

Variance Application for Accessory Structure

160 South Pastoria Ave

Project Data:

Lot size:	50' x 115' (5750 square feet)
Existing house:	
Living area:	1508 square feet
Garage:	280 square feet
Covered front patio:	24 square feet
Back deck (uncovered):	425 square feet
FAR:	31.1%
Coverage:	31.5%
Grade (front to back):	-0.9%
Grade (between sides):	0%
Roof pitch:	4.8 / 12
Roof material:	asphalt shingle
Proposed structure:	
Living area addition:	112 square feet
Existing + Proposed:	1620 square feet
New FAR:	33.0%
New Coverage:	33.5%
Roof slope:	1.8 / 12
Roof material:	Peel and stick roofing

Introduction:

We purchased the house at 160 South Pastoria Avenue in Sunnyvale in 2022. We are longtime residents of Sunnyvale, and were finally able to purchase the 3-bedroom home with a large mortgage in 2022. As a family of four with one parent working from home, we bought the house with the expectation that we would need to add some workspace.

The 112 square foot office studio shown in Figure 1 and in the attached drawings was built in our backyard with the belief that it fit within the guidelines of structures less than 120 square feet that do not require a permit for construction. However, the roof of the studio rises from 8 ft 7 in at the back of the structure to 9 ft 11 in at the front of the structure, which exceeds the city height requirement for accessory structures.

This mistake was made, in part due to consulting the City of Sunnyvale online document titled “Work Not Requiring a Building Permit” (<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1726/637883968950400000>), in which the second item does not mention the height requirement. (also note that the link provided for more information is broken)

2. One-story detached accessory structures (e.g. tool and storage sheds) that do not exceed 120 square feet of floor area and do not have any utilities connected.

Note: Approval from the Planning Division may be required depending on the location of the accessory structure. For more information, see Accessory Structures Residential.

A professional architect and builder (Wellmade - San Leandro, California) was consulted and contracted to build a structure that fit below the 120 square foot restriction. The structure was built in June 2023. We refer to the type of structure as an Accessory Studio Office in this application.

This variance application requests that the City of Sunnyvale recognize the unique benefits of Accessory Studio Offices that are not addressed by ordinances intended for garden sheds and that the structure be allowed to keep the roofline that slopes up from 8 ft 7 in at the back to 9 ft 11 in at the front. Removing the structure would impose an unreasonable hardship. We present in the findings that:

- The structure, as built, contributes to the overall improvement of the property and neighborhood.
- It is the best option to meet the use requirement of office space for work-from-home parents for all interested parties, including myself, the neighborhood and the City.
- The existing design of the structure, including height, is required to fulfil its purpose as an Accessory Studio Office.
- The structure, as built, does not significantly impede any sightline.
- Accessory Studio Offices provide many of the same benefits to the community as ADUs including making housing more affordable, yet homeowners requiring at-home offices are deprived of the privileges provided for ADUs.
- Due to the property surroundings and property dimensions, placing the as-built structure to meet a rear property setback requirement of 10 feet would impede the views from the neighboring properties.
- The structure, as built, does not grant special privileges not enjoyed by other surrounding property owners.
- Surrounding property owners on all sides are supportive of keeping the structure as it is built.



Figure 1. Accessory Studio Office

Findings:

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.**

Property size, shape and surroundings:

The property is unique in its surroundings because it is positioned between neighboring houses on both sides that are built close to the side property lines AND extend back almost to the rear property lines. The property has a relatively long, narrow property shape that is sandwiched between the two neighboring properties. Each of these neighboring houses are built to within 4 ft of the side property lines and have large outward facing windows. If the proposed Accessory Studio Office were placed at a rear setback of 10 feet for non-ADU structures over 8 ft in height, it would be directly impeding views from neighbor properties. It would be unfair to the neighbors to require us to move the structure back to where it would impede their views.

Property use:

The use of this structure as a studio office differs considerably from the use of garden sheds, for which the City ordinances for detached accessory structures were intended.

The Washington Park neighborhood near downtown Sunnyvale and the park is attractive for young families, however the houses are typically small with two or three bedrooms. This makes them slightly more affordable than some other areas of the city, but for a family of four, with a parent that works from a home office, to use this property, additional workspace is required. Recent increases to the already high cost of housing in Sunnyvale including home prices that continue to rise, mortgage rates at their highest point in 20 years, property taxes and high building costs make it prohibitive for new, first-time homebuyers to finance new additions to the existing house structure to add needed family living and working space. It is more cost effective and attractive to build a detached structure that does not require tying into existing construction. The City of Sunnyvale recognizes and has addressed similar issues for other property owners in the area that want to add living space by allowing the construction of ADUs that greatly exceed the allowable dimensions for Accessory Studio Offices. Property owners that need additional space to work from home (which has become a common imperative since the pandemic) are deprived of the same privileges as property owners that build ADUs, which can be up to 16 feet tall. Given the current economics and post-pandemic work patterns, it is a necessity to allow homeowners the ability to construct detached Accessory Studio Offices.

The detached Accessory Studio Office is the most compact and affordable solution to improve the use of this property for a family with a parent that works from home. A detached Studio Office can be lower in height than a house addition, but it is not practical to limit the height of a Studio Office to 8 ft. With the necessary offset in floor height above grade of about 10 inches, the minimum thickness of the roof and a required roof slope to allow drainage of at least $\frac{1}{4}$ " per foot, the interior height would be only a little more than 6 ft if the exterior height is limited to 8 ft. In this situation, building a Studio Office that slightly exceeds 8 ft in height should be allowed instead of requiring the property owner to build an unnecessary larger and more expensive full ADU that would impede neighboring property views.

- 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.**

The structure was built as part of an overall property improvement, including landscaping that replaced the lawn with native plants. We want to contribute to the attractiveness of the neighborhood. The Accessory Studio Office increases the usefulness of the property and, we feel, increases its value and the value of neighboring properties.

The construction and building materials are high quality. The studio was designed and built by a professional architect and construction crew. Please see the attached design drawings by Wellmade Designs.

Please also refer to the attached letters of support from neighbors on all three sides of the property, demonstrating that the Accessory Structure is not detrimental to the properties in

the immediate vicinity in any way. The letters note that the structure does not cause any problems or inconvenience for them and that they are fully supportive of the design as the right solution for the intended use as a home office.

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 intended purpose of the City's residential building requirements is to preserve the health, safety and quality of life of the residents. The ordinances promote safe building that contributes to the overall improvement of the neighborhood. This includes new building allowances for ADUs, with many stated benefits in the City of Sunnyvale ADU brochure including providing more affordable housing for young adults and aging residents and as a way for homeowners to supplement their income (<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1766/63818616896050000>).

In many ways, although it does not have a bathroom or kitchen, the Accessory Studio Office provides similar benefits – it makes it possible for a family with two parents and two children to live in a small 3-bedroom house, even with one parent working from home. Limiting the exterior height of the Accessory Studio Office to fit within an 8 ft limit would severely reduce the quality and function of the structure. Surrounding properties in the same zoning district are now permitted to build ADUs that are larger AND much taller than the proposed Accessory Studio Office with less setback from the property line. The City code, as currently written to classify backyard office studios in the same category as tool sheds, deprives homeowners of the option to build small, yet functional Accessory Studio Offices.

The intent of the height ordinance for detached structures (to maintain privacy and lines of view between neighboring properties) is still served in granting this variance because privacy and lines of view are very similar in the two cases of a roof gradually sloping up from about 8 ft and a level 8 ft roof:

- A. As built: roof height gradually sloping up from about 8 ft at the back
- B. Code: level 8 ft roof height

Even if possible, lowering the roof on the front side to make the roof a level 8 ft would not substantially change the view of the structure from the rear side closest to the property line. In addition, the structure is shielded by trees and neighboring property accessory detached structures on all sides (see attached Plan View drawing), which blocks the view of the roofline from most viewpoints on neighboring properties.

The attached letters of support from the neighboring residents on all sides of the property clearly show that the purpose of the ordinance in not building structures that impose on neighboring properties is still served. Furthermore, the letters demonstrate that they do not believe that the variance would grant special privileges not enjoyed by surrounding properties. The Accessory Studio Office, as-built, serves a similar purpose to an ADU, but with much less impact on the surrounding properties due to its smaller size and thoughtful design.

Finally, we note some structures on properties in the vicinity, which may or may not meet City Planning requirements, and which have a greater negative impact on the neighborhood appearance, but which provide the property owners privileges above what is provided through strict application of the ordinance to this accessory structure.

- Multi-story apartment buildings are built close to the property lines (161 Waverly)
- Two-story backyard duplex (168 Pastoria)
- Possibly non-conforming structures in height and setback (136 Pastoria)

Conclusion:

We have shown that the three Findings required for approval of the variance application are met:

1. Property use, size, shape and surroundings:
 - The use requirements of a home office are different from other detached structures for which the ordinances were designed.
 - It is not practical to build Accessory Studio Offices that meet the ordinance's height requirements for detached accessory structures.
 - Accessory Studio Offices provide an overall benefit to the neighborhood.
 - Because of the property size, shape and surroundings sandwiched between neighboring houses, the strict application of the ordinance would deprive the property owner and neighboring property owners of privileges enjoyed by other properties in the vicinity.
2. The granting of the Variance will not be materially detrimental to the public welfare:
 - The structure, as designed, provides a benefit and improvement to the neighborhood.
 - The neighbors on all three sides of the property support and approve of the structure as it is designed.
3. The intent and purpose of the ordinance will still be served:
 - The structure serves a similar purpose to an ADU, but with much less impact on the surrounding properties.
 - The current design of the structure does not impede any views or impose on surrounding properties.
 - The current placement of the structure is optimal to not impose on neighboring properties.

- The current design of the structure is required to meet the purposes of health, safety and function.
- Other structures in the neighborhood and letters of support from neighbors demonstrate that the variance would not grant special privileges not enjoyed by other surrounding properties.

It is in the City's interest to promote the responsible construction of Accessory Studio Offices to help alleviate the housing challenges in Sunnyvale. This variance is necessary to meet that need. The currently designed Accessory Studio Office is the best option from the point-of-view of the homeowner, the neighbors and the City. Thank you for your consideration.

Attachments:

1. Property Plans for 160 South Pastoria Ave (160_S_Pastoria_Plans_revB.pdf)
2. Support letter from 159 Waverly Street (Letter_of_Support_159_Waverly_Street.pdf)
3. Support letter from 164 South Pastoria Avenue
(Letter_of_Support_164_South_Pastoria_Avenue.pdf)
4. Support letter from 156 South Pastoria Avenue
(Letter_of_Support_156_South_Pastoria_Avenue.pdf)
5. Review questions response letter (PLNG-2023-0642_Response_Letter.pdf)