

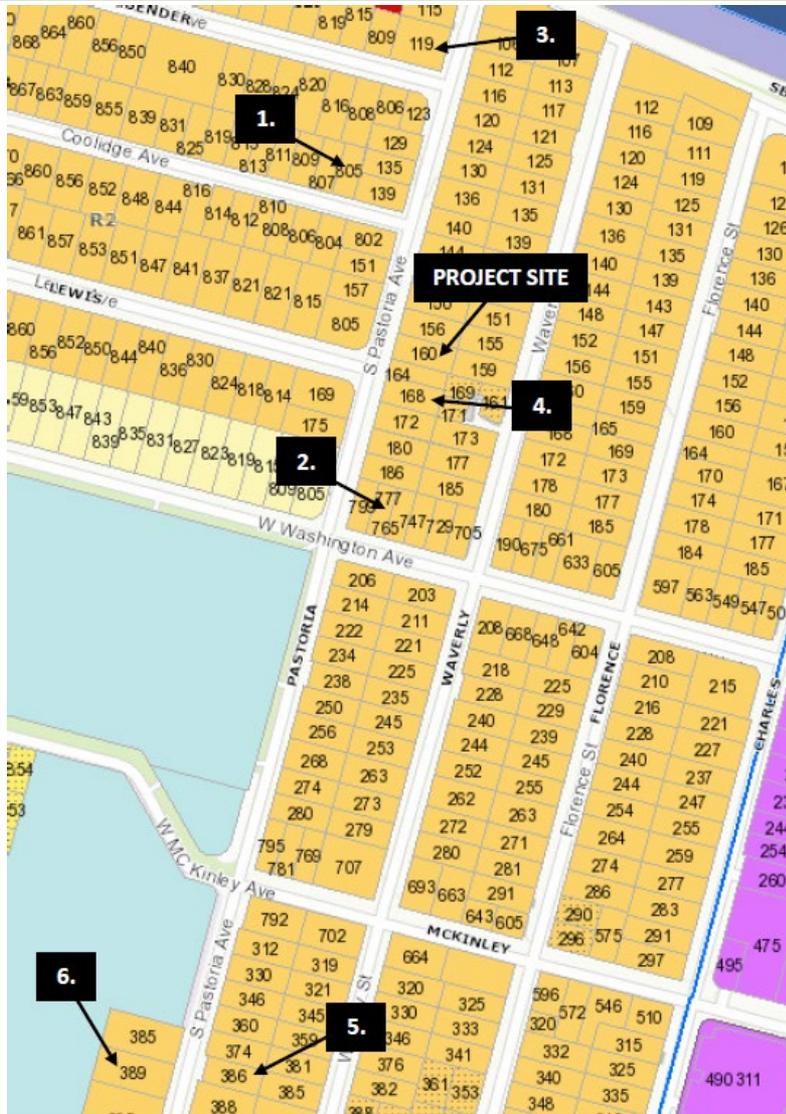


Sunnyvale

Appeal of Zoning Administrator Denial
PLNG-2023-0642
160 SOUTH PASTORIA AVENUE

Robby Miller, Associate Planner
Planning Commission, May 28, 2024

Reference Map



Site:

1. 805 Coolidge Ave
2. 777 W Washington Ave
3. 119 S Pastoria Ave
4. 168 S Pastoria Ave
5. 386 S Pastoria Ave
6. 389 S Pastoria Ave

Research Findings

300 Foot Radius:

- Approved Variances (Site 1 & 2)
 - Accessory Structures (i.e., detached 2-car garage)
 - Side and rear setbacks
- Justification - Substandard lot sizes
 - Site 1. 4,018 SF (41.5' Width)
 - Site 2. 3,650 SF (36.5' Width)
- Both received building permits

Research Findings

ZA Hearing:

- Approved Variances (Sites 3-6):

Site 3. Rear yard setback for ADU to allow ADU above existing legal nonconforming garage.

Site 4. Side setbacks for ADU w/ garage to allow safe vehicular access in & out of garage.

Site 5. Rear setback and rear yard coverage for detached 2-car garage/workshop to meet parking standards.

Site 6. Rear setback for ADU to preserve tree and minimize privacy impacts.

- All received a building permit

Variance Findings

- 1. Because of exceptional circumstances applicable to the property, the strict application of the ordinance deprives the property owner of privileges enjoyed by other nearby properties. (Not Met)*
- 2. The Variance will not be detrimental to nearby properties. (Not Met)*
- 3. The Variance will not grant special privileges not enjoyed by nearby property owners. (Not Met)*

Recommendation

Alternatives

1. Deny the appeal and uphold decision of the Zoning Administrator (deny Variance)
2. Grant the appeal and approve the Variance subject to conditions (approve Variance)
3. Grant the appeal and approve the Variance with modified conditions (approve Variance)

Staff Recommendation

Alternative 1. Deny the appeal and uphold decision of the Zoning Administrator to deny the Variance for the accessory structure.

Extra Slides

Site Context

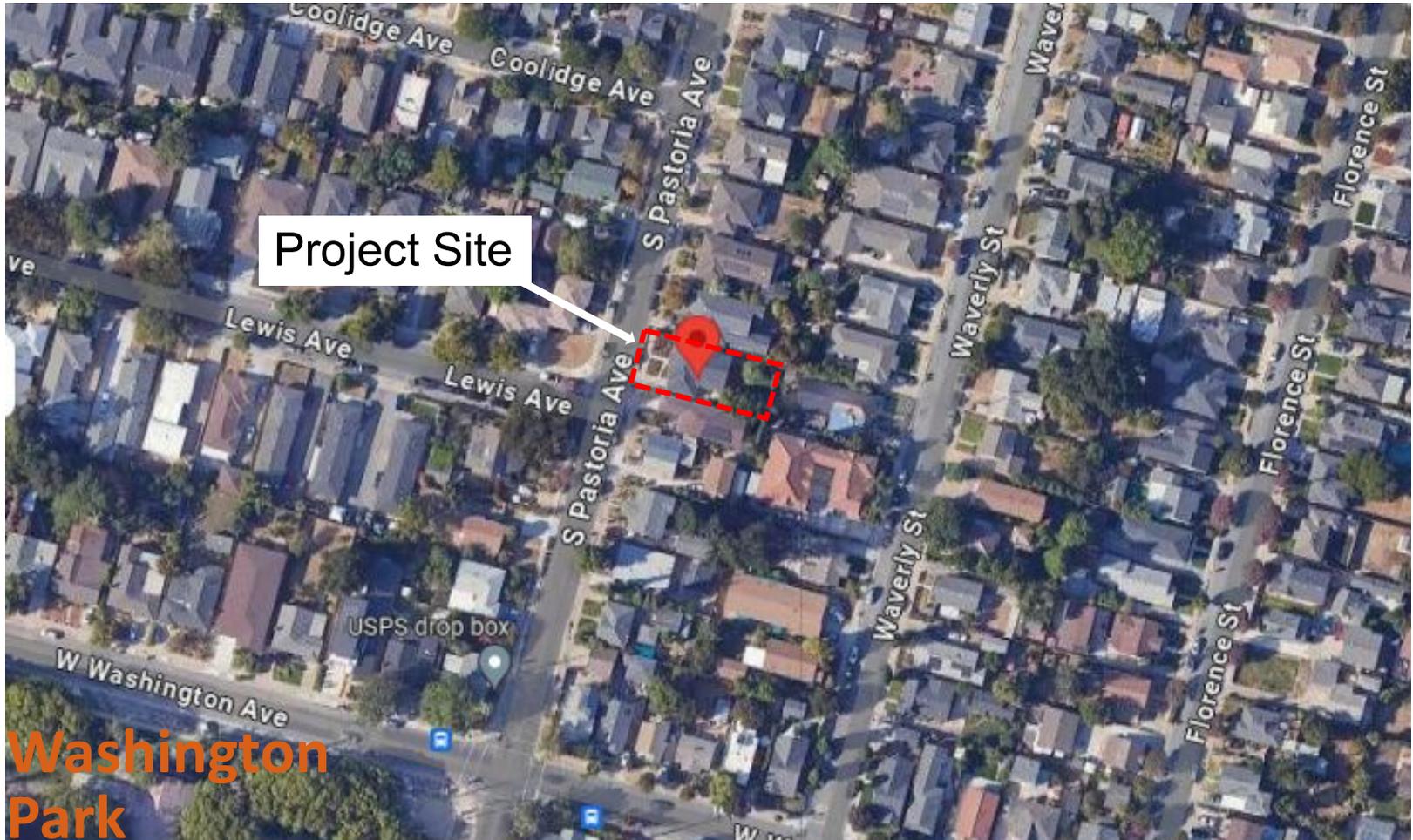


Image Source: Google Maps, 2024

Site Plan

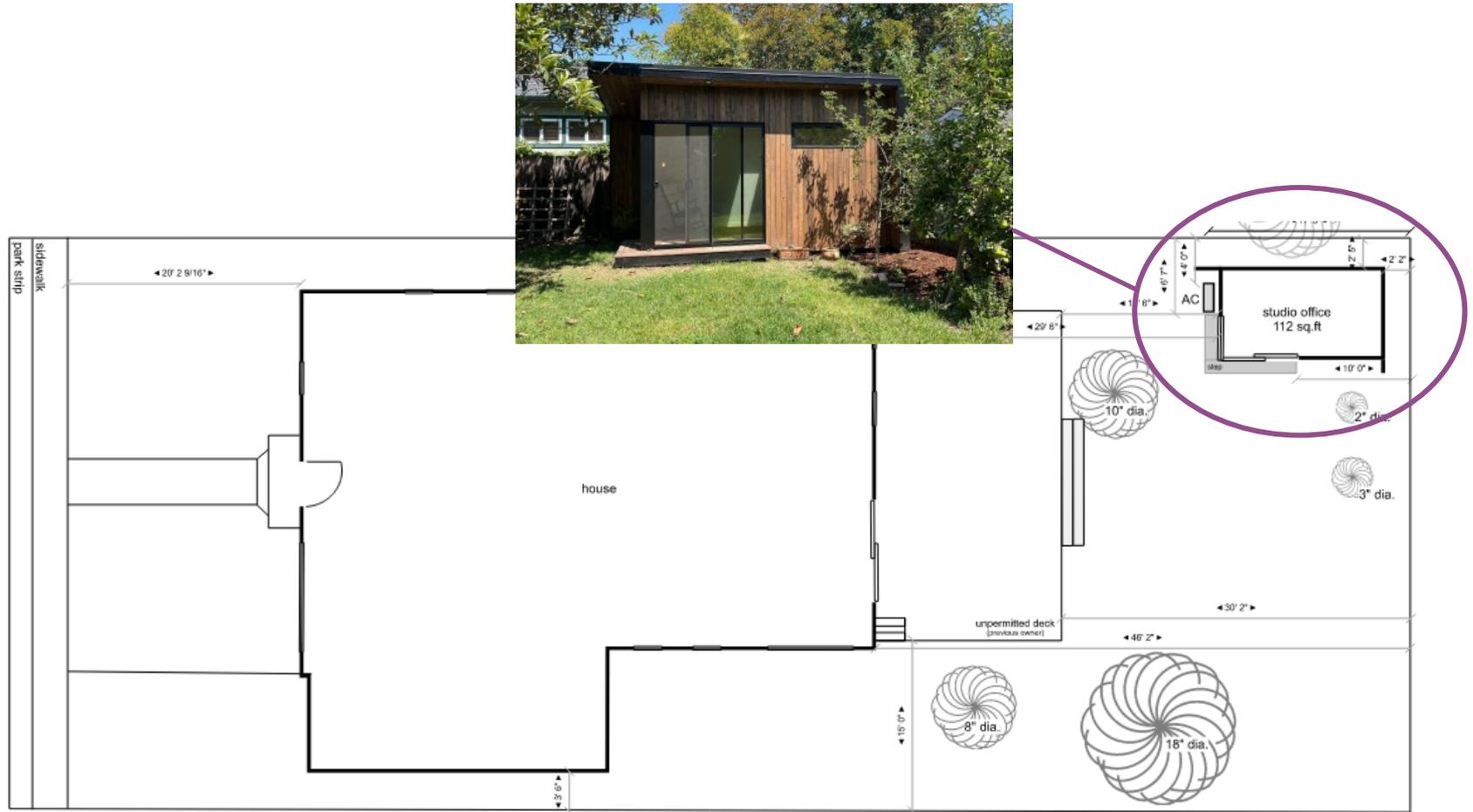


Image Sources: Applicant

Variance Requests

1. Side Setback: 2-foot 5-inch (4 ft min. required)
2. Rear Setback: 2-foot 2-inch rear yard setback (10 ft min. required)

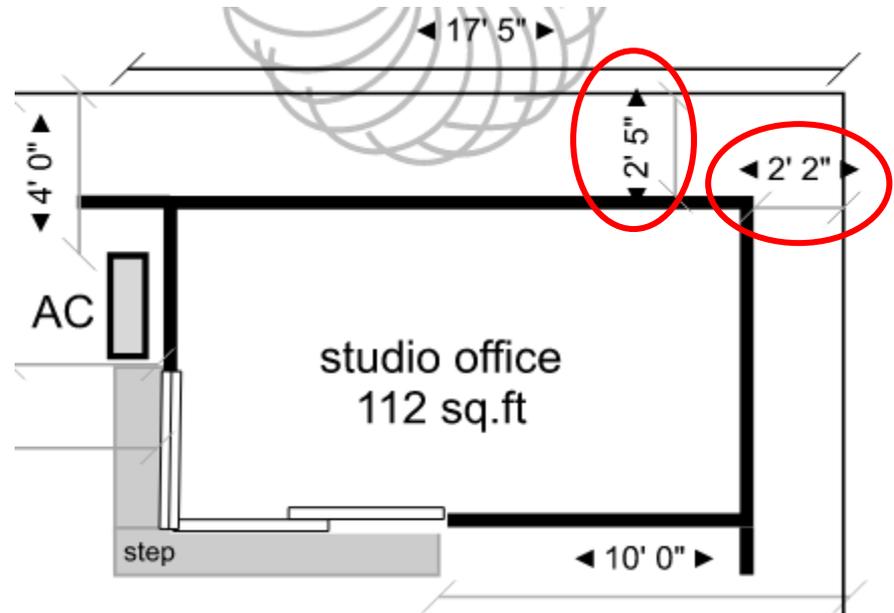


Image Source: Applicant

Applicant's Variance Justifications

Finding 1. Because of exceptional circumstances applicable to the property, the strict application of the ordinance deprives the property owner of privileges enjoyed by other nearby properties. (Not Met)

1. Long narrow lot creates restrictions.

Response to Applicant's Justifications

1. Standard neighborhood lot

- 50' (W) x 115' (D):
5,750 sq. ft.
- Rectangular
- Flat

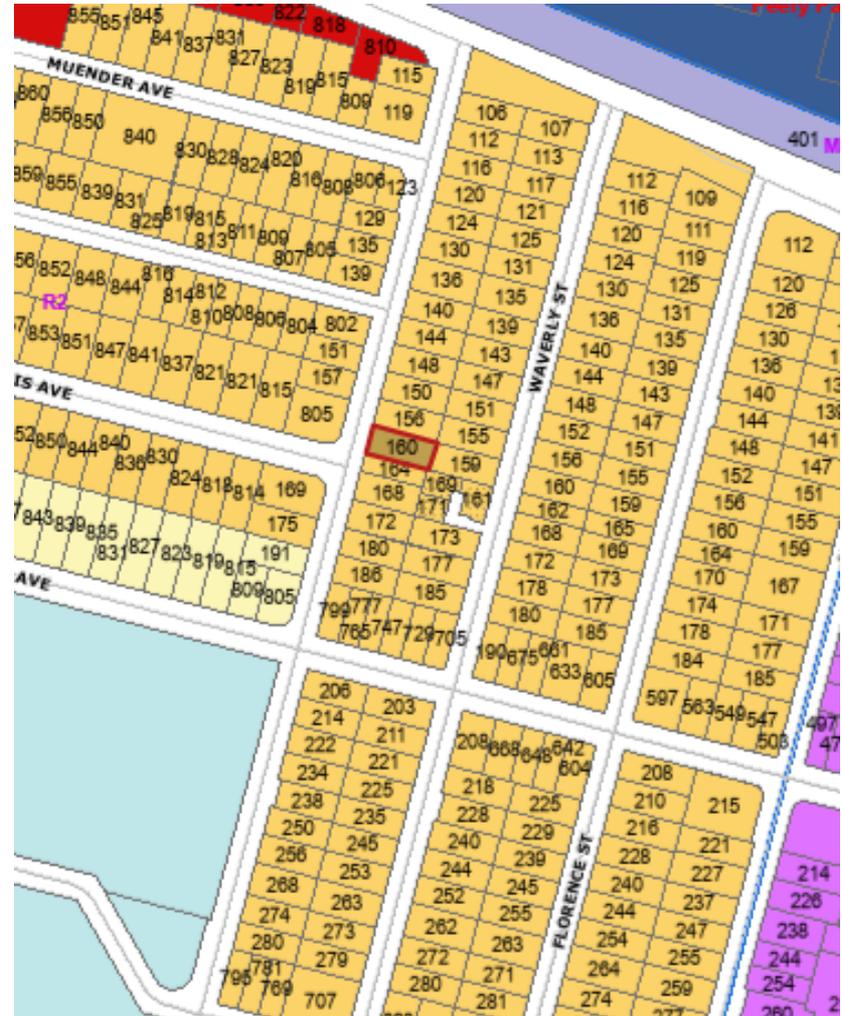


Image Source: Energov, 2024

Response to Applicant's Justifications

1. Development Opportunity

- Under FAR (31%)
- Under Lot Coverage (31.5%)
- Open backyard

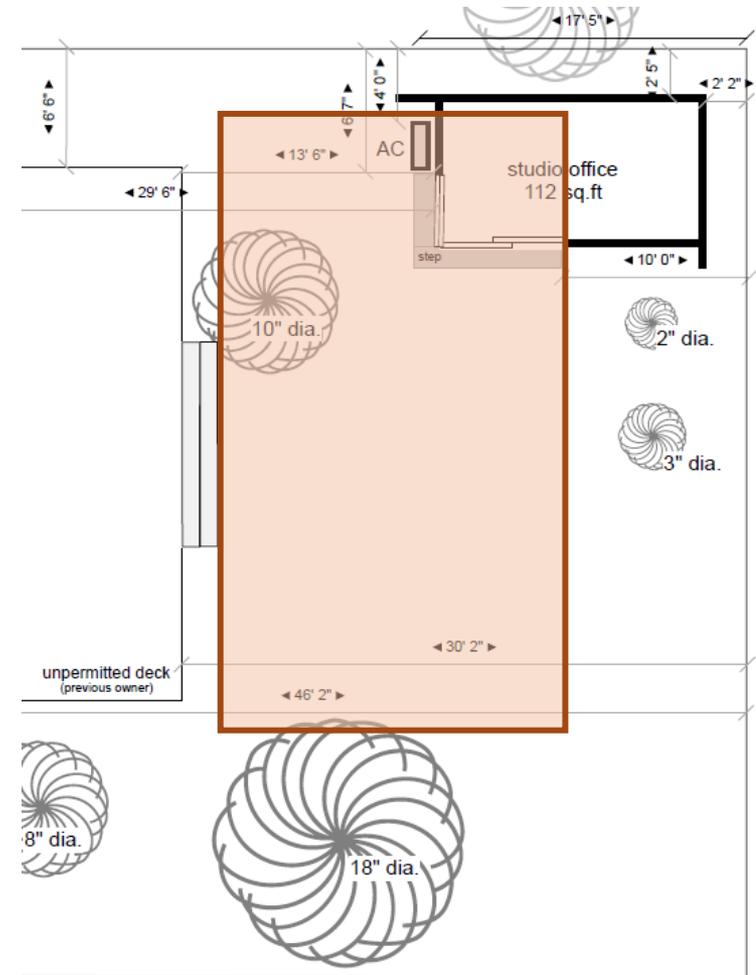


Image Source: Applicant, 2023

Applicant's Variance Justifications

Finding 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. (Not Met)*

1. Does not impede views
2. All neighbors support
3. No health or safety hazard

Response to Applicant's Justifications

1. 9'-11" (H) is partially visible from adjacent properties
2. Not all neighbor's support
 - Too close to their property line
 - No city permit
 - Too tall & visible
 - Maze of structures
3. CBC sees this structure as a potential fire hazard (less than 5' from property line)



Image Source: Energov, 2024

Applicant's Variance Justifications

Finding 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. (Not Met)

1. Other Variances in the neighborhood

Response to Applicant's Justifications

1. One accessory structure variance
 - Reduced rear setback of 6.5' (10' minimum)
 - Legal nonconforming structure
 - Parking compliance

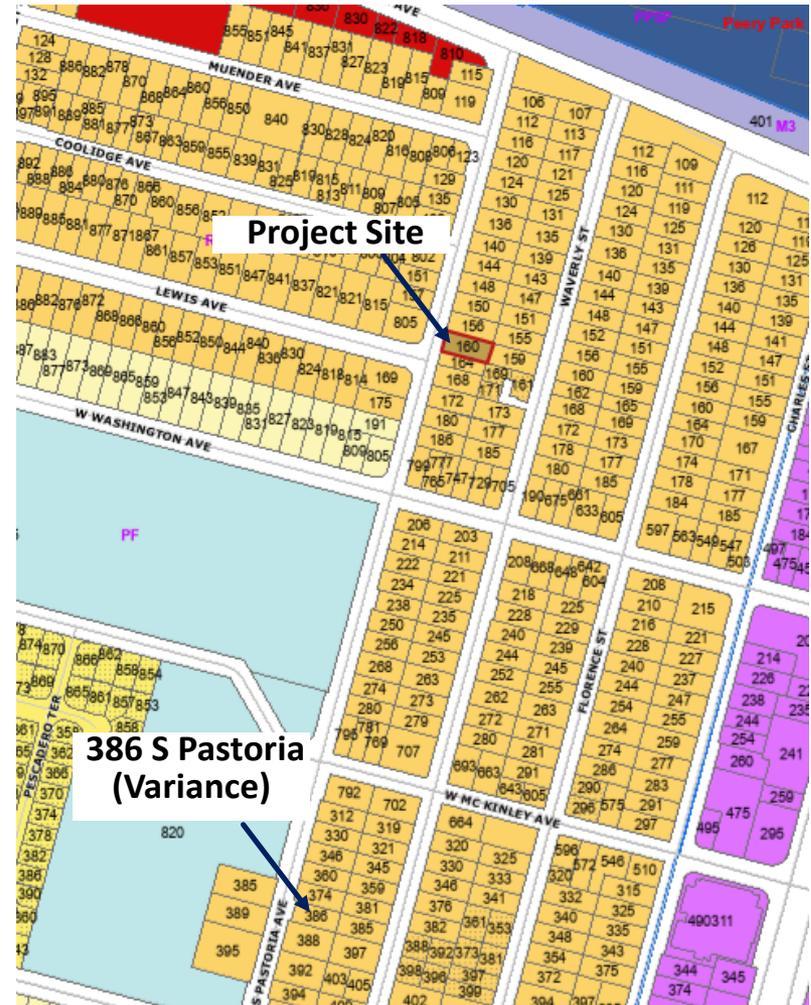


Image Source: Energov, 2024

Variance Research (ZA Hearing)

Accessory Structure Variances

- Two found
 - Rear setback deviations
 - Both had Finaled Building Permits

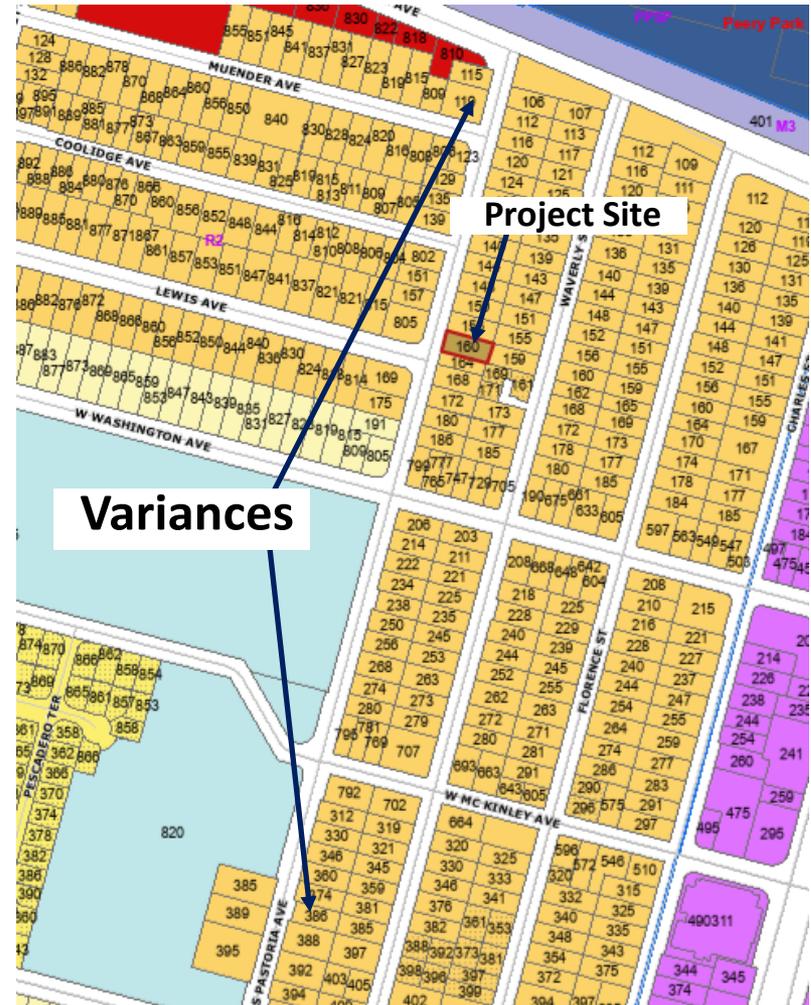


Image Source: Energov, 2024

Variance Research (ZA Hearing)

Non-accessory structures:

- Three ADU's
 - Rear, side, and combined setbacks
- Two Finaled building permits

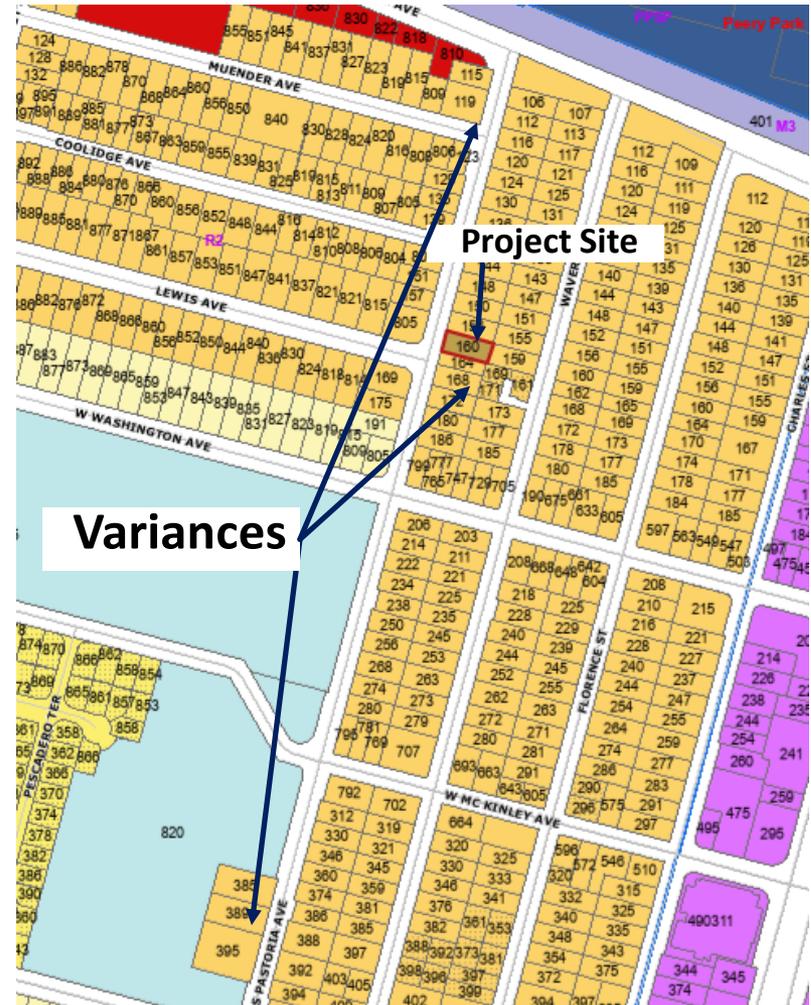


Image Source: Energov, 2024

Applicant's Variance Justifications

Additional (unrelated to Findings):

1. Built to meet city published brochure titled "Work Not Requiring a Building Permit"
2. A home office has the same benefits as an ADU
3. Moving it would be an undue hardship financially