural integrity
 - 3.2.1.b – at the front of the house, design the forms and details to appear as though they are part of the original house.
 - 3.5.1 – Match the original house material and details.
 - 3.7.1

- a) Use simple floor plans with rectangular shapes similar to Eichler homes.
- B) Provide front façade offsets and/or inserts similar to typical Eichler floorplans.
- D) Use flat or low pitched roofs with overhangs.
- E) Use post and beam construction methods.
- Appendix B:
 - Maintain one-story character
 - Keep original roof pitch
 - Do not enclose an entryway or carport
 - Use exterior materials that are identical to or closely resemble the original materials, especially where they will be visible from the public way.
 - Preserve defining architectural features such as eave overhangs, supporting rafters....front windows ...or other original design aspects.

AND

- 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.**

This variance would not be materially detrimental to the public welfare or injurious to the property, improvements or other uses within the immediate area.

This addition is designed to mimic the existing structure. The project does this by building the extended wall within the existing roof line. Some portion of the existing eave will be maintained. Windows of similar size, shape and placement will be used. Eichler siding will be used. The intent is for the replacement wall to be indistinguishable from the prior wall. It will just be two and one half feet closer to the property line. If you did not see the construction happen, it should not be obvious that it occurred.

By staying within the existing roof line and not expanding the area of the roof, the project does not have as much visible impact to the view of pedestrians or residents on the street. There is no vision triangle or other line-of-sight challenge with this property.

Other homes in the District have done this type of expansion, see attached pictures.

They are on straight streets and do not appear to have dealt with this variance issue. (Sheraton and Pome).

AND

- 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.**

The purpose of the ordinance will be served. There will still be plenty of room for landscaping in front of the property. The appearance of the neighborhood will not be negatively impacted as the elevation of the front of the property will remain very similar.

Because we are not changing or expanding the roof line of the house there will not be much appearance of any encroachment towards the street.

By allowing this variance, the City is not granting any special privilege. This property will be allowed to do similar things that other homes on the street or zoning district could do. The reason this property needs the variance is because of the unique issues that were presented the original developers because of the curve in the street and the solution they choose to implement.